

SESSION LAWS  
OF THE  
STATE OF WASHINGTON  
TWENTIETH SESSION

Convened January 10, Adjourned March 10

1927

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 Twentieth Legislature of the State of Washington convened at 12 o'clock, noon, January 10, 1927, (being the second Monday in January), and adjourned *sine die* March 10, 1927.

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 8, 1927, except relief bills, appropriations and other acts declaring an emergency.

J. GRANT HINKLE,  
*Secretary of State.*



# LAWS OF WASHINGTON

PASSED AT THE

Twentieth Regular Session

1927

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## CHAPTER 1.

[S. B. 1.]

### LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred fifteen thousand dollars (\$115,000.00), or so much thereof as may be necessary, for the expenses of the nineteenth and twentieth legislatures and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred fifteen thousand dollars (\$115,000.00), or so much thereof as may be necessary to be used for the purpose of paying any unpaid expenses authorized by the nineteenth legislature, and the expenses of the twentieth legislature, of the State of Washington.

Appropriation,  
\$115,000.00.

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

Emergency.

Passed the Senate January 10, 1927.

Passed the House January 11, 1927.

Approved by the Governor January 12, 1927.

## CHAPTER 2.

[S. B. 2.]

## LEGISLATIVE PRINTING.

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

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

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

Appropriation.  
\$15,000.00.

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

Emergency.

Passed the Senate January 10, 1927.

Passed the House January 11, 1927.

Approved by the Governor January 12, 1927.

## CHAPTER 3.

[H. B. 1.]

## INVESTMENT OF THE PERMANENT SCHOOL FUND IN STATE WARRANTS.

AN ACT relating to the investment of the permanent school fund and repealing Chapter XLI of the Laws of 1899.

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

SECTION 1. That chapter XLI (41) of the Laws of 1899, pages 53 to 55, is hereby repealed.

Repealing clause.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 4.

[H. B. 2.]

## REPEAL OF ACT RELATING TO INSPECTION AND MEASUREMENT OF LOGS AND FORMATION OF LUMBER DISTRICTS.

AN ACT relating to the inspection and measurement of logs and the formation of lumber districts and repealing Chapter CCVII of the Code of 1881; an act amending Chapter CCVII of the Code of 1881, Laws of 1883, pages 106 to 108; Chapter LIII of the Laws of 1893, and Chapter LXXI of the Laws of 1895.

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

SECTION 1. That chapter CCVII (207) of the Code of 1881, sections 2639-2652; an act entitled "An Act to amend chapter CCVII of the Code of Washington Territory relating to the inspection and measurement of logs and the formation of lumber districts" approved November 26, 1883, Laws of 1883, pages 106 to 108; chapter LIII (53) of the Laws of 1893, pages 83 to 84, and chapter LXXI (71) of the Laws of 1895, pages 127 and 128, are hereby repealed.

Statutes  
repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927

## CHAPTER 5.

[H. B. 3.]

## COUNTY ASSESSORS' ANNUAL CONVENTION.

AN ACT relating to annual meetings of county assessors and repealing Chapter 12 of the Laws of 1911.

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

SECTION 1. That chapter 12 of the Laws of 1911, pages 46 to 47 (Sec. 11090, Remington's Compiled Statutes; Sec. 1620 Pierce's 1919 Code) is hereby repealed, but the repeal of said act shall not be construed as repealing any subsequent act or part of an act relating to the same subject.

Statute  
repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 6.

[H. B. 4.]

## DIVISION OF COUNTIES INTO JUDICIAL DISTRICTS.

AN ACT relating to judicial districts in counties and repealing Chapter 49 of the Laws of 1909.

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

SECTION 1. That chapter 49 of the Laws of 1909, pages 82 to 88, is hereby repealed.

Statute  
repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.



## CHAPTER 7.

[H. B. 5.]

## PILOT REGULATIONS.

AN ACT relating to pilotage on Puget Sound and repealing Chapter XCIII of the Laws of 1887-8 and Chapter XIX of the Laws of 1901.

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

SECTION 1. That chapter XCIII (93) of the Laws of 1887-8, pages 175 to 179, and chapter XIX (19) of the Laws of 1901, page 17, are hereby repealed. Statutes repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 8.

[H. B. 6.]

## ADULTERATION OF FOOD FOR LIVE STOCK.

AN ACT relating to live stock feeds and repealing Chapter 101 of the Laws of 1905.

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

SECTION 1. That chapter 101 of the Laws of 1905, page 205, (Secs. 2014-2015 Pierce's 1919 Code) is hereby repealed. Statute repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 9.

[H. B. 8.]

## MEASUREMENT OF CHARCOAL.

AN ACT relating to the measurement of charcoal and repealing Sections 1286 and 1287 of the Code of Washington Territory of 1881.

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

SECTION 1. That sections 1286 and 1287 of the Code of Washington Territory of 1881, (Secs. 11619-11620, Remington's Compiled Statutes; Secs. 9131-9 and 9131-10, Pierce's 1919 Code) are hereby repealed.

Statute  
repealed.  
L. 1877,  
p. 333, §§1-2.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 10.

[H. B. 9.]

## ACTION FOR REPOSSESSION OF MINING CLAIM.

AN ACT relating to the recovery of the possession of mining claims and repealing Sections 1882 to 1884, both inclusive, of the Code of Washington Territory of 1881.

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

SECTION 1. That sections 1882 to 1884, both inclusive, of the Code of Washington Territory of 1881, (Sec. 7996 of Pierce's Code) are hereby repealed.

Repealing  
clause.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 11.

[H. B. 11.]

## ACTION FOR MAINTENANCE OF ILLEGITIMATE CHILDREN.

AN ACT relating to illegitimate children and repealing Sections 1214 to 1221, both inclusive, of the Code of 1881.

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

SECTION 1. That sections 1214 to 1221, both inclusive, of the Code of Washington Territory of 1881, are hereby repealed. Statute repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

## CHAPTER 12.

[H. B. 12.]

## REGULATION OF OCCUPATION OF BARBERING.

AN ACT relating to the practice of barbering and repealing Chapter 172 of the Laws of 1901 and Chapter 84 of the Laws of 1913.

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

SECTION 1. That chapter 172 of the Laws of 1901, pages 349-352, and chapter 84 of the Laws of 1913, pages 258-259, (Secs. 413-427 Pierce's 1919 Code) are hereby repealed. Statute repealed.

Passed the House January 17, 1927.

Passed the Senate January 21, 1927.

Approved by the Governor January 26, 1927.

CHAPTER 13.

[S. B. 117.]

WASHINGTON STATE PENITENTIARY.

AN ACT making an appropriation for the Washington State Penitentiary for the deficiency created in restoring, and for completion of, buildings damaged by fire of September 3rd, 1926, and declaring that this act shall take effect immediately.

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

Appropriation. SECTION 1. There is hereby appropriated for the Washington State Penitentiary from the general fund in the state treasury, not otherwise appropriated, the following sums, or so much thereof as may be necessary:

FROM THE GENERAL FUND.

Deficiency.	For the deficiency created in restoring and reconstructing buildings damaged by fire of September 3rd, 1926.....	\$ 70,147.41
Reconstruction.	For completion of work of restoring and reconstructing buildings damaged by fire of September 3rd, 1926.....	29,852.59
	Total .....	\$100,000.00

Emergency. SEC. 2. 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 January 25, 1927.

Passed the House January 26, 1927.

Approved by the Governor January 31, 1927.

## CHAPTER 14.

[H. B. 13.]

## ENCOURAGING OF LIVE STOCK INDUSTRY.

AN ACT relating to the live stock industry and repealing Chapter XLVI (46) of the Laws of 1895.

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

SECTION 1. That chapter XLVI (46) of the Laws of 1895, pages 75-79 (sections 3036-3047 Remington's Compiled Statutes; sections 3637-3649 Pierce's 1919 Code) are hereby repealed. Statute repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 15.

[H. B. 14.]

## SUBPOENA FOR WITNESSES—CONTINUANCE OF CASE.

AN ACT relating to procedure in criminal cases and repealing Section 1068 of the Code of 1881.

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

SECTION 1. That section 1068 of the Code of 1881 (Sec. 2136 Rem. Com. Stat.; Sec. 9215 Pierce's Code, 1919) is hereby repealed. Statute repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 16.

[H. B. 16.]

IMPROVEMENT OF HIGHWAY RESERVED FOR BICYCLISTS  
AND PEDESTRIANS.

AN ACT relating to the reservation, improvement, use and control of portions of county roads for pedestrians and bicycles, and repealing certain acts in relation thereto.

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

SECTION 1. That section 4 of chapter LIII (53) of the Laws of 1897, page 90, is hereby repealed.

Statute  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 17.

[H. B. 17.]

## BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter 176 of the Laws of 1903, pages 367-377; chapter 31 of the Laws of 1905, pages 55 and 56; chapter 27 of the Laws of 1907, page 31; chapter 80 of the Laws of 1907, page 141; chapter 126 of the Laws of 1907, pages 234-237; chapter 225 of the Laws of 1907, pages 518-535; chapter 195 of the Laws of 1909, pages 692-697; chapter 105 of the Laws of 1911, pages 499-500; chapter 9 of the Laws of 1913, page 6; chapter 22 of the Laws of 1913, pages 57-58; chapter 147 of the Laws of 1913, pages 463-466; chapter 177 of the Laws of 1913, pages 640-643; chapter 32 of the Laws of 1915, pages 117-118; chapter 33 of the Laws of

Statutes  
repealed.

1915, page 118; chapter 35 of the Laws of 1915, pages 126-128; chapter 38 of the Laws of 1915, pages 131-132, and chapter 98 of the Laws of 1915, pages 279-288, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof: *And provided further*, That the repeal of said acts shall not be construed as invalidating any act done or proceeding had or pending in accordance therewith, and all banks and trust companies organized under or by virtue of any of said acts hereby repealed shall be subject to the provisions of chapter 80 of the Laws of 1917, pages 271-308 and the acts amendatory thereof and supplemental thereto.

Repeal not  
to revive  
former acts.

Saving  
clause.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

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## CHAPTER 18.

[H. B. 18.]

### POLICE COURTS.

AN ACT relating to police courts in cities of the second class, and repealing certain acts in relation thereto.

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

SECTION 1. That sections 92 to 98, both inclusive, and sections 100, 101 and 102, of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency", approved March 27, 1890, Laws of 1889-90, pages 172-178, are hereby repealed.

Statute  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 19.

[H. B. 19.]

## WEIGHTS AND MEASURES.

AN ACT relating to weights and measures and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That an act entitled "An Act to establish a uniform standard of weights and measures in this state, and to provide for a state sealer and inspector of the same", approved March 20, 1890, Laws of 1889-90, pages 266-269, and chapter XXII (22) of the Laws of 1893, pages 30-31, are hereby repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 20.

[H. B. 20.]

## MOTHERS' PENSIONS.

AN ACT relating to mothers' pensions and repealing Chapter 179 of the Laws of 1913.

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

Statute  
repealed.

SECTION 1. That chapter 179 of the Laws of 1913, pages 644-646, is hereby repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.



## CHAPTER 21.

[H. B. 21.]

## ROAD AND BRIDGE TAXES.

AN ACT relating to road and bridge taxes and repealing Chapter 76 of the Laws of 1907.

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

SECTION 1. That chapter 76 of the Laws of 1907, pages 129 to 130, is hereby repealed. Statute repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 22.

[H. B. 22.]

## MILEAGE OF OFFICERS SERVING PROCESS.

AN ACT relating to mileage of officers serving process, and repealing certain acts in relation thereto.

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

SECTION 1. That section 2097 of the Code of Washington Territory of 1881 and an act entitled "An Act to amend Section 2097 of the Code of Washington Territory", approved January 29, 1886, Laws of 1885-6, pages 159-160, are hereby repealed. Statutes repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 23.

[H. B. 23.]

## SALES OF NURSERY STOCK, ETC.

AN ACT relating to fraud in the sale of nursery stock and seeds,  
and repealing Chapter CIV of the Laws of 1895.

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

SECTION 1. That chapter CIV (104) of the Laws  
of 1895, pages 196-197, is hereby repealed.

Statute  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 24.

[H. B. 24.]

## SOUTHWEST WASHINGTON FAIR ASSOCIATION.

AN ACT relating to the Southwest Washington Fair Association  
and repealing Chapter 237 of the Laws of 1909.

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

SECTION 1. That chapter 237 of the Laws of  
1909, pages 857-861, is hereby repealed.

Statute  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927

## CHAPTER 25.

[H. B. 25.]

## ESTRAYS.

AN ACT relating to the conversion of estrays and repealing certain acts in relation thereto.

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

SECTION 1. That section 916 of the Code of Washington Territory of 1881, (Section 3169 Remington's Compiled Statutes and section 9131-35 Pierce's 1919 Code) is hereby repealed. Statutes repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 26.

[H. B. 26.]

## ABANDONMENT OF WIFE OR CHILD.

AN ACT relating to abandonment of wife or children and repealing Section 192 of Chapter 249 of the Laws of 1909, page 946.

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

SECTION 1. That section 192 of chapter 249 of the Laws of 1909, page 946, is hereby repealed. Statute repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 27.

[H. B. 27.]

## MANUFACTURES AT STATE PENITENTIARY.

AN ACT relating to manufactures at the state penitentiary and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. That section 2 of chapter CVII (107) of the Laws of 1891, page 202; sections 4 and 5 of chapter LXXXVI (86) of the Laws of 1893, pages 212-213; chapter CXXXII (132) of the Laws of 1895, pages 343-344; chapter 135 of the Laws of 1907, pages 260-262, and chapter 13 of the Laws of 1909, pages 14-15, are hereby repealed.

Statutes  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 28.

[H. B. 28.]

## ENTICING SEAMEN TO DESERT.

AN ACT relating to enticing seamen to desert and repealing Sections 1222 and 1223 of the Code of Washington Territory of 1881.

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

SECTION 1. That sections 1222 and 1223 of the Code of Washington Territory of 1881 are hereby repealed.

Statutes  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 29.

[H. B. 29.]

## NEW TRIALS.

AN ACT relating to the granting of new trials in personal injury cases and repealing Section 277 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 277 of the Code of Washington Territory of 1881 is hereby repealed. Statute repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 30.

[H. B. 30.]

## DRIFT SAW-LOGS AND OTHER TIMBER.

AN ACT relating to the taking up of timber found adrift and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CCXLVII (247), sections 3248 to 3251, both inclusive, of the Code of Washington Territory of 1881; an act entitled "An Act in relation to saw logs and other timber", approved November 28, 1883, Laws of 1883, pages 60-61; and an act entitled "An Act to amend section two of an act in relation to saw logs and other timber, approved November 28, 1883", approved January 16, 1886, Laws of 1885-6, pages 117-118, are hereby repealed. Statutes repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 31.

[H. B. 31.]

## TRADE MARKS.

AN ACT relating to trade marks and repealing certain acts in relation thereto.

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

SECTION 1. That chapter XVI (16) of the Laws of 1891, pages 29-30, and chapter CXXXIII (133) of the Laws of 1895, pages 344-345, are hereby repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

Statutes  
repealed.

## CHAPTER 32.

[H. B. 32.]

## SALE OF PROPERTY UNDER EXECUTION.

AN ACT relating to the sale of property under execution and decrees, and the confirmation of sheriffs' sales, and repealing certain acts in relation thereto.

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

SECTION 1. That sections 370 to 380, both inclusive, of the Code of Washington Territory of 1881, and an act entitled "An act to provide for the redemption of real estate sold under judgment or foreclosure of mortgage", approved February 3, 1886, Laws of 1885-6, page 116, are hereby repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

Statutes  
repealed.

## CHAPTER 33.

[H. B. 33.]

ESTATES OF NON-RESIDENT MINORS AND PERSONS OF  
UN SOUND MIND.

AN ACT relating to estates of non-resident minors and persons of unsound mind and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CXI (111), sections 1658 to 1666, both inclusive, Code of Washington Territory of 1881, are hereby repealed.

§§ 1658-1666, Code of 1881, repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 34.

[H. B. 34.]

## ATTORNEYS AT LAW.

AN ACT relating to attorneys at law and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. That sections 3275 to 3279, both inclusive, and 3289 to 3292, both inclusive, of the Code of Washington Territory of 1881; sections 1, 8, 9 and 10 of chapter LV (55) of the Laws of 1891, pages 95-97; sections 2 to 7, both inclusive, of chapter XCI (91) of the Laws of 1895, pages 178-180; chapter IX (9) of the Laws of 1897, pages 9-10; chapter 185 of the Laws of 1903, 391-393; chapter 186 of the Laws of 1907, page 407; chapter 139 of the Laws of 1909, pages 533-537; chapter 48 of the Laws of 1911, pages 158-160, and chapter 67 of the Laws of 1915, pages 242-243, are hereby repealed: *Provided*, That the

Statutes repealed.

No revivor  
by repeal.

repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 35.

[H. B. 35.]

### INSPECTION OF APIARIES.

AN ACT relating to the inspection of apiaries and repealing Chapter 111 of the Laws of 1905.

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

Statute  
repealed.

SECTION 1. That chapter 111 of the Laws of 1905, pages 217-219, is hereby repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 36.

[H. B. 36.]

### SALE AND LABELING OF SEEDS.

AN ACT relating to agricultural and vegetable seeds, and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That chapter CLX (160) of the Laws of 1901, page 325; chapter 152 of the Laws of 1909, pages 589-595, and chapter 102 of the Laws of 1915, page 298, are hereby repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.



## CHAPTER 37.

[H. B. 37.]

## CLASSIFICATION OF COUNTIES.

AN ACT relating to the classification of counties according to population, enumerating the elective county officers, and repealing certain acts in relation thereto.

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

SECTION 1. Except as provided by chapters 148 and 167 of the Laws of the Extraordinary Session of 1925, pages 411 and 466 respectively, the elective county officers of the various counties shall be: Assessor, attorney, auditor, clerk, coroner, engineer, sheriff, superintendent of schools, treasurer and a board of three county commissioners.

Elective  
County  
Officers.

SEC. 2. That sections 1 to 31, both inclusive, of an act entitled "An Act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries", received by the governor March 26, 1890, Laws of 1889-90, pages 302-312; section 8 of chapter LXXV (75) of the Laws of 1893, page 178; chapter CLXI (161) of the Laws of 1895, pages 409-418; chapter CXXXII (132) of the Laws of 1901, page 273; chapter CXXXVI (136) of the Laws of 1901, pages 289-292; chapter 21 of the Laws of 1905, page 42; chapter 117 of the Laws of 1905, pages 230-231; chapter 204 of the Laws of 1907, pages 446-447, and chapter 23 of the Laws of 1913, page 58, are hereby repealed.

Classifica-  
tion of  
Counties;  
County  
Officers.  
Salaries, etc.

Statutes  
repealed.

Passed the House January 18, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

CHAPTER 38.

[H. B. 38.]

LOCAL IMPROVEMENTS.

AN ACT relating to local improvements in cities of the second class and repealing Sections 1, 2 and 3 of Chapter 120 of the Laws of 1909, pages 410 to 413.

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

Repeal.

SECTION 1. That sections 1, 2 and 3 of chapter 120 of the Laws of 1909, pages 410 to 413, are hereby repealed.

Passed by the House January 19, 1927.

Passed by the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

CHAPTER 39.

[H. B. 40.]

REPEAL OF STATUTES RELATING TO THE USE OF WATER.

AN ACT relating to the use of water for certain purposes and repealing certain acts and parts of acts in relation thereto.

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

Statutes repealed.

SECTION 1. That sections 1, 2, 3; 5 to 17, both inclusive; 19, 20; 22 to 38, both inclusive; and 40 to 67, both inclusive, of an act entitled "An Act providing for the use of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes", approved March 4, 1890, Laws of 1889-90, pages 706-728;

An act entitled "An Act to amend section thirty-six of an act entitled 'An Act providing for the use

of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes', approved March 4, 1890'', approved March 20, 1890, Laws of 1889-90, pages 728-729;

An act entitled "An Act establishing a unit of measure for water for irrigation, manufacturing, mining, milling and mechanical purposes, and declaring an emergency'', approved March 26, 1890, Laws of 1889-90, page 729;

Chapter CXLII (142) of the Laws of 1891, pages 327-329;

Chapter CXXXI (131) of the Laws of 1899, pages 261-263;

Chapter XXX (30) of the Laws of 1901, page 27;

Chapter XXXIII (33) of the Laws of 1901, page 33;

Chapter XXXVI (36) of the Laws of 1901, pages 35-36;

Chapter 53 of the Laws of 1903, pages 65-66;

Chapter 144 of the Laws of 1907, pages 285-288;  
and

Chapter 209 of the Laws of 1909, pages 721 and 722, are hereby repealed: *Provided*, That the repeal of any of said acts or parts of acts shall not be construed as reviving any former acts or parts of acts amended or repealed thereby.

Former acts  
not revived.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 40.

[H. B. 42.]

## POWERS OF CITIES OF THE THIRD CLASS.

AN ACT relating to municipal corporations of the third class and repealing certain acts and parts of acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 123, 125, 126, 128, 129, 130, 131, 132, 134, 135, 136, 137, 138, 139 and 140 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency" approved March 27, 1890, Laws of 1889-90, pages 178-197; chapter CLVI (156) of the Laws of 1891, pages 393-398; chapter LVII (57) of the Laws of 1893, pages 103-107; sections 1, 2, 3, 4, 6, 7, 8, 10, 11 and 12, of chapter LXX (70) of the Laws of 1893, pages 157-166; chapter CXXXIX (139) of the Laws of 1895, page 352; chapter CIX (109) of the Laws of 1899, pages 177-178; chapter 29 of the Laws of 1903, page 33; sections 1, 3, 7 and 9 of chapter 113 of the Laws of 1903, pages 200-205 and chapter 108 of the Laws of 1913, pages 313-318, are hereby repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 41.

[H. B. 44.]

## PEDDLERS.

AN ACT relating to peddlers and repealing certain acts in relation thereto.

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

SECTION 1. That chapter LXXXII (82) of the Laws of 1901, pages 173-174 (sections 8350-8352, Remington's Compiled Statutes; sections 3622-3624, Pierce's 1919 Code); chapter 34 of the Laws of 1903, pages 38-39 (sections 8344-8346, Remington's Compiled Statutes; sections 3613-3615, Pierce's 1919 Code) and chapter 177 of the Laws of 1905, pages 372-373 (sections 8347-8349, Remington's Compiled Statutes; sections 3610-3612, Pierce's 1919 Code) are hereby repealed. Statutes repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 42.

[H. B. 45.]

## PLUMBERS.

AN ACT in relation to plumbers and repealing Chapter LXI of the Laws of 1901, and Chapter 66 of the Laws of 1905.

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

Statutes  
repealed.

SECTION 1. That chapter LXI (61) of the Laws of 1901, pages 94-97 (sections 6129-6131 of Remington's Compiled Statutes; sections 710-712 of Pierce's 1919 Code), and chapter 66 of the Laws of 1905, pages 126-130, are hereby repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 43.

[H. B. 46.]

## REPEAL OF CRIMINAL STATUTES.

AN ACT relating to crimes and punishments and the rights and custody of persons accused or convicted of crime and repealing certain acts and parts of acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That sections 765, 766, 767, 769, 771 to 778, both inclusive; 781 to 823, both inclusive; 826 to 837, both inclusive; 839, 842, 843, 845, 846, 848, 849, 853, 854, 855, 856, 858 to 901, both inclusive; 913, 914, 915, 917, 920, 921, 922, 927, 928, 929, 933 to 942, both inclusive; 945, 947, 948, 950 to 955, both inclusive; 1160, 1161, 1162, 1204, 1208 to 1213, both inclusive; 1230, 1231, 1233, 1234, 1253, 1256, 1258, 1259, 1260, 1261, 1262, 1266, 1271, 1274 to 1285, both in-

clusive; 2067 to 2074, both inclusive; 2342 to 2350, both inclusive; 2360, 2555 and 2556 of the Code of Washington Territory of 1881;

An act entitled "An Act to amend section 2073, of chapter 149 of the Code of Washington entitled smoking and inhaling opium", approved November 27, 1883, Laws of 1883, page 30; Use of opium.

An act entitled "An Act to prohibit the sale of toy pistols, fire arms and tobacco to children under the age of sixteen years", approved November 26, 1884, Laws of 1883, pages 67-68; Sale of tobacco, etc. to minors.

An act entitled "An Act in relation to trespass", approved November 28, 1883, Laws of 1883, pages 56 and 57; Trespass.

An act entitled "An Act to amend sections 860 and 864 of chapter 70 of the Code of Washington in relation to offenses against public places", approved December 23, 1885, Laws of 1885-6, pages 76-77; Offenses against public places.

An act entitled "An Act to amend section 823, of chapter LXIX of the Code of Washington Territory, relating to offenses against property", approved January 20, 1886, Laws of 1885-6, pages 77-78; Offenses against property.

An act entitled "An Act declaring it to be a misdemeanor for any person by words, signs or gestures, wilfully to provoke or attempt to provoke another to commit an assault and battery or other breach of the peace", approved January 9, 1886, Laws of 1885-6, pages 79-80; Provoking assault.

An act entitled "An Act to amend sections 830 and 831 of the Code of Washington", approved December 23, 1885, Laws of 1885-6, page 81; Larceny.

An act entitled "An Act to amend section 929 of chapter 73, of the Code of Washington Territory, in relation to carrying concealed weapons, and to provide for the punishment of the same", approved January 20, 1886, Laws of 1885-6, pages 81-82; Carrying concealed weapons.

- Prize fighting. Sections 1 and 3 of an act entitled "An Act to prevent and punish prize fighting", approved January 6, 1886, Laws of 1885-6, pages 82 and 83;
- Carnal knowledge. An act entitled "An Act to amend section 812, of the Code of Washington Territory", approved January 29, 1886, Laws of 1885-6, page 84;
- False weights. An act entitled "An Act in relation to false weights and measures", approved February 4, 1886, Laws of 1885-6, page 122;
- Demoralizing pictures. An act entitled "An Act to prevent the circulation of demoralizing prints, pictures and publications", approved January 30, 1886, Laws of 1885-6, pages 122-124;
- Selling morphine. An act entitled "An Act to prescribe the manner of selling the sulphate and other preparations of morphine in the Territory of Washington and for other purposes", approved February 3, 1886, Laws of 1885-6, pages 158 and 159;
- Burglary. Chapter XI (11) of the Laws of 1887-8, page 14;
- Negligent use of fire-arms. Chapter LV (55) of the Laws of 1887-8, pages 100-101;
- Obstruction of Highways. Chapter LVII (57) of the Laws of 1887-8, page 106;
- Requesting to be juror. Chapter LXIV (64) of the Laws of 1887-8, page 114;
- Embezzlement. Chapter LXIX (69) of the Laws of 1887-8, page 121;
- Breeding animals—misrepresenting pedigree. Chapter LXXI (71) of the Laws of 1887-8, pages 123-124;
- Sale of intoxicants without license. Section 4 of chapter LXXII (72) of the Laws of 1887-8, page 125;
- Deception in sales of dairy products. Section 1 of an act entitled "An Act to prevent deception in sales of dairy products, and providing a penalty therefor", approved January 20, 1890, Laws of 1889-90, page 103;



An act entitled "An Act to prohibit prize fighting and sparring matches", approved March 26, 1890, Laws of 1889-90, pages 109 and 110; Prize fighting.

An act entitled "An Act to prohibit the making of profit out of county, city, town or other public money, or using the same for any purpose not authorized by law, by any officer, his agent, clerk, servant or employe, having the possession or control thereof, and providing punishment therefor", approved December 20, 1890, Laws of 1889-90, page 113; Making profit out of public moneys.

Sections 1, 2, 3, 5, 7, 8, 10, 11 and 12 of an act entitled "An Act to define and punish trespass", approved March 15, 1890, Laws of 1889-90, pages 124 to 128; Trespass.

An act entitled "An Act for the protection of builders and declaring an emergency", approved March 27, 1890, Laws of 1889-90, pages 128 and 129; Protection of builders.

Section 1 of an act entitled "An Act to amend sections 849 and 850 of the Code of Washington, concerning crimes and punishments", approved March 26, 1890, Laws of 1889-90, page 129; Receiving stolen property.

Section 8 of an act entitled "An Act to define and establish the rights and obligations of telegraph and telephone corporations and companies", Laws of 1889-90, page 293; Telegraph and Telephone.

An act entitled "An Act to prevent unauthorized persons from using or wearing the badge of the Grand Army of the Republic of this state", approved January 27, 1890, Laws of 1889-90, page 477; Unauthorized wearing of G. A. R. badge.

An act entitled "An Act to protect all citizens in their civil and legal rights", approved March 27, 1890, Laws of 1889-90, page 524; Civil rights.

Sections 1 and 89 to 96, both inclusive, of chapter XXVIII (28) of the Laws of 1891, pages 46, 63, 64 and 65; Common law offenses—criminal procedure.

- Murder, man slaughter, libel, etc. Sections 1 to 12, both inclusive; 16, 19, 20; 22 to 29, both inclusive; 31, 32, 33 and 35 of chapter LXIX (69) of the Laws of 1891, pages 119-130;
- Malicious trespass. Chapter CXXIV (124) of the Laws of 1891, page 228;
- Cruelty. Sections 1, 5 and 6 of chapter XXVII (27) of the Laws of 1893, pages 40, 42;
- Secreting will. Section 4 of chapter XXXII (32) of the Laws of 1893, page 50;
- Telegraph and telephone messages. Chapter LXIV (64) of the Laws of 1893, pages 141-142;
- Possession of burglar's tools. Chapter XC (90) of the Laws of 1893, page 221;
- Deposits in insolvent banks. Chapter CXI (111) of the Laws of 1893, page 271;
- Maintaining armed bodies of men. Chapter CXXXV (135) of the Laws of 1893, pages 449-450;
- Sodomy. Chapter CXXXIX (139) of the Laws of 1893, pages 470-471;
- Nuisances. Chapter XV (15) of the Laws of 1895, page 21;
- Obstructing railroads. Chapter LII (52) of the Laws of 1895, pages 94-95;
- Arson. Chapter LXXXVII (87) of the Laws of 1895, pages 173-175;
- Equal rights. Chapter XCIX (99) of the Laws of 1895, page 192;
- Larceny by insurance company officers or employees. Chapter CXII (112) of the Laws of 1895, page 269;
- Minors entering saloons, etc. Chapter CXXXVI (126) of the Laws of 1895, pages 336-337;
- Fraud in sale of stock. Chapter CXXXVII (137) of the Laws of 1895, page 351;
- Incest, adultery, bigamy. Sections 1, 2, 3, 4, 6, 7 and 8 of chapter CXLIX (149) of the Laws of 1895, pages 371-372;
- Larceny of live stock. Chapter CLXXIII (173) of the Laws of 1895, page 470;
- Soliciting divorce business. Chapter VII (7) of the Laws of 1897, pages 7-8;
- Rape. Chapter XIX (19) of the Laws of 1897, pages 19-20;

Chapter XLI (41) of the Laws of 1897, page 54; and  
 Chapter LXXXIII (83) of the Laws of 1897, page 221, are hereby repealed.

Tapping  
meters,  
wires and  
cables.  
Land marks.

SEC. 2. That sections 824, 825, 838, 943, 944, 946, 956, 957, 958, 964, 1232 and 1999 of the Code of Washington Territory of 1881;

An act entitled "An Act declaring certain acts to be misdemeanors, and providing punishment therefor", approved January 15, 1886, Laws of 1885-6, pages 78 and 79;

An act entitled "An Act to amend section 825, chapter LXIX of the Code of Washington Territory", approved January 15, 1886, Laws of 1885-6, page 80;

Chapter V (5) of the Laws of 1887-8, page 5;

Chapter L (50) of the Laws of 1887-8, page 93;

Section 5 of chapter XVI (16) of the Laws of 1891, page 30;

Section 28 of chapter CXLVII (147) of the Laws of 1891, page 363;

Chapter XCIII (93) of the Laws of 1893, pages 224 and 225;

Chapter XCVII (97) of the Laws of 1893, page 236;

Chapter XXVII (27) of the Laws of 1899, page 38;

Chapter CXI (111) of the Laws of 1899, pages 180 and 181; (Secs. 9131-29, 9131-30 and 9131-31 of Pierce's 1919 Code);

Chapter 93 of the Laws of 1903, page 141;

Chapter 46 of the Laws of 1905, page 76; and

Sections 9131-1, 9131-2, 9131-29, 9131-30, 9131-31, 9131-39, 9131-50, 9131-61, 9131-103 and 9131-104 of Pierce's 1919 Code are hereby repealed.

SEC. 3. That the repeal of any of the acts or parts of acts set out in the foregoing sections shall not be

Former  
acts not  
revived.

construed as reviving any former act or part of an act amended or repealed thereby.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

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## CHAPTER 44.

[H. B. 47.]

### COMMISSION MERCHANTS.

AN ACT relating to commission merchants and repealing Chapter XXI of the Laws of 1893 and Chapter 64 of the Laws of the Extraordinary Session of 1925.

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

Statutes  
repealed.

SECTION 1. That chapter XXI (21) of the Laws of 1893, pages 29 to 30, and chapter 64 of the Laws of the Extraordinary Session of 1925, are hereby repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

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## CHAPTER 45.

[H. B. 49.]

### SALE OF MILK AND CREAM.

AN ACT relating to the sale of milk and cream and repealing certain acts and parts of acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That sections 260, 261, 262 and 263 of chapter 249 of the Laws of 1909, pages 971-972, and chapter 20 of the Laws of 1911, page 61, are hereby repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 46.

[H. B. 50.]

## IRRIGATION DISTRICT BONDS.

AN ACT relating to irrigation district bonds and repealing certain acts in relation thereto.

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

SECTION 1. That sections 1, 2, 3, 4 and 5 of chapter 99 of the Laws of 1915, pages 289-291, and chapter 154 of the Laws of 1919, pages 432-434, are hereby repealed. Statutes repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 47.

[H. B. 52.]

## APPEALS.

AN ACT repealing Chapter CII (102) of the Laws of 1901, relating to appeals.

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

SECTION 1. That chapter CII (102) of the Laws of 1901, pages 213-214, is hereby repealed. Statute repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 48.

[H. B. 53.]

## SALE OR EXCHANGE OF STATE PROPERTY.

AN ACT relating to the sale or exchange of personal property belonging to the state and repealing certain acts in relation thereto.

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

SECTION 1. That chapter XXXIV (34) of the Laws of 1893, pages 51-52; chapter 122 of the Laws of 1919, pages 292-293; sections 10922-10926, both inclusive, of Remington's Compiled Statutes, and sections 6638-1 to 6638-5, both inclusive, of Pierce's 1919 Code, are hereby repealed.

Statutes  
repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 49.

[H. B. 54.]

## CRIMES AGAINST MORALITY—CORROBORATING EVIDENCE.

AN ACT relating to evidence in case of certain crimes against morality and decency and repealing Section 191 of the Criminal Code of 1909 in relation thereto.

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

SECTION 1. That section 191 of chapter 249 of the Laws of 1909, page 946, is hereby repealed.

Statute  
repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 50.

[H. B. 55.]

## MOTOR VEHICLES.

AN ACT relating to the speed of automobiles and repealing Section 279 of the Criminal Code of 1909 in relation thereto.

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

SECTION 1. That section 279 of chapter 249 of the Laws of 1909, page 976, is hereby repealed. Statute repealed.

Passed the House January 19, 1927.

Passed the Senate January 24, 1927.

Approved by the Governor February 1, 1927.

## CHAPTER 51.

[H. B. 41.]

## LEGAL HOLIDAYS.

AN ACT relating to legal holidays and repealing Chapter LIX of the Laws of 1887-8; Chapter XXI and XLI of the Laws of 1891; Chapter III of the Laws of 1895; Chapters 9 and 87 of the Laws of 1911, and Chapter 36 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. The following are legal holidays, Days designated as legal holidays. namely: Sunday; the first day of January, commonly called New Years Day; the twelfth day of February, the same being the anniversary of the birth of Abraham Lincoln; the twenty-second day of February, the same being the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial or Decoration Day; the fourth day of July, the same being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor

Day; the twelfth day of October, to be known as Columbus Day; the eleventh day of November, to be known as Armistice Day; the twenty-fifth day of December, commonly called Christmas Day; the day on which any general election is held throughout the state; any day designated by public proclamation of the chief executive of the state as a legal holiday, or as a day of thanksgiving; and whenever any legal holiday, other than Sunday, shall fall upon any Sunday, the day next following such date shall become and be held to be a legal holiday.

Day of observance when on Sunday.

Courts closed.

SEC. 2. No court shall be open, nor shall any judicial business be transacted, on a legal holiday, except:

Judicial business permitted on legal holiday.

1. To give, upon their request, instructions to a jury when deliberating on their verdict;
2. To receive the verdict of a jury;
3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature;
4. For hearing applications for and issuing writs of habeas corpus, injunction, prohibition and attachment.

SEC. 3. If any legal holiday happen to be a day appointed for the sitting of a court or to which it is adjourned, such sitting shall be deemed appointed for or adjourned to the next day which is not a legal holiday.

Statutes repealed.

SEC. 4. That chapter LIX (59) of the Laws of 1887-8, page 107; chapter XXI (21) of the Laws of 1891, page 39; chapter XLI (41) of the Laws of 1891, pages 80-81, chapter III (3) of the Laws of 1895, page 6; chapter 9 of the Laws of 1911, page 9; chapter 87 of the Laws of 1911, page 390 and chapter 36 of the Laws of the Extraordinary Session of 1925, (Secs. 61, 61-1, 62, 63, 63-1, 64 and 65 of Remington's Compiled Statutes and Secs. 2699, 2700, 2701, 2702,



2703, 2704 and 2705 of Pierce's 1919 Code) are hereby repealed.

Passed the House January 19, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

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## CHAPTER 52.

[H. B. 43.]

### POWERS OF CITIES OF FIRST CLASS.

AN ACT relating to the powers of cities of the first class and amending Section 2 of Chapter 17 of the Laws of 1911.

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

SECTION 1. That section 2 of chapter 17 of the Laws of 1911, page 54, (section 8949 of Remington's Compiled Statutes; section 698 of Pierce's 1919 Code) be amended to read as follows:

§ 2, Ch. 17.  
L. 1911;  
§ 8949 Rem.  
Stats.; § 698  
Pierce's 1919  
Code.

SEC. 2. Any such city may provide in its charter for direct legislation by the people upon any matter within the scope of such powers, functions or duties of any such city by the initiative and referendum.

Initiative and  
Referen-  
dum.

Passed the House January 19, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 53.

[H. B. 48.]

## FOOD AND SHELL FISH.

AN ACT relating to food and shell fish, and repealing certain acts in relation thereto.

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

SECTION 1. That sections 1172 to 1199, both inclusive, of the Code of Washington Territory of 1881 (sections 2532 and 2532-a of Pierce's 1919 Code); an act entitled "An act to amend section 1184 of the Code of Washington", approved November 23, 1883, Laws of 1883, pages 36-37; an act entitled "An Act to protect salmon and other food fishes in the State of Washington, and upon all waters upon which this state has jurisdiction and concurrent jurisdiction", approved February 11, 1890, Laws of 1889-90, pages 106-109 (sections 2534-1, 2534-2, 2534-3 of Pierce's 1919 Code); an act entitled "An Act for the appointment of a fish commission, and defining its duties, and declaring an emergency to exist", approved February 20, 1890, Laws of 1889-90, pages 233-235 (section 2534 of Pierce's 1919 Code); chapter LXXI (71) of the Laws of 1891, pages 134-136; chapter LXXXVII (87) of the Laws of 1891, pages 171-172; chapter CX (110) of the Laws of 1891, page 208; chapter XL (40) of the Laws of 1893, pages 63-64; chapter LXVII (67) of the Laws of 1893, page 144; chapter LXXVII (77) of the Laws of 1893, page 180; chapter LXXVIII (78) of the Laws of 1893, pages 180-181; chapter LXXXIX (89) of the Laws of 1893, page 220; chapter CX (110) of the Laws of 1893, page 270; chapter IV (4) of the Laws of 1895, pages 6-7; chapter XVIII (18) of the Laws of 1895, page 24; chapter XXIX (29) of the Laws of 1895, pages 46-48; chapter XXX (30) of the Laws of 1895, pages 48-49 (sections 2533-1, 2533-3, 2533-4, 2533-5

Statutes  
repealed.

of Pierce's 1919 Code); chapter XXXI (31) of the Laws of 1895, pages 49-50; chapter LXXXI (81) of the Laws of 1895, pages 149-150; chapter CXXII (122) of the Laws of 1895, pages 333-334 (section 2533-2 of Pierce's 1919 Code); chapter LXXXII (82) of the Laws of 1897, pages 214-220; chapter CVII (107) of the Laws of 1897, pages 298-304 (section 5779 of Remington's Compiled Statutes); chapter CXVII (117) of the Laws of 1899, pages 194-206; chapter CXXXIV (134) of the Laws of 1899, pages 270-271; chapter CXXXV (135) of the Laws of 1899, pages 271-272; chapter XXXVIII (38) of the Laws of 1901, pages 37-39; chapter CXXX (130) of the Laws of 1901, pages 270-271; chapter CLIII (153) of the Laws of 1901, pages 318-320; chapter 126 of the Laws of 1903, pages 236-238; chapter 166 of the Laws of 1903, pages 340-344 (section 5776 of Remington's Compiled Statutes); chapter 79 of the Laws of 1905, pages 143-144; chapter 134 of the Laws of 1905, pages 250-251; chapter 140 of the Laws of 1905, pages 254-258; chapter 163 of the Laws of 1905, pages 319-320; chapter 170 of the Laws of 1905, pages 340-346; chapter 87 of the Laws of 1907, page 168; chapter 154 of the Laws of 1907, page 340; chapter 189 of the Laws of 1907, pages 408-409; chapter 247 of the Laws of 1907, pages 681-689; chapter 23 of the Laws of 1909, pages 31-33; chapter 77 of the Laws of 1909, pages 143-146; chapter 113 of the Laws of 1909, page 394; chapter 184 of the Laws of 1909, pages 646-647, and chapter 104 of the Laws of 1911, pages 496-499, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof.

Repeal not  
to revive  
other acts.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 54.

[H. B. 56.]

## DESECRATION OF UNITED STATES FLAG.

AN ACT relating to the desecration of the United States flag and repealing Section 423 of the Criminal Code of 1909 in relation thereto.

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

SECTION 1. That section 423 of chapter 249 of the Laws of 1909, page 1024, is hereby repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

Statute  
repealed.

## CHAPTER 55.

[H. B. 57.]

## WHEN MARRIAGE OF DIVORCED PERSONS PROHIBITED.

AN ACT relating to divorces and repealing Chapter XCIV of the Laws of 1893.

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

SECTION 1. That chapter XCIV (94) of the Laws of 1893, pages 225-226, is hereby repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

Statute  
repealed.

## CHAPTER 56.

[H. B. 58.]

## ACQUISITION OF PROPERTY BY ALIENS.

AN ACT relating to the rights of aliens with respect to lands and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CLXXXIV (184) of the Code of Washington Territory of 1881, sections 2419 and 2420, and an act entitled "An Act to amend sections 2419 and 2420 of the Code of Washington Territory, relating to aliens", approved January 29, 1886, Laws of 1885-6, pages 102-103, are hereby repealed. Statutes repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 57.

[H. B. 59.]

ADVERTISING TREATMENT OF CERTAIN DISEASES  
PROHIBITED.

AN ACT relating to advertising treatment of certain diseases, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter 78 of the Laws of 1905, pages 142-143, and section 210 of chapter 249 of the Laws of 1909, page 952, are hereby repealed. Statutes repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

CHAPTER 58.

[H. B. 60.]

PEREMPTORY CHALLENGES BY PROSECUTING ATTORNEY.

AN ACT relating to peremptory challenge of jurors in capital cases and repealing Section 1080 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 1080 of the Code of Washington Territory of 1881 is hereby repealed.

Statute repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

CHAPTER 59.

[H. B. 61.]

REFUNDING COMMERCIAL WATERWAY DISTRICT BONDS.

AN ACT relating to the refunding of bonds of commercial waterway districts and repealing certain acts in relation thereto.

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

SECTION 1. That section 1 of chapter 152 of the Laws of 1917, pages 616-617, (section 1372 of Pierce's 1919 Code) is hereby repealed.

Statute repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 60.

[H. B. 62.]

## REGULATION OF SALE OF NARCOTIC DRUGS.

AN ACT relating to narcotic drugs and repealing certain acts in relation thereto.

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

SECTION 1. That sections 257, 258 and 259 of chapter 249 of the Laws of 1909, pages 969-970, are hereby repealed. Statute repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 61.

[H. B. 63.]

## RECORDING OF SHERIFF'S SALE IN BOOK OF LEVIES.

AN ACT relating to the record of levies in the office of county clerks and repealing certain acts in relation thereto.

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

SECTION 1. That section 313 of the Code of Washington Territory of 1881, and section 17 of chapter LIII (53) of the Laws of 1899, page 95 (sections 7919 and 8089 of Pierce's 1919 Code) are hereby repealed. Statute repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 62.

[H. B. 64.]

## WHEN CONTRACT FOR SALE OF GOODS IS VOID.

AN ACT relating to the sale of goods, wares and merchandise and repealing Section 2326 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 2326 of the Code of Washington Territory of 1881, (section 7746 of Pierce's 1919 Code) is hereby repealed.

Statute  
repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 63.

[H. B. 66.]

## INSPECTION OF OILS.

AN ACT relating to illuminating oils and repealing certain acts in relation thereto.

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

SECTION 1. That chapter 187 of the Laws of 1903, pages 394-396, and chapter 192 of the Laws of 1907, pages 412-418, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof.

Statutes  
repealed.

Repeal not  
to operate  
as revivor.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.



## CHAPTER 64.

[H. B. 67.]

## PRACTICE OF DENTISTRY.

AN ACT relating to the practice of dentistry and repealing certain acts in relation thereto.

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

SECTION 1. That chapter XLVIII (48) of the Laws of 1887-8, pages 87-90; chapter LV (55) of the Laws of 1893, pages 88-95; chapter CLII (152) of the Laws of 1901, pages 314-318; chapter 80 of the Laws of 1913, pages 254-255, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof.

Statutes repealed.

Other acts not revived.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 65.

[H. B. 68.]

## FORCIBLE ENTRY AND DETAINER.

AN ACT relating to forcible entry and detainer, and repealing Chapter CXXIII of the Code of Washington Territory of 1881.

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

SECTION 1. That chapter CXXIII (123), sections 1820-1841 of the Code of Washington Territory of 1881, is hereby repealed.

§§ 1820-1841,  
Code of  
1881  
repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 66.

[H. B. 69.]

## GAME AND GAME FISH.

AN ACT relating to game and game fish and repealing certain acts in relation thereto.

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

SECTION 1. That sections 1200 to 1207, both inclusive, and sections 1288 and 1289 of the Code of Washington Territory of 1881; an act entitled "An Act for the protection of fish and game," approved November 27, 1883, Laws of 1883, pages 100-102; an act entitled "An Act to protect the ring neck Mongolian pheasant," approved November 13, 1883, Laws of 1883, page 103; an act entitled "An Act to amend an act entitled 'An Act for the protection of fish and game, approved November 27, 1883,'" approved January 29, 1886, Laws of 1885-6, pages 110-112; chapter LIV (54) of the Laws of 1887-8, pages 97-100; an act entitled "An Act for the preservation of large game," approved February 6, 1890, Laws of 1889-90, page 105; sections 37 to 45, both inclusive, of chapter LXIX (69) of the Laws of 1891, pages 130-133; chapter CXLVIX (CXLIX) (149) of the Laws of 1891, pages 365-366; chapter CVII (107) of the Laws of 1895, page 200; chapter CXXIII (123) of the Laws of 1895, pages 334-335; chapter V (5) of the Laws of 1899, page 7; chapter CXXXVII (137) of the Laws of 1899, pages 276-277; chapter CXXXVIII (138) of the Laws of 1899, pages 277-279; chapter CXIV (114) of the Laws of 1901, pages 233-234; chapter CLIX (159) of the Laws of 1901, page 324; chapter 94 of the Laws of 1903, pages 142-143; chapter 108 of the Laws of 1903, pages 189-190; chapter 147 of the Laws of 1905, pages 277-278; chapter 109 of the Laws of

Statutes  
repealed.

1909, pages 388-389; chapter 172 of the Laws of 1909, page 632; chapter 125 of the Laws of 1913, page 385; chapter 78 of the Laws of 1919, page 155; sections 5854 to 5992, both inclusive, of Remington's Compiled Statutes, and sections 2586 to 2641-69, both inclusive, of Pierce's 1919 Code, are hereby repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

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## CHAPTER 67.

[H. B. 70.]

### DISCRIMINATION BETWEEN PERSONS BY RAILROAD COMPANIES.

AN ACT relating to discrimination by railroad companies and repealing Chapter 96 of the Laws of 1911.

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

SECTION 1. That chapter 96 of the Laws of 1911, Statute repealed. pages 437-438, is hereby repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 68.

[H. B. 71.]

## NEGOTIABLE INSTRUMENTS.

AN ACT relating to negotiable instruments and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CLXX (170), sections 2295-2310 of the Code of Washington Territory of 1881, and chapter LXXXVI (86) of the Laws of 1897, page 227, are hereby repealed: *Provided*, That this repeal shall not be construed as affecting any rights or liabilities accrued or accruing by reason of negotiable instruments executed prior to the taking effect of the acts hereby repealed or either of them.

Statutes  
repealed.

Saving  
clause.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 69.

[H. B. 73.]

## SALE OF PROPERTY UNDER EXECUTION.

AN ACT relating to the sale of property under execution, decrees and orders of sale, amending Section 3 of Chapter LIII of the Laws of 1899, and repealing certain acts in relation thereto.

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

SECTION 1. That section 3 of chapter LIII (53) of the Laws of 1899, page 86, (section 582 of Remington's Compiled Statutes; section 7905 of Pierce's 1919 Code) be amended to read as follows:

§ 3, Ch. 53,  
L. 1899, p.  
86; § 582,  
Rem. Stats.;  
§ 7905,  
Pierce's 1919  
Code.

Section 3. Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

Notice of sale.

1. In case of personal property, by posting written or printed notice of the time and place of sale in three (3) public places in the county where the sale is to take place, for a period of not less than ten (10) days prior to the day of sale.

Personalty.

2. In case of real property, by posting a similar notice, particularly describing the property for a period of not less than four (4) weeks prior to the day of sale, in three (3) public places in the county, one of which shall be at the court house door, where the property is to be sold, and publishing a copy thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated: *Provided, however,* That if there be more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published: *Provided, further,* That if there is no legal newspaper published in the county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale.

Realty.

Newspaper designated to publish.

No legal newspaper in county.

SEC. 2. That chapter XCI (91) of the Laws of 1897, page 265, and chapter 179 of the Laws of 1903, pages 381-382, are hereby repealed: *Provided,* That nothing in this act shall be construed as affecting the validity of any act done or notice given, under the provisions of any of the acts hereby amended or repealed, prior to the taking effect of this act.

Statutes repealed.

Saving clause.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 70.

[H. B. 75.]

## PRACTICE OF MEDICINE AND SURGERY.

AN ACT relating to the practice of medicine and surgery and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CLXIX (169), sections 2284-2294 of the Code of Washington Territory of 1881; an act entitled "An Act to amend section 2289 of the Code of Washington Territory", approved February 3, 1886, Laws of 1885-6, pages 169-170; chapter LXXXVI (86) of the Laws of 1887-8, page 159; an act entitled "An Act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons; to punish all persons violating the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency", Laws of 1889-90, pages 114-120; chapter XLII (42) of the Laws of 1901, pages 47-51, and chapter 41 of the Laws of 1905, pages 70-71, are hereby repealed: *Provided*, That nothing herein shall be construed as affecting any rights acquired under said acts or either thereof: *Provided, further*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof.

Statutes  
repealed.

Saving  
clause.

No revivor.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 71.

[H. B. 76.]

## FEES FOR PROCURING EMPLOYMENT.

AN ACT relating to collection of fees for securing employment or furnishing information leading thereto and repealing Chapter 1 of the Laws of 1915, the same being Initiative Measure No. 8.

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

SECTION 1. That Initiative Measure No. 8 entitled "An Act to prohibit the collection of fees for the securing of employment or furnishing information leading thereto and fixing penalty for violation thereof", passed by vote of the people at the general election November 3, 1914, chapter 1 of the Laws of 1915, pages 1 and 2, is hereby repealed.

Ch. 1, L.  
1915,  
repealed.

Passed the House January 20, 1927.

Passed the Senate January 25, 1927.

Approved by the Governor February 3, 1927.

## CHAPTER 72.

[S. B. 3.]

## NON-RESIDENT INSANE PERSONS.

AN ACT relating to insane persons, and repealing Chapter 138 of the Laws of 1905.

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

SECTION 1. That chapter 138 of the Laws of 1905, page 253, is hereby repealed.

Statute  
repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 73.

[S. B. 5.]

## APPOINTMENT OF COURT COMMISSIONERS.

AN ACT relating to court commissioners, and repealing Chapter LXXXIII of the Laws of 1895.

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

SECTION 1. That chapter LXXXIII (83) of the LAWS of 1895, pages 164-165, is hereby repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

Statute repealed.

## CHAPTER 74.

[S. B. 6.]

## TOWNSHIP ORGANIZATION.

AN ACT relating to township organization, and amending Section 4 of Chapter CLXXV of the Laws of 1895.

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

SECTION 1. That section 4 of chapter CLXXV (175) of the Laws of 1895, pages 473-474, (section 11363 of Remington's Compiled Statutes; section 7100-4 of Pierce's 1919 Code) be amended to read as follows:

Section 4. Should the majority of the votes cast at such general election be in favor of township organization, it shall be the duty of the board of county commissioners, at their next meeting after such election, or as soon thereafter as practicable, to divide all the surveyed portion of the county, outside of incorporated cities, towns and villages, into organized townships. In making such division the county commissioners shall see that each organized town-

§ 4, Ch. 175, L. 1895; § 11363 Rem. Stats.; § 7100-4 Pierce's 1919 Code.

Division of counties into townships.



ship has at least twenty-five (25) inhabitants who are legal voters, and they shall pay due regard to the lines of congressional townships, but wherever it shall be most convenient for the inhabitants of two or more congressional townships, or portions thereof adjoining each other, that they should be formed into one organized township, the county commissioners may organize a township out of such adjacent congressional townships or portions thereof, and a congressional township may be divided among two or more organized townships. Thereafter, when any township has been surveyed, it shall either be organized into a township or be attached to another township or townships. When any unsurveyed tract of land in a county has a sufficient number of inhabitants who are legal voters to be organized into a township, the board of county commissioners may organize such tract into a township, or any unsurveyed tract may be annexed to an adjoining township. Said board shall fix and determine the boundaries of each of such townships, and shall name the same; and said board shall make a full report of all their proceedings in relation to laying out said townships, and shall have said report entered in full upon their minutes.

Minimum  
township  
population.

Boundaries  
and names  
of townships.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

CHAPTER 75.

[S. B. 7.]

MODEL TRAINING SCHOOL DEPARTMENT OF NORMAL SCHOOLS.

AN ACT relating to model training schools, and repealing Section 4 of Chapter 97 of the Laws of 1907.

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

SECTION 1. That section 4 of chapter 97 of the Laws of 1907, page 181, (section 4831 of Pierce's 1919 Code) is hereby repealed.

Statute repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

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CHAPTER 76.

[S. B. 8.]

PROBATE CODE—LETTERS OF ADMINISTRATION.

AN ACT relating to the appointment of administrators of estates of persons dying intestate, and amending Section 61 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 61 of chapter 156 of the Laws of 1917, pages 656-657, (section 1431 of Remington's Compiled Statutes; section 9947 of Pierce's 1919 Code) be amended to read as follows:

§ 61. Ch. 156, L. 1917; § 1431 Rem. Stats.; § 9947 Pierce's 1919 Code.

Section 61. Administration of the estate of the person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

Persons entitled to letters.

1. The surviving husband or wife, or such person as he or she may request to have appointed.

Surviving spouse.

2. The next of kin in the following order: 1, Next of kin.  
 child or children; 2, father or mother; 3, brothers or  
 sisters; 4, grandchildren; 5, nephews or nieces.

3. One or more of the principal creditors. Creditors.

4. If the persons so entitled shall fail for more  
 than forty days after the death of the intestate to  
 present a petition for letters of administration, or  
 if it appear to the satisfaction of the court that there  
 are no relatives or next of kin, as above specified  
 eligible to appointment, or they waive their right,  
 and there are no principal creditor or creditors, or  
 such creditor or creditors waive their right, then the  
 court may appoint any suitable person to administer  
 such estate. Appointment  
 by court.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

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CHAPTER 77.

[S. B. 10.]

HOTEL INSPECTION.

AN ACT relating to hotels, inns and public lodging houses, and  
 amending Section 17 of Chapter 29 of the Laws of 1909.

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

SECTION 1. That section 17 of chapter 29 of the  
 Laws of 1909, page 48, (section 6886 of Remington's  
 Compiled Statutes; section 2797 of Pierce's 1919  
 Code) be amended to read as follows: § 17, Ch. 29,  
 L. 1909;  
 § 6886 Rem.  
 Stats.;  
 § 2797  
 Pierce's 1919  
 Code.

Section 17. Any owner, manager, agent or per-  
 son in charge of a hotel who shall obstruct or hinder  
 an inspector in the proper discharge of his duties  
 under this act, shall be guilty of a misdemeanor,  
 and upon conviction thereof shall be fined not less  
 than ten dollars (\$10.00) nor more than one hundred  
Penalty for  
 obstructing  
 or hindering  
 inspection.

(\$100.00) dollars or shall be imprisoned in the county jail for not less than ten days, nor more than three months or both.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

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## CHAPTER 78.

[S. B. 11.]

### CRIMINAL CODE.

AN ACT relating to the defense of insanity, idiocy or imbecility in criminal prosecutions, and repealing Sections 7 and 31 of Chapter 249 of the Laws of 1909.

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

SECTION 1. That sections 7 and 31 of chapter 249 of the Laws of 1909, pages 891-892 and 897-898, (sections 8694 and 8718 of Pierce's 1919 Code) are hereby repealed.

Statute  
repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 79.

[S. B. 12.]

## COMMERCIAL WATERWAYS.

AN ACT relating to commercial waterways, and repealing Chapter 8 of the Laws of the Extraordinary Session of 1909.

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

SECTION 1. That chapter 8 of the Laws of the Extraordinary Session of 1909, pages 8-36, is hereby repealed. Statutes repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 80.

[S. B. 13.]

## INSURANCE CODE.

AN ACT relating to insurance and repealing certain acts in relation thereto.

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

SECTION 1. That an act entitled "An Act to regulate and license insurance business in this state", approved March 27, 1890, Laws of 1889-90, pages 240-249; chapter LXXXII (82) of the Laws of 1895, pages 151-163; chapter XL (40) of the Laws of 1897, page 53; chapter LXV (65) of the Laws of 1897, pages 105-110; chapter CXLIII (143) of the Laws of 1899, pages 327-328; chapter CXLIV (144) of the Laws of 1899, pages 329-331; chapter CXLV (145) of the Laws of 1899, pages 332-334; chapter CLXXX (180) of the Laws of 1901, pages 389-391; chapter 97 of the Laws of 1903, pages 146-150; chap- Statutes repealed.

ter 150 of the Laws of 1903, pages 287-289; chapter 40 of the Laws of 1905, pages 66-70; chapter 71 of the Laws of 1905, pages 136-137; chapter 178 of the Laws of 1905, pages 373-374; chapter 109 of the Laws of 1907, pages 207-208; chapter 252 of the Laws of 1907, pages 740-741; chapter 254 of the Laws of 1907, pages 744-747; chapter 27 of the Laws of 1909, page 42; chapter 217 of the Laws of 1909, pages 745-746; sections 23, 27, 182, 188, 189, of chapter 49 of the Laws of 1911, pages 182-188, 193-194, 261, 266-268; chapter 34 of the Laws of 1915, pages 119-126, and section 13 of chapter 177 of the Laws of 1915, pages 600-601, are hereby repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

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## CHAPTER 81.

[S. B. 14.]

### EQUIPMENT OF RAILROAD CARS INCLUDED IN WEIGHT OF CARS.

AN ACT relating to the equipment of railroad cars used for the shipment of lumber products, and repealing Chapter 124 of the Laws of 1905.

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

SECTION 1. That chapter 124 of the Laws of 1905, pages 238-239, (sections 10471 and 10472 of Remington's Compiled Statutes; sections 5681 and 5682 of Pierce's 1919 Code) is hereby repealed.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 82.

[S. B. 16.]

## HORTICULTURAL INSPECTION.

AN ACT relating to the expense of horticultural inspection, and repealing Chapter 43 of the Laws of 1911.

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

SECTION 1. That chapter 43 of the Laws of 1911, pages 141-142, (sections 2746-8 and 2746-9 of Pierce's 1919 Code) is hereby repealed. Statute repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 83.

[S. B. 17.]

## COUNTY FAIRS.

AN ACT relating to agriculture fairs and exhibits, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter 174 of the Laws of 1903, pages 363-364; chapter 62 of the Laws of 1909, pages 113-114 and chapter 175 of the Laws of 1909, pages 635-636, are hereby repealed. Statutes repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

CHAPTER 84.

[S. B. 18.]

WITNESSES.

AN ACT relating to testimony concerning transactions with or statements made by, deceased or insane persons or minors, amending Section 389 of the Code of Washington Territory of 1881, and repealing a certain act amendatory thereof.

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

§ 389, Code of 1881; § 1211, Rem. Stats.; § 7722 Pierce's 1919 Code.

SECTION 1. That section 389 of the Code of Washington of 1881 (section 1211 of Remington's Compiled Statutes; section 7722 of Pierce's 1919 Code) be amended to read as follows:

Interest not-ground for exclusion as witness.

Section 389. No person offered as a witness shall be excluded from giving evidence by reason of his interest in the event of the action, as a party thereto or otherwise, but such interest may be shown to affect his credibility: *Provided, however,* That in an action or proceeding where the adverse party sues or defends as executor, administrator or legal representative of any deceased person, or as deriving right or title by, through or from any deceased person, or as the guardian or conservator of the estate of any insane person, or of any minor under the age of fourteen (14) years, then a party in interest or to the record, shall not be admitted to testify in his own behalf as to any transaction had by him with, or any statement made to him, or in his presence, by any such deceased or insane person, or by any such minor under the age of fourteen (14) years: *Provided further,* That this exclusion shall not apply to parties of record who sue or defend in a representative or fiduciary capacity, and have no other or further interest in the action.

Not excluded if in representative or fiduciary capacity.

Exceptions.

SEC. 2. That an act entitled "An Act to amend section 389, chapter XXXVI, of the Code of Wash-



ington, relating to witnesses and evidence", approved March 20, 1890, Laws of 1889-90, pages 91-92, is hereby repealed. L. 1889-90,  
p. 91-92,  
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 85.

[S. B. 23.]

### HABITUAL CRIMINALS.

AN ACT relating to persons convicted a second and third time of felony and repealing Chapter 86 of the Laws of 1903.

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

SECTION 1. That chapter 86 of the Laws of 1903, pages 125-127, is hereby repealed. Statute  
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 86.

[S. B. 31.]

### SWINE RUNNING AT LARGE.

AN ACT relating to damages for swine running at large and amending Section 2 of an act entitled "An act to restrain swine from running at large, providing penalties, and prescribing the manner of appraisalment and collection of damages," approved March 14, 1890, Laws of 1889-90.

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

SECTION 1. That section 2 of an act entitled "An Act to restrain swine from running at large, providing penalties, and prescribing the manner of appraisalment and collection of damages", approved Swine run-  
ning at large  
unlawful.

§ 2, L. 1889-90, p. 454-55; § 3074 Rem. Stats.; § 2017, Pierce's 1919 Code.

March 14, 1890, Laws of 1899-90 [1889-90] pages 454-455 (section 3074 of Remington's Compiled Statutes; section 2017 of Pierce's 1919 Code), be amended to read as follows:

Liability of owner for trespass of swine.

Section 2. If any swine shall be suffered to run at large in any county of this state contrary to the provisions of this act, and shall trespass upon the land of any person, the owner or person having possession of such swine shall be liable for all damages the owner or occupant of such land may sustain by reason of such trespass; and if the owner or person having possession of such swine shall knowingly or negligently permit the same to run at large contrary to the provisions of this act, for a second or subsequent act of trespass by such swine, such owner or person shall be liable for treble the amount of damages done by the same, and such damages may be recovered in a civil action before any justice of the peace.

Repeated trespass. Treble damages.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

CHAPTER 87.

[S. B. 32.]

CIVIL PROCEDURE: ACTIONS BY ASSIGNEES.

AN ACT relating to actions by assignees amending Section 15 of the Code of Washington Territory of 1881.

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

§ 15, Code of 1881; § 191, Rem. Stats.; § 8272, Pierce's 1919 Code.

SECTION 1. That section 15 of the Code of Washington Territory of 1881 (section 191 of Remington's Compiled Statutes; section 8272 of Pierce's 1919 Code) be amended as follows:

Section 15. Any assignee or assignees of any judgment, bond, specialty, book account, or other

chose in action, for the payment of money, by assignment in writing, signed by the person authorized to make the same, may, by virtue of such assignment, sue and maintain an action or actions in his or her name, against the obligor or obligors, debtor or debtors, named in such judgment, bond, specialty, book account, or other chose in action, notwithstanding the assignor may have an interest in the thing assigned: *Provided*, That any debtor may plead in defense as many defenses, counter claims and offsets, whether they be such as have heretofore been denominated legal or equitable, or both, if held by him against the original owner, against the debt assigned, save that no counter-claim or offset shall be pleaded against negotiable paper assigned before due, and where the holder thereof has purchased the same in good faith and for value, and is the owner of all interest therein.

Assignee's  
right of  
action  
against  
debtor.

Debtor may  
plead defense  
against  
Assignor—  
Exceptions.

SEC. 2. That section 2 of chapter XXX (30) of the Laws of 1891, pages 69-70, is hereby repealed.

Statute  
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

## CHAPTER 88.

[S. B. 4.]

## EMINENT DOMAIN PROCEEDINGS BY CORPORATIONS.

AN ACT relating to jurors in proceedings to appropriate property by corporations for corporate purposes, and amending Section 4 of an act entitled "An Act to regulate the mode of proceeding to appropriate lands, real estate or property by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency", approved March 21, 1890, Laws of 1889-90 and repealing Section 1 of Chapter XLVI of the Laws of 1897.

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

§ 4, L. 1889-90, p. 297;  
§ 925 Rem. Stats.; § 7650 Pierce's 1919 Code.

SECTION 1. That section 4 of an act entitled "An Act to regulate the mode of proceeding to appropriate lands, real estate or property by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency", approved March 21, 1890, Laws of 1889-90, page 297, (section 925 of Remington's Compiled Statutes; section 7650 of Pierce's 1919 Code) be amended to read as follows:

Necessity for appropriation.

Section 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition, have been duly served with said notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, or is for a private use for a private way of necessity, and that the public interest requires the prosecution of such enterprise,

Public interest.

or the private use is for a private way of necessity, and that the land, real estate, premises or other property sought to be appropriated are required and necessary for the purposes of such enterprise, the court or judge thereof may make an order, to be recorded in the minutes of said court, directing that a jury be summoned, or called, in the manner provided by law, to ascertain the compensation which shall be made for the land, real estate, premises or other property sought to be appropriated, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law.

Adjudication  
by the court.

Jury to be  
called to  
ascertain  
compensa-  
tion.

SEC. 2. That section 1 of chapter XLVI (46) of the Laws of 1897, pages 63 and 64, is hereby repealed.

Statute  
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

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## CHAPTER 89.

[S. B. 9.]

### LICENSING OF PEDDLERS.

AN ACT relating to the licensing of peddlers and amending Section 3 of Chapter 214 of the Laws of 1909.

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

SECTION 1. That section 3 of chapter 214 of the Laws of 1909, pages 737-738, (section 8355 of Remington's Compiled Statutes; section 3618 of Pierce's 1919 Code) be amended to read as follows:

§ 3, Ch. 214,  
L. 1909;  
§ 8355, Rem.  
Stats.; § 3618,  
Pierce's 1919  
Code.

Section 3. Every peddler, whether principal or agent, shall, before commencing business in any county of the state, make application in writing and under oath to the county treasurer for the county in which he proposes to make sales, for a county li-

Application  
for license.

cense. Such application must state the names and residences of the owners or parties in whose interest said business is conducted, and shall state the number of horses and vehicles to be used by him, and at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares and merchandise that is in the county for sale or to be kept or exposed for sale in said county, and shall at the same time make special deposit of five hundred dollars with the county treasurer aforesaid, and shall pay the said treasurer the county license fee as follows:

Fees.

- (1) Peddler on foot, \$100.00.
- (2) Peddler with one horse and a wagon, \$150.00.
- (3) Peddler with two horses and a wagon, \$250.00.
- (4) Peddler with any other conveyance, \$300.00.

County treasurer to issue license.

The county treasurer shall thereupon issue to said applicant a peddler's license, authorizing him to do business in the county aforesaid for the term of one year from the date thereof. Every county license shall contain a copy of the application therefor and shall not be transferable, and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his own proper person.

Non-transferable.

Passed the Senate January 11, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 90.

[S. B. 19.]

## SLANDER OF WOMEN.

AN ACT relating to evidence of slander of women and amending  
Section 182 of Chapter 249 of the Laws of 1909.

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

SECTION 1. That section 182 of chapter 249 of the Laws of 1909, page 942 (section 2434 of Remington's Compiled Statutes; section 8963 of Pierce's 1919 Code) be amended to read as follows:

§ 182, Ch. 249, L. 1909;  
§ 2434, Rem. Stats.;  
§ 8963, Pierce's 1919 Code.

Section 182. No conviction shall be had under the provisions of section 181 of this act, upon the testimony of the woman slandered as to the speaking of the slander, unsupported by other evidence.

Corroborative evidence essential.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 91.

[S. B. 22.]

## PROBATE CODE: TESTATOR'S SIGNATURE.

AN ACT relating to wills and amending Section 27 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 27 of chapter 156 of the Laws of 1917, page 650, (section 1397 of Remington's Compiled Statutes; section 10024 of Pierce's 1919 Code) be amended to read as follows:

§ 27, Ch. 156, L. 1917;  
§ 1397 Rem. Stats.;  
§ 10024, Pierce's 1919 Code.

Section 27. Every person who shall sign the testator's or testatrix's name to any will by his or her direction shall subscribe his own name to such

Signature of testator by subscribing witness.

Testator's mark.

will and state that he subscribed the testator's name at his request: *Provided*, That such signing and statement shall not be required if the testator shall evidence the approval of the signature so made at his request by making his mark on the will.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 92.

[S. B. 24.]

EXEMPTION OF PROCEEDS FROM INSURANCE.

AN ACT relating to the proceeds of life, health and accident insurance and repealing certain acts.

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

Proceeds of accident and health insurance exempt from debt.

SECTION 1. That the proceeds or avails of all accident and health insurance heretofore or hereafter effected shall be exempt from all liability for any debt of the assured, and any debt of the beneficiary existing at the time the policy is made available for his use.

Life Insurance exempt from debt.

SEC. 2. That the proceeds or avails of life insurance heretofore or hereafter effected by any person on his own life, or on another life, in favor of a person other than himself having an insurable interest therein, shall be exempt from all liability for any debt of the person effecting the insurance, or for any debt of the beneficiary existing at the time the policy is made available for his use, unless the contrary appears by the terms of the policy; and the person to whom such policy of life insurance is made payable may maintain an action thereon in his own name: *Provided*, That subject to the statute of limitations, the amount of any premium for said

Exception.



insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy, but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of a creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditors. Every policy of life insurance heretofore or hereafter made payable to or for the benefit of a married woman, or after its issue heretofore or hereafter assigned, transferred or in any way made payable to a married woman, or to any person in trust for her or for her benefit, whether procured by herself, her husband or any other person, and whether the assignment or transfer is made by her husband or by any other person, shall, unless contrary to the terms of the policy, inure to her separate use and benefit, and to that of her children, subject to the provisions of this section relative to premiums paid in fraud of creditors.

Premiums paid in fraud of creditors.

Payable to or for widow exempt from debts.

Exception.

SEC. 3. That chapter CXXV (125) of the Laws of 1895, page 336; chapter XLIX (49) of the Laws of 1897, page 70; chapter 142 of the Laws of 1909, pages 538-562; sections 569 and 7230-1 of Remington's Compiled Statutes, and sections 7855 and 7855-a of Pierce's 1919 Code, are hereby repealed.

Statutes repealed.

Passed the Senate February 1, 1927.

Passed the House January 28, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 93.

[S. B. 25.]

## POSSESSION OF PROPERTY SOLD UNDER EXECUTION.

AN ACT relating to the possession of property sold under execution, during the period of redemption and amending Section 15 of Chapter LIII of the Laws of 1899.

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

SECTION 1. That section 15 of chapter LIII (53) of the Laws of 1899, pages 93-94, (section 602 of Remington's Compiled Statutes; section 7917 of Pierce's 1919 Code) be amended to read as follows:

§ 15, Ch. 53,  
L. 1899;  
§ 602, Rem.  
Stats.;  
§ 7917  
Pierce's 1919  
Code.

Possession  
during  
period of  
redemption.

When mort-  
gagor may  
remain in  
possession.

If used for  
farming.

Section 15. The purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: *Provided*, That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor have such right: *Provided further*, That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall if the judgment debtor do not redeem have a lien upon the crops raised or harvested thereon during the period of

such possession for interest on the purchase price at the rate of six per cent per annum during the period of possession and for any taxes with interest: *And, provided further*, That in case of any homestead selected in the manner provided by law and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues or value of occupation.

In case of homesteads.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 94.

[S. B. 26.]

### PLACES OF LEWDNESS: ABATEMENT.

AN ACT relating to houses or places of lewdness, assignation or prostitution and amending Sections 5, 6 and 7 and repealing Section 8 of Chapter 127 of the Laws of 1913.

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

SECTION 1. That section 5 of chapter 127 of the Laws of 1913, pages 392-393, (section 946-5 of Remington's Compiled Statutes; section 8239 of Pierce's 1919 Code) be amended to read as follows:

§ 5, Ch. 127, L. 1913; § 946-5, Rem. Stats.; § 8239, Pierce's 1919 Code.

Section 5. If the existence of a nuisance be established in an action as provided in this act, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place where such nuisance is maintained, of all furniture, musical instruments and moveable property, used in conducting the nuisance, and may direct the sale thereof in the manner provided for the sale of chattels under execution, and there shall be entered as a part of the judgment in the case, an

Existence of nuisance established.

Order of abatement.

Sale of property.

Injunction  
against  
maintaining  
nuisance.

Penalty.

Punishment  
for contempt.

Fees of  
officer for  
sale of  
property  
and closing  
premises.

§ 6, Ch. 127,  
L. 1913 ;  
§ 946-6, Rem.  
Stats. ;  
§ 8240,  
Pierce's 1919  
Code.

Proceeds of  
sale—How  
applied.

order effectually closing the building or place against its use for any purpose, and so keeping it closed for a period of not exceeding six months, and such judgment shall contain a decree perpetually enjoining the person or persons found to have maintained such nuisance, from maintaining such nuisance, and such judgment shall impose a penalty of three hundred dollars for the maintenance of such nuisance, which penalty shall be imposed against the person or persons found to have maintained the nuisance, and, in case the owner, or agent, of the building is found to have had actual or constructive notice of the maintenance of such nuisance, against such owner, or agent, and against the building kept or used for the purposes prohibited by this act, which penalty shall be collected by execution as in civil actions, and when collected, shall be paid into the current expense fund of the county in which the judgment is had. If any person shall break and enter or use a building or place so directed to be closed, he shall be punished as for contempt as provided in the preceding section. For removing and selling all movable property, and collecting the penalty, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property, or collecting money, on execution. and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

SEC. 2. That section 6 of chapter 127 of the Laws of 1913, page 393, (section 946-6 of Remington's Compiled Statutes; section 8240 of Pierce's 1919 Code) be amended to read as follows:

Section 6. The proceeds of the sale of the personal property, as provided in the preceding section, shall be applied in payment of the costs of the action and abatement, and the penalty imposed upon the owners of such personal property, and the balance,

if any, shall be paid to the person owning such property prior to said sale.

SEC. 3. That section 7 of chapter 127 of the Laws of 1913, page 393, (section 946-7 of Remington's Compiled Statutes; section 8241 of Pierce's 1919 Code) be amended to read as follows:

§ 7, Ch. 127,  
L. 1913;  
§ 946-7, Rem.  
Stats.;  
§ 8241,  
Pierce's 1919  
Code.

Section 7. If the owner of the building in which a nuisance is found to be maintained, appears and pays all costs of the proceeding, and files a bond with sureties to be approved by the clerk in the full value of the property to be ascertained by the court, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court or judge may, if satisfied of his good faith, order the premises, closed under the order of abatement, to be delivered to said owner, and said order closing the building cancelled. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty or liability to which it may be subject by law.

Abatement  
voluntary.

Release.

SEC. 4. That section 8 of chapter 127 of the Laws of 1913, pages 393-394, (section 946-8 of Remington's Compiled Statutes; section 8242 of Pierce's 1919 Code) is hereby repealed.

Statute  
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 95.

[S. B. 30.]

## FORMATION AND ALTERATION OF SCHOOL DISTRICTS.

AN ACT relating to the formation and the alteration of boundaries of school districts, and amending certain Sections of Chapter 97 of the Laws of 1909.

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

Statute amended.

SECTION 1. That section 5 of Article I of (Sub) chapter 3 of Title III of chapter 97 of the Laws of 1909, pages 267-268, (section 4725 of Remington's Compiled Statutes; section 4917 of Pierce's 1919 Code) be amended to read as follows:

Hearing for formation of new district.

Section 5. At the hearing for the formation of a new school district, the county superintendent shall, in case the petition is granted, hear testimony offered by any person or school district interested therein, for the purpose of finding and determining the amount and value of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of the original school district or districts out of whose territory such new district is formed, including all legal uncompleted obligations then existing, and in so doing shall consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements, and the location of such improvements, and shall make an equitable adjustment of all property, debts and liabilities among the districts involved.

Adjustment of property, etc., among the districts.

Decision of County Superintendent.

Appeal therefrom.

He shall make a full record of all such findings and terms of adjustment and the decision of said county superintendent shall be final unless appealed from to the superior court of the county in which the district is situated, in the manner provided by law.

SEC. 2. That section 6 of Article I of (Sub) chapter 3 of Title III of chapter 97 of the Laws of 1909, page 268, (section 4726 of Remington's Compiled Statutes; section 4918 of Pierce's 1919 Code) be amended to read as follows:

Statute amended.

Section 6. When a new school district is formed in the manner provided by this article it shall be the duty of the county commissioners to provide by appropriate levies on the property of such new district, in the manner provided by law, for the payment of such indebtedness as may be imposed upon it by the decision of the county superintendent, or in case of appeal, by the superior court.

Levy of tax to pay indebtedness.

SEC. 3. That section 2 of Article II of (sub) chapter 3 of Title III of chapter 97 of the Laws of 1909, pages 268-269, (section 4728 of Remington's Compiled Statutes; section 4920 of Pierce's 1919 Code) be amended to read as follows:

Statute amended.

Section 2. At the hearing for the alteration of any school district the county superintendent shall, in case the petition is granted, hear testimony offered by any person or school district, for the purpose of finding and determining the value and amount of any school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of each school district affected by the action, including all legal uncompleted obligations then existing, and in so doing shall consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements, and shall make an equitable adjustment of all property, debts and liabilities among the districts involved.

Hearing for alteration of boundaries.

Adjustment of property and liabilities.

He shall make a full report of all such findings and terms of adjustment and the decision of said county superintendent shall be final unless appealed

Report of terms of adjustment.

Appeal. from to the superior court of the county in which the district is situated, in the manner provided by law.

Statute amended. SEC. 4. That section 3 of Article II of (Sub) chapter 3 of Title III of chapter 97 of the Laws of 1909, page 269, (section 4729 of Remington's Compiled Statutes; section 4921 of Pierce's 1919 Code) be amended to read as follows:

Levy to pay indebtedness. Section 3. In case of the alteration of any school district, in the manner provided by this article, it shall be the duty of the board of county commissioners to provide by appropriate levies on the property of such district, in the manner provided by law, for the payment of such indebtedness as may be imposed upon it by the decision of the county superintendent, or in case of appeal, by the superior court.

Statute amended. SEC. 5. That section 3 of Article III of (Sub) chapter 3 of Title III of chapter 97 of the Laws of 1909, page 270, (section 4732 of Remington's Compiled Statutes; section 4924 of Pierce's 1919 Code) be amended to read as follows:

Hearing as to adjustment of property and liabilities among the districts. Section 3. At such hearing the county superintendent shall hear testimony offered by any person or school district interested therein pertaining to the value and amount of any school property, of whatever nature, including current funds and taxes, involved in the proposed action, the assessed value of all taxable property in said districts, the nature, amount and value of all bonded, warrant and other indebtedness of each school district affected by the action, including all legal uncompleted obligations then existing; and whenever the territory so added to the school district embracing such incorporated city, shall include a part only of the school districts from which such territory shall be taken, he shall consider the amount of outstanding indebtedness, of each of said school districts, incurred for current



expenses, the amount incurred for permanent improvements and the location of such improvements, for the purpose of making such equitable adjustment of all property, debts and liabilities among the districts involved. He shall make a full report of his findings and terms of adjustment, and the decision of said county superintendent shall be final unless appealed from to the superior court of the county in which the district is situated, in the manner provided by law.

Appeal to  
superior  
court.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 8, 1927.

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## CHAPTER 96.

[S. B. 34.]

### DEPOSITIONS.

AN ACT relating to the taking of depositions and amending Section 410 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 410 of the Code of Washington Territory of 1881 (section 1232 of Remington's Compiled Statutes; section 7728 of Pierce's 1919 Code), be amended to read as follows:

§ 410, Code of 1881;  
§ 1232, Rem. Stats.;  
§ 7728, Pierce's 1919 Code.

Section 410. Either party may commence taking testimony by depositions at any time after the court has acquired jurisdiction over the action, suit or proceeding, and the persons of the parties thereto against whom the depositions are to be introduced.

Time for taking testimony by depositions.

Passed the Senate January 12, 1927.

Passed the House January 31, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 97.

[S. B. 35.]

## CRIMES ON PUBLIC CONVEYANCES: VENUE.

AN ACT relating to the venue of criminal prosecutions and repealing Section 41 of Chapter 249 of the Laws of 1909.

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

Statute  
repealed.

SECTION 1. That section 41 of chapter 249 of the Laws of 1909, pages 900-901, (section 8728 of Pierce's 1919 Code) is hereby repealed.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 98.

[S. B. 36.]

## MANUFACTURE, SALE OR GIFT OF INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors and amending Section 4 of Initiative Measure No. 3, Chapter 2 of the Laws of 1915.

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

Ch. 2, L.  
1915, p. 3;  
§ 7309, Rem.  
Stats.;  
§ 3166,  
Pierce's 1919  
Code.

SECTION 1. That section 4 of Initiative Measure No. 3, chapter 2 of the Laws of 1915, page 3, (section 7309 of Remington's Compiled Statutes; section 3166 of Pierce's 1919 Code) be amended to read as follows:

Manufacture,  
sale or gift  
of intoxicants  
unlawful.

Section 4. It shall be unlawful for any person to manufacture, sell, barter, exchange, give away, furnish or otherwise dispose of any intoxicating liquor, or to keep any intoxicating liquor, with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same, except as in this act provided.

Passed the Senate January 12, 1927.

Passed the House January 28, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 99.

[S. B. 33.]

SCHOOL DISTRICT BONDS.

AN ACT relating to bonds of school districts and amending Section 1 of (Sub) Chapter 10 of Title III of Chapter 97 of the Laws of 1909.

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

SECTION 1. That section 1 of (Sub) chapter 10 of Title III of chapter 97 of the Laws of 1909, page 324, (section 4941 of Remington's Compiled Statutes; section 5110 of Pierce's 1919 Code) be amended to read as follows:

Section 1. The board of directors of any school district provided for in this act, or hereafter created in this state, may borrow money and issue negotiable coupon bonds therefor, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of a school house site or sites for buildings or playgrounds authorized by law, erecting one or more school houses, an administration building and all other buildings authorized by law and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, when authorized by vote of the district so to do, as provided in the next section: *Provided*, That the amount of money so borrowed and bonds issued therefor shall not exceed five (5) per cent of the assessed valuation of the taxable property in such district, as shown by the last assessment roll for county and state purposes previous to the incurring of such indebtedness, except that in incorporated cities the valuation shall be taken from the last assessment for city purposes: *And provided further*, That the bonds so issued shall bear a rate

§ 1, L. 1909, p. 324; § 4941, Rem. Stats.; § 5110, Pierce's 1919 Code.

School district directors may borrow money and issue bonds for certain purposes.

Vote of district necessary to authorize.

Limit of borrowing.

Rate of interest on bonds.

Period in which payable.

Bonds to be issued in serial form.

of interest not to exceed six (6) per cent per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds. All school district bonds shall be payable within a period of not to exceed twenty-three years from date, except when issued by districts of the first class for the purpose of acquiring buildings or playground sites, or for erecting buildings of a permanent character, in which case they shall be made payable in semi-annual or annual installments, beginning the third year over any period not exceeding forty years from date: *And provided further,* That from and after July 1, 1919, all bonds issued by any school district shall be issued in serial form.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

### CHAPTER 100.

[S. B. 39.]

#### ATTACHMENTS AND GARNISHMENTS.

AN ACT relating to attachments and amending and repealing certain sections of an act in relation thereto.

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

§ 13, L. 1885-86, p. 42; § 659, Rem. Stats.; § 7391, Pierce's 1919 Code.

SECTION 1. That section 13 of an act entitled "An Act in relation to attachments and garnishments", approved February 3, 1886, Laws of 1885-6, page 42, (section 659 of Remington's Compiled Statutes; section 7391 of Pierce's 1919 Code) be amended to read as follows:

How writ executed.

Section 13. The sheriff to whom the writ is directed and delivered must execute the same without delay as follows:

Realty.

1. Real property shall be attached by filing a copy of the writ, together with a description of the

property attached, with the county auditor of the county in which the attached real estate is situated.

2. Personal property, capable of manual delivery, shall be attached by taking into custody. Personalty.

3. Stock or shares, or interest in stock or shares, of any corporation, association or company, shall be attached by leaving with the president or other head of the same, or the secretary, cashier or managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ. Stock, shares or interest therein.

SEC. 2. That section 21 of an act entitled "An Act relating to attachments and garnishments", approved February 3, 1886, Laws of 1885-6, page 43, (section 666 of Remington's Compiled Statutes; section 7398 of Pierce's 1919 Code) be amended to read as follows: § 21, L. 1885-86, p. 43; § 666, Rem. Stats.; § 7398, Pierce's 1919 Code.

Section 21. The sheriff shall make a full inventory of the property attached and return the same with the writ. Sheriff to make and return inventory with writ.

SEC. 3. That sections 18, 22, 23 and 24 of an act entitled "An Act relating to attachments and garnishments", approved February 3, 1886, Laws of 1885-6, pages 43 and 44, are hereby repealed. Statutes repealed.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 101.

[S. B. 40.]

## GARNISHMENTS.

AN ACT relating to garnishments and amending Section 19 of an act entitled "An Act in relation to attachments and garnishments", approved February 3, 1886.

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

§ 19, L. 1885-86, p. 43;  
§ 664, Rem. Stats.;  
§ 7396, Pierce's 1919 Code.

SECTION 1. That section 19 of an act entitled "An Act in relation to attachments and garnishments", approved February 3, 1886, Laws of 1885-6, page 43, (section 664 of Remington's Compiled Statutes; section 7396 of Pierce's 1919 Code) be amended to read as follows:

When money in hands of officer may be attached.

Section 19. A sheriff, constable or any peace officer may be garnished for money of the defendant in his hands but nothing herein shall be construed as permitting the garnishment of a sheriff, constable or other peace officer for money or property taken from a person arrested by such officer, at the time of the arrest. A judgment debtor of the defendant may be garnished when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk, and by him minuted as an assignment on the margin of the execution docket, and also an executor or administrator may be garnished for money due from the decedent to the defendant.

Passed the Senate February 1, 1927.

Passed the House January 28, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 102.

[S. B. 41.]

## APPEALS FROM SCHOOL BOARDS AND COUNTY SUPERINTENDENTS OF SCHOOLS.

AN ACT relating to appeals from boards of school directors and county superintendents of schools, and amending Sections 4, 5 and 6 of (Sub) Chapter 15 of Title III of Chapter 97 of the Laws of 1909.

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

SECTION 1. That section 4 of (Sub) chapter 15 of Title III of chapter 97 of the Laws of 1909, page 363, (section 5067 of Remington's Compiled Statutes; section 5214 of Pierce's 1919 Code) be amended to read as follows:

§ 4, L. 1909,  
p. 363;  
§ 5067, Rem.  
Stats.;  
§ 5214,  
Pierce's  
1919 Code.

Section 4. Having received the basis of appeal, as set forth in the preceding section, the officer to whom the appeal is taken shall within ten days notify in writing the party from whose action the appeal is taken of the taking of such appeal and of its nature and scope. Within twenty days after such notice the said party shall file a complete transcript, properly certified to be correct, of the record and papers and proceedings relating to the decision complained of. Upon the filing of such transcript notice shall be duly given to all parties interested of the time and place where the matter of the appeal shall be heard and determined.

Notice of  
appeal.

Filing of  
transcript.

Notice of  
hearing.

SEC. 2. That section 5 of (Sub) chapter 15 of Title III of chapter 97 of the Laws of 1909, pages 363-364, (section 5068 of Remington's Compiled Statutes; section 5215 of Pierce's 1919 Code) be amended to read as follows:

§ 5, L. 1909,  
p. 363-4;  
§ 5068, Rem.  
Stats.;  
§ 5215,  
Pierce's  
1919 Code.

Section 5. At the hearing of an appeal, properly presented in accordance with this chapter, the county superintendent shall hear testimony of all parties interested, and for the purpose may administer oaths

Hearing by  
County Su-  
perintendent.

if necessary, may summon witnesses or demand records or certified copies of the same. In the case of a hearing on appeal by the superintendent of public instruction no new evidence may be admitted but in case of an appeal to the superior court, the court may hear the case *de novo*.

By superin-  
tendent of  
public in-  
struction.

By superior  
court.

§ 6, L. 1909,  
p. 364 ;  
§ 5069, Rem.  
Stats. ;  
§ 5216,  
Pierce's  
1919 Code.

SEC. 3. That section 6 of (Sub) chapter 15 Title III of chapter 97 of the Laws of 1909, page 364, (section 5069 of Remington's Compiled Statutes; section 5216 of Pierce's 1919 Code) be amended to read as follows:

When de-  
cision final.

Section 6. In decisions of appeal by the superintendent of public instruction the decision or order shall be final unless set aside by a court of competent jurisdiction in an action brought therein to review such order or decision.

Passed the Senate February 1, 1927.

Passed the House January 28, 1927.

Approved by the Governor February 8, 1927.

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## CHAPTER 103.

[S. B. 42.]

### CRIMINAL CHARGE BY INFORMATION OR INDICTMENT.

AN ACT relating to the rights of parties accused of crime, and amending Section 764 of the Code of Washington Territory of 1881, and repealing Section 10 of Chapter XXVIII of the Laws of 1891.

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

§ 764, Code  
of 1881 ;  
§ 2023, Rem.  
Stats. ;  
§ 9148,  
Pierce's  
1919 Code.

SECTION 1. That section 764 of the Code of Washington Territory of 1881, (section 2023 of Remington's Compiled Statutes; section 9148 of Pierce's 1919 Code) be amended to read as follows:

Information  
or indict-  
ment essen-  
tial in  
criminal  
actions.

Section 764. That no person shall be held to answer in any court for an alleged crime or offense,



unless upon an information filed by the prosecuting attorney, or upon an indictment by a grand jury, except in cases of misdemeanor or gross misdemeanor before a justice of the peace, or before a court martial. Exceptions.

SEC. 2. That section 10 of chapter XXVIII of the Laws of 1891 is hereby repealed. Statute repealed.

Passed the Senate January 13, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 104.

[S. B. 43.]

SUPPORT OF FAMILY OF DECEASED PERSONS: HOMESTEAD.

AN ACT relating to provisions for the support of the family of deceased persons, and amending Section 104 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 104 of chapter 156 of the Laws of 1917, pages 671-672, (section 1474 of Remington's Compiled Statutes; section 9894 of Pierce's 1919 Code) be amended to read as follows: § 104, Ch. 156, L. 1917; § 1474, Rem. Stats.; § 9894, Pierce's 1919 Code.

Section 104. In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed two thousand dollars (\$2,000.00), exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, to enter a decree, upon such notice as the court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in Awarding of homestead to surviving spouse.  
  
Value not exceeding \$2,000.00.

Additional property awarded.

Total awarded to equal \$3,000.00.

When awards from separate property not permitted.

fee simple in the survivor. In addition thereto, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, shall set off and award to such survivor, other property, either separate or community, not to exceed one thousand dollars (\$1,000.00) in value, exclusive of all such liens. If the value of the homestead, exclusive of all such liens, be less than two thousand dollars (\$2,000.00), the court shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens, when added to the value of the other property awarded, exclusive of all such liens, shall equal three thousand dollars (\$3,000.00). Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions: *Provided*, That the awards in this and the next preceding section provided for, shall not be taken from separate property of the deceased, which is otherwise disposed of by will, where there is no minor child living as the issue or adopted child of the surviving spouse and the deceased.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 105.

[S. B. 44.]

## MOTOR VEHICLES.

AN ACT relating to vehicles upon public highways, and amending  
Section 35 of Chapter 96 of the Laws of 1921.

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

SECTION 1. That section 35 of Chapter 96 of the  
Laws of 1921, page 276, (section 6347 of Remington's  
Compiled Statutes) be amended to read as follows:

Section 35. It shall be unlawful for any person  
to leave any vehicle standing upon the main traveled  
portion of any highway of this state outside of any  
incorporated city or town: *Provided*, That this pro-  
vision shall not apply to any vehicle so disabled as to  
prohibit the moving of the same. And it shall be un-  
lawful for any person to leave any disabled vehicle  
standing on any traveled portion of any highway of  
this state outside of any incorporated city or town  
at any time between one-half hour after sunset and  
one-half hour before sunrise without having a red  
light displayed on the rear end of such vehicle at the  
side thereof nearest the center of the highway.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

§ 35, Ch. 96,  
L. 1921:  
§ 6347, Rem.  
Stats. Sec.  
222-6,  
Pierce's  
Code.

Vehicle  
standing  
upon  
traveled por-  
tion of  
highway pro-  
hibited.

Disabled  
vehicle.

Red light to  
be displayed  
on disabled  
vehicle.

## CHAPTER 106.

[S. B. 45.]

## LIMITED PARTNERSHIPS.

AN ACT relating to limited partnerships, and amending Section 2371 of the Code of Washington Territory of 1881.

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

§ 2371, Code of 1881 ;  
§ 9967, Rem. Stats. ;  
§ 4347, Pierce's 1919 Code.

SECTION 1. That section 2371 of the Code of Washington Territory of 1881, (section 9967 of Remington's Compiled Statutes; section 4347 of Pierce's 1919 Code) be amended to read as follows:

Who may compose limited partnerships. Liability of members.

Section 2371. A limited partnership may consist of two or more persons, who are known and called general partners, and are jointly liable as general partners now are by law, and of two or more persons who shall contribute to the common stock a specific sum in actual money as capital, and are known and called special partners, and are not personally liable for any of the debts of the partnership, except as in this chapter specially provided.

General partners.

Special partners.

Passed the Senate January 13, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 107.

[S. B. 46.]

INSURANCE CODE: AGENTS.

AN ACT relating to insurance agents, and amending Section 44 of Chapter 49 of the Laws of 1911, and repealing Section 8 of Chapter 177 of the Laws of 1915 and Section 2 of Chapter 26 of the Laws of 1923.

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

SECTION 1. That section 44 of chapter 49 of the Laws of 1911, page 200, (section 7088 of Remington's Compiled Statutes; section 2951 of Pierce's 1919 Code) be amended to read as follows:

§ 44, Ch. 49, L. 1911 ;  
§ 7088. Rem. Stats. ;  
§ 2951. Pierce's 1919 Code.

Section 44. It shall be unlawful for any company, corporation or association to transact the business of insurance in this state, except as provided in section 75 of this act (section 7120 of Remington's Compiled Statutes: section 2982 of Pierce's 1919 Code) 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.

Insurance business unlawful until certificate of authority from Commissioner.

No person, firm or corporation shall act as agent for an insurance company, in the transaction of any business of insurance within this state, or negotiate for, or place risks for, any such company, or in any way or manner aid such company in effecting insurance, or otherwise in this state, except as provided in section 75 of this act unless such company shall in all things have complied with the provisions of this act. 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.

Agent may act only for authorized companies.

Every insurance agent, solicitor or broker shall annually, on or before the first day of April; pro-

Agents to obtain license annually.

cure a license from the commissioner who shall make and keep a record thereof. Every insurance company which shall jointly with any other company or companies issue an underwriter's policy of insurance, as provided in section 19 of this act (section 7051 of Remington's Compiled Statutes; section 2926 of Pierce's 1919 Code), 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.

Doing business without authority a gross misdemeanor.

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.

Statutes repealed.

SEC. 2. That section 8 of chapter 177 of the Laws of 1915, pages 595-596, and section 2 of chapter 26 of the Laws of 1923, pages 57-59, are hereby repealed.

Passed the Senate January 18, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 108.

[S. B. 50.]

## LIENS FOR RENT.

AN ACT relating to liens for rent and amending Section 1 of Chapter 165 of the Laws of 1917.

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

SECTION 1. That section 1 of chapter 165 of the Laws of 1917, pages 769-770, (section 1203-1 of Remington's Compiled Statutes; section 9677 of Pierce's 1919 Code) be amended to read as follows:

§ 1, Ch. 165,  
L. 1917;  
§ 1203-1,  
Rem. Stats. ;  
§ 9677,  
Pierce's  
1919 Code.

Section 1. Any person to whom rent may be due, his executors, administrators, or assigns, shall have a lien for such rent upon personal property which has been used or kept on the rented premises by the tenant, except property of third persons delivered to or left with the tenant for storage, repair, manufacture, or sale, or under conditional bills of sale duly filed, and such property as is exempt from execution by law. Such liens for rent shall be paramount to, and have preference over, all other liens except liens for taxes, general and special liens of labor, and liens of mortgages duly recorded prior to the tenancy. Such liens shall not be for more than two months' rent due or to become due, nor for any rent or any installment thereof which has been due for more than two months at the time of the commencement of an action to foreclose such liens; no writing or recording shall be necessary to create such lien; and if such property be removed from the rented premises and not returned to the owner, agent, executor, administrator, or assign, said lien shall continue and be a superior lien on the property so removed for ten days from the date of its removal, and said lien may be enforced against the property wherever found. In the event the property contained

Lien for  
rent.  
What prop-  
erty subject.

Priority.

Extent of  
lien.

Lienor's  
right of sub-  
rogation if  
property de-  
stroyed.

Act not ap-  
plicable to  
home or  
residence.

in the rented premises be destroyed by fire or other elements, the lien shall extend to any money that may be received by the tenant as indemnity for the destruction of said property, nor shall the lien be lost by the sale of the said property, except merchandise sold in the usual course of trade or to purchasers without notice of the tenancy. The provisions of this act shall not apply to, nor shall it be enforced against, the property of tenants in dwelling houses or apartments or any other place that is used exclusively as a home or residence of the tenant and his family.

Passed the Senate February 2, 1927.

Passed the House January 31, 1927.

Approved by the Governor February 8, 1927.

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## CHAPTER 109.

[S. B. 54.]

### LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

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

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

§ 12, Ch. 98,  
L. 1911;  
§ 9363, Rem.  
Stats.;  
§ 1000,  
Pierce's  
1919 Code.

SECTION 1. That section 12 of chapter 98 of the Laws of 1911, pages 445-446, (section 9363 of Remington's Compiled Statutes; section 1000 of Pierce's 1919 Code) be amended to read as follows:

Limit of  
assessment.

Section 12. 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 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 the assessed valuation of the real estate, exclusive of improvements thereon, within such district, according to the valuation last placed upon it for the 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 9 of this act (9360 Remington's Compiled Statutes; 997 Pierce's 1919 Code) and such petition shall be signed by the owners of sixty (60%) per cent of the lineal frontage upon the improvement to be made and three-fourths of the area within the limits of the proposed improvement district, and shall specify a certain higher percentage up to which the property within such proposed improvement district may be assessed: *Provided, further*, That the jurisdiction of the council or other legislative authority to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the council prior to the awarding of the contract for such improvement signed by the owners of property within the 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 116 of the Laws of 1911 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, such certificate of such board, officer or other authority shall be final and conclusive.

When may exceed limit.

When jurisdiction to proceed may be divested.

Jurisdiction of city commission.

How divested.

Computing  
valuation.

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.

Statutes  
repealed.

SEC. 2. That section 1 of chapter 168 of the Laws of 1915, pages 526-527; chapter 128 of the Laws of 1921, pages 420-421 and chapter 135 of the Laws of 1923, pages 371-373, are hereby repealed: *Provided*, That such repeal shall not operate to affect the validity of any act done under and by virtue of either of said acts repealed or the levy and collection of any assessments made thereunder.

Saving  
clause.

Passed the Senate January 19, 1927.

Passed the House January 31, 1927.

Approved by the Governor February 8, 1927.

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## CHAPTER 110.

[H. B. 65.]

### JOINT BOARD OF HIGHER CURRICULA.

AN ACT relating to higher education and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That section 12 of chapter 10 of the Laws of 1917, page 36-37; chapter 85 of the Laws of 1921, page 227, and section 4745 of Pierce's 1919 Code, are hereby repealed.

Passed the House January 20, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 111.

[H. B. 72.]

## WIRE FENCES.

AN ACT relating to barbed and other wire fences and repealing certain acts in relation thereto.

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

SECTION 1. That sections 1263 to 1265, both inclusive, of the Code of Washington Territory of 1881; an act entitled "An Act relative to barbed and other wire fences and the repeal of certain sections of the Code of Washington", approved November 26, 1883, Laws of 1883, pages 57-58; an act entitled "An Act regulating the building of barbed wire fences", approved January 19, 1886, Laws of 1885-6, pages 126-127; chapter LIII (53) of the Laws of 1887-8, pages 95-96; sections 5454 to 5458, both inclusive, of Remington's Compiled Statutes, and sections 2383 to 2387, both inclusive, of Pierce's 1919 Code, are hereby repealed. Statutes repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 112.

[H. B. 77.]

## STATE BOARD OF AUDIT AND CONTROL.

AN ACT relating to the government control and maintenance of state institutions and repealing Chapter CVIII of the Laws of 1897.

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

SECTION 1. That chapter CVIII (108) of the Laws of 1897, pages 304-307, is hereby repealed: *Provided*, That the repeal of said act shall not be construed as reviving any former acts or parts of acts superseded or impliedly repealed thereby.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 113.

[H. B. 78.]

## CONSTRUCTION OF DITCHES, ETC.: PAYMENT THEREFOR.

AN ACT relating to ditches, drains and watercourses and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CXCI (191), sections 2501-2516, both inclusive, of the Code of Washington Territory of 1881; an act entitled "An Act to provide for the construction of ditches, drains or watercourses", approved November 28, 1883, Laws of 1883, pages 77-82; an act entitled "An Act to provide for the construction, repairing and protection of drains and ditches for agricultural, sanitary and domestic purposes, and to provide for the organiza-

Statute  
repealed.

Former acts  
not revived.

Statutes  
repealed.

tion of drainage districts, and declaring an emergency", approved March 19, 1890, Laws of 1889-90, pages 652-670; chapter LXXXVIII (88) of the Laws of 1893, pages 218-219; chapter LXXIX (79) of the Laws of 1895, pages 142-146, and chapter 184 of the Laws of 1903, pages 390-391, are hereby repealed: *Provided*, That the repeal of said acts or either of them shall not be construed as affecting the validity of any act done or any rights acquired under them or either of them.

Saving  
clause.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

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## CHAPTER 114.

[H. B. 79.]

### SCHOOL ELECTIONS: REGISTRATION OF VOTERS.

AN ACT relating to the registration of voters in school districts having a population of ten thousand or more, and repealing Chapter XXXII of the Laws of 1897.

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

SECTION 1. That chapter XXXII (32) of the Laws of 1897, pages 40-45, is hereby repealed.

Statute  
repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 115.

[H. B. 80.]

## EXEMPTIONS.

AN ACT relating to exemptions of personal property and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. That section 1 of chapter LVII (57) of the Laws of 1897, page 93; chapter CLVIII (158) of the Laws of 1901, pages 323-324; chapter 88 of the Laws of 1903, page 135; section 564 of Remington's Compiled Statutes and section 7852 of Pierce's 1919 Code, are hereby repealed.

Statutes  
repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 116.

[H. B. 81.]

## SCREENING AND WEIGHING OF COAL.

AN ACT relating to the screening and weighing of coal and repealing Chapter CLXI of the Laws of 1891.

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

SECTION 1. That chapter CLXI (161) of the Laws of 1891, pages 414-415, is hereby repealed.

Statute  
repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 117.

[H. B. 82.]

## LEGISLATIVE APPORTIONMENT.

AN ACT relating to legislative apportionment and repealing a certain act in relation thereto.

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

SECTION 1. That an act entitled "An Act to prescribe the number of senators and members of the house of representatives of legislature of the State of Washington; to provide for the election of the same, and for the apportionment of the state into senatorial and representative districts, and declaring an emergency", approved September 11, 1890, Laws of the special session held September 3rd to 11th, inclusive, 1890, is hereby repealed.

Statute  
repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 118.

[H. B. 83.]

## PILOTAGE.

AN ACT relating to pilotage on the Columbia River and repealing Chapter XCII of the Laws of 1887-8.

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

SECTION 1. That chapter XCII (92) of the Laws of 1887-8, pages 171-175, (sections 9876 to 9890, both inclusive, of Remington's Compiled Statutes; Sections 4471-5 to 4471-19, both inclusive, of Pierce's 1919 Code) is hereby repealed.

Statute  
repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 119.

[H. B. 84.]

## STATE BOARD OF FINANCE.

AN ACT relating to the fiscal affairs of the state and repealing Chapter CLXIX of the Laws of 1895.

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

Statute  
repealed.

SECTION 1. That chapter CLXIX (169) of the Laws of 1895, pages 462-465, is hereby repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 120.

[H. B. 85.]

## VACANCIES IN BOARDS OF COUNTY COMMISSIONERS.

AN ACT relating to filling vacancies in boards of county commissioners and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That section 2665 of the Code of Washington Territory of 1881, (section 4044 of Remington's Compiled Statutes; section 1657 of Pierce's 1919 Code) is hereby repealed.

SEC. 2. That an act entitled "An Act relative to filling vacancy in board of county commissioners", approved November 23, 1883, Laws of 1883, page 67, and chapter XXIX (29) of the Laws of 1893, pages 44-45, are hereby repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 8, 1927.



## CHAPTER 121.

[H. B. 91.]

## APPEALS TO THE SUPREME COURT.

AN ACT relating to appeals to, and removal of causes to the supreme court, and repealing certain acts in relation thereto.

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

SECTION 1. That sections 445 to 496, both inclusive, of the Code of Washington Territory of 1881; an act entitled "An Act in relation to the removal of causes to the supreme court", approved November 23, 1883, Laws of 1883, pages 59-60; Chapter III (3) of the Laws of 1887-8, page 3; an act entitled "An Act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such causes", approved March 22, 1890, Laws of 1889-90, pages 333-336; an act entitled "An Act to amend section 1 of an act entitled 'An Act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such causes, approved March 22, 1890', Laws of 1889-90, pages 336-337, and Chapter CXLVI (146) of the Laws of 1891, pages 341-352, are hereby repealed.

Statutes  
repealed.

Passed the House January 24, 1927.

Passed the Senate January 27, 1927.

Approved by the Governor February 8, 1927.

## CHAPTER 122.

[S. B. 20.]

## CONVICTION OR ACQUITTAL UPON DEFECTIVE INDICTMENT OR INFORMATION.

AN ACT relating to conviction or acquittal upon a defective indictment or information and repealing certain acts in relation thereto.

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

SECTION 1. That sections 768 and 1059 of the Code of Washington Territory of 1881 and section 60 of chapter XXVIII (28) of the Laws of 1891, pages 57-58, (section 2113 of Remington's Compiled Statutes) are hereby repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 123.

[H. B. 95.]

## ACTIONS IN FORCIBLE ENTRY AND DETAINER.

AN ACT relating to actions in forcible entry, forcible detainer and unlawful detainer, and amending sections 8, 9, 10 and 11 of Chapter XCVI of the Laws of 1891.

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

SECTION 1. That section 8 of chapter XCVI (96) of the Laws of 1891, page 182, (section 817 of Remington's Compiled Statutes; section 7975 of Pierce's 1919 Code) be amended to read as follows:

Section 8. The plaintiff in his complaint, which shall be in writing, must set forth the facts on which he seeks to recover, and describe the premises with reasonable certainty, and may set forth therein any

Statutes  
repealed.

§ 8, Ch. 96,  
L. 1891;  
§ 817, Rem.  
Stats.;  
§ 7975,  
Pierce's  
1919 Code.

Complaint.

Contents.

circumstances of fraud, force or violence, which may have accompanied the said forcible entry or forcible or unlawful detainer, and claim damages therefor, or compensation for the occupation of the premises, or both; in case the unlawful detainer charged be after default in the payment of rent, the complaint must state the amount of such rent. A summons must be issued as in other cases, returnable at a day designated therein, which shall not be less than six nor more than twelve days from the date of service, except in cases where the publication of summons is necessary, in which case the court or judge thereof may order that the summons be made returnable at such time as may be deemed proper, and the summons shall specify the return day so fixed.

Return day.

SEC. 2. That section 9 of chapter XCVI (96) of the Laws of 1891, page 183, (section 818 of Remington's Compiled Statutes; section 7976 of Pierce's 1919 Code) be amended to read as follows:

§ 9, Ch. 96,  
L. 1891;  
§ 818, Rem.  
Stats.;  
§ 7976,  
Pierce's  
1919 Code.

Section 9. The summons must state the names of the parties to the proceeding, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him. The summons must be directed to the defendant, and in case of summons by publication, be served at least five days before the return day designated therein. The summons must be served and returned in the same manner as summons in other actions is served and returned.

Summons.

SEC. 3. That section 10 of chapter XCVI (96) of the Laws of 1891, page 183, (section 819 of Remington's Compiled Statutes; section 7977 of Pierce's 1919 Code) be amended to read as follows:

§ 10, Ch. 96,  
L. 1891;  
§ 819, Rem.  
Stats.;  
§ 7977,  
Pierce's  
1919 Code.

Section 10. The plaintiff at the time of commencing an action of forcible entry or detainer or

Application  
for writ of  
restitution.

unlawful detainer, or at any time afterwards, may apply to the judge of the court in which the action is pending for a writ of restitution restoring to the plaintiff the property in the complaint described, and the judge shall order a writ of restitution to issue. The writ shall be issued by the clerk of the superior court in which the action is pending, and be returnable in twenty days after its date; but before any writ shall issue prior to judgment the plaintiff shall execute to the defendant and file in court a bond in such sum as the court or judge may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the writ of restitution having been issued, should the same be wrongfully sued out.

Return day.

Bond.

§ 11, Ch. 96,  
L. 1891;  
§ 820, Rem.  
Stats.;  
§ 7978,  
Pierce's  
1919 Code.

SEC. 4. That section 11 of chapter XCVI (96) of the Laws of 1891, pages 183-184, (section 820 of Remington's Compiled Statutes; section 7978 of Pierce's 1919 Code) be amended to read as follows:

Sheriff's  
duty.

Section 11. The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his agent or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, nor until after the defendant has been served with summons in the action as hereinabove provided, and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of said court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the said premises, or any rent found

Bond by  
defendant.

due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of said premises, and also all the costs of the action. The plaintiff, his agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon said bond before said bond shall be approved by the clerk. The writ may be served by the sheriff, in the event he shall be unable to find the defendant, an agent or attorney, or a person in possession of the premises, by affixing a copy of said writ in a conspicuous place upon the premises.

Notice to plaintiff.

How writ served.

Passed the House January 24, 1927.

Passed the Senate January 27, 1927.

Approved by the Governor February 11, 1927.

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## CHAPTER 124.

[H. B. 86.]

### COMPENSATION OF COUNTY COMMISSIONERS.

AN ACT relating to compensation of county commissioners and repealing certain acts in relation thereto.

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

SECTION 1. That section 2670 of the Code of Washington Territory of 1881, and sections 3, 4, 5 and 6 of chapter LXXV (75) of the Laws of 1893, pages 176-177, are hereby repealed.

Statutes repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 125.

[H. B. 87.]

## EMPLOYMENT OF PRISONERS.

AN ACT relating to the employment of prisoners in county jails and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That section 2685 of the Code of Washington Territory of 1881, (section 4062 of Remington's Compiled Statutes; section 1674 of Pierce's 1919 Code) and sections 4063 and 4064 of Remington's Compiled Statutes, are hereby repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 126.

[H. B. 88.]

## DISESTABLISHMENT OF HARBOR LINES.

AN ACT relating to the disestablishment of harbor lines and repealing Chapter CLIX of the Laws of 1895.

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

Statute  
repealed.

SECTION 1. That chapter CLIX (159) of the Laws of 1895, pages 406-407, is hereby repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 127.

[H. B. 89.]

## INJURIES TO LIVE STOCK BY RAILROADS.

AN ACT relating to railroads and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CXXVIII (128) of the Laws of 1893, pages 418-419, and chapter 158 of the Laws of 1903, pages 332-333, are hereby repealed. Statutes repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 128.

[H. B. 92.]

## EXTRAORDINARY WRITS.

AN ACT relating to writs of certiorari, mandamus and prohibition, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter LIX (59), sections 689-701, and chapter CXXV (125), sections 1849-1857, of the Code of Washington Territory of 1881; and chapter XXIV (24) of the Laws of 1891, page 41, are hereby repealed. Statutes repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 129.

[H. B. 93.]

## DEFICIENCY JUDGMENTS.

AN ACT relating to deficiency judgments, and repealing Chapter LXIII of the Laws of 1897.

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

Statute  
repealed.

SECTION 1. That chapter LXIII (63) of the Laws of 1897, page 98, is hereby repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 130.

[H. B. 94.]

## LABOR AND MATERIAL LIENS.

AN ACT relating to liens for labor and material and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That chapter CXXXVIII (138), sections 1957 to 1971, both inclusive, of the Code of Washington Territory of 1881, and chapter LXXVI (76) of the Laws of 1887-8, page 131, are hereby repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.



## CHAPTER 131.

[H. B. 97.]

## ATTACHMENTS AND GARNISHMENTS.

AN ACT relating to the discharge of attachments and amending Section 31 of an act entitled "An Act in relation to attachments and garnishments," approved February 3, 1886.

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

SECTION 1. . That section 31 of an act entitled "An Act in relation to attachments and garnishments", approved February 3, 1886, Laws of 1885-6, page 45, (section 673 of Remington's Compiled Statutes; section 7405 of Pierce's 1919 Code) be amended to read as follows:

§ 31, L. 1885-  
86, p. 45 :  
§ 673, Rem.  
Stats. ;  
§ 7405,  
Pierce's  
1919 Code.

Section 31. The defendant may at any time after he has appeared in the action and before he has given bond to the effect that he will perform the judgment of the court, as provided in section 29 of this act, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought or to the judge thereof, that the writ of attachment be discharged on the ground that the same was improperly or irregularly issued.

Motion to  
discharge.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 132.

[H. B. 98.]

## LIMITATIONS ON COMMENCEMENT OF ACTIONS.

AN ACT relating to limitations on the commencement of actions, and amending Section 36 of the Code of Washington Territory of 1881.

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

§ 36, Code of 1881; § 168, Rem. Stats.; § 8175, Pierce's 1919 Code.

SECTION 1. That section 36 of the Code of Washington Territory of 1881, (section 168 of Remington's Compiled Statutes; section 8175 of Pierce's 1919 Code) be amended to read as follows:

Suspension of operation of Statute—when.

Section 36. If the cause of action shall accrue against any person who is a nonresident of this state, or who is a resident of this state and shall be out of the state, or concealed therein, such action may be commenced within the terms herein respectively limited after the coming, or return of such person into the state, or after the end of such concealment; and if after such cause of action shall have accrued, such person shall depart from and reside out of this state, or conceal himself, the time of his absence or concealment shall not be deemed or taken as any part of the time limit for the commencement of such action.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 133.

[H. B. 100.]

## CONSTRUCTION OF ARMORIES.

AN ACT relating to the construction of armories, and repealing Chapter 115 of the Laws of 1903.

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

SECTION 1. That chapter 115 of the Laws of 1903, pages 209-216, is hereby repealed. Statute repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 134.

[H. B. 10.]

## LEGISLATIVE ELECTION CONTESTS.

AN ACT relating to legislative election contests and repealing Sections 3125 to 3139, both inclusive, of the Code of Washington Territory of 1881.

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

SECTION 1. That sections 3125 to 3139, both inclusive, of the Code of Washington Territory of 1881, (secs. 8162-8176, Remington's Compiled Statutes; secs. 2140-2154, Pierce's 1919 Code) are hereby repealed. Statutes repealed.

Passed the House January 28, 1927.

Passed the Senate February 3, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 135.

[H. B. 39.]

## ELECTION AND TERMS OF SUPERIOR COURT JUDGES.

AN ACT relating to the election and terms of office of judges of the superior courts and repealing certain acts and parts of acts in relation thereto.

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

A superior  
court in  
each county.

Election.

Apportion-  
ment of  
judges.

SECTION 1. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the time provided by law: *Provided*, That at the general election in November, 1928, and every four years thereafter, until otherwise authorized by law, there shall be elected in the county of King thirteen judges of the superior court; in the county of Spokane five judges of the superior court; in the county of Pierce four judges of the superior court; in the county of Chelan one judge of the superior court; in the county of Clark one judge of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap one judge of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis one judge of the superior court; in the county of Lincoln one judge of the superior court; in the county of Skagit one judge of the superior court; in the county of Walla Walla one judge of the superior court; in the county of Whitman one judge of the superior court; in the county of Yakima two judges of the superior court; in the counties of Adams, Benton and Franklin jointly, one judge of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the counties of Island and Snohomish jointly, two judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly,

one judge of the superior court; in the counties of Cowlitz, Klickitat and Skamania jointly, two judges of the superior court; in the counties of Douglas and Grant jointly, one judge of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, two judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; in the counties of San Juan and Whatcom jointly, two judges of the superior court.

SEC. 2. The judges of the superior court elected under the provisions of this act shall hold their offices for the term of four years from and after the second Monday in January next succeeding their election, and until their successors are elected and qualified.

Term of office.

SEC. 3. The acts and parts of acts relating to the election and terms of office of judges of the superior court enumerated in the following schedule are hereby repealed: *Provided*, That nothing herein contained shall be construed as affecting the term of office of any judge of the superior court elected prior to the taking effect of this act:

Saving clause.

#### Schedule.

Sections 1 and 3 of an act entitled "An Act in relation to the organization, powers and duties of the superior courts, and declaring an emergency" approved March 27, 1890, Laws of 1889-90, pages 341 and 342;

Statutes repealed.

An act entitled "An Act providing for an additional number of superior court judges, and declaring an emergency to exist" approved March 3, 1890, Laws of 1889-90, pages 346-347;

Chapter LXVIII (68) of the Laws of 1891, pages 117-118;

Chapter LXXXIX (89) of the Laws of 1895, pages 176-177;

Chapter 50 of the Laws of 1903, page 63;

Chapter 9 of the Laws of 1905, page 26;

Chapter 36 of the Laws of 1905, pages 59-60;

Chapter 79 of the Laws of 1907, pages 140-141;

Chapter 106 of the Laws of 1907, page 205;

Chapter 178 of the Laws of 1907, page 401;

Chapter 10 of the Laws of 1909, pages 11-12;

Chapter 12 of the Laws of 1909, page 13;

Section 9 of chapter 17 of the Laws of 1909, page 23;

Chapter 52 of the Laws of 1909, page 96;

Chapter 94 of the Laws of 1909, pages 227-228;

Section 10 of chapter 28 of the Laws of 1911, page 103;

Chapter 40 of the Laws of 1911, page 134;

Chapter 62 of the Laws of 1911, page 332;

Chapter 76 of the Laws of 1911, pages 375-376;

Chapter 129 of the Laws of 1911, pages 642-643;

Chapter 131 of the Laws of 1911, page 644;

Chapter 17 of the Laws of 1913, page 47;

Chapter 97 of the Laws of 1917, pages 340-341;

Chapter 66 of the Laws of the Extraordinary Session of 1925, page 64;

Chapter 132 of the Laws of the Extraordinary Session of 1925, pages 332-333;

Sections 11045, 11046, 11047 and 11048 of Remington's Compiled Statutes;

Sections 8608, 8609, 8610, 8611, 8612, 8613, 8614, 8615, 8616, 8617, 8618, 8619, 8620, 8621, 8622, 8623, 8624, 8625 and 8626 of Pierce's 1919 Code.

Passed the House January 31, 1927.

Passed the Senate February 3, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 136.

[H. B. 99.]

## EXEMPTION OF PERSONAL PROPERTY.

AN ACT in relation to the exemption of personal property and amending Section 348 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 348 of the Code of Washington Territory of 1881 (section 571 of Remington's Compiled Statutes; section 7858 of Pierce's 1919 Code) be amended to read as follows:

§ 348, Code of 1881;  
§ 571, Rem. Stats.;  
§ 7858, Pierce's 1919 Code.

Section 348. Nothing in this chapter shall be so construed as to prevent the mortgaging of personal property which might be claimed as exempt, or the enforcement of such mortgage, nor to prevent the waiver of the right of exemption by failure to claim the same prior to sale under execution, and nothing in this chapter shall be construed to exempt from attachment or execution the personal property of a nonresident of this state, or a person who has left or is about to leave the state with the intention to defraud his creditors.

Mortgaging exempt personalty.

Waiver.

Personalty of absconding debtor not exempt.

Passed the House January 24, 1927.

Passed the Senate February 4, 1927.

Approved by the Governor February 11, 1927.

## CHAPTER 137.

[H. B. 184.]

## LIMITATION OF ACTIONS UPON JUDGMENTS.

AN ACT relating to the limitation of actions upon judgments and amending Section 27 of the Code of Washington Territory of 1881.

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

§ 27, Code of 1881; § 157, Rem. Stats.; § 8162, Pierce's 1919 Code.

SECTION 1. That section 27 of the Code of Washington Territory of 1881, (section 157 of Remington's Compiled Statutes; section 8162 of Pierce's 1919 Code) be amended to read as follows:

Six years.

Section 27. Within six years:

Judgments of U. S. or state courts.

1. An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extra-territorial court of the United States.

Written contracts.

2. An action upon a contract in writing, or liability express or implied arising out of a written agreement.

Use of real estate.

3. An action for the rents and profits or for the use and occupation of real estate.

Passed the House January 31, 1927.

Passed the Senate February 3, 1927.

Approved by the Governor February 11, 1927.



## CHAPTER 138.

[S. B. 47.]

## MARKETING ASSOCIATION CONTRACTS.

AN ACT relating to marketing contracts and injunctions against the breach thereof, and amending Section 15 of Chapter 115 of the Laws of 1921.

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

SECTION 1. That section 15 of chapter 115 of the Laws of 1921, pages 365-366, (section 2892 of Remington's Compiled Statutes) be amended to read as follows: § 15, Ch. 115, L. 1921; § 2892, Rem. Stats.; § 134-46, Pierce's 1923 Code.

Section 15. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or re-sell the products of its members, with or without taking title thereto; and pay over on a proportional basis or otherwise to its members the re-sale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum on common stock: *Provided*, That the form of such contract shall be approved by the director of agriculture, and shall state the maximum amount of any such reserves to be deducted from the sale price of the products of the members of such association: *Provided further*, That said contract shall contain a date upon which settlement will be made between the association and each of its

Marketing contracts.

Sale to or through association exclusive.

Form of contract to be approved by director.

Date of settlement with members.

Damages if contract breached.

Injunction to prevent breach.

Bond.

Restraining order.

members for the crop or product marketed by said association during the preceding marketing season, which date shall not be later than July 1st following the year in which any such crop or product has been produced. The by-laws and the marketing contract may fix as liquidated damages specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is legally maintained under the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state. In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and after notice and hearing, to a temporary injunction against the member.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 16, 1927.

CHAPTER 139.

[S. B. 51.]

CHANGES IN TOWN SITES AND PLATS.

AN ACT relating to the alteration, replat or vacation of townsites and plats, and amending Section 1 of Chapter 92 of the Laws of 1903.

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

SECTION 1. That section 1 of chapter 92 of the Laws of 1903, page 139, (section 9311 of Remington's Compiled Statutes; section 1187 of Pierce's 1919 Code) be amended to read as follows:

§ 1, Ch. 92, L. 1903; § 9311, Rem. Stats.; § 1187, Pierce's 1919 Code.

Section 1. That whenever three-fourths in number and area of the owners of any townsite, city plat or plats, addition or additions, or part thereof, shall be desirous of altering the plat or plats, replatting or vacating the same or any part thereof, they may prepare a plat or plats, showing such alterations or replat, drafted upon a copy of the existing plat or plats, or that portion desired to be altered, replatted or vacated, and file the same with the clerk of the board of county commissioners, or city council or other governing body having jurisdiction of the establishment or vacation and control of the streets to be affected, accompanied with a petition for the change desired: *Provided*, That this section shall not be construed as applying to the alteration, replatting or vacation of any plat of state granted, tide, or shore lands.

Procedure for alteration.

Filing amended plat and petition.

Not applicable to state lands.

Passed the Senate February 3, 1927.

Passed the House January 31, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 140.

[S. B. 56.]

TRANSPORTATION OF CONVICTS, INCORRIGIBLES AND  
INSANE PERSONS.

AN ACT relating to the transportation of persons committed to state penal and reformatory institutions and hospitals for the insane and repealing certain acts relating thereto, 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 business control shall have charge and supervision of the transportation of persons sentenced or committed to the State Penitentiary, the Washington State Reformatory, the Washington State Training School, the State School for Girls, the Western State Hospital, the Northern State Hospital and the Eastern State Hospital and is hereby invested with authority to employ the necessary persons for such purpose. All sums of money appropriated for the transportation of the persons hereinbefore mentioned shall be expended under the direction of the director of business control. And the state auditor shall draw warrants upon vouchers approved by the director of business control.

Director of  
business  
control to  
supervise.

SEC. 2. The director of business control is hereby authorized to make and promulgate rules and regulations to carry into effect the provisions of this act.

Director to  
make rules.

SEC. 3. That chapter 121 of the Laws of 1905, pages 235-236, (sections 10920-10921 of Remington's Compiled Statutes; sections 6639-6639a of Pierce's 1919 Code) is hereby repealed: *Provided*, That such repeal shall not revive any former act repealed thereby.

Statute  
repealed.

Former acts  
not revived.

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

Passed the Senate January 18, 1927.

Passed the House January 31, 1927.

Approved by the Governor February 16, 1927.

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## CHAPTER 141.

[S. B. 57.]

### FUNDING INDEBTEDNESS OF CITIES AND TOWNS.

AN ACT relating to funding the indebtedness of cities and towns,  
and repealing a portion of a certain act relating thereto.

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

SECTION 1. That section 4 of an act entitled "An Statute  
repealed.  
Act authorizing and empowering cities and towns  
organized prior to the adoption of the state constitu-  
tion to extend their credit and to fund their indebt-  
edness, and validating certain indebtedness already  
contracted, and declaring an emergency to exist",  
approved February 26, 1890, Laws of 1889-90, page  
226, (section 9535 of Remington's Compiled Stat-  
utes; section 5443 of Pierce's 1919 Code) is hereby  
repealed: *Provided*, That such repeal shall not in  
anywise affect the validity of any act done under Saving  
clause.  
and by virtue of said section repealed.

Passed the Senate January 18, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 142.

[S. B. 58.]

## TAXATION OF INHERITANCES.

AN ACT relating to the taxation of inheritances and repealing certain acts in relation thereto.

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

Statutes  
repealed.

SECTION 1. That sections 6 and 7 of chapter LV (55) of the Laws of 1901, page 70, and section 4 of chapter 217 of the Laws of 1907, pages 501-502, are hereby repealed.

Passed the Senate January 18, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 143.

[S. B. 59.]

## SCHOOL CODE.

AN ACT relating to education, and repealing certain sections of the Code of Public Instruction of the State of Washington.

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

Statutes  
repealed.

SECTION 1. That section 9 of article I; section 1 of article IV, and sections 1, 2, 3, 4, 5 and 6 of article V, all of (Sub) chapter 12 of Title III of chapter 97 of the Laws of 1909, pages 337-338, 339-344, (sections 5141 and 5148-5154 of Pierce's 1919 Code); sections 3 and 4 of chapter 16 of the Laws of 1911, page 51; and sections 3 and 4 of chapter 48 of the Laws of 1917, pages 203-205, are hereby repealed.

SEC. 2. That sections 2, 4, 5, 7, 8, 9 and 10 of article IV of (Sub) chapter 13 of title III of chap-

ter 97 of the Laws of 1909, pages 352, 353, 354-356, and section 3 of chapter 106 of the Laws of 1911, page 502, are hereby repealed.

Passed the Senate January 18, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

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## CHAPTER 144.

[S. B. 63.]

### LIENS FOR FREIGHT, WHARFAGE AND STORAGE.

AN ACT relating to liens upon chattels for advances, freight, transportation, wharfage and storage, and amending Sections 1980 and 1981 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 1980 of the Code of Washington Territory of 1881 (section 1191 of Remington's Compiled Statutes; section 9655 of Pierce's 1919 Code), be amended to read as follows:

§ 1980, Code of 1881;  
§ 1191, Rem. Stats.;  
§ 9655, Pierce's 1919 Code.

Section 1980. Every person, firm or corporation who, as a commission merchant, carrier, wharfinger or storage warehouseman, shall make advances for freight, transportation, wharfage or storage upon the personal property of another, or shall carry or store such personal property, shall have a lien thereon, so long as the same remains in his possession, for the charges for advances, freight, transportation, wharfage or storage, and it shall be lawful for such person, firm or corporation to cause such property to be sold as is herein in this chapter provided.

Lien of bailee—when.

Sale for charges.

SEC. 2. That section 1981 of the Code of Washington Territory of 1881 (section 1192 of Remington's Compiled Statutes; section 9656 of Pierce's 1919 Code), be amended to read as follows:

§ 1981, Code of 1881;  
§ 1192, Rem. Stats.;  
§ 9656, Pierce's 1919 Code.

Sale of livestock for charges.

Notice.

Section 1981. If said property consists of live stock, the maintenance of which at the place where kept is wasteful and expensive in proportion to the value of the animals, or consists of perishable property liable, if kept, to destruction, waste or great depreciation, the person, firm or corporation having such lien may sell the same upon giving ten days' notice.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

CHAPTER 145.

[S. B. 64.]

CHANGE OF VENUE OR OF JUDGES.

AN ACT relating to the disqualification of judges of the superior courts, and providing for change of venue or change of judges on account thereof, and amending Chapter 121 of the Laws of 1911.

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

§ 1, Ch. 121, L. 1911; § 209-1 Rem. Stats.; § 8546, Pierce's 1919 Code.

SECTION 1. That section 1 of chapter 121 of the Laws of 1911, page 617 (section 209-1 of Remington's Compiled Statutes; section 8546 of Pierce's 1919 Code), be amended to read as follows:

Judge prejudiced.

Section 1. No judge of a superior court of the State of Washington shall sit to hear or try any action or proceeding when it shall be established, as hereinafter provided, that such judge is prejudiced against any party or attorney, or the interest of any party or attorney appearing in such cause. In such case the presiding judge shall forthwith transfer the action to another department of the same court, or call in a judge from some other court, or apply to the governor to send a judge, to try the

Transfer to another judge.



case; or, if the convenience of witnesses or the ends of justice will not be interfered with by such course, and the action is of such a character that a change of venue thereof may be ordered, he may send the case for trial to the most convenient court: *Provided*, That in criminal prosecutions the case shall not be sent for trial to any court outside the county unless the accused shall waive his right to a trial by a jury of the county in which the offense is alleged to have been committed.

When change of venue.

Condition for change in criminal prosecutions.

SEC. 2. That section 2 of chapter 121 of the Laws of 1911, page 617 (section 209-2 of Remington's Compiled Statutes; section 8547 of Pierce's 1919 Code), be amended to read as follows:

§ 2, Ch. 121, L. 1911; §209-2, Rem. Stats.; § 8547, Pierce's 1919 Code.

Section 2. Any party to or any attorney appearing in any action or proceeding in a superior court, may establish such prejudice by motion, supported by affidavit that the judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he cannot, have a fair and impartial trial before such judge: *Provided*, That such motion and affidavit is filed and called to the attention of the judge before he shall have made any ruling whatsoever in the case, either on the motion of the party making the affidavit, or on the motion of any other party to the action, of the hearing of which the party making the affidavit has been given notice, and before the judge presiding has made any order or ruling involving discretion, but the arrangement of the calendar, the setting of an action, motion or proceeding down for hearing or trial, the arraignment of the accused in a criminal action or the fixing of bail, shall not be construed as a ruling or order involving discretion within the meaning of this proviso: *And provided, further*, That no party or attorney shall be permitted to make more than one

Affidavit of prejudice.

Time motion and affidavit must be filed.

Only one application.

such application in any action or proceeding under this act.

Passed the Senate January 21, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

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CHAPTER 146.

[S. B. 65.]

CORPORATION FEES.

AN ACT relating to fees to be paid to the Secretary of State by corporations, and repealing Chapter LXX of the Laws of 1897.

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

Statute repealed.

SECTION 1. That chapter LXX (70) of the Laws of 1897, pages 134-135, is hereby repealed.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

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CHAPTER 147.

[S. B. 66.]

VACANCIES IN THE OFFICE OF JUSTICES OF THE PEACE.

AN ACT relating to vacancies in the office of justices of the peace, and repealing certain acts in relation thereto.

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

Statutes repealed.

SECTION 1. That sections 1696 to 1701, both inclusive, of the Code of Washington Territory of 1881, are hereby repealed.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 148.

[S. B. 68.]

## PROSECUTING ATTORNEYS.

AN ACT relating to prosecuting attorneys, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CLVI (156), sections 2141 to 2172, both inclusive, of the Code of Washington Territory of 1881; sections 1, 2, 3, 6, 10, 11, 15, 16, 17, 19, 20 and 21 of an act entitled "An Act in relation to prosecuting attorneys, defining their duties and fixing their compensation", approved February 4, 1886, Laws of 1885-6, pages 59-64, and chapter CII (102) of the Laws of 1887-8, pages 188-189, are hereby repealed.

Statutes repealed.

Duties and compensation.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 149.

[S. B. 69.]

## THE PRACTICE OF PHARMACY.

AN ACT relating to pharmacists, and repealing certain acts in relation thereto.

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

SECTION 1. That sections 2, 3, 4 and 5 of chapter CXXI (121) of the Laws of 1899, pages 216-217, and sections 1 and 2 of chapter 213 of the Laws of 1909, pages 727-728 (sections 4451-4454 of Pierce's 1919 Code), are hereby repealed.

Statutes repealed.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 150.

[S. B. 70.]

## SALE OF INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors, and repealing certain acts in relation thereto.

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

Statutes  
repealed.

Local option.

SECTION 1. That section 2060 of the Code of Washington Territory of 1881 (section 7349 of Remington's Compiled Statutes; section 3196-3 of Pierce's 1919 Code); an act entitled "An Act to prohibit the sale of intoxicating liquors in the several election precincts of Washington Territory, whenever a majority of the legal voters of any such precincts, at an election to be held for that purpose, shall vote in favor of the prohibition of the sale of such liquors in their respective precincts", approved January 25, 1886, Laws of 1885-6, pages 31-38; chapter LXXII (72) of the Laws of 1887-8, pages 124-126; chapter 122 of the Laws of 1905, page 236; chapter 194 of the Laws of 1907, pages 419-420; chapter 81 of the Laws of 1909, pages 153-168; chapter 84 of the Laws of 1909, pages 182-183 and chapter 91 of the Laws of 1909, page 189, are hereby repealed.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 151.

[S. B. 74.]

## COMMERCIAL FERTILIZERS: REGULATION OF MANUFACTURE AND SALE.

AN ACT relating to and regulating the manufacture and sale of commercial fertilizers, defining the powers and duties of certain officers in relation thereto, providing penalties for violations thereof, and repealing certain acts in relation thereto.

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

SECTION 1. Every lot, parcel or package of commercial fertilizers or material used for manurial purposes, sold or offered for sale within this state, the retail price of which is ten dollars or more per ton, shall have firmly attached thereto a printed label, stating clearly and truly the number of pounds of fertilizer in the package, the name, brand or trade mark under which the fertilizer is sold, the name and address of the manufacturer or importer, the place of manufacture and the chemical analysis stating the percentage of nitrogen, of potash soluble in water, and of soluble reverted and insoluble phosphoric acid. Whenever any fertilizer or fertilizing ingredients are shipped or sold in bulk for use by farmers in this state a statement must be sent to the director of agriculture giving the name of the goods so shipped and accompanied by an affidavit from the seller giving the percentage of the several fertilizing ingredients guaranteed. All commercial fertilizers sold, offered or exposed for sale, shall have firmly attached to each package thereof a label giving a correct general statement of the composition and ingredients of the same.

To bear label.

Information on label.

Bulk sales—report to the director of agriculture.

SEC. 2. Before any commercial fertilizer, the retail price of which is ten dollars or more per ton, is sold, offered or exposed for sale, the importer,

Before sale report and sample to director.

manufacturer, or dealer within this state, shall file with the director of agriculture a certified copy of the statement specified in section 1 of this act, and a list of the names and addresses of his agents in this state; and shall also deposit with the director of agriculture, at his request, a sealed glass jar or bottle containing not less than one pound of the fertilizer accompanied by an affidavit that it is a fair average sample thereof.

Annual fee for analysis.

SEC. 3. The manufacturer, importer, agent or seller of any brand of commercial fertilizer or material used for manurial purposes, the retail price of which is ten dollars or more per ton, shall pay on or before the first day of April annually to the director of agriculture an analysis fee of six dollars for each of the fertilizing ingredients contained, or claimed to exist, in said fertilizer to be sold, offered or exposed for sale within this state: *Provided, however,* That whenever the manufacturer or importer shall have paid the fee herein required for any person acting as an agent or seller for said manufacturer or importer, such agent or seller shall not be required to pay the fee named in this section. Upon the receipt of said analysis fees the director of agriculture shall issue certificates of compliance with this act.

Agent not to pay fee if paid by manufacturer.

Certificate.

SEC. 4. No person shall sell, offer or expose for sale, in this state, any pulverized leather, raw, steamed, or roasted, or in any form, as fertilizer or for manurial purposes without an explicit printed certificate of the fact, conspicuously affixed to every package of such fertilizer.

Certificate if leather is used.

Penalty.

SEC. 5. Any person selling, or offering or exposing for sale, any commercial fertilizer without the statement required by the first section of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the consti-

uents mentioned in said section than is contained therein, or respecting the sale of which all of the provisions of the foregoing sections have not been fully complied with, shall be guilty of a misdemeanor and for each subsequent offense shall be guilty of a gross misdemeanor.

SEC. 6. This act shall not affect parties manufacturing, importing or purchasing fertilizer for their own use and not selling the same in this state.

Excepted from penalty if for own use.

SEC. 7. The director of agriculture shall cause to be collected, and analyzed, samples of such fertilizing materials as are subject to the provisions of this act, and which may from time to time be sold, offered or exposed for sale in this state; shall cause the results of the analysis of fertilizers so collected to be published and distributed to persons applying therefor, together with the comparative commercial value per ton, and such other information as he may deem advisable.

Publication and distribution of analysis of fertilizers.

SEC. 8. The director of agriculture, the supervisor of the division of agriculture or any duly appointed deputy or inspector is hereby authorized to take a sample not exceeding two pounds in weight for analysis from any lot or package of fertilizer, or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer, but said samples shall be taken in the presence of the party or parties in interest or their representatives, and taken from a parcel or number of packages which shall not be less than ten per cent of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels, carefully sealed, and a label placed on each stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same, and said label shall

Duty of inspector in taking samples.

also be signed by the director of agriculture, the supervisor of the division of agriculture or his deputy and by the party or parties in interest or their representatives present at the taking and sealing of said sample. One of said samples shall be retained by the officer taking the same and the other by the party whose stock was sampled.

SEC. 9. For all the purposes of this act commercial fertilizers shall be considered as distinct brands when differing either in guaranteed composition, trade mark, name, or any other characteristic method of marking of whatever nature.

SEC. 10. Any person violating or failing to comply with any provision of this act for the violation of which no specific penalty is prescribed shall be guilty of a misdemeanor.

SEC. 11. That chapter L (50) of the Laws of 1899, pages 80-83; sections 2829-2838 of Remington's Compiled Statutes, and sections 85-94 of Pierce's 1919 Code, are hereby repealed: *Provided*, That such repeal shall not operate to prevent the prosecution of any violation of said act repealed or affect any proceedings pending for such violation.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

When considered distinct brands.

Penalty for violation of act.

Ch. 50,  
L. 1899;  
§§ 2829-2838,  
Rem. Stats.;  
§§ 85-94,  
Pierce's  
1919 Code.

Pending prosecutions not affected by repeal.



## CHAPTER 152.

[S. B. 75.]

## CORPORATIONS AS SURETIES UPON BONDS, ETC.

AN ACT relating to the giving of recognizances, stipulations, bonds and undertakings by surety companies as surety, and repealing Chapter 87 of the Laws of 1903.

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

SECTION 1. That chapter 87 of the Laws of 1903, pages 128-134, is hereby repealed: *Provided*, That such repeal shall not be construed as reviving any acts or parts of acts repealed thereby.

Statute repealed.

No revivor.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 153.

[S. B. 76.]

## APPEAL BONDS.

AN ACT relating to bonds on appeals to the Supreme Court and amending Sections 10 and 11 of Chapter LXI of the Laws of 1893.

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

SECTION 1. That section 10 of chapter LXI (61) of the Laws of 1893, page 124, (section 1725 of Remington's Compiled Statutes; section 7301 of Pierce's 1919 Code) be amended to read as follows:

§ 10, Ch. 61,  
L. 1893;  
§ 1725, Rem.  
Stats.;  
§ 7301,  
Pierce's  
1919 Code.

SECTION 10. An appeal bond, whether conditioned to effect a stay of proceedings or not, signed as surety by any person, persons or corporation other than a surety company authorized to transact such business in this state as provided by law, shall be of no force unless accompanied by the affidavit of

Justification  
of sureties.

the surety or sureties therein attached thereto, in which each surety shall state that he is a resident of this state and is worth a certain sum mentioned in such affidavit, over and above all debts and liabilities, in property within this state, exclusive of property exempt from execution, and which sums so sworn to by the surety or sureties, shall be at least equal to the penalty named in the bond if there be but one surety, or shall amount in all to at least twice such penalty if there be more than one surety.

§ 11, Ch. 61,  
L. 1893;  
§ 1726, Rem.  
Stats.;  
§ 7302,  
Pierce's  
1919 Code.

SEC. 2. That section 11 of chapter LXI (61) of the Laws of 1893, pages 125-126, (section 1726 of Remington's Compiled Statutes; section 7302 of Pierce's 1919 Code) be amended to read as follows:

Excepting  
to surety.

Section 11. Any respondent may except to the sufficiency of the surety or sureties in an appeal bond, other than a surety company authorized to transact business in this state as provided by law, within ten days after the service on him of the notice of appeal, or within five days after the service on him of the bond or written notice of the filing thereof, by serving on the appellant a notice stating that he so excepts, and specifying a place at the county seat, and a time, not less than three nor more than ten days distant, at which the surety or sureties are required to attend before the superior court in which the judgment or order appealed from was rendered or made, or before a judge thereof, and to justify their sufficiency as sureties. At the time and place named in such notice, or to which the proceeding may be thence adjourned by the court or judge, the surety or sureties must attend before the court or judge, and may be then and there examined in detail, under oath, as to their property and other qualifications as sureties, by any respondent or by the judge, or by both. If the judge upon such examination is satisfied that the surety or sureties are

Notice of  
exception.

Hearing for  
justification  
of surety.

qualified as such, to the extent to which they are required by section eight of this act to make affidavit, then he shall make a certificate to that effect indorsed upon or attached to the bond, which shall thereupon stand as a sufficient appeal bond to the effect expressed in the condition thereof; but if he is not so satisfied, or if the sureties fail to attend and justify, then the judge shall in like manner certify to that effect, and thereupon the bond shall become void: *Provided*, That in such case the appellant may, within five days after the making of such certificate, file a new appeal bond, in conformity with the requirements of this act, and subject to the requirement of justification of the sureties therein, as hereinabove provided; but in case such new appeal bond be found insufficient, no new bond can thereafter be filed in lieu thereof. In case the original or new appeal bond be not conditioned to effect a stay of proceedings, however, an additional appeal bond may be filed at any time thereafter when the appellant desires to effect a stay as provided in this act, during the pendency of the appeal. The examination of the sureties taken upon their justification shall be reduced to writing and subscribed by the sureties, if either party so requires, and attached to the certificate made thereon.

Certificate of judge as to sufficiency of appeal bond.

New bond.

When may file additional appeal bond.

Passed the Senate January 20, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 154.

[S. B. 82.]

## SUPPORT OF THE POOR: APPRENTICING OF MINORS.

AN ACT relating to orphan or indigent minors, and repealing Section 2700 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 2700 of the Code of Washington Territory of 1881 (section 9985 of Remington's Compiled Statutes; section 1697 of Pierce's 1919 Code), is hereby repealed.

Statute  
repealed.

Passed the Senate January 20, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

## CHAPTER 155.

[S. B. 83.]

## NOMINATION AND ELECTION OF JUDGES.

AN ACT relating to the nomination and election of Supreme Court and Superior Court Judges, and amending Section 5212 of Remington's Compiled Statutes of Washington, and repealing Chapter 68 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 5212 of Remington's Compiled Statutes of Washington be amended to read as follows:

Ch. 68, L. Ex.  
Sess. 1925;  
§ 5212, Rem.  
Stats.;  
§ 2259,  
Pierce's  
Code.

Manner of  
nomination  
and election.

Section 5212. When there are to be elected at any general election one or more judges of the supreme court, or of the superior court of any county or judicial district, the candidates for each respective office whose names are to be placed on the general election ticket shall be determined as follows: Not less than ten days before the time for filing

declaration of candidacy, the secretary of state, or the county auditor, as the case may be, shall designate by number each position to be filled upon the supreme court, or the superior court of the county or judicial district. Each candidate at the time of the filing of his declaration of candidacy shall designate by the number so assigned, the position for which he is a candidate and the name of such candidate shall appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear on the general election ballot under the designation for each respective office: *Provided, however,* That where any candidate for such position, so designated as aforesaid, shall receive a majority of all votes cast at such primary election for such position, the name of such candidate receiving such majority shall be printed separately on the general election ballot under the designation "Vote for One" and the name of no opposing candidate shall be printed on such ballot in opposition to such candidate, but one space shall be left following such name in which the voter may insert the name of any person for whom he wishes to cast his ballot. The names of all such candidates for such judicial offices shall appear on the general election ballot under the heading "Judicial ticket". There shall be a separate ballot for the candidates for nomination for such judicial offices, for use in the primary election, and such ballot shall be printed, delivered, voted and counted as hereinbefore provided for the general primary election ballot: *Provided,* That any voter shall have the privilege of voting this ticket alone. Where a vacancy or other cause shall necessitate the election of a judge of the supreme court, or of the superior court, for a short term, or unexpired term, and at the same election

Positions designated by number.

If majority vote in primary unopposed in general election.

Judicial offices on separate ballot.

Election for short or unexpired term.

one or more judges are to be elected for the full term, candidates may announce themselves for either the full, or unexpired, or short term, and ballots shall be arranged accordingly, and the secretary of state or the county auditor, as the case may be, shall designate such short term, or such unexpired term, by number as aforesaid, and for unexpired terms by the addition of the words "Two Year Term" or "Four Year Term," as the case may be. The form of said ballot shall be substantially as follows:

JUDICIAL ELECTION BALLOT.

Form of ballots.

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

Judges of the Supreme Court.  
.....to be nominated.

Judges of the Superior Court.  
.....to be nominated.

No. 1.

No. 1.

Vote for One.

Vote for One.

.....

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.....

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.....

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No. 2.

No. 2.

Vote for One.

Vote for One.

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.....

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No. 3.

No. 3.

Vote for One.

Vote for One.

.....

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.....

.....

.....

.....

(Or if vacancy to be filled)

(Or if vacancy to be filled)

No.....

No.....

2 (or 4) year term.

Unexpired term.

Vote for One.

Vote for One.

.....

.....

.....

.....

.....

.....

(Or if short term to be filled)

(Or if short term to be filled)

No.....

No.....

Short term.

Short term.

Vote for One.

Vote for One.

.....	<input type="checkbox"/>	.....	<input type="checkbox"/>
.....	<input type="checkbox"/>	.....	<input type="checkbox"/>
.....	<input type="checkbox"/>	.....	<input type="checkbox"/>

SEC. 2. That chapter 68 of the Laws of the Extraordinary Session of 1925, pages 66-69, is hereby repealed.

Statute repealed.

Passed the Senate January 20, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

CHAPTER 156.

[S. B. 84.]

SURVIVAL OF ACTIONS FOR PERSONAL INJURIES.

AN ACT relating to the survival of actions and causes of actions for personal injury resulting in death, amending Section 18 of the Code of Washington Territory of 1881, and repealing Chapter 144 of the Laws of 1909.

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

SECTION 1. That section 18 of the Code of Washington Territory of 1881, (section 194 of Remington's Compiled Statutes; section 8275 of Pierce's 1919 Code) be amended to read as follows:

§ 18, Code of 1881; § 194, Rem. Stats.; § 8275, Pierce's 1919 Code.

Section 18. No action for a personal injury to any person occasioning his death shall abate, nor shall such right of action determine, by reason of such death, if he have a wife or child living, or leaving no wife or issue, if he have dependent upon him for support and resident within the United States at the time of his death, parents, sisters or minor brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or adminis-

Right of action survives to wife, children, and dependent heirs.

trator of the deceased, in favor of such wife, or in favor of the wife and children, or if no wife, in favor of such child or children, or if no wife or child or children, then in favor of his parents, sisters or minor brothers who may be dependent upon him for support, and resident in the United States at the time of his death.

Statute  
repealed.

SEC. 2. That chapter 144 of the Laws of 1909, page 566, is hereby repealed.

Passed the Senate January 21, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

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## CHAPTER 157.

[H. B. 108.]

### CONSOLIDATED SCHOOL DISTRICTS.

AN ACT relating to consolidated school districts, the election, powers and duties of directors thereof, and amending Section 4738 of Remington's Compiled Statutes as amended by Section 1 of Chapter 106, of the Laws of the Extraordinary Session of 1925 and declaring an emergency.

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

§ 4738, Rem.  
Stats.; § 1,  
Ch. 106,  
L. Ex. Sess.  
1925; § 4930,  
Pierce's  
Code.

SECTION 1. That section 4738 of Remington's Compiled Statutes as amended by section 1, of chapter 106, Laws of the Extraordinary Session of 1925 be amended to read as follows:

Consolidated  
district  
designated  
by new  
number.

Section 4738. The county superintendent of any county in which new districts are formed or heretofore have been formed by the uniting of two or more districts, or by the incorporating of any city or town lying partly in two or more school districts, shall upon being notified of such action by the board of directors of such new district, proceed to designate



such new district by a number not the same as that of either component district or of any existing district, and to make a record of the boundaries thereof, and he shall certify such facts to the board of county commissioners, to the county treasurer, and to the clerk of the new district formed. The county superintendent shall also divide such consolidated district into three directors' districts which shall each comprise as nearly as possible one-third of the population of the consolidated district, and thereafter one director shall be elected from among the qualified electors of each such directors' district by the qualified electors of the consolidated district, at an election held at one or more polling places in such consolidated district as may be designated by the directors of the consolidated district. The directors of the consolidated district shall constitute the canvassing board for all school elections held in such district except in first class or class A counties.

Certify record to county commissioners, etc.

Directors' districts.

Election.

Canvassing board for school elections.

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

Emergency.

Passed the House February 4, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor February 18, 1927.

## CHAPTER 158.

[S. B. 29.]

## ADOPTION OF CHILDREN.

AN ACT relating to adoption and amending Section 1667 of the Code of Washington Territory of 1881, and repealing certain acts in relation thereto.

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

§ 1667, Code of 1881;  
§ 1696, Rem. Stats.;  
§ 9813, Pierce's 1919 Code.

SECTION 1. That section 1667 of the Code of Washington Territory of 1881 (section 1696 of Remington's Compiled Statutes; section 9813 of Pierce's 1919 Code), be amended to read as follows:

Petition for adoption.

Section 1667. Any inhabitant of this state, not married, or any husband or wife jointly, may petition the superior court of the county of their residence for leave to adopt, and change the name if desired, of any person, but a written consent must be given to such adoption by the person, if of the age of fourteen years, and if under the age of twenty-one years by each of his or her living parents, or in case the child be illegitimate, by his or her living mother; *Provided*, That the consent of the parent shall not be required in the following cases, to-wit:

When consent of parent not required:

Legal disability.

1. From a father, or mother, deprived of civil rights.

Deprived of control by judicial proceeding.

2. From a father, or mother, who has been unconditionally deprived of the custody and control of such child by the judgment or decree of a court of competent jurisdiction, in an action, suit or proceeding, in which such parent has been given notice and a right to be heard.

Mental disability.

3. From a father, or mother, who has been adjudged and decreed to be feeble minded, or at least one year prior thereto was adjudged insane and has

not since been found sane by any competent authority authorized by law.

4. From a father, or mother, who has been found by a court of competent jurisdiction to have deserted or abandoned such child without provision for his or her identification. Child abandoned.

If in either of the cases above mentioned the child has a legal guardian, the consent of such guardian shall be required and if the child has no legal guardian, then the court shall appoint a discreet and suitable person to act in the proceedings for adoption as the next friend of such child. Appointment of next friend.

Either spouse may adopt the child of the other. Adoption by step-parent.

SEC. 2. That chapter XXXIV (34) of the Laws of 1897, pages 46-47, and chapter 155 of the Laws of 1905, pages 296-297, are hereby repealed. Statutes repealed.

Passed the Senate January 26, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

## CHAPTER 159.

[S. B. 48.]

### GOVERNMENT OF THIRD CLASS CITIES.

AN ACT relating to the government of cities of the third class and the terms of appointive officers, and amending Section 3 of Chapter 184 of the Laws of 1915.

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

SECTION 1. That section 3 of chapter 184 of the Laws of 1915, pages 650-651, (section 9116 of Remington's Compiled Statutes; section 786 of Pierce's 1919 Code) be amended to read as follows: § 3, Ch. 184, L. 1915; § 9116, Rem. Stats.; § 786, Pierce's 1919 Code.

Section 3. The mayor, councilman - at - large, treasurer, city attorney and clerk shall be elected in the year 1915 for the term of one year. Such officers shall be elected in the year 1916 and biennially there- Election. Terms of office.

Class A and  
first class  
counties.

Appointive  
officers.

Expiration  
of term of  
office.

Hold until  
successor  
qualifies.

after for terms of two years. Three councilmen, other than councilman-at-large, shall be elected in the year 1915 for terms of three years. Three councilmen, other than councilman-at-large, shall be elected in the year 1916 and biennially thereafter for terms of four years. All such elections shall be by the qualified electors of such city at a general municipal election to be held therein on the first Tuesday after the first Monday in December, except in class A counties and counties of the first class. All elective officers shall hold office from and after the first Tuesday in January next succeeding the date of election and until their successors are elected and qualified. The mayor shall appoint a chief of police, police judge, city engineer, street superintendent, health officer and such other officers as shall be provided by ordinance. The term of every appointive officer shall expire at the same time as that of the mayor appointing him unless such officer be sooner removed by the mayor by and with the consent of not less than four councilmen: *Provided*, That every such officer not so removed shall continue to hold office until the appointment, confirmation and qualification of his successor in office appointed by the mayor succeeding to the office of the mayor whose term has expired.

Passed the Senate January 12, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

CHAPTER 160.

[S. B. 49.]

DESCENT OF REAL ESTATE.

AN ACT relating to descent of real property and amending Section 3302 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 3302 of the Code of Washington Territory of 1881, (section 1341 of Remington's Compiled Statutes; section 9847 of Pierce's 1919 Code) be amended to read as follows:

§ 3302, Code of 1881; § 1341, Rem. Stats.; § 9847, Pierce's 1919 Code.

Section 3302. When any person shall die seized of any lands, tenements or hereditaments, or any right thereto, or entitled to any interest therein, in fee simple, or for the life of another, as his separate estate, not having devised the same, they shall descend subject to the debts as follows:

Rule of descent of real property.

First. If the decedent leaves a surviving husband or wife and only one child, or the lawful issue of one child, in equal shares to the surviving husband or wife, and child, or issue of such child.

Surviving spouse and one child.

If the decedent leaves a surviving husband or wife, and more than one child living, or one child living and the lawful issue of one or more deceased children, one-third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child by right of representation.

Surviving spouse and more than one child.

If there be no child of the decedent living at his death, the remainder goes to all of his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation.

Surviving spouse and no children.

Second. If the decedent leaves no issue, the estate goes in equal shares to the surviving husband or wife, and to the decedent's father and mother, if

Lineal descendants.

No issue. Surviving spouse and decedent's parents.

Brothers  
and sisters  
of decedent.

both survive, or to the surviving father or mother in case only one survive the decedent. If there be no father nor mother, then one-half goes in equal shares to the brothers and sisters of the decedent and to the children of any deceased brothers or sisters, by right of representation. If there be no brothers nor sisters of the decedent, then one-half goes to the children of any deceased brothers or sisters, by right of representation. If the decedent leaves no issue, nor husband, nor wife, the estate must go to his father and mother or the survivor of them.

When all to  
parents.

To brothers  
and sisters  
or their rep-  
resentatives.

Third. If there be no issue, nor husband, nor wife, nor father and mother, nor either, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation.

All to sur-  
viving  
spouse.

Fourth. If the decedent leaves a surviving husband or wife and no issue, and no father nor mother, nor brother, nor sister, nor nephew, nor niece, the whole estate goes to the surviving husband or wife.

When chil-  
dren take  
whole  
estate.

Fifth. If the decedent leaves no husband or wife the estate goes in equal shares to his children, and to the issue of any deceased child, by right of representation.

Next of kin.

Sixth. If the decedent leaves no issue, nor husband, nor wife, and no father nor mother, nor brother, nor sister, the estate must go to the next of kin, in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote.

Descent  
when sur-  
viving child  
dies under  
age.

Seventh. If the decedent leaves several children or one child and the issue of one or more other children, and any such surviving child dies under age, and not having been married, all the estate that comes to the deceased child by inheritance from such

decedent, descends in equal shares to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

Eighth. If at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them have left issue, the estate that came to such child by inheritance from his parent, descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

Death of surviving child under age: Rule of descent.

The words "issue", "child" and "children" wherever used in this section shall be construed to include lawfully adopted children.

Terms construed.

Passed the Senate January 20, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

## CHAPTER 161.

[S. B. 52.]

### MOTOR VEHICLES AS COMMON CARRIERS—ACTIONS AGAINST FOR DAMAGES.

AN ACT relating to actions for damages resulting from careless, negligent and unlawful acts of common carriers of passengers upon public highways, and amending Section 3 of Chapter 57 of the Laws of 1915.

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

SECTION 1. That section 3 of chapter 57 of the Laws of 1915, pages 228-229, (section 6384 of Remington's Compiled Statutes; section 237 of Pierce's 1919 Code) be amended to read as follows:

§ 3, Ch. 57, L. 1915; § 6384, Rem. Stats.; § 237, Pierce's 1919 Code.

Section 3. Every person injured or damaged by any careless, negligent or unlawful act of any per-

Right of action against principal and surety upon bond for personal injuries.

Limit of recovery.

To whom right of action survives.

son, firm or corporation receiving a permit under the provisions of this act, or his, their, or its agents, or employes in conducting or carrying on said business or in operating any motor propelled vehicle used for the carrying and transporting of passengers over and along any public street, road or highway, and his heirs, executors and administrators shall have a cause of action against the principal and surety upon the bond provided for in the preceding section for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond, and a surviving husband or wife and child or children, or if no husband or wife, then the child or children, shall have a cause of action for the death of the wife or mother, or husband or father, caused by such negligence.

Passed the Senate January 21, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

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## CHAPTER 162.

[S. B. 61.]

### PERSONAL SURETIES.

AN ACT relating to the qualifications and justification of personal sureties, and repealing Chapter IX of the Code of Washington Territory of 1881.

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

Bond or recognizance.

Surety shall be a resident.

SECTION 1. Whenever any bond or recognizance is required, or permitted, by law to be made, given or filed, conditioned upon the doing or not doing of anything specified therein and to be signed by one or more persons as sureties, each of such sureties shall be a resident of this state; but no attorney at



law, sheriff, clerk of any court of record, or other officer of such court, shall be permitted to become such surety.

Who may not become surety.

SEC. 2. Each of such sureties shall have separate property worth the amount specified in the bond or recognizance, over and above all debts and liabilities, and exclusive of property exempt from execution, unless his wife join with him in the execution of the bond, in which case they must have community property of such required value; but in case such bond or recognizance is given in any action or proceeding commenced or pending in any court the judge, or justice of the peace, as the case may be, on justification, may allow more than two sureties to justify, severally, in amounts less than the amount specified, if the whole justification is equivalent to that of two sufficient sureties.

Qualifying as surety.

SEC. 3. In case such bond or recognizance is given in any action or proceeding commenced or pending in any court, the judge or clerk of any court of record, or justice of the peace, as the case may be, or any party to the action or proceeding for the security or protection of which such bond or recognizance is made may, upon notice, require any of such sureties to attend before the judge, or justice of the peace at a time and place specified and to be examined under oath touching his qualifications both as to residence and property as such surety, in such manner as the judge, or justice of the peace, in his discretion, may think proper. If the party demanding the examination require it, the examination shall be reduced to writing and subscribed by the surety. If the judge, or justice of the peace, find the surety possesses the requisite qualifications and property, he shall endorse his allowance thereof on the bond or recognizance, and cause it to be filed as provided by law, otherwise it shall be of no effect.

Justification as surety.

Statutes  
repealed.

SEC. 4. That chapter IX (9), sections 115 to 141, both inclusive, of the Code of Washington Territory of 1881, and chapter XIX (19) of the Laws of 1887-8, page 31 (sections 748-774 of Remington's Compiled Statutes; sections 7350 to 7368, 7370, 7371 and 7373 to 7378 of Pierce's 1919 Code), are hereby repealed.

Passed the Senate January 21, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

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## CHAPTER 163.

[S. B. 67.]

### VACANCIES IN COUNTY OFFICES.

AN ACT relating to filling of vacancies in county, township, precinct and road district offices, and repealing certain acts in relation thereto.

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

Commission-  
ers to fill  
vacancies.

SECTION 1. The board of county commissioners in each county shall, at their next regular or special meeting after being apprised of any vacancy in any county, township, precinct or road district office of such county, fill such vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

Tenure of  
office of  
appointees.

Statutes  
repealed.

SEC. 2. That sections 2689 and 3065 of the Code of Washington Territory of 1881 (sections 4059 and 4060 of Remington's Compiled Statutes; sections 1678 and 2350 of Pierce's 1919 Code), are hereby repealed.

Passed the Senate January 26, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

## CHAPTER 164.

[S. B. 71.]

## STATE FAIR OF WASHINGTON.

AN ACT relating to the State Fair of Washington, providing for the management and control thereof, and repealing certain acts in relation thereto.

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

SECTION 1. The State Fair of Washington heretofore established and erected in Yakima county shall be equipped, managed, controlled and operated in the manner and for the purposes in this act hereinafter provided.

State Fair established in Yakima county.

SEC. 2. It is the object and purpose of the State Fair of Washington to promote and further the advancement of all agricultural, stock-raising, horticultural, mining, mechanical and industrial pursuits in this state, and for the carrying out of this object, the director of agriculture shall provide for an annual fair or exhibition upon the fair grounds owned by this state near the city of Yakima, of all the industrial products of this state; said annual fair to be held upon such dates as may be fixed by the director of agriculture, not earlier than the third Monday of August nor later than the second Monday of October of each year and which fair shall continue for at least six days.

Objects and purposes.

Dates of annual fair.

SEC. 3. The director of agriculture shall have full control and management of the state fair as a state institution, and shall have care of its property and be entrusted with the entire direction of its business and financial affairs; shall prepare, adopt, publish and enforce all necessary rules for the management of the state fair, its meetings and exhibi-

Control and management by director of agriculture.

Adopt rules.

tions, or the guidance of its officers and employes; shall determine the duties, responsibilities, compensation and tenure of office of all officers or other employes, as may be deemed necessary, and may remove from office any person appointed by him to any office for any inefficiency, neglect of duty or malfeasance in office; shall have power to appoint all necessary marshals to keep order on the grounds and in the buildings of the state fair during all annual exhibitions, and the marshal so appointed shall be vested with the same authority, for such purposes, as executive peace officers are vested by law; shall have power to charge entrance fees, gate money, lease stalls, stands, restaurant sites, give prizes and premiums and do all things which by said director may be considered proper to conduct in connection with the state fair not otherwise prohibited by law. While the state fair is not in annual session, the director of agriculture shall have power and authority to lease and let said premises to any firm, person or corporation for picnics, Grand Army meetings, Spanish war veteran meetings, American Legion meetings, and meetings of other organizations of the veterans of the war with Germany and her allies, fraternal organization meetings and for any other purpose in the discretion of said director of agriculture.

When not in annual session may lease premises.

SEC. 4. The director of agriculture shall have power and it shall be his duty to cause to be constructed and to be maintained and kept in repair upon and in connection with the grounds heretofore acquired by the state in the vicinity of Yakima all necessary buildings, pavilions and exhibition halls, stalls, stands, speeding tracks, driveways, sidewalks and fences now existing or that may be hereafter constructed.

Duty of director in construction of buildings, etc.

SEC. 5. On or before the last Monday of October of each year the director of agriculture shall prepare and transmit to the governor a full financial statement of all funds received and disbursed, and a report of all assets and liabilities of the state fair, and a full and detailed account of all of its transactions, statistics and information gained, and for this purpose shall cause to be constantly collected all kinds of information calculated to instruct the agricultural and industrial classes, and have the same embodied in such report.

Annual report to the Governor.

SEC. 6. All vouchers for the expenditures of money under the provisions of this act shall be signed by the director of agriculture and the state auditor shall upon presentation of such vouchers draw his warrant upon the state treasurer for the payment of the same, and the state treasurer shall pay such warrant out of any money appropriated for the purposes of carrying out the provisions of this act: *Provided*, That every voucher must set forth the purpose for which the money, material or labor represented was used. All moneys remaining in the hands of the director of agriculture on the last Monday of October of each year shall be paid into the state treasury to the credit of a special fund to be known as the state fair fund, and all moneys in said fund shall be available for the use of the state fair and shall be disbursed in the same manner as moneys appropriated from the general fund for the use of the state fair. All moneys in the state fair fund shall be for the sole use of the state fair. No moneys appropriated from the state treasury for the use of the state fair shall be used as payment of purses in trials of speed.

Vouchers for expenditures.

State fair fund.

Appr'n may not be used for speed prizes.

SEC. 7. That chapter CXXXIV (134) of the Laws of 1893, pages 445-449; chapter 54 of the Laws of 1903, pages 66-67, and chapter 65 of the Laws of

Statutes repealed.

1919, pages 132-133 (sections 2736-2744 of Remington's Compiled Statutes; sections 6298-6306 of Pierce's 1919 Code), are hereby repealed.

Passed the Senate January 20, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

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## CHAPTER 165.

[S. B. 77.]

### PREVENTION AND ERADICATION OF DISEASES OF DOMESTIC ANIMALS.

AN ACT relating to and providing for the prevention and eradication of diseases of domestic animals, providing for compensation to the owner of bovine animals slaughtered by reason of being suspected of having tuberculosis, defining the powers and duties of certain officers, providing penalties for violations of this act, creating liens for and providing for the recovery of costs and charges and expenses incurred in the enforcement of this act in certain cases, and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. The director of agriculture shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting the domestic animals within, in transit through, or about to be imported into this state, and, through and by means of the division of dairy and live stock, shall have the power to establish and enforce quarantine of and against any and all such animals affected with any such disease or diseases or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he may deem necessary to determine whether any such animal is infected with any such disease: *Provided*, That no bovine animal that has been in this state

Powers and  
duties of  
director of  
agriculture.

Bovine  
animals.

more than six months shall be quarantined for tuberculosis without having been first subjected to the tuberculin test as in this act provided.

No quarantine without test.

SEC. 2. The word "quarantine" as used in this act shall mean the placing and restraining of any animal or animals by the owner or agents in charge thereof, either within a certain described and designated enclosure or area within this state, or the restraining of any such animal or animals from entering this state, as may be directed in writing by the director of agriculture, or his duly authorized representative. Any animal or animals so quarantined within the state shall at all times be kept separate and apart from other domestic animals and not allowed to have anything in common therewith.

"Quarantine" defined.

Quarantine districts.

SEC. 3. It shall be unlawful for the owner or owners of any domestic animal quarantined, or their agents or employes, to break such quarantine or to move, or to allow to be moved, any such animal from within the quarantined area, or across the quarantine line, as established, or to sell, exchange or in any other way part with the products of such animals, without first obtaining a permit in writing from the director of agriculture, or his duly authorized representative. Any owner or owners of any quarantined animal or any agent of such owner or owners, who fails to comply with or violates any such quarantine or who negligently allows any such quarantined animal to escape from quarantine, and any other person who removes any quarantined animal from such quarantine shall be guilty of a misdemeanor.

Breaking quarantine.

Sale of products of quarantined animals prohibited.

Penalty.

SEC. 4. The director of agriculture shall have power 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

Director of agriculture to promulgate rules to prevent introduction or spreading of disease, etc.

or dangerous diseases affecting domestic animals in this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing the inspection and test of all domestic animals within or about to be imported into this state, and 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 domestic animals within or about to be imported into this state, and to promulgate and enforce inter-county embargoes and quarantine to prevent the shipment, trailing, transporting or movement of bovine animals from any county that has not had a county-wide test of bovine animals for tuberculosis, into a county which has had such county-wide test, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days last prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or the United States Bureau of Animal Industry, or an accredited veterinarian.

Importation  
without  
permit un-  
lawful.

SEC. 5. It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state any horses, cattle, or swine, for work, feeding, breeding or dairy purposes, without first having such animals examined and found free from glanders, farcy, tuberculosis, actinomycoesis, rinder pest, foot and mouth diseases, contagious abortion, contagious keratitis, scabies, maladie du coit, swine plague and hog cholera and without having obtained a permit so to do from the director of agriculture or his duly authorized representative: *Provided*, That this section shall not apply to domestic animals imported into this state for immediate slaughter, or to range stock

Exception.



cattle imported into this state for range pasturage, or beef cattle imported for the purpose of feeding in transit, but it shall be unlawful to sell such cattle for dairy purposes, and it shall be unlawful for any person to sell for dairy or breeding purposes any animal imported into this state for immediate slaughter.

Sale of imported cattle for dairy or breeding purposes restricted.

SEC. 6. It shall be unlawful for any person to willfully hinder or obstruct or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them, when engaged in the performance of the duties or the exercise of the powers conferred by this act, and it shall be unlawful for any person to willfully fail to comply with or violate any rule, regulation or order promulgated by the director of agriculture or his duly authorized representatives under the provisions of this act.

Obstructing officers.

Violation of departmental regulations.

SEC. 7. Whenever a majority of any board of health, board of county commissioners, city council or other governing body of any incorporated city or town, or trustees of any township, whether in session or not, shall, in writing or by telegraph, notify the director of agriculture of the prevalence of or probable danger of infection from any of the diseases of domestic animals mentioned in section 5 of this act, the director of agriculture personally, or by the supervisor of dairy and live stock, or by a duly appointed and deputized veterinarian of the division of dairy and live stock, shall at once go to the place designated in said notice and take such action as the exigencies may in his judgment demand, and may in case of an emergency appoint deputies or assistants, with equal power, whose compensation shall be five dollars per day and actual traveling expenses.

Notice by local authorities of probable danger of infection.

Investigation.

May appoint assistants.

Compensation.

SEC. 8. It shall be the duty of every person registered to practice veterinary medicine, surgery and dentistry in this state to immediately report to

Registered veterinarians to report to

director any  
disease  
among  
domestic  
animals.

the director of agriculture in writing the discovery of the existence or suspected existence among domestic animals within the state of any of the diseases mentioned in section 5 of this act.

Authority of  
director to  
order de-  
struction of  
diseased  
animal.

SEC. 9. Whenever in the opinion of the director of agriculture, upon the report of the supervisor or a duly appointed and qualified veterinarian of the division of dairy and live stock, the public welfare demands the destruction of any animal found to be affected with any of the diseases mentioned in section 5 of this act, he shall be authorized to by written order direct such animal to be destroyed by or under the direction of the supervisor or a duly appointed and qualified veterinarian of the division of dairy and live stock: *Provided*, That this section shall not apply to bovine animals found affected with tuberculosis.

Bovine ani-  
mals ex-  
cepted.

Cooperation  
with the  
United  
States.

SEC. 10. The governor and the director of agriculture shall have the power to co-operate with the government of the United States in the prevention and eradication of diseases of domestic animals and the governor shall have the power to receive and receipt for any moneys receivable by this state under the provisions of any act of congress and pay the same into the hands of the state treasurer as custodian for the state to be used and expended in carrying out the provisions of this act and the act or acts of congress under which said moneys are paid over to the state.

Application  
of owners  
for tubercu-  
lin infection  
tests.

SEC. 11. On the written application of the owners of the majority of bovine animals, as shown by the last assessment roll, in any county, to the director of agriculture for the examination and testing of bovine animals in such county to ascertain whether the same are infected with tuberculosis, it shall be the duty of the director of agriculture to cause such examination and test of all the bovine animals with-

in such county to be made as soon thereafter as consistent with the departmental policies of tuberculous eradication.

When tests made.

The director of agriculture, or any duly authorized veterinary inspector of the department of agriculture, may cause an examination and test to be made of any bovine animal exposed to or suspected of having tuberculosis.

Examination of animal exposed to tuberculosis.

All such examinations and tests shall be made subject to the rules and regulations of the department of agriculture.

Examinations subject to rules.

Every inspector and veterinarian of the department of agriculture making examinations and tests, as provided in this section, shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state and shall, before making any examination and test, furnish and file with the department of agriculture a good and sufficient bond in the penal sum of two thousand dollars (\$2000.00), payable to the state of Washington, conditioned that he will faithfully and honestly perform and discharge any work which he is authorized to undertake under this act: *Provided*, That the veterinary inspectors of the United States Bureau of Animal Industry may be appointed by the director of agriculture to make such examinations and tuberculous tests as herein provided, and when so employed they shall act without bond or compensation, and shall possess the same power and authority in this state as a veterinary inspector of the department of agriculture.

Veterinary inspector to be licensed.

Furnish bond.

Federal veterinary inspectors act without bond or compensation.

Should the owner or owners of any bovine animals desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture, for making such examination and tests in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with such examination and tests.

Owners may select veterinary inspector.

Expenses of test.

Indemnity or quarantine optional.

Appraisal.

SEC. 12. If, on the completion of any examination and test as provided in the preceding section, the inspector or veterinarian making the examination and test, 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 is located to appoint a third appraiser, and the decision of the majority of the appraisers shall be final.

Sale.

Certificate as to price paid.

Supervision of slaughter.

Post mortem.

Meat inspection regulations.

Report.

Reimbursement of owner.

The owner, or his agent, of any bovine animal thus appraised shall market the animal within thirty days from date of appraisal and shall obtain from the purchaser a report in quadruplicate, upon blank forms to be furnished by the inspector, certifying to the amount of money actually paid for the animal or 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 to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws and regulations, the department of agriculture shall cause to be paid to the owner or owners of the

animals one-third of the difference between the appraised value of each animal so slaughtered 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 female, or more than fifty dollars (\$50.00) for any pure bred registered bull or female, and in no case shall any indemnity be paid for grade bulls or for steers, and that no indemnity shall be paid for animals slaughtered on account of tuberculosis to any person who has not owned such animal for six months prior to the date such examination or test is made, and 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, town or township in this state. Every appraiser appointed by the judge of the superior court as hereinabove provided shall receive his actual and necessary traveling expenses and a per diem of three dollars (\$3.00) for the time actually spent to be paid by the state. The expenses of herding, caring for, feeding, transporting and slaughtering animals under the provisions of this section shall be paid by the owner thereof.

Maximum payment.

No indemnity if imported into state.

Proceeds of sale of slaughtered imported animals.

No indemnity to U. S., state or municipal corporations.

Compensation of appraisers.

SEC. 13. Whenever any appropriation made by the legislature for the purpose of carrying out the provisions of sections 11 and 12 of this act during any biennium shall be exhausted, no further animals shall be slaughtered under the provisions of said sections.

Appropriation exhausted—no further slaughter.

SEC. 14. Whenever the commissioner of agriculture shall have reason to believe that any bovine

Quarantine at state line for examination.

animal about to be imported into this state is infected with tuberculosis he shall have the power and authority to quarantine such animal at the state line, and make an examination and test thereof as in this act provided and if any such animal shall be found to be infected with tuberculosis it shall not be permitted to enter this state.

Importation forbidden.

May not exhibit animal until certificate of health filed.

SEC. 15. It shall be unlawful for any person to exhibit at any state, county, district or other fair, or live stock exhibition within this state, any bovine animal over one year old, unless within six months prior to such exhibition it has been subjected to a tuberculin test and received a certificate of health from a qualified veterinarian, and it shall be unlawful for the officers or any person in charge of any such fair or exhibition to accept any such animal for exhibition until such certificate of health has been filed with the proper officer of the fair or exhibition.

Sheep inspection.

Investigating diseases.

May prohibit importation.

SEC. 16. It shall be the duty of the director of agriculture to cause to be investigated by qualified representatives of the division of dairy and live stock all cases of contagious, infectious and communicable diseases among sheep within this state which may come to his or their knowledge, and to make official visits of inspection of any locality where such diseases exist or where they have reason to believe that such diseases may exist, and to inspect or cause to be inspected by a duly qualified veterinarian any sheep within the state, and all sheep brought into the state, from any other state, territory or foreign country, and he or they shall have authority to order a quarantine of any infected premises, and in case any such disease shall become prevalent in any locality within the state, the director of agriculture may issue a proclamation forbidding any sheep from being transferred from said

locality without a certificate issued by him or under his direction by a representative of the division of dairy and live stock showing such animals to be in good health. The expenses of herding, feeding and caring for sheep quarantined under the provisions of this section shall be paid by the owner thereof. The director of agriculture, the supervisor and all inspectors and veterinarians of the division of dairy and live stock shall have the power to administer oaths and examine witnesses in so far as the same may be necessary in the performance of their duties.

Owner to pay expense of quarantine

Director may administer oaths.

SEC. 17. Whenever the governor has reason to believe, or the director of agriculture shall certify to the governor, that scabies or other contagious, infections or communicable diseases of sheep have become prevalent in any locality or localities of any other state or territory or foreign country, or that conditions exist that render sheep from such locality likely to convey disease, the governor shall by proclamation declare such locality as presumably infected, and prohibit importation therefrom of any sheep into this state, except as under such restrictions as the director of agriculture may deem proper. Any person, persons, firm or corporation, who, after publication of such proclamation, having in charge or receiving any sheep from any of the prohibited districts, transports, conveys or drives the same to or within the limits of this state shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than one thousand dollars, and shall be liable for all damages sustained by any person, persons, firm or corporation by reason of the importation into this state of such sheep from prohibited districts: *Provided, however,* That nothing contained in this section shall prohibit the transportation of animals from such prohibited districts through the state by

Governor may prohibit importation.

Penalty for violation.

Interstate transportation under restriction.

railroad or steamboat under such restrictions and regulations as may be prescribed by the law of this state or by the government of the United States.

Cooperation  
of United  
States  
Bureau to be  
requested.

SEC. 18. The governor shall, through the secretary of agriculture of the United States government, request the co-operation of the United States Bureau of Animal Industry in controlling and eradicating contagious, infectious and communicable diseases in sheep, and when said bureau, through its duly authorized representatives, agents or employes, shall be thus engaged, they shall possess the same power and authority in this state as the director of agriculture and the supervisor and veterinary inspectors of the division of dairy and live stock by virtue of this act; and all dipping and other treatment required for the control and eradication of such diseases within this state shall be performed in the manner prescribed by the United States Bureau of Animal Industry, and the dips, remedies and appliances used shall be those approved by said bureau.

Dipping for  
scabies  
ordered.

SEC. 19. Whenever it becomes necessary by reason of the prevalence of scabies, or exposure to scabies, of the sheep of any county or counties in this state, the director of agriculture shall have full authority to issue an order compelling the dipping of all the sheep in such county, counties or localities, whether all the sheep at the time be affected with or exposed to scabies or not; and such dipping shall be done under the supervision of a duly appointed and qualified veterinary inspector of the division of live stock or a federal inspector, and shall be done in some dip or dips approved by the United States Bureau of Animal Industry, and be performed in a manner in accordance with the rules and regulations of said bureau. After dipping, when the official in charge shall be satisfied that the sheep are in a sound and healthy condition, the owner shall be entitled to

Supervision.



receive a certificate to that effect signed by said official in such form as the director of agriculture may prescribe and such certificate shall permit the sheep to move in and through all counties in this state so long as they remain free from disease and exposure thereto.

Certificate of health to permit sheep to move.

SEC. 20. The director of agriculture and the supervisor and veterinary inspectors of the division of dairy and live stock and the officials of the United States Bureau of Animal Industry shall have authority to inspect, quarantine and treat sheep affected with any contagious, infectious or communicable disease or diseases, or suspected of being so affected, or that have been exposed to any such disease.

Authority for inspection, quarantine and treatment.

SEC. 21. Whenever upon inspection as provided in the preceding section, any sheep, or band or flock of sheep, or any portion of them kept or herded in any county of the state shall be found infected with scabies or any other contagious, infectious or communicable disease, the entire band or flock in which said infected sheep are running or ranging shall be considered as infected and treated as such and the officer making the inspection shall immediately quarantine the entire band or flock and forthwith notify the owner or person in charge of such sheep in writing, to dip said sheep twice for said disease within the period of thirty days from said notice; the first dipping not to exceed fifteen days from the receipt of said notice; and the second dipping to be within the period from ten to fourteen days thereafter; and also notify the owner or person in charge of such sheep in writing to keep such sheep free from contact with other sheep, during such period, by such means as the officer shall specify until after the second dipping: *Provided*, That in case the owner or person in charge shall regard it unsafe to dip such sheep on account of their condition, especially ewes heavy with lamb, or by reason of the inclemency

Infected sheep quarantined.

Notice to dip.

of the weather, the official in charge may authorize such owner or person in charge to place such sheep in a corral, field, feedyard or appropriate range, where such sheep shall be kept under quarantine regulations and free from contact with other sheep until such time as they are in condition to and are dipped as hereinabove provided. Any person or persons so allowed to keep sheep in such corral, field, feedyard or range, who shall wilfully or knowingly take or permit to be taken any sheep therefrom, except as permitted or directed by the officer in charge, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Breaking quarantine.

Penalty.

Application to move infected sheep.

Permit to remove to dipping works.

Route to travel.

Rules.

SEC. 22. It shall be unlawful for any person, persons, firm or corporation within this state, to move his or their sheep which are infected with scabies or other contagious, infectious or communicable disease from place to place within this state without first obtaining from the director of agriculture or his authorized representative a traveling permit. Upon the receipt of an application for such traveling permit the director of agriculture or one of his authorized representatives shall examine the sheep, and such permit shall only be granted for the purpose of removing said sheep to the nearest suitable point where there are available dipping works or where such works can be constructed, at which place said sheep shall be dipped under the direction of the official making the examination. In such removal only that route shall be used which such official shall designate in the permit, and before moving said sheep the owner or person in charge shall first notify all parties herding sheep along or over said route that the infected sheep must travel, of the fact that they are to pass and the time at which they will pass over said route, and such route

shall be considered as quarantined, and any person, persons, firm or corporation injured or damaged by reason of the moving of said sheep shall be entitled to recover of the owners thereof in a civil action the amount of such damages: *Provided, however,* That no party shall be entitled to recover damages who shall voluntarily herd or cause to be herded any sheep on such quarantined ground, and any sheep so voluntarily herded on such ground shall be considered as affected as in this act provided for infected sheep within this state. Any person, persons, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Route  
traveled  
quarantined.

Damages by  
moving  
sheep.

When  
recovery  
barred.

Violation.

Penalty.

SEC. 23. It shall be the duty of every person, persons, firm or corporation, their agents or employes who shall drive or herd or cause to be driven or herded, or bring or cause to be brought, by railroad or trail into this state from any other state, territory or foreign country, any sheep, to immediately upon crossing the state line and before proceeding into the state a distance greater than two miles, to make written application to the director of agriculture, or his nearest qualified representative, for the inspection of said sheep which application shall be delivered in person or by telegraph or telephone or registered letter. The application must state the time and place when and where the said sheep crossed the line, the locality from which they came, the name and residence of the owner or owners thereof, and of the person in control of the same, and the number, brands and character of the animals. The director of agriculture or his duly authorized representative on receiving such application shall at once proceed, either by himself or his duly authorized representative to inspect said sheep,

Importation.

Application  
for inspec-  
tion.

Quarantine.

Dipping  
before  
release.Carriers to  
notify  
Director of  
importation.Interstate  
transporta-  
tion.Release from  
quarantine  
for slaughter.Order  
dispensing  
with inspec-  
tion and  
restriction.

and if upon inspection the officer making the inspection shall deem it necessary to prevent or avoid infection, shall cause said sheep to be quarantined not more than three miles from where they entered the state for such period as may be necessary, not to exceed thirty days, and if the officer shall deem it necessary he shall cause said sheep to be dipped not to exceed three times if infected, or once if exposed, before they are released from such quarantine. It shall be the duty of any person, persons, firm or corporation, their agents or employes, who shall ship into this state by railroad or steamboat from any other state, territory or foreign country any sheep, immediately upon unloading the same at any point within this state, to notify personally or by telegraph, telephone or registered letter the director of agriculture, and thereupon the director shall cause said sheep to be inspected, and if upon inspection the officer shall deem it necessary to prevent or avoid infection he shall cause said sheep to be quarantined not more than three miles from the point where they were unloaded for such period not exceeding thirty days as he may deem necessary and may cause said sheep to be dipped not to exceed three times if infected, or once if exposed, before they are released from such quarantine: *Provided*, That this section shall not apply to sheep enroute through the state on railroad trains or boat lines to other states: *And provided further*, That any sheep held in quarantine under the provisions of this section may be released therefrom by the officer imposing the quarantine at any time for the purpose of immediate slaughter: *And provided further*, That if in the opinion of the director of agriculture it is unnecessary to inspect sheep coming into this state from certain districts or localities in other states, territories or foreign countries he may issue an order dispensing with such inspection and restriction. Any person, persons,

firm or corporation violating or failing to comply with 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 nor more than five hundred dollars and such fine shall be a lien upon the sheep and may be foreclosed in the manner provided by law for the foreclosure of personal property liens, or may be enforced by judgment against the offending party.

Violation.

Penalty.

SEC. 24. If any owner or person in charge of any sheep shall neglect or refuse to dip the same as required by this act upon the request of the director of agriculture or his duly authorized representative or any federal official clothed with power under this act, or to permit the same to be dipped by them, it shall be the duty of such officer to seize such animals and dip the same, and he is hereby given authority so to do, and when in the opinion of the officer the sheep are restored to health and free from possible infection he shall notify in writing the owner or person in charge of the sheep of the amount of the costs, charges and expenses incurred by him, and the same shall be paid within ten days of the receipt of such notice and shall be a lien on the sheep and may be collected in the manner provided by law for the foreclosure of personal property liens.

Owner refusing to dip.

Inspectors may dip.

Owner to pay expenses.

SEC. 25. Any person, persons, firm or corporation who shall drive or cause to be driven, bring or cause to be brought, ship or cause to be shipped into this state from any other state, territory or foreign country, any sheep infected with scabies or other contagious, infectious or communicable disease knowing the same to be so infected shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred fifty dollars nor more than one thousand dollars, and in case the offending party is a corporation its officers shall be

Importing infected sheep.

Penalty.

Violation by  
transportation  
company.

Penalty.

Disinfection  
of cars, etc.  
by carrier.

Failure to  
disinfect.

Penalty.

Disinfection  
at expense  
of carrier.

Penalty for  
sale of  
infected  
sheep.

liable in the same manner as individuals would be liable. Any transportation company which shall convey from point to point within this state any sheep infected with scabies or any other contagious, infectious or communicable disease, knowing the same to be so infected, shall be deemed guilty of a misdemeanor and shall be punished as in this section above provided. It shall be the duty of such transportation company whose corrals, guards, pens, sheds, chutes, cars or boats shall have been occupied by infected sheep to within forty-eight hours after the same have been so occupied cause the same to be disinfected in accordance with the rules of the United States Bureau of Animal Industry relating to the disinfection of places, boats and cars and any transportation company who shall fail or neglect to cause such disinfection shall be deemed guilty of a misdemeanor and punished as in this section above provided and the director of agriculture, his duly authorized representative, and the officers of the United States Bureau of Animal Industry shall each have authority to enforce the provisions of this section relating to disinfection and in case such transportation company fails or neglects for a period of forty-eight hours to so disinfect such cars, guards, pens, sheds, chutes or boats the officials may take possession of the same, and proceed to disinfect them at the expense of such company, such expense to be recovered in an action in the name of the state upon relation of the director of agriculture in any court of competent jurisdiction.

SEC. 26. It shall be unlawful for any person, firm or corporation to sell, exchange, give away or in any manner part with to another, any sheep infected with any contagious or infectious or communicable disease, or any sheep which has, or which the owner or his agent or employe or the person in

charge thereof, has reason to believe has, within thirty days next preceding such transfer been exposed to any contagious, infectious or communicable disease, without first notifying the person, firm or corporation to whom such sheep is transferred that it is so infected, or that it has been so exposed, and every person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars.

SEC. 27. In all cases where quarantine of sheep is authorized by the provisions of this act, the director of agriculture, the supervisor and the veterinarians and inspectors of the division of dairy and live stock and the officials of the United States Bureau of Animal Industry are each and all empowered to designate and specify the place, limits and boundaries of any quarantine area or territory, and they are hereby given authority over the same until the purpose of such quarantine shall have been effected, and any person, persons, firm or corporation owning or having in his or their possession any sheep within such quarantined area, who shall permit or allow any of such sheep to go beyond the limits of such area, without permit from the official in charge, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and each of the officials above named are hereby clothed with full authority to control sheep and territory in quarantine, and to take and hold possession thereof as provided by the terms of this act, and for all purposes thereof.

Limits of quarantine.

Breaking quarantine.

Penalty.

SEC. 28. It shall be the duty of any person, persons, firm or corporation owning or having in his or their control any sheep which have become

Duty to report to Director infection of sheep.

infected with scabies or any other contagious, infectious or communicable disease or which have been exposed in any manner to such disease, to immediately report the same to the director of agriculture by registered letter, telegraph, telephone or in person within ten days after said condition has come to his or their knowledge and any person, persons, firm or corporation failing so to do or attempting to conceal the existence of any such disease, or wilfully obstructing or hindering the director of agriculture or the supervisor or any inspector of the division of dairy and live stock or any officer of the United States Bureau of Animal Industry in the discharge of his or their duties under the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Failure or concealment.

Penalty.

Expenses of inspection, etc., to be paid by owner.

Prior lien.

SEC. 29. The expenses of inspection, feeding, holding, dipping, treating and taking of all sheep inspected, quarantined, dipped or otherwise treated under the provisions of this act, must be paid by the owner of such sheep and such charge shall be a lien upon such sheep for such charges and expenses, which lien shall be prior and paramount to any and all other liens, demands or other claims against such sheep, and the director of agriculture, the supervisor and inspectors of the division of dairy and live stock and the officers of the United States Bureau of Animal Industry may retain possession of such sheep until such charges and expenses have been paid. Such liens shall be enforced at any time after ten days from the date when such charge shall be incurred and shall not be dependent upon possession of said sheep and may be foreclosed in the name of the state upon the relation of the director of agriculture in the manner provided by law for the foreclosure of other liens upon personal property; or in



lieu of foreclosing such lien the director of agriculture may bring an action in the name of the state upon his relation in any court of competent jurisdiction to recover the amount of such charges and expenses: *Provided, however,* That no charge shall be made for the personal services of any officer performed in the enforcement of the provisions of this act in relation to the prevention and eradication of diseases of sheep.

No charge for personal services of officers.

SEC. 30. The director of agriculture shall make a part of his annual report to the governor all matters connected with his work in the prevention and eradication of diseases of sheep under the provisions of this act.

Annual report to the Governor.

SEC. 31. It shall be the duty of the director of agriculture and the supervisor and veterinarians and inspectors of the division of dairy and live stock acting under the provisions of this act, to use every precaution to protect the sheep under their care from injury, and to select proper places for quarantining and dipping, and to enforce quarantine regulations in such manner as to make the expenses as light as possible upon the owner, consistent with public interest; and any such officer who by virtue of any power conferred upon him under this act, willfully oppresses, wrongs or injures any person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Wrongful handling of sheep by officers.

Penalty.

SEC. 32. Whenever any sheep affected with scabies or any other contagious, infectious or communicable disease shall mingle with any healthy animals belonging to another, through the fault or negligence of the owner of said diseased sheep, his agent or employes, such owner shall be liable in any action at law for all damages sustained by the owner of such healthy sheep.

Mingling infected and healthy sheep.

Owner liable.

Violation  
of Act.

Penalty.

Statutes  
repealed.

Other acts  
not revived.

Criminal  
prosecutions  
under acts  
repealed.

Recovery of  
expenses  
under re-  
pealed Acts.

SEC. 33. Every person who shall violate or fail to comply with any of the provisions of this act for which violation or failure to comply no specific penalty is provided in this act, shall be deemed guilty of a misdemeanor.

SEC. 34. That an act entitled "An Act to prevent the introduction of Texas cattle, or cattle infected with Texas fever into the Territory of Washington" passed over the governor's veto December 1, 1869, Laws of 1869, page 404; chapter CLXVII (167) of the Laws of 1895, pages 456-458; chapter CXII (112) of the Laws of 1901, pages 228-229; chapter 26 of the Laws of 1903, pages 28-29; chapter 125 of the Laws of 1903, pages 234-235; chapter 169 of the Laws of 1905, pages 338-339; chapter 189 of the Laws of 1909, pages 656-667; chapter 100 of the Laws of 1915, pages 292-296; chapter 13 of the Laws of 1917, pages 40-41; sections 89 and 90 of chapter 192 of the Laws of 1919, pages 650-653; chapter 77 of the Laws of 1921, page 218; chapter 73 of the Laws of 1923, pages 223-227; chapter 198 of the Laws of the Extraordinary Session of 1925, pages 597-601; sections 3110 to 3153, both inclusive, of Remington's Compiled Statutes; sections 2024 to 2041, both inclusive, and 2051 to 2071, both inclusive, of Pierce's 1919 Code, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof: *And provided further*, That the repeal of said acts shall not operate to prevent the prosecution for the violation of any of the provisions thereof committed prior to the taking effect of this act, or to affect any proceeding pending for violations thereof at the time of the taking effect of this act, or to prevent the recovery of expenses and charges for the enforcement of any of said acts or any proceeding therefor pending at the time of the taking effect of this act, but such violations may

be prosecuted and such proceedings continued and penalties imposed and recoveries had in the same manner as though this act had not taken effect.

Passed the Senate January 20, 1927.

Passed the House February 9, 1927.

Approved by the Governor, February 21, 1927.

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## CHAPTER 166.

[S. B. 79.]

### TRANSPORTATION BY MOTOR VEHICLES.

AN ACT relating to the operation of motor propelled vehicles for the transportation of persons, and/or, property, and amending Section 2 of Chapter 111 of the Laws of 1921.

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

SECTION 1. That section 2 of chapter 111 of the Laws of 1921, page 339, be amended to read as follows:

§ 2 ch. 111  
Laws 1921.

Section 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall engage in the business of operating as a common carrier any motor propelled vehicle for the transportation of persons, and/or, property between fixed termini or over a regular route, for compensation on any public highway in this state, except in accordance with the provisions of this act.

Common  
carrier  
motor vehicle  
to comply  
with statute.

Passed the Senate January 24, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

CHAPTER 167.

[H. B. 96.]

CONSOLIDATION OF MUNICIPAL CORPORATIONS.

AN ACT relating to the consolidation of municipal corporations, amending section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, and repealing chapter 145 of the Laws of 1903 and Chapter 237 of the Laws of 1907.

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

SECTION 1. That section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, Laws of 1889-90, pages 138-140, be amended to read as follows:

Section 10. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, or other legislative body, of either of such corporations, shall upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other of such corporations, which notice shall designate the name of a proposed new corporation. It shall thereupon be the duty of such legislative body of

§ 10 Laws 1889-90 P. 138-140.

Two or more may consolidate.

Petition for consolidation.

Requisites.

Special election.

Name of proposed new corporation.

each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper, printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be submitted, the names of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing a cross "X" upon their ballots after the words "For consolidation," or "Against consolidation." The legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population, as shown by the last United States census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention was held, to make a certified abstract of such vote, which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations, and immediately upon the record thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary

Publication  
of notice of  
election.

Form of  
ballots.

Canvass of  
votes.

Each  
corporation  
votes for  
consolida-  
tion.

Record to  
secretary of  
state.

Special  
election for  
officers.

of state a certified copy of such abstract. Immediately after such filing the legislative body of that one of such corporations having the greatest population, as shown by the last United States census, shall call a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class to which such new corporation shall belong; which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof and cause the same to be entered upon their journal. From and after the date of such entry such corporation shall be deemed to be consolidated into one corporation under the name and style of the city (or town as the case may be) of.....(naming it) with the powers conferred or that may hereafter be conferred by law upon municipal corporations of the class to which the same shall so belong and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified. All the provisions of sections five and six of this act shall apply to such corporations and to the officers thereof: *Provided*, That in all cases wherein cities and towns of the third and fourth class desire annexation to cities of the first class, no election shall be required to be held in such cities of the first class. When any city or town of the third or fourth class shall vote in favor of annexation to any city of the first class, the legislative

Terms of  
officers.

Annexation  
towns of  
third and  
fourth class  
to cities of  
the first  
class, no  
election in  
latter.

body of such city or town so voting shall canvass such votes and if in favor of annexation may (if said city or town desires to be annexed as a separate ward or wards of the city of the first class) forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such city or town; in which census the full name of each person shall be plainly written and the names alphabetically arranged and regularly numbered in one complete series; which census shall be verified before an officer authorized to administer oaths, and upon the completion of such census the legislative body of such city or town shall forthwith file a petition, together with an abstract of the votes so taken and canvassed and a copy of the census so taken, with the city council of such city of the first class, praying for annexation under the name of such city of the first class. At the next regular meeting of the city council of said city of the first class following the filing of such petition, abstract and copy of census, or as soon thereafter as practicable, said city council shall proceed to hear such petition, with the abstract and census attached, for annexation and if said council so deem it wise and expedient to take or annex such city or town of the third or fourth class then the city council of said city of the first class shall pass a resolution requiring its corporation counsel to prepare an ordinance, as required by law and the charter of said city, covering the annexation of said city or town; which ordinance, in case of the population of said city or town as shown by said census is sufficient to constitute one or more wards under the charter of said city of the first class, shall provide that said city or town be annexed as one or more wards according to its population, as shown by said census, and shall assign a number or numbers thereto; and present the same to the city council. Upon the taking effect of said

Annexed as  
a ward.

Census.

Petition for  
annexation.

Ordinance  
to annex.

ordinance of such city of the first class such city or town so desiring to be annexed shall thereupon become a part of such city of the first class under the name of such city of the first class and subject to all its laws and ordinances then and there in force: *Provided*, That if the city of the first class is divided into wards and governed by councilmen elected from such wards respectively and if the city or town so annexed shall have sufficient population, as shown by said census, to constitute a separate ward or wards, such city or town shall thereupon become a separate and distinct ward or wards of the said city of the first class, and the city council of said city of the first class shall immediately call a special election to be held in such new ward or wards for the purpose of electing one councilman from each ward, who shall hold office until the next general election held in said city of the first class; such special election shall be held and conducted in all respects the same as provided by the charter, laws and ordinances of such city of the first class for the holding of special elections; and simultaneously the terms of office of the officers of the city or town so annexed shall terminate. And it shall be the duty of the clerk of said city of the first class to forthwith transmit to the secretary of state a certified copy of the proceedings so had before said city of the first class relating to said matters of annexation: *And further provided*, That no property within either of the former corporations so consolidated shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations, contracted prior to, or existing at, the date of such consolidation: *And provided further*, That where municipalities are separated by water or by tide or shore lands upon which no *bona fide* residence is maintained by any person such municipality shall be deemed to be contiguous for

If city governed by councilmen special election in new wards to elect councilmen.

Terms of office.

Certified copy of proceedings to Secy of State.

Previous indebtedness of corporations—liability.

Separation of municipalities by water or tide and shore lands.



all the purposes of this act and may be consolidated under the terms hereof, and upon such consolidation any such intervening water, tide or shore lands shall become part of the consolidated city.

SEC. 2. That chapter 145 of the Laws of 1903, pages 279-282, and chapter 237 of the Laws of 1907, pages 595-599, (sections 8909-8913, both inclusive, of Remington's Compiled Statutes; section 647 of Pierce's 1919 Code) are hereby repealed: *Provided*, That the repeal of said acts or either of them shall not be construed as affecting the validity of any act done or proceeding pending under said acts or either of them at the time of the taking effect of this act but the same shall continue under the provisions of this act as though said acts had not been repealed.

Statutes  
repealed.

Saving  
clause.

Passed the House February 1, 1927.

Passed the Senate February 9, 1927.

Approved by the Governor February 23, 1927.

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## CHAPTER 168.

[H. B. 103.]

### BUDGET SYSTEM FOR CITIES OF THE FIRST CLASS.

AN ACT relating to the raising and expenditure of revenues by cities of the first class in the State of Washington, having a population of three hundred thousand or more, prescribing the manner of preparation, appropriation and administration of municipal budgets and emergency expenditures, limiting the expenditures of revenues and providing penalties for violations thereof, and amending Sections 7 and 8 of Chapter 125, of Laws of Extraordinary Session, 1925.

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

SECTION 1. That section 7, of chapter 125 of the Laws of Extraordinary Session 1925 be amended to read as follows:

§ 7 ch. 125  
L. Ex. Sess.  
1925.

Section 7. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake,

Enumeration  
of emergen-  
cies.

epidemic, riot or insurrection, act of God or the public enemy, 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 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 any other such happening that could not have been anticipated, or to meet mandatory expenditures required by laws enacted since the last budget was adopted, the council may by ordinance passed by three-fourths of all its members, authorize the expenditure of sufficient money from the emergency fund hereinafter established to meet the expenses or obligations so caused or imposed: *Provided further*, The Council may, by ordinance passed by unanimous vote of all its members, appropriate from such emergency fund, an amount sufficient to meet the actual necessary expenditures of any department for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen at the time of making of the budget. All such ordinances shall clearly state the facts constituting such emergency and shall become effective immediately upon the approval or signing of same by the mayor, or the passage of the same over the mayor's veto as provided by the charter of any such city.

Appropriation  
from  
emergency  
fund.

Emergency  
fund: how  
supported.

There is hereby established in every city an Emergency Fund, which shall be supported either by an appropriation, listed in the budget for the ensuing year, or by a transfer from time to time of sufficient money from the general fund, or any other fund not including bond or trust funds, of the city, whenever the necessity for emergency expenditures arises. Any deficit in the general fund, or any other

fund, created by such transfer, shall be provided for in the next succeeding tax levy.

All emergency expenditures shall be paid for by the issuance of warrants chargeable against this fund, and no money accruing or transferred to this fund shall be withdrawn therefrom for any purpose or in any manner, except as herein provided.

Emergency warrants.

SEC. 2. That section 8, of chapter 125 of Laws of Extraordinary Session 1925 be amended to read as follows:

§ 8 ch. 125  
L. Ex. Sess.  
1925.

Section 8. All sums provided in the budget for operating and maintenance expenses of any department or activity, other than Municipal Utility Departments, which shall remain unexpended or unencumbered at the close of the fiscal year except such sums as the council, by ordinance, shall designate, shall automatically revert to the surplus account of the city, and shall be applied to the reduction of the tax levy of the following year.

Unexpended appropriations.

Any and all sums, provided in the budget for capital or betterment outlays of any department, other than Municipal Utility Departments, which shall remain unexpended or unencumbered at the close of the year, shall be reported at the beginning of the following year by the auditor to the council, which shall by proper ordinance, abandon such unexpended balances as it shall determine, and such unexpended balances shall be credited to the surplus account and applied to the reduction of the tax levy of the following year. The appropriations for all other capital or betterment outlays than those abandoned by said ordinance shall be carried forward and unless subsequently abandoned by the council, shall remain in full force and effect and shall be held available for the said items.

Passed the House January 28, 1927.

Passed the Senate February 9, 1927.

Approved by the Governor February 23, 1927.

## CHAPTER 169.

[H. B. 104.]

## DISSOLUTION OF CORPORATIONS.

AN ACT relating to the dissolution of corporations and amending Section 2442 of the Code of Washington Territory of 1881.

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

§ 2442 Code of 1881;  
§ 3834 Rem. Stats.;  
§ 4533 Pierce's Code.

SECTION 1. That section 2442 of the Code of Washington Territory of 1881 (section 3834 of Remington's Compiled Statutes), be amended to read as follows:

May dissolve.

Section 2442. Any corporation formed under this chapter may dissolve and disincorporate itself by presenting to the superior judge of the county in which the office of the company is located, a petition to that effect, certified by its proper officers, and setting forth that at a meeting of the stockholders called for the purpose, it was decided by a vote of two-thirds of all the stockholders, to disincorporate and dissolve the corporation. Notice of the application shall then be given by the clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper of the county once a week for four weeks, or if no newspaper is published in the county, by publication in the newspaper nearest thereto in the state. At the time and place appointed, or at any other time to which it may be postponed by the judge, he shall proceed to consider the application, and if satisfied that the corporation has taken necessary preliminary steps and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved. The court may by order continue the proceeding from time to time, and in its discretion may grant any additional time

Proceedings for dissolution.

Petition.

Notice of Application.

Publication.

Hearing.

Order of dissolution.

Continuance.

necessary to adjust and wind up the business and affairs of said corporation, and may consider objections, if any, filed by stockholders, creditors or other persons interested. Such corporation may, under the supervision of, and subject to the approval of the court, until the order of dissolution is entered, continue to exercise its corporate powers and to carry out the objects and purposes for which it was formed, for the purpose of paying, satisfying and discharging existing liabilities or obligations, collecting and distributing its assets, electing trustees and officers, executing conveyances, making contracts, and doing other acts required to adjust and wind up its business and affairs, and may sue and be sued in its corporate name. Upon the filing of the order of dissolution, the clerk of the court shall immediately forward a certified copy of said order to the secretary of state, who shall file the same without charge.

May exercise corporate powers until order entered.

Copy of order to Sec'y of State.

Passed the House January 27, 1927.

Passed the Senate February 9, 1927.

Approved by the Governor February 23, 1927.

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## CHAPTER 170.

[H. B. 109.]

### PROBATE CODE: GUARDIANSHIP.

AN ACT relating to the appointment of guardians for minors, insane or mentally incompetent persons, and amending Sections 197, 198 and 201 of Chapter 156 of the Laws of 1917, and repealing Section 4 of Chapter 142 of the Laws of 1923.

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

SECTION 1. That section 197 of chapter 156 of the Laws of 1917 (section 1567 of Remington's Compiled Statutes; section 9899 of Pierce's Code) be amended to read as follows:

§ 197 ch. 156  
L. 1917;  
§ 1567 Rem.  
Stats.;  
§ 9899  
Pierce's Code

Petition  
for appoint-  
ment of  
guardian.

Requisites.

Petition by  
parent.

Consent of  
minor.

Foreign  
guardian.

Hearing  
without  
notice.

When notice  
required.

Time.

Section 197. Application for the appointment of a guardian shall be made by petition in writing, signed and duly verified by the applicant or his attorney, setting forth facts essential to give the court jurisdiction of the case and stating that the minor, insane or mentally incompetent person needs the care and attention of a guardian or has property within the state needing such care and attention, and the character and approximate value of said property, together with the age and residence of such minor, insane or incompetent person.

If such petition be made by a parent asking for his appointment as guardian of a minor child under the age of fourteen years; or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward consenting to the appointment of the guardian asked for; or if the petition be by a foreign guardian of any minor, then the court may, upon presentation of such petition and without notice of the hearing thereof, appoint such guardian. In all other cases notice of the time and place of hearing shall be personally served upon the minor and the person having the custody, care and control of such minor. The court shall make an order fixing the time and place of such hearing, and notice thereof shall be signed by the clerk of the court. The notice herein provided for shall be served as in civil actions at least ten days prior to the time set for such hearing and proof of service shall be filed in the proceeding.

§ 198 ch. 156  
L. 1917;  
§ 1568 Rem.  
Stats.; § 9900  
Pierce's  
Code.

SEC. 2. That section 198 of chapter 156 of the Laws of 1917 (section 1568 of Remington's Compiled Statutes; section 9900 of Pierce's Code) be amended to read as follows:

Section 198. If the petition be with reference to the appointment of a guardian for the person or estate of any insane or mentally incompetent per-

son the notice provided for in section 197 shall be personally served on such insane or mentally incompetent person and upon the person having the care, custody or control of such person; when the custodian of such insane or mentally incompetent person is an officer or institution, then the service shall be on such officer or head of such institution. Non-resident guardians of non-resident insane or incompetent persons may be appointed without notice of such hearing.

Service  
of notice.

Non-residents

SEC. 3. That section 201 of chapter 156 of the Laws of 1917 (section 1571 of Remington's Compiled Statutes; section 9903 of Pierce's Code) be amended to read as follows:

§ 201 ch.  
156, L. 1917;  
§ 1571 Rem.  
Stats.;  
§ 9903  
Pierce's  
Code.

Section 201. In all cases where notice is required a copy of such notice, together with a copy of the petition shall be served on the prosecuting attorney at least ten days prior to the hearing and it shall be his duty to appear for such minor, insane or incompetent person: *Provided*, It shall not be necessary for the prosecuting attorney to appear if the person for whom a guardian is to be appointed is represented by an attorney.

Prosecuting  
Attorney  
to be  
served.

Appearance  
of prosecut-  
ing Attorney.

SEC. 4. That section 4 of chapter 142 of the Laws of 1923 (section 1568 of Remington's Compiled Statutes, 1923 Supplement; section 9900 of Pierce's Code, 1926 Supplement) is hereby repealed.

Statute  
repealed.

Passed the House January 27, 1927.

Passed the Senate February 9, 1927.

Approved by the Governor February 23, 1927.

CHAPTER 171.

[H. B. 110.]

FEEES OF JURORS.

AN ACT relating to schedule of fees of Jurors and amending Section 4229 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 4229 of Remington's Compiled Statutes of the State of Washington, be amended to read as follows:

Section 4229. Each grand and petit juror shall receive for each day's attendance upon the superior court, beside mileage, five dollars.

For each day's attendance upon a Justice of the Peace Court .....	\$1.00
For serving on a coroner's jury, per day.....	2.00
Mileage, each way, per mile.....	.10

Passed the House January 27, 1927.

Passed the Senate February 3, 1927.

Approved by the Governor February 24, 1927.

CHAPTER 172.

[H. B. 121.]

MARRIAGE CERTIFICATES: MAKING AND FILING.

AN ACT relating to the making and filing of marriage certificates and amending Section 2385 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 2385 of the Code of Washington Territory of 1881 (section 8445 of Remington's Compiled Statutes) be amended to read as follows:

Section 2385. A person solemnizing a marriage shall, within thirty days thereafter, make and de-

§ 4229 Rem. Stats.; L. 1907 p. 88, § 1; § 7488 Pierce's Code.

Schedule of fees.

§ 2385 Code of 1881; § 8445 Rem. Stats.; § 3712 Pierce's Code.



liver to the county clerk of the county where the marriage took place a certificate containing the particulars specified in the last section, which said certificate may be in the following form:

Filing certificate of marriage.

STATE OF WASHINGTON }  
County of..... }

This is to certify that the undersigned, a ..... , by authority of a license bearing date the.....day of.....A. D., 19...., and issued by the county auditor of the county of ....., did, on the ..... day of ..... A. D., 19...., at the hour of ..... in the county and state aforesaid, join in lawful wedlock A. B. of the county of ....., of the ..... and C. D. of the county of ....., of the ....., with their mutual assent, in the presence of F H and E G, witnesses.

Form of certificate.

Witness my hand.

In case the marriage take place in a county other than the county where the license authorizing the marriage was issued, it shall be the duty of the county clerk with whom the certificate above provided for is filed, to prepare and certify a copy of such certificate, together with the fact that the same has been filed in his office, and send such certified copy and certificate to the county clerk of the county where the license authorizing such marriage was issued, who shall, upon the receipt of such certified certificate file the same in the records of his office, as in the case where the marriage took place in his county.

Marriage in county other than county issuing license.

Certified copy to issuing county.

Passed the House January 27, 1927.

Passed the Senate February 9, 1927.

Approved by the Governor February 24, 1927.

CHAPTER 173.

[H. B. 186.]

VENUE OF CIVIL ACTIONS.

AN ACT relating to the venue of civil actions and repealing certain acts in relation thereto.

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

SECTION 1. An action may be brought in any county in which the defendant resides, or, if there be more than one defendant, where some one of the defendants resides at the time of the commencement of the action. For the purpose of this act, the residence of a corporation defendant shall be deemed to be in any county where the corporation transacts business or has an office for the transaction of business or transacted business at the time the cause of action arose or where any person resides upon whom process may be served upon the corporation, unless hereinafter otherwise provided.

Action brought in county where one defendant resides.

Residence of corporation defendant.

Service of process.

SEC. 2. An action against a non-resident of the state may be brought in any county where service of process may be had.

Action against non-resident.

SEC. 3. If an action is brought in the wrong county, the action may nevertheless be tried therein unless the defendant, at the time he appears and demurs or answers, files an affidavit of merits and demands that the trial be had in the proper county.

Action brought in wrong county.

SEC. 4. That chapter 42 of the Laws of 1909 (the same being section 206 of Remington's Compiled Statutes and section 8543 of Pierce's 1919 Code), and section 1 of chapter XXXIII of the Laws of 1891 (the same being sections 207 and 208 of Remington's Compiled Statutes, and section 8544 of Pierce's 1919 Code) are hereby repealed.

Statutes repealed.

Passed the House January 31, 1927.

Passed the Senate February 9, 1927.

Approved by the Governor February 23, 1927.

CHAPTER 174.

[H. B. 124.]

DRAINAGE DISTRICT BONDS: REFUNDING.

AN ACT relating to drainage districts, amending Chapter II of Title XXVII of Remington's Compiled Statutes of Washington by adding thereto nine sections to be numbered 4332-a, 4332-b, 4332-c, 4332-d, 4332-e, 4332-f, 4332-g, 4332-h, 4332-i.

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

SECTION 1. That chapter II of Title XXVII of Remington's Compiled Statutes of Washington, be amended by adding thereto nine sections to be numbered 4332-a, 4332-b, 4332-c, 4332-d, 4332-e, 4332-f, 4332-g, 4332-h, 4332-i, and to read respectively as follows:

Laws of 1895: Sec. 1947-32, Pierce's Code.

Section 4332-a. If any default shall have occurred in the payment of interest or principal of bonds of a drainage district and the board of drainage commissioners finds that any considerable number of owners of assessed lands are not and will not be able to pay assessments sufficient to meet without further default the principal of bonds still outstanding, the district, with the assent of the holders of all outstanding bonds not yet callable for payment, may issue refunding bonds pursuant to the plan prescribed in this and the next following six sections numbered 4332-b, 4332-c, 4332-d, 4332-e, 4332-f, 4332-g, and use the proceeds, together with money derived from assessments, to pay the outstanding bonds. The maturity date of refunding bonds shall be either twelve or seventeen years from their date, as the board shall determine, but they may be paid before maturity as hereinafter provided. Bonds shall be numbered consecutively from one up, be in denominations of \$100.00, \$500.00 or \$1000.00, be dated the first day of the month in which they are

Default in payment of interest or principal.

May issue refunding bonds.

Proceeds to pay outstanding bonds.

Maturity date of refunding bonds.

Bonds numbered consecutively.

Denominations.

Interest payable semi-annually.

issued, be payable to bearer, draw interest evidenced by coupons payable semi-annually at not more than 7% per annum, and be executed in the name and under the seal of the district by the president and the secretary of the board. Interest shall be payable on the first days of January and July of each year except that the first interest-payment date shall be July first of the year following that in which the bonds were issued.

Benefited lands assessed unexhausted maximum benefits.

Section 4332-b. Before issuing refunding bonds the board of drainage commissioners shall assess and levy upon the benefited lands such amount of the unexhausted maximum benefits as in the judgment of the board will be sufficient to enable the district to retire the outstanding bonds and pay the principal and interest of the refunding bonds. The assessment shall be levied and collected in the same manner and constitute a lien of the same kind, effect and rank as assessments theretofore levied, except as hereinafter provided. The levy shall become effective and the lien thereof shall attach specifically to each tract for the full amount of the assessment from and after the time of the delivery to the county assessor of the notice of the levy. The notice shall be delivered to the county assessor on or before the first day of October in the year in which the levy is made, and a duplicate thereof shall be filed with the county treasurer, who thereafter shall accept payments as hereinafter contemplated. If the refunding levy shall not have exhausted the total maximum benefits and the levy for any reason should prove insufficient to pay the refunding bonds at maturity, the board shall levy such further assessment, not exceeding the unexhausted benefits, as may be necessary to insure payment of the bonds in full, which assessment shall be payable with the general taxes next falling due.

Assessment a lien of same character as prior assessments.

Lien attaches to each tract for full assessment.

Notice to county assessor.

Refunding levy insufficient.

Limit of further assessment.

Section 4332-c. As soon as the refunding assessment shall have been levied the board shall publish a notice once a week for three successive weeks in the official newspaper of the county, stating that the assessment has been levied and giving the date and the aggregate amount thereof and stating that the whole or any part of the assessment against any tract of land may be paid to the county treasurer without interest within thirty days after the levy and that the assessment against each tract of land remaining unpaid at the end of that period, plus the sum of any unpaid prior levies with interest to the date of the refunding levy, will be payable in equal annual installments, either ten or fifteen according as the refunding bonds are to mature in twelve or seventeen years after their date. The first publication of the notice shall be made within one week after the date of the levy.

Publication of refunding levy.

Assessment not paid.

Penalty.

Section 4332-d. The whole or any part of a refunding assessment so levied upon any tract of land may be paid without interest at any time within thirty days after the date of the levy. Every such assessment or part thereof not so paid, plus the amount of unpaid prior levies on the same land with interest to the date of the refunding levy, shall thereafter be payable in equal annual installments, either ten or fifteen according as the refunding bonds are to run twelve or seventeen years, with interest on unpaid balances at the rate of seven per cent per annum from the date of the levy. The first installment shall include interest on the whole unpaid amount from the date of the levy to the 31st day of May of the next year, and each subsequent installment shall include interest for another year on the last deferred balance. The first installment shall become due with the general taxes for the year in which the levy was made, and the other installments annually thereafter: *Provided*, That the unpaid amount or bal-

Refunding assessment paid in time without interest.

Delinquent.

Installment payments with interest.

When interest to be paid.

Installments due with general taxes.

No rebate for early payment.

ance against any tract of land, with interest thereon to the next interest-payment date of the refunding bonds which is not less than thirty days off, may be paid at any time. Installments shall be collected with and as if a part of the general taxes falling due at the same time, but no rebate shall be allowed for early payment.

Proceeds to pay outstanding bonds 30 days after levy.

Section 4332-e. Money collected within thirty days after the date of the levy, with any proceeds on hand from former levies, shall be used to pay outstanding bonds. As soon as practicable after the expiration of the thirty-day period, refunding bonds in an amount sufficient, with money previously collected and on hand, to redeem the outstanding bonds shall be executed and sold or exchanged for outstanding bonds. A sale or exchange shall be at not less than par and accrued interest.

Redemption of outstanding bonds with money and refunding bonds.

No exchange at less than par.

Assessment proceeds only to pay interest and principal.

Section 4332-f. After the issuance of refunding bonds, money derived from assessments shall be used only to pay interest and principal of the bonds and shall be kept by the county treasurer in a special fund for that purpose. The treasurer shall pay on each interest date as many bonds, to be taken in their numerical order from one up, as there is money to apply after deducting sufficient to pay interest then accrued due. The bonds to be paid shall be called by the treasurer by the publication of a notice for two successive weeks in the official county newspaper during the thirty days next preceding the interest date, specifying by number the bonds to be paid. Interest on bonds called for payment shall cease on the date so indicated for their payment.

Special fund.

Bonds payable in numerical order.

Bonds called.

Publication of notice.

Refunding bonds to be registered.

Section 4332-g. Before refunding bonds are delivered the county treasurer shall register them in a book kept for that purpose to be known as the bond register, in which shall be entered the number and amount of each bond, the dates of issue, maturity,

Bond register book.

call and payment, the rate of interest, and to whom payable. Proceeds of a sale of bonds shall be paid by the purchaser to the treasurer, and every exchange of refunding bonds for outstanding bonds shall be made through the treasurer.

Sale or exchange of bonds through county treasurer.

Section 4332-h. Assessments levied under this chapter may be entered and carried for collection in rolls separate from the general tax rolls; but if so, references to the assessments must be noted in the general tax rolls and the assessments nevertheless shall be deemed part of the general taxes and be collected therewith; *Provided*, That no rebate for early payment shall be allowed on assessments or installments thereof. Every certificate of delinquency for taxes shall include any unpaid assessment or assessments theretofore levied under this chapter upon the same land or any part thereof, with interest to the date of the certificate, all of which, by reason of the delinquency and the issuance of the certificate, shall be deemed due and payable notwithstanding anything to the contrary in this chapter; and every tax foreclosure and sale shall include all unpaid assessments as if they were part of the general taxes. A foreclosure or sale for taxes or assessments or both shall not relieve the land from liability for future levies against unexhausted maximum benefits.

Assessments levied carried in separate rolls—notation in general tax rolls.

No rebate for early payment.

Tax delinquency certificate to include unpaid assessments.

Tax foreclosure to include unpaid assessments.

Tax sale does not relieve from future levies.

Section 4332-i. When all bonds of a district and all costs of organization, condemnation and construction shall have been paid, any money remaining in the county treasury derived from assessments for those purposes, as well as money thereafter collected on assessments theretofore levied, shall be transferred to the maintenance fund of the district and be used for maintenance purposes.

All bonds redeemed and liabilities paid. Assessment money remaining transferred to district maintenance fund.

Passed the House January 31, 1927.

Passed the Senate February 17, 1927.

Approved by the Governor February 26, 1927.

CHAPTER 175.

[H. B. 134.]

INSURANCE CODE: DEFINITION OF TERMS.

AN ACT relating to insurance and amending Section 7033 of Remington's Compiled Statutes, as amended by Chapter 26, Laws of Washington, 1923.

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

§ 2909,  
Pierce's  
Code.

SECTION 1. That section 7033 of Remington's Compiled Statutes, as amended by chapter 26, Laws of Washington, 1923, be amended to read as follows:

Terms defined.

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.

Company, corporation, insurance company, insurance corporation.

Domestic.

"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.

Foreign.

Alien.

Admitted company.

"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.

Non-admitted companies.

Commissioner.

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

Unearned premiums. Net value of policies.

"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.

• “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” 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”, “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” 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 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

Net assets.

Profits.

Agent.

Insurance agent.

Local agent.

General agent.

Manager.

Resident general agent or manager.

appoint solicitors in the same manner as provided for local agents: *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.

Fee for  
resident  
general  
agent's  
license.

Special  
agent.

“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.

Solicitor.

Insurance  
solicitor.

“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.

Broker.

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

“Adjuster” or “insurance adjuster” is a person Adjuster. 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” or “insurance surveyor” is a person, Surveyor. 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” within the intent of this act means Director. trustee.

“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. Insurable interest. “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” is a contract by which a ship or Bottomry. 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.

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

Over-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.

Reinsurance.

“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.

Passed the House January 27, 1927.

Passed the Senate February 17, 1927.

Approved by the Governor February 26, 1927.

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## CHAPTER 176.

[H. B. 151.]

### LIENS OF VERDICTS IN SUPERIOR COURT.

AN ACT relating to liens of verdicts rendered in the Superior Court, amending Section 431-1 of Remington's Compiled Statutes of Washington.

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

§ 8081-1,  
Pierce's  
Code: § 2,  
ch. 65, L.  
1921.

SECTION 1. Section 431-1 of Remington's Compiled Statutes of Washington is amended to read as follows:

Entry of  
verdict in  
execution  
docket.

Section 431-1. The clerk on the return of a verdict shall forthwith enter the same in the execution docket, specifying the amount thereof, and the names of the parties to the action and the party or parties against whom the verdict is rendered; such entry shall be indexed in the record index and shall conform as near as may be to entries of judgments required to be made in such execution docket. Beginning at eight o'clock a. m. the day after the entry

of such verdict as herein provided, the same shall be notice to all the world of the rendition thereof, and any person subsequently acquiring title to or a lien upon the real property of the party or parties against whom the verdict is returned shall be deemed to have acquired such title or lien with notice, and such title or lien shall be subject and inferior to any judgment afterwards entered on the verdict.

When entry becomes notice.

Subsequent liens subject to judgment on the verdict.

Passed the House February 4, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor February 26, 1927.

## CHAPTER 177.

[H. B. 194.]

### CONVERSION OF BUILDING AND LOAN ASSOCIATIONS INTO MUTUAL SAVINGS BANKS.

AN ACT relating to the conversion of building and loan or savings and loan associations or societies into mutual savings banks amending Sections 1, 2 and 3 of chapter 154 of the Laws of 1917, the same being Sections 3749 to 3756, both inclusive, of Remington's Compiled Statutes, and Sections 407, 408 and 409 of Pierce's Code.

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

SECTION 1. Section 1 of chapter 154 of the Laws of 1917, being section 407 of Pierce's Code and sections 3749 to 3754, both inclusive, of Remington's Compiled Statutes, is amended to read as follows:

Statute amended.

Section 1. Any going building and loan or savings and loan association or society organized under the laws of this state, may, if its contingent fund regularly accumulated, exclusive of any reserve fund stock, amounts to not less than five thousand dollars (\$5,000.00), be converted into a mutual savings bank in the following manner:

Authority to change.

Resolution  
by board  
of directors.

Application  
to supervisor  
of banking.

Copy of ap-  
plication to  
supervisor  
of savings  
and loan  
associations.

Investigation  
by banking  
supervisor.

Supervisor's  
decision.

Application  
granted.

Expense  
fund contri-  
butions re-  
quired.

(a) The board of directors of such association shall pass a resolution declaring their intention to convert the association into a mutual savings bank and shall apply to the supervisor of banking for leave to submit to the shareholders of the association the question whether the same shall be converted into a mutual savings bank. A duplicate of the application to the supervisor of banking shall be filed with the supervisor of savings and loan associations.

(b) Thereupon the supervisor of banking shall make the same investigation and determine the same questions as he would be required by law to make and determine in case of the submission to him of a certificate of incorporation of a proposed new mutual savings bank, and he shall also determine after conference with the supervisor of savings and loan associations whether by the proposed conversion the business needs and conveniences of the shareholders of such association would be served with facility and safety. After the supervisor of banking shall have satisfied himself by such investigation whether it is expedient and desirable to permit the proposed conversion, he shall, within sixty (60) days after the filing of said application, endorse thereon over his official signature the word "granted" or the word "refused", with the date of such endorsement and shall immediately notify the secretary of such association of his decision: *Provided*, That if the application is granted the supervisor of banking shall require the applicants to enter into such an agreement or undertaking with him as trustee for the depositors with the savings bank to make such contributions in cash to the expense fund of the savings bank as in his judgment will be necessary then and from time to time thereafter to pay the operating expenses of the bank if its earnings should not be sufficient to pay the same in addition

to the payment of such dividends as may be declared and credited to depositors from its earnings.

In case of refusal, said board of directors, or a majority thereof, may, within thirty (30) days after receiving the notice of such refusal appeal to a board of appeal composed of the governor, the attorney general and the supervisor of banking, in the same manner and under the same procedure as that prescribed by law for an appeal to such board from the supervisor of banking's refusal to permit the original organization of a mutual savings bank.

(c) If such application be granted by the supervisor of banking or by the board of appeal, as the case may be, the board of directors of such association shall, within sixty (60) days thereafter, submit the question of the proposed conversion to the shareholders of the association at a special meeting called for that purpose. Notice of such meeting shall be given in the manner prescribed by the by-laws of the association. Such notice shall state the time, place and purpose of the meeting, and that the only question to be voted upon will be, "shall the (naming the association) be converted into a mutual savings bank under the laws of the State of Washington?" The vote on said question shall be by ballot. Any shareholder may vote by proxy or may transmit his ballot by mail if the by-laws provide a method for so doing. If two-thirds (2-3) or more in number of the shareholders voting on the question vote affirmatively, then the board of directors shall have power, and it shall be their duty, to proceed to convert such association into a mutual savings bank; otherwise, the proposed conversion shall be abandoned and shall not be again submitted to the shareholders within three (3) years from the date of said meeting.

(d) If authority for the proposed conversion has been voted by the shareholders as hereinabove

Application refused.

Board of appeal.

Submission to vote of shareholders.

Notice of meeting.

Contents of notice.

Votes necessary to authorize change.

Certificate of re-incorporation.

required, the directors shall, within thirty (30) days thereafter, subscribe and acknowledge and file with the supervisor of banking in quadruplicate a certificate of re-incorporation, stating:

Contents:

(1) The name by which the converted corporation is to be known, which name shall include the words "mutual savings bank."

(2) The place where the bank is to be located and its business transacted, naming the city or town and county, which city or town shall be the same as that where the principal place of business of the corporation has theretofore been located.

(3) The name, occupation, residence and post-office address of each signer of the certificate.

(4) The amount of the assets of the corporation, the amount of its liabilities and the amount of its contingent fund as of the first day of the then calendar month.

(5) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a trustee of the savings bank, and is free from all the disqualifications specified in the laws applicable to mutual savings banks.

Certificate of authorization.

(e) Upon the filing of said certificate in quadruplicate the supervisor of banking shall, within thirty (30) days thereafter, if satisfied that all the provisions of this act have been complied with, issue in quadruplicate an authorization certificate stating that the corporation has complied with all the requirements of law, and that it has authority to transact at the place designated in its certificate of incorporation the business of a mutual savings bank. One of the supervisor's quadruplicate certificates of authorization shall be attached to each of the quadruplicate certificates of re-incorporation, and one set of these shall be filed and retained by the supervisor of banking, one set shall be filed in the office of the county auditor of the county in which

Filing of certificates and articles.



such bank is located, one set shall be filed in the office of the secretary of state, and one set shall be transmitted to the bank for its files. Upon the receipt from the corporation of the same fees as are required for filing and recording other incorporation certificates or articles the county auditor and secretary of state shall file said certificates in their respective offices and the secretary of state shall record the same; whereupon the conversion of such association shall be deemed complete, and the signers of said re-incorporation certificate and their successors shall thereupon become and be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to mutual savings banks, and the time of existence of such corporation shall continue for the period of fifty (50) years from the date of the filing of such certificate, unless sooner terminated pursuant to law.

Conversion completed.

Period of existence.

SEC. 2. Section 2 of chapter 154 of the Laws of 1917, being section 408 of Pierce's Code and section 3755 of Remington's Compiled Statutes, is amended to read as follows:

Statute amended.

Section 2. Upon the conversion of any association into a mutual savings bank, every person who was a shareholder of the association at the time of the conversion shall become and be deemed to be a depositor of the bank in a sum equal to the withdrawal value of his shares as of the day on which the conversion was consummated, and every such depositor shall share in the earnings of the corporation to that day as though the conversion had not been effected: *Provided, however,* That any person who was a shareholder shall be entitled at any time within sixty (60) days after the conversion was consummated to withdraw the value of his shares as though no conversion had taken place.

Shareholder of association becomes bank depositor.

Shareholder may withdraw.

Statute  
amended.

SEC. 3. Section 3 of chapter 154 of the Laws of 1917, being section 409 of Pierce's Code and section 3756 of Remington's Compiled Statutes, is amended to read as follows:

Securities  
held by  
supervisor of  
savings and  
loan associa-  
tions re-  
turned.

Section 3. All mortgages, notes and other securities of any association that has been converted into a mutual savings bank, shall on request of the bank, be delivered to it by the supervisor of savings and loan associations or under his direction by any trust company or other depository having possession thereof. The contingent fund of the association shall become the guaranty fund of the bank. Every such bank shall, as soon as practicable and within such time and by such methods as the supervisor of banking may direct, cause its organization, its securities and investments, the character of its business and its methods of transacting the same to conform to the laws applicable to mutual savings banks.

Guaranty  
fund of  
bank.

Passed the House February 1, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor February 26, 1927.

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## CHAPTER 178.

[H. B. 195.]

### MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings bank amending Section 3321 of Remington's Compiled Statutes, being Section 9 of Chapter 175 of the Laws of 1915.

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

Sec. 363,  
Pierce's  
Code; § 9,  
ch. 175, L.  
1915.  
Guaranty  
fund created  
from earn-  
ings.

SECTION 1. Section 3321 of Remington's Compiled Statutes is amended to read as follows:

Section 3321. When the portion of the guaranty fund created from earnings shall amount to not

less than five thousand dollars (\$5,000.00) (including in the case of a savings bank converted from a building and loan or savings and loan association or society the amount of the initial guaranty fund), the board of trustees, with the written consent of the supervisor of banking, may establish a reimbursement fund from which to repay contributors to the expense fund and the initial guaranty fund (excepting the initial guaranty fund in the case of a bank converted from a building and loan or savings and loan association or society), and may transfer to the reimbursement fund any unexpended balance of contributions to the expense fund. At the close of each dividend period the trustees may place to the credit of the reimbursement fund not more than one per cent. of the net earnings of the bank during that period if thereby the rate of dividend paid depositors for the period shall not be reduced below three and one half per cent. per annum. Payments from the reimbursement fund may be made from time to time in such amounts as the board of trustees shall determine, and shall be made first to the contributors to the expense fund in proportion to their contributions thereto until they shall have been repaid in full, and then shall be made to the contributors to the guaranty fund in proportion to their contributions thereto until they shall have been repaid in full. In case of the liquidation of the savings bank before the contributions to the expense fund and the initial guaranty fund have been fully repaid as above contemplated, any portion of the contributions not needed for the payment of the expenses of liquidation and the payment of depositors in full shall be paid to the contributors to the expense fund in proportion to their contributions thereto until they shall have been repaid in full, and then shall be paid to the contributors to the guar-

\$5,000.00 or more.

Establish reimbursement fund.

Contributors to expense fund to be repaid.

Each dividend period portion of earnings to credit of reimbursement fund.

Payments from reimbursement fund.

First: To contributors to expense fund.

Second: To guaranty fund contributors.

Liquidation before full repayment.

Balance remaining—how distributed.

anty fund in proportion to their contributions there-  
until they shall have been repaid in full.

Passed the House February 1, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor February 26, 1927.

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## CHAPTER 179.

[H. B. 214.]

### BANKS AND TRUST COMPANIES: MEETINGS OF DIRECTORS AND STOCKHOLDERS

AN ACT relating to banking and trust business, the organization,  
regulation and management of banks and trust companies,  
and amending Section 3238, Remington's Compiled Statutes.

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

SECTION 1. That section 3238, Remington's  
Compiled Statutes, be amended to read as follows:

Section 3238. All meetings of the directors or  
stockholders of any bank or trust company, except  
organization meetings, must be held in the town or  
city in which the corporation is located. Every such  
corporation shall keep a book in which shall be re-  
corded the names and residences of the stockholders  
thereof, the number of shares held by each, when  
each person became a stockholder and also the  
transfers of stock, showing the time when made, the  
number of shares and by whom transferred. In all  
actions, suits and proceedings, said book shall be  
*prima facie* proof of the facts shown therein. All  
of the corporate books, including the certificate book,  
stockholders' ledger and minute book shall be kept  
at the corporation's principal place of business and  
not elsewhere.

Whenever in the opinion of the supervisor of  
banking, the condition of any bank or trust company  
is such that any transfer of the capital stock of such

§ 31, ch. 80,  
L. 1917;  
§ 281,  
Pierce's  
Code.

Place of  
meetings of  
directors or  
stockholders.

Shall keep  
stock records.

Corporate  
books.

bank or trust company would be detrimental to the interests of its depositors, the supervisor of banking may, by written order served upon the directors of such bank or trust company, direct that no transfer of stock shall be made until further order of the supervisor of banking.

When transfer of stock may be restrained by banking supervisor.

Passed the House February 4, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor February 26, 1927.

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## CHAPTER 180.

[H. B. 163.]

### REVENUE AND TAXATION.

AN ACT to amend Article VII of the Constitution of the State of Washington relating to revenue and taxation, striking Sections 1, 2, 3 and 4 and inserting in lieu thereof a new section to be known as Section 1.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1928, there shall be submitted to the qualified electors of this state for their adoption and approval an amendment to Article VII of the Constitution of the State of Washington, by striking from said Article VII all of sections 1, 2, 3 and 4, and inserting in lieu thereof the following, to be known as section 1:

Proposed constitutional amendment.

Nov. 1928 election.

Section 1. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property and shall be levied and collected for public purposes only: *Provided*, That the property of the United States and of the state, counties, school districts and other municipal corporations, and such other property as the legislature may by general

Taxes to be uniform and for public purposes.

Federal, state and municipal property exempt.

Personal  
property  
exemption.

laws provide, shall be exempt from taxation: *And provided further*, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of Three Hundred Dollars (\$300.00) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual *bona fide* owner.

Passed the House February 3, 1927.

Passed the Senate February 18, 1927.

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## CHAPTER 181.

[H. B. 215.]

### EDUCATION: VOCATIONAL AND PART-TIME SCHOOLS.

AN ACT relating to vocational education, providing for the apportionment of school funds for attendance of pupils and employment of teachers in vocational and part-time schools and classes, and amending Sections 4911, 4917 and 4923, Remington's Compiled Statutes.

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

Sec. 6, ch.  
151, L. 1919;  
§ 5230-6,  
Pierce's  
Code.

SECTION 1. That section 4911, Remington's Compiled Statutes, be and the same is hereby amended to read as follows:

Establish-  
ment of  
part-time  
schools.

Section 4911. Boards of school directors in all organized school districts, upon the written request of twenty-five (25) or more adult *bona fide* residents of such districts, may, within one year from date of such request, establish part-time schools or classes when there are fifteen (15) or more minors over fourteen years of age and under eighteen years of age resident or employed in such districts and who are not in attendance upon a regular full-time school and who would, by the provisions of this act, be required to attend such part-time schools or classes. All part-time schools or classes established under

this act shall be held at least four hours per week during the weeks when the public schools of the district are in session, and such schools or classes shall be conducted between the hours of eight A. M. and five P. M. on school days, or between the hours of eight A. M. and twelve-thirty P. M. on Saturdays. For the purpose of apportionment of school funds four hours shall be considered equivalent to one day's actual attendance. It shall be the duty of the board of school directors in organizing part-time schools or classes which are to participate in federal funds available for the encouragement of vocational education to provide equipment, instruction and courses of study in accordance with the plans of the state board approved by the federal board.

School hours.

Vocational education.

SEC. 2. That section 4917, Remington's Compiled Statutes, be and the same is hereby amended to read as follows:

Sec. 12, ch. 151, L. 1919; § 5230-12, Pierce's Code.

Section 4917. Whenever any part-time schools or classes shall have been established in accordance with the provisions of this act and the rules and regulations established by the state board and shall have been approved by the state board, the district shall be entitled to reimbursement from federal funds available for the provisions of vocational education for the expenditures made for the salaries of teachers of such part-time schools or classes and such reimbursements shall be apportioned by the state board: *Provided*, That said reimbursement shall not deprive school districts establishing and maintaining part-time schools or classes of their right to share in the apportionment of the current state school fund and the proceeds of the county school levy on account of attendance of pupils and employment of teachers therein.

District reimbursed from federal funds for vocational training.

Reimbursement not deprive district of state school fund.

SEC. 3. That section 4923, Remington's Compiled Statutes, be and the same is hereby amended to read as follows:

Sec. 5, ch. 160, L. 1919; § 4883-5, Pierce's Code.

Establishment of vocational schools.

Section 4923. The board of directors of any organized school district or any educational institution of less than college grade under public supervision or control may establish and maintain vocational schools or classes giving instruction of less than college grade in agriculture, trades and industries, or in home economics, and whenever such schools or classes shall have met the standards, courses and requirements established and prescribed or approved by the state board of vocational education, as approved by the federal board for vocational education, such district or institution shall be entitled to share in the distribution of the federal funds available under the provisions of the federal acts providing for vocational education and also in any state funds appropriated for the promotion of vocational education. Whenever any such schools or classes shall have been organized as herein provided the district or institution maintaining the same shall be entitled to reimbursement for moneys expended for the salaries of teachers of vocational courses approved by said state board for vocational education not to exceed fifty per cent of the total moneys so expended and such reimbursement shall be made to such school districts or institutions from the fund obtained by adding, to the federal funds available for the promotion of vocational education, any fund or funds set aside for this purpose by the state board for vocational education from moneys under its administrative control. Such reimbursements shall be apportioned under the direction of the state board for vocational education. Any school district participating in the benefits of this act and obtaining reimbursement for moneys expended for salaries of teachers of vocational courses, as in this section provided, shall also be entitled to share in the apportionment of the current state school fund and the proceeds of the

Reimbursement for expenditures.

Apportionment of reimbursements.

District also entitled to share in current state school fund.



county school levy for attendance of pupils and employment of teachers in its vocational schools or classes.

Passed the House February 4, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor February 26, 1927.

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## CHAPTER 182.

[H. B. 102.]

### ELECTIONS IN CLASS A AND FIRST CLASS COUNTIES.

AN ACT relating to elections, amending Section 5144 of Remington's Compiled Statutes as amended by Section 2, Chapter 53, Laws of 1923.

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

SECTION 1. That section 2 of chapter 61 of the Laws of 1921, being section 5144 of Remington's Compiled Statutes, as amended by section 2, chapter 53, Laws of 1923, be amended to read as follows:

Sec. 2120-2  
Pierce's  
Code.

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 submission 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

Municipal  
and district  
elections.

Date of  
election.

Recall elections excluded.

Candidate receiving majority at primary.

Special election in emergency.

Notice.

Act not apply to second and third class school and irrigation district elections.

Statutes governing.

Term of officer of school or irrigation district elected under existing law.

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: *And provided further*, That this act shall not apply to general or special elections for any purpose in second or third class school districts in Class A or first class counties, or to irrigation districts in first class counties, but such school district elections shall be held and such school district officers shall be elected and qualified for the terms at the time and in the manner provided by chapters XX, XXI, XXXIII and XXXVII, Title XXVIII Remington's Compiled Statutes, and such irrigation district elections shall be held and such irrigation district officers shall be elected and qualified for the terms at the time and in the manner provided by chapter IV, Title XLVIII Remington's Compiled Statutes and the 1923 Supplement thereto. Any officer of such school or irrigation district elected under existing law shall serve the term of office for

which he was elected and his successor shall be elected at the regular annual election next preceding the date of the expiration of said term, and the term of office of said successor shall begin at the expiration of said term: *Provided further*, No special election shall be held to vote upon the question of whether any bonds shall be issued in any second or third class school district in any Class A or first class county without the question shall have been first submitted to the county election board of the county in which such school district is located and such board shall have consented to the holding of such election.

Successor.

Consent of election board prerequisite to special election on school district bonds.

Passed the House January 27, 1927.

Passed the Senate February 16, 1927.

Approved by the Governor March 1, 1927.

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## CHAPTER 183.

[S. B. 121.]

### PHYSICIANS AND SURGEONS.

AN ACT prescribing the educational qualifications of applicants for licenses to practice the healing arts and providing for examinations therefor.

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

SECTION 1. There is hereby established an examining committee of five members learned respectively in the sciences of anatomy, physiology, chemistry, pathology, and hygiene, to conduct and assist in conducting examinations of all persons applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic or drugless therapeutics in the State of Washington as required by law. The members of such committee shall be appointed from time to time by the governor from the faculty lists of the University of

Examining committee established.

Members appointed by Governor.

Washington and Washington State College, and he shall certify the names of those appointed to the director of licenses.

Subjects covered by examinations.

Time and place.

How director of licenses may conduct examinations.

Applicants to have ten day's notice of examination.

Examinations to be written.

Scope.

SEC. 2. The examining committee shall conduct examinations in anatomy, physiology, chemistry, pathology, and hygiene at least twice in each year at such times and places as the examining committee and director of licenses may determine: *Provided*, That if the examining committee and director of licenses shall deem it more advantageous to said committee and the applicants for licenses, the committee may prepare and transmit to the director of licenses the examination questions agreed upon by said committee, and the director of licenses may conduct the examination herein provided for, and thereafter forthwith transmit the examination papers identified by number only and not by the name of the person examined, to the examining committee, who shall thereupon examine and grade the same, and transmit such grades to the director of licenses within ten days after such examination. *And provided, further*, That all persons who shall file proper applications for licenses to practice any of the healing arts enumerated in section one shall be given at least ten days notice by mail of the time and place of any such examination.

SEC. 3. Such examinations shall be written and shall be of such a nature as to constitute an adequate test as to whether the person so examined has such knowledge of the elementary principles of such sciences as taught at the University of Washington and Washington State College, in one year's instruction of thirty-six weeks, or as taught in one year's instruction of thirty-six weeks at any college or university accredited by the University of Washington, or the equivalent thereof.

SEC. 4. Any person desiring to apply to the director of licenses for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, or drugless therapeutics shall first present to the director of licenses his credentials provided by law evidencing his qualifications to be admitted to license or to take the examination prerequisite to securing of such certificate or license and if the same are found satisfactory and the applicant is eligible to such examination, the said director of licenses shall issue to such applicant a certificate giving the name of such applicant and certifying that such applicant is entitled to take the preliminary examination provided for in this act, but without specifying the branch of therapeutics for which said applicant has applied for a license, and upon presentation of such certificate to said examining committee, together with an examining fee of ten dollars, said applicant shall be entitled to take the examination provided for in section three hereof: *Provided*, That if such preliminary examination is conducted by the director of licenses as provided in section two hereof, such preliminary examination may be given upon the payment of such ten dollars examining fee, and without such preliminary certificate.

Application for license.

Requirements.

Certificate entitling to preliminary examination.

Examination fee.

Examination by director.

Certificate not required.

SEC. 5. If an applicant for examination shall pass with an average of not less than seventy-five per cent, and a grade in each of said subjects of not less than seventy per cent, the committee shall issue to the applicant a certificate signed by the members of the committee giving the grades in each subject, which certificate shall be filed by such applicant with the state treasurer together with the application of such applicant for the particular license or certificate sought; and the fee required by law to accompany such application.

Required passing grade.

Certificate. Contents.

Application to state treasurer for license.

Fee.

SEC. 6. In all cases where the existing law requires an examination in any one or more of the

When second examination in basic sciences waived by director.

branches of anatomy, physiology, chemistry, pathology, or hygiene, as a prerequisite to the issuance of the license applied for, the director of licenses may, in his discretion, dispense with a second examination in any or all of such five branches in which such applicant shall have been passed in such preliminary examination with a grade of not less than seventy-five per cent.

Compensation and expenses of examiners.

SEC. 7. Each member of the examining committee shall receive the sum of ten dollars per day for each day actually engaged in conducting such examinations or in the preparation of examination questions or the grading of examination papers, together with his necessary traveling expenses, said sums to be paid out of the general fund on vouchers approved by the director of licenses.

Treatment by prayer, etc., not within act.

SEC. 8. This act shall not be construed or held to apply to or interfere in any way with the practice of religion nor shall it be construed or held to apply to or regulate in any way any kind of treatment by prayer.

Passed the Senate February 18, 1927.

Passed the House February 16, 1927.

Approved by the Governor March 1, 1927.

CHAPTER 184.

[S. S. B. 114.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks, amending Sections 10, 11n, 11q, 17 and 24, of Chapter 175 of the Laws of 1915, and further amending said chapter by adding thereto a new section to be known as Section 14a.

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

Sec. 3322, Rem. Comp. Stat.; § 364, Pierce's Code.

SECTION 1. Section 10, of chapter 175 of the Laws of 1915, pages 555-556, as amended by section 1 of the

Laws of the Extraordinary Session of 1925, pages 101-102, be amended to read as follows:

Section 10. Every mutual savings bank incorporated under this act shall have, subject to the restrictions and limitations contained in this act, the following powers:

Powers of bank.

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this act, to declare dividends in the manner prescribed in this act, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

Receive deposits.  
Make investments.

(2) To issue transferable certificates showing the amounts contributed by any incorporator, or trustee, to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate shall show that it does not constitute a liability of such savings bank, except as otherwise provided in this act.

Issue transferable guaranty fund certificates.

(3) To purchase, hold and convey real property as prescribed in section 3338, of Remington's Compiled Statutes of Washington.

Buy and sell realty.

(4) To pay depositors as hereinafter provided, and when requested by them, by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

Drafts to depositors.

(5) To borrow money in an emergency for the purpose of repaying depositors, and to pledge or hypothecate securities as collateral for loans so obtained, under the conditions prescribed in this act.

Borrow money.

(6) To collect or protest promissory notes or bills of exchange owned by such bank or held by it as collateral, and remit the proceeds of the collections by drafts upon deposits to the creditor of the savings bank in any city in the United States, and to charge

Collections and remittances.

the usual rates or fees for such collection and remittance for such protest.

Sell gold or silver.

(7) To sell gold or silver received in payment of interest or principal of obligations owned by the savings bank, or from depositors in the ordinary course of business.

Write fire insurance.

(8) To act as insurance agent for the purpose of writing fire insurance on property in which the bank has an insurable interest, the property to be located in the city in which the bank is situated and in the immediate contiguous suburbs, notwithstanding anything in any other statute to the contrary.

Safety deposit business.

(9) To let vaults, safes, boxes or other receptacles for the safe-keeping or storage of personal property, subject to laws and regulations applicable to, and with the powers possessed by, safe deposit companies.

Appoint officers, agents, etc.

(10) To elect or appoint in such manner as it may determine all necessary or proper officers, agents, boards and committees, to fix their compensation, subject to the provisions of this act, and to define their powers and duties, and to remove them at will.

By-laws.

(11) To make and amend by-laws consistent with law for the management of its property and the conduct of its business.

Liquidate.

(12) To wind up and liquidate its business in accordance with this act.

Seal.

(13) To adopt and use a common seal and to alter the same at pleasure.

(14) To do all other acts authorized by this act.

Sec. 3337,  
Rem. Comp.  
Stat.: § 365-  
14 Pierce's  
Code.

SEC. 2. Sec. 11n of section 11 of chapter 175 of the Laws of 1915, added by section 1 of the Laws of 1921, pages 614-615 as amended by section 6 of chapter 86 of the Laws of the Extraordinary Session of 1925, pages 104-106, be amended to read as follows:



Section 11n. Loans secured by first mortgage on real estate subject to the following restrictions: In all cases of loans upon real property, a note or bond secured by a mortgage on the real estate upon which the loan is made, together with a complete abstract of title for such real estate signed by the person or corporation furnishing such abstract of title (which abstract shall be examined by a competent attorney at law selected by the bank and his opinion furnished approving the title and showing that the mortgage is a first lien) or a policy of title insurance of a reliable title insurance company authorized to insure titles within this state or a duplicate certificate of ownership issued by a registrar of titles, shall be furnished to the savings bank by the borrower. The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and all accruing charges and expenses. No loan on real estate shall be for an amount greater than fifty per cent of the value of such real estate, including improvements. The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be payable in case of loss to the savings bank and to be deposited with it. A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will be improved to the extent required by this section. Not more than seventy-five per cent of the assets of any

Realty  
mortgage  
loans.

Restrictions.

Rules  
governing  
loans.

Application for loan or renewal.

Report.

Recordation of mortgage.

First mortgage defined.

Sec. 3340, Rem. Comp. Stat.; § 365-17, Pierce's Code.

savings bank shall be invested in mortgage loans. No mortgage loan or renewal or extension thereof shall be made except upon written application showing the date, name of the applicant, the amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged and recommending the loan; and the application and written report thereon shall be filed and preserved with the savings bank records. Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located. A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though one or both of the following situations exist: (1) There be outstanding a lease of the real estate to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; (2) There be outstanding non-delinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed fifty per cent of the value of the property.

SEC. 3. Section 11q of chapter 175 of the Laws of 1915, added by section 1 of the Laws of 1921, pages 616-617, as amended by section 8 of chapter 86 of the Laws of the Extraordinary Session of 1925, pages 106-107, be amended to read as follows:

Section 11q. In railroad equipment obligations or equipment trust certificates which comply with the following requirements:

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

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

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

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

Not more than fifteen per centum of the assets of any savings bank, less the amount invested by said bank in railroad bonds, shall be invested in said equipment obligations or certificates. In determining the amount of the assets of any savings bank under the provisions of this section the value of its securities shall be estimated in the manner pre-

Railroad equipment obligations.

Requirements.

Payable within fifteen years.

Preferred lien.

Not exceed 85% of cost of equipment.

Fifteen per cent of purchase price must be paid or secured.

Limit of investment by bank.

How ascertained.

scribed for determining the per centum of par value surplus by section twenty-six of this act.

Sec. 3343,  
Rem. Comp.  
Stat. : § 368,  
Pierce's  
Code.

SEC. 4. That there be added to chapter 175 of the Laws of 1915, a new section to be known and numbered as section 14a, and to read as follows :

Depositories  
for safe-  
keeping of  
securities.

Section 14a. Securities owned by a savings bank may be deposited for safe-keeping with any duly designated depository for the bank's funds. The written statement of the depository that it holds for safe-keeping specified securities of a savings bank may be taken as evidence of the facts therein shown by any public officer or any officer of the bank or committee of its trustees whose duty it is to examine the affairs and assets of the bank.

Sec. 3346,  
Rem. Comp.  
Stat. : § 371,  
Pierce's  
Code.

SEC. 5. That section 17 of chapter 175 of the Laws of 1915, pages 565-566 as amended by section 2 of chapter 156 of the Laws of 1921, page 618, be amended to read as follows :

Limit on  
individual  
deposits.

Section 17. (1) When the aggregate amount of deposits and dividends to the credit of any depositor, including in such aggregate all deposits and dividends credited to the depositor as trustee or beneficiary of any voluntary and revocable trust and all deposits and dividends credited to the depositor and another or others in either joint or several form, is five thousand dollars (\$5,000) or more, such aggregate shall not be increased by the receipt from the depositor of any deposit but may be increased to not more than ten thousand dollars (\$10,000) by the crediting of dividends. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, or in the name of a child as trustee for a dependent parent, but not more than five hundred dollars (\$500) shall be deposited to any such additional account during any six month period; and additional accounts may be

Additional  
accounts by  
parent as  
trustee—  
limit.

maintained by a person or corporation as administrator, executor, guardian or trustee under a will if the deposits therein are directed to be made by a court of competent jurisdiction.

Additional account by fiduciaries.

(2) Every such bank may further limit the aggregate amount which an individual or any corporation or society may have to his or its credit to such sum as such bank may deem expedient to receive; and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposits or require the withdrawal of any dividend.

Bank may further limit deposits.

(3) Dividends shall not be paid upon sums to the credit of a depositor in excess of the prescribed limitation.

No dividends upon excess deposits.

SEC. 6. That section 24 of chapter 175 of the Laws of 1915, pages 571-572, be amended to read as follows:

Sec. 3353, Rem. Comp. Stat.; § 378, Pierce's Code.

Section 24. If at the close of any dividend period the guaranty fund of any savings bank be less than ten per centum of the amount due to depositors there shall be deducted from its net earnings for such period and credited to its guaranty fund not less than five per centum and not more than ten per centum of its net earnings for the period or so much of such percentage as will not compel it to reduce its dividends to depositors below the rate of three and one-half per centum per annum. The amount of net earnings remaining after such deduction for the guaranty fund and its undivided profits shall be available for the declaration of dividends for such period. While the trustees of such a savings bank are paying its expenses or any portion thereof the amounts to be credited to its guaranty fund shall be computed at the same percentage upon the total dividends credited to its depositors instead of upon its net earnings. If the guaranty fund accumulated from earnings shall equal or exceed ten per centum of the amount due to depositors, the minimum divi-

Deficit in guaranty fund.

Replaced from net earnings.

Net earnings remaining available for dividends.

What dividends to depositors.

dend shall be four per centum if the net earnings for such period are sufficient therefor.

Passed the Senate February 4, 1927.

Passed the House February 16, 1927.

Approved by the Governor March 1, 1927.

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## CHAPTER 185.

[S. B. 81.]

### PROBATE CODE: PROPERTY AWARDED TO SURVIVING SPOUSE.

AN ACT relating to awarding and setting off property of decedents to surviving spouses, and amending Section 103 of Chapter 156 of the Laws of 1917, and repealing a certain act.

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

SECTION 1. That section 103 of chapter 156 of the Laws of 1917, pages 670-671 (section 1473 of Remington's Compiled Statutes; section 9893 of Pierce's 1919 Code), be amended to read as follows:

Statute amended.

Provisions in lieu of homestead and exemptions.

Section 103. 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, 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: *Provided*, That no property of the estate shall be awarded or set off, as in this section provided, to a surviving spouse who has feloniously killed the deceased spouse. 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.

No award to survivor feloniously killing spouse.

Notice of hearing.

Guardian *ad litem* for minor or incompetent heirs.

Court's award final.

Awards in lieu of homestead and exemptions.

SEC. 2. That section 2 of chapter 142 of the Laws of 1923, pages 457-458, is hereby repealed.

Statute repealed.

Passed the Senate February 18, 1927.

Passed the House February 2, 1927.

Approved by the Governor March 1, 1927.

## CHAPTER 186.

[S. B. 97.]

## CRIMINAL CODE: PLACING FEMALE IN HOUSE OF PROSTITUTION.

AN ACT relating to placing females in houses of prostitution and providing penalties therefor, and amending Section 2440 of Chapter VI of Remington's Compiled Statutes of Washington.

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

Sec. 188, ch. 243, L. 1909; § 9112, Pierce's Code.

SECTION 1. That section 2440 of Remington's Compiled Statutes be amended to read as follows:

Section 2440:

Every person who—

Placing female in house of prostitution or compelling to live such a life.

(1) Shall place a female in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that she shall live a life of prostitution, or who shall compel any female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution, or shall compel any such female to reside in a house of prostitution or to live a life of prostitution; or

Receiving compensation for causing prostitution.

(2) Shall ask or receive any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons not her husband; or

Give or promise compensation to obtain female for immoral purposes.

(3) Shall give, offer, or promise any compensation, gratuity or reward, to procure any female for the purpose of placing her for immoral purposes in any house of prostitution, or elsewhere; or

Husband, parent or guardian permitting or compelling prostitution of female.

(4) Being the husband of any woman, or the parent, guardian or other person having legal charge of the person of a female shall connive at, consent to, or permit her being or remaining in any house of prostitution or leading a life of prostitution; or



(5) Shall live with or accept any earnings of a common prostitute, or entice or solicit any person to go to a house of prostitution for any immoral purpose;

Accept earnings of prostitute.

Shall be punished by imprisonment in the state penitentiary for not less than one year nor more than five years.

Penalty.

Passed the Senate January 27, 1927.

Passed the House February 16, 1927.

Approved by the Governor March 1, 1927.

## CHAPTER 187.

[H. B. 165.]

### RECORDATION OF INSTRUMENTS—NOTATION OF TIME FILED.

AN ACT relating to the filing, and filing and recording, of instruments in the office of a county auditor and amending Section 2731 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 2731 of the Code of Washington Territory of 1881 (section 10606 of Remington's Compiled Statutes; section 1644 of Pierce's 1919 Code) be amended to read as follows:

Statute amended.

Section 2731. When any instrument, paper, or notice, authorized or required by law to be filed or recorded, is deposited in the county auditor's office for filing or record, that officer must indorse upon the same the time when it was received, noting the year, month, day, hour and minute of its reception, and must file, or file and record the same without delay, together with the acknowledgments, proofs, and certificates written or printed upon or annexed to the same, with the plats, surveys, schedules and other papers thereto annexed, in the order and as of the time when the same was received for filing or record,

County auditor to indorse time instrument received for record.

Note name  
of person  
filing.

Instrument  
not receiv-  
able if cer-  
tain informa-  
tion lacking.

and must note on the instrument filed, or at the foot of the record the exact time of its reception, and the name of the person at whose request it was filed or filed and recorded: *Provided*, That the county auditor shall not be required to accept for filing, or filing and recording, any instrument unless there appear upon the face thereof, or be indorsed upon the back or cover thereof, the name and nature of the instrument offered for filing, or filing and recording, as the case may be.

Passed the House February 7, 1927.

Passed the Senate February 25, 1927.

Approved by the Governor March 3, 1927.

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## CHAPTER 188.

[H. B. 187.]

### FILING OF PLATS—ACKNOWLEDGMENT.

AN ACT relating to the filing of plats and amending Section 9290 of Remington's Compiled Statutes of Washington.

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

§ 1179,  
Pierce's  
Code.

SECTION 1. That section 9290 of Remington's Compiled Statutes of Washington be amended to read as follows:

Plats to be  
acknowl-  
edged.

Certificate to  
be recorded  
with plat.

Section 9290. Every person whose duty it may be to comply with the foregoing regulations shall at or before the time of offering such plat for record, acknowledge the same before the auditor of the proper county, or any other officer who is authorized by law to take acknowledgment of deeds, a certificate of which acknowledgment shall be indorsed on or annexed to such plat and recorded therewith. In all cases where any person or persons, corporation or corporations shall desire to file a plat, map, subdivision or replat of any property or shall desire to

vacate the whole or any portion of any existing plat, map, subdivision or replat, such person or persons, corporation or corporations must, at the time of filing the same for record or of filing a petition for vacation thereof, file therewith a certificate from the proper officer or officers who may be in charge of the collection of taxes for which the property affected may be liable at that date, that all taxes which have been levied and become chargeable against such property at such date have been duly paid, satisfied and discharged and must file therewith a certificate from the proper officer or officers, who may be in charge of the collections, that all delinquent assessments for which the property affected may be liable at that date and that all special assessments assessed against said property, which, under the plat filed, become streets, alleys and other public places, have been paid.

Must file with plat certificate showing taxes paid.

Certificate to show delinquent and special assessments paid.

Passed the House February 14, 1927.

Passed the Senate February 25, 1927.

Approved by the Governor March 3, 1927.

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## CHAPTER 189.

[S. B. 21.]

### MARRIAGES PROHIBITED.

AN ACT relating to marriages and amending Section 949 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 949 of the Code of Washington Territory of 1881 (section 8438 of Remington's Compiled Statutes; section 9131-64 of Pierce's 1919 Code) be amended to read as follows:

Statute amended.

Section 949. Marriages in the following cases are prohibited:

Marriages prohibited.

Has spouse  
living.

1. When either party thereto has a wife or husband living at the time of such marriage.

If nearer  
than second  
cousins.

2. When the parties thereto are nearer of kin to each other than second cousins, whether of the whole or half-blood computing by the rules of the civil law.

Aunt, daughter,  
sister,  
grandchild,  
niece, uncle,  
son, brother,  
nephew.

3. It shall be unlawful for any man to marry his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter or sister's daughter; it shall be unlawful for any woman to marry her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son or sister's son.

Passed the Senate January 13, 1927.

Passed the House January 26, 1927.

Vetoed, February 5, 1927.

ROLAND H. HARTLEY,  
*Governor of Washington.*

February 23, 1927.

Passed the House, notwithstanding the veto of the Governor.  
Yeas, 63. Nays, 31.

RALPH R. KNAPP,  
*Speaker of the House.*

February 16, 1927.

Passed the Senate, notwithstanding the veto of the Governor.  
Yeas, 27. Nays, 13.

W. LON JOHNSON,  
*President of the Senate.*

CHAPTER 190.

[S. B. 92.]

CORPORATIONS: INCORPORATION OF MEMBERS OF FRATERNAL ORGANIZATIONS.

AN ACT to provide for the incorporation of associations composed of the members of certain fraternal organizations.

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

SECTION 1. Any ten or more residents of this state who are members of any chartered body or of different chartered bodies of any fraternal order or society who shall desire to incorporate for the purpose of owning real or personal property or both real and personal property for the purpose and for the benefit of such bodies, may make and execute articles of incorporation, which shall be executed in triplicate, and shall be subscribed by each of the persons so associating themselves together, and shall be acknowledged before some officer authorized to take the acknowledgment of deeds; *Provided*, That no lodge shall be incorporated contrary to the provisions of the laws and regulations of the order or society of which it is a constituent part. Such articles, at the election of the incorporators, may either provide for the issuing of capital stock or for incorporation as a society of corporation without shares of stock. One of such articles shall be filed in the office of the secretary of state, accompanied by a filing fee of \$5; another of such articles shall be filed and recorded in the office of the auditor of the county where the organization is located, and the third of such articles shall be preserved in the records of the corporation.

Members of chartered fraternal societies may incorporate to own realty and personalty for such bodies.

Articles of incorporation.

No incorporation if forbidden by any of the lodges.

May issue capital stock.

Filing articles.

Fee.

SEC. 2. The articles of incorporation shall set forth;

Articles to show.

1. The names of the persons so associating themselves together, their places of residence and the

Names of incorporators, etc.

name and location of the lodge, chapter, or society to which they severally belong;

Name and duration of corporation.

2. The corporate name assumed by the corporation and the duration of the same if limited;

Purpose of the association.

3. The purpose of the association, which shall be to provide, maintain and operate a building or buildings to be used for fraternal and social purposes, and for the benefit of the several bodies represented in such association;

Place of business.

4. The place where the corporation proposes to have its principal place of business;

Capital stock and par value.

5. The amount of capital stock and the par value thereof per share, if it shall be organized as a joint stock company.

Articles filed.

SEC. 3. Upon making and filing such articles of incorporation the persons subscribing the same and their successors in office and associates, by the name assumed in such articles, shall thereafter be deemed a body corporate, and may acquire and possess real and personal property and may erect and own suitable building or buildings to be used, in whole or in part, for meetings of fraternal bodies, and for all social and fraternal purposes of the several bodies represented in the membership of the corporation, and may exercise all other powers that may lawfully be exercised by other corporations organized under the general incorporation laws of Washington, including the power to borrow money, and for that purpose may issue its bonds and mortgage its property to secure the payment of such bonds.

May exercise corporate powers.

Not a joint stock company.

SEC. 4. If the corporation shall not be a joint stock company, then it may provide by its by-laws for issuing to the several bodies represented in its membership certificates of participation, which shall evidence the respective equitable interests of such bodies in the properties held by such corporation.

May issue membership participation certificates to bodies represented.

SEC. 5. Every such corporation shall have full power and authority to provide by its by-laws for the manner in which such certificates of participation of its certificates or shares of stock shall be held and represented, and may also in like manner provide, that its shares of stock shall not be transferred to, or be held or owned by any person, or by any corporation other than a chartered body of the order or society represented in its membership.

May make by-laws.

May limit ownership of stock to members.

SEC. 6. Every such corporation shall have power to provide by its by-laws for succession to its original membership and for new membership, and also for the election from its members of a board of trustees, or a board of directors, and to fix the number and term of office of such trustees or directors; *Provided*, That there shall always be upon such board of trustees or board of directors at least one representative from each of the several bodies represented in the membership of the association, and the term of office of a trustee shall not exceed three years.

Provide for succession to its original membership.

Election of trustees and directors.

One representative from each body on board.

Term of trustee limited.

SEC. 7. The management and control of the business and property of such corporation shall be fixed in said board of trustees or board of directors, as the case may be. Said trustees or directors shall elect from their own number at each annual meeting of the corporation a president, vice president, secretary and treasurer, who shall perform the duties of their respective office in accordance with the by-laws of the corporation and the rules and regulations prescribed by the board of trustees or board of directors.

Control in trustees or directors.

Trustees to annually elect officers.

SEC. 8. Any corporation composed of fraternal organizations and/or members of fraternal organizations, heretofore incorporated under the laws of the State of Washington, may elect to subject corporation and its capital stock and the rights of its stockholders therein to the provisions of this act by a majority vote of its trustees or directors and the

Existing corporations may accept provisions of this act by majority vote of trustees and unanimous vote of capital stock.

unanimous assent or vote of the capital stock of such corporation.

Assent may be obtained at regular or special meeting.

If the unanimous written assent of the capital stock has not been obtained then the unanimous vote of all of the stockholders 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 by the by-laws of such corporation for special meetings of the stockholders.

Amendment certified.

The president and secretary of such corporation shall certify said amendment in triplicate under the seal of such corporation as having been adopted by a majority vote of its trustees or directors and by the unanimous written assent or vote as the case may be of all of its stockholders, and file and keep the same as in the case of original articles; and from the time of filing said certificate such corporation and its capital stock and the rights of its stockholders therein shall be subject to all of the provisions of this act; *Provided*, That nothing in this act shall affect the rights of the third person, pledgees of any shares of such capital stock, in such pledged stock, under pledges subsisting at the date of the filing of said amendment.

Filed as original articles.

Saving clause: pledgees and others protected.

Stock certificates to bear indorsement subject to this act and stock non-assignable.

SEC. 9. All certificates of capital stock of corporations incorporated under or becoming subject to the provisions of this act shall have expressly stated on the face thereof that such corporation and its capital stock and the rights of stockholders therein are subject to the provisions of this act and that its capital stock is not assignable or transferable except as in this act provided.

Secretary of State to file articles.

SEC. 10. The secretary of state shall file such articles of incorporation or amendment thereto in his office and issue a certificate of incorporation or amendment, as the case may be, to such fraternal



association upon the payment of a fee in the sum of \$5.00. Fee.

SEC. 11. Such fraternal association shall be a body politic and corporate with all powers and incidents of a corporation upon its compliance with the provisions of this act; *Provided, however,* That such fraternal corporation shall not be subject to any license fee or other corporate tax of commercial corporations. Association have all powers of a corporation.  
Not subject to license fee or other tax.

Passed the Senate February 4, 1927.

Passed the House February 23, 1927.

Approved by the Governor March 3, 1927.

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## CHAPTER 191.

[S. B. 53.]

### ACTION FOR INJURY OR DEATH OF CHILD.

AN ACT relating to actions for the death or injury of children and amending Section 9 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 9 of the Code of Washington Territory of 1881, (section 184 of Remington's Compiled Statutes; section 8264 of Pierce's 1919 Code) be amended to read as follows: Statute amended.

Section 9. A father, or in case of his death or desertion of his family, the mother may maintain an action as plaintiff for the injury or death of a minor child, or a child on whom either is dependent for support, and the mother for the injury or death of an illegitimate minor child, or an illegitimate child on whom she is dependent for support. Who may maintain action for injury or death of child.

Passed the Senate February 23, 1927.

Passed the House February 25, 1927.

Approved by the Governor March 3, 1927.

## CHAPTER 192.

[S. B. 156.]

## MANUFACTURE AND SALE OF DAIRY PRODUCTS.

AN ACT relating to dairying, and products thereof, amending Sections 6164, 6165, 6174, 6180, 6184, 6185, 6188, 6189, 6190, 6191, 6192, 6193, 6199, 6200, 6201, 6203, 6226, 6227, 6232, 6235, 6259, 6264, 6272 and 6274 of Remington's Compiled Statutes, repealing Sections 6236 and 6254 of Remington's Compiled Statutes and providing penalties.

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

SECTION 1. That section 6164 of Remington's Compiled Statutes be amended to read as follows:

Section 6164. That for the purpose of this act certain words, terms and expressions therein contained shall be construed as follows:

§ 1855-1,  
Pierce's  
Code; § 1,  
ch. 192, L.  
1919.

Terms  
defined.

Dairy.

The term "dairy" shall mean any place where milk from two or more cows is produced for sale.

Creamery.

The term "creamery" shall mean any place, building or structure wherein milk or cream is manufactured into butter for sale at wholesale.

Milk plant.

The term "milk plant" shall mean any place, building or structure wherein milk is received for bottling, pasteurizing, clarifying or otherwise processing.

Cheese  
factory.

The term "cheese factory" shall mean any place, building or structure wherein milk is manufactured into cheese.

Factory of  
milk  
products.

The term "factory of milk products" shall mean any place, building or structure, other than a creamery, milk plant, cheese factory, or milk condensing plant, wherein milk or any of its products is manufactured, altered, changed or compounded into any article, compound or product designed and intended for human consumption.

Milk.

The term "milk" shall mean the fresh, clean, lacteal secretion obtained by milking one or more

healthy cows, properly fed and kept, and not obtained or taken within ten days preceding the parturition of such cow or cows, nor within five days thereafter, and which contains not less than eight and fifty one-hundredths per cent of milk solids, and not less than three and twenty-five one-hundredths per cent of fat: *Provided, however,* That nothing in this act shall prohibit the sale of the whole, unadulterated and unskimmed milk of any cows whose milk tests below the butterfat standard herein fixed.

Sale of whole milk permitted.

The term "skimmed milk" shall mean any milk from which the cream has been removed, or which contains less than three and twenty-five one-hundredths per cent of butterfat, and not less than eight and eight-tenths per cent of milk solids exclusive of fat.

Skimmed milk.

The term "sterilized milk" shall mean milk that has been heated to the temperature of boiling water, or to a higher temperature, and maintained at such temperature for a length of time which shall be sufficient to kill all organisms present in such milk.

Sterilized milk.

The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

Blended milk.

The term "condensed milk", "evaporated milk" and "concentrated milk", and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the milking of one or more healthy cows, and not obtained within ten days before nor within five days after parturition, and which contains, all tolerances being allowed for, not less than twenty-five and five-tenths per cent of total solids and not less than seven and eight-tenths per cent of milk fat.

Condensed milk.

Evaporated milk.

Concentrated milk.

Condensed milk.

The words "condensed milk" when used in this act, not in connection with "sweetened condensed milk" shall include condensed milk to which sucrose has been added.

Sweetened condensed milk.

Condensed, evaporated and concentrated skimmed milks.

The term "condensed skimmed milk", "evaporated skimmed milk" and "concentrated skimmed milk", and each or either of them shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and which contains, all tolerances being allowed for, not less than eighteen per cent of milk solids.

Sweetened milks.

The term "sweetened condensed milk", "sweetened evaporated milk" and "sweetened concentrated milk", and each or either of them, shall mean condensed milk conforming to the standards and definitions of this act, to which sugar (sucrose) has been added.

Sweetened skimmed milks.

The term "sweetened condensed skimmed milk", "sweetened evaporated skimmed milk" and "sweetened concentrated skimmed milk", and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, to which sugar (sucrose) has been added, and which contains, all tolerances being allowed for, not less than twenty-eight per cent of milk solids.

Dried milk.

The term "dried milk" shall mean the product resulting from the removal of water from milk, and which contains, all tolerances being allowed for, not less than twenty-six per cent of milk fat and not more than five per cent of moisture.

Dried skimmed milk.

The term "dried skimmed milk" shall mean the product resulting from the removal of water from skimmed milk and which contains, all tolerances being allowed for, not more than five per cent of moisture.

The term "malted milk" shall mean the product made by combining whole milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract, and by removing water, and which contains not less than seven and one-half per cent of butter fat and not more than three and one-half per cent of moisture.

Malted milk.

The term "buttermilk" shall mean that portion of the cream which remains after the separation and removal therefrom of the butter fat without the addition of water.

Buttermilk.

The term "ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and which contains not less than ten per cent of milk fats, and not less than twenty per cent of milk fats and milk solids, not fat, combined.

Ice cream.

The term "fruit ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and mature fruits and which contains not less than ten per cent of milk fat, and not less than twenty per cent of milk fats and milk solids, not fat, combined.

Fruit ice cream.

The term "nut ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and non-rancid nuts, and

Nut ice cream.

which contains not less than ten per cent of milk fat and not less than twenty per cent of milk fat and milk solids, not fat, combined.

Ice milk.

The term "ice milk" shall mean the frozen product made from the combination of pure, sweet milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than two and four-tenths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatine.

Milk fat;  
butter fat.

The term "milk fat" and "butter fat", and each or either of them, shall mean the fat of milk having a Reichert-Meissel number not less than twenty-four, and a specific gravity not less than .905 at a temperature of forty degrees Centigrade.

Cream.

The term "cream" shall mean that portion of milk rich in butter fat which rises to the surface on standing, or is separated from it by centrifugal force, and which is fresh and clean and contains not less than eighteen per cent of milk fat.

Butter.

The term "butter" shall mean the clear, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass containing not less than eighty per cent of milk fat, and which also contains a small portion of other milk constituents with or without harmless coloring matter.

Renovated  
butter.

The term "renovated butter" shall mean butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream or other product of milk.

Re-worked  
butter.

The term "re-worked butter" shall mean the product obtained by mixing, re-churning or re-working butter manufactured on different dates or at different places: *Provided, however,* That the mixing of the clean, fresh trimmings or remnants from one

day's churning or cutting with butter from the churning of the same creamery on the day next following shall not make the product re-worked butter within the meaning of this act.

The term "milk products" shall mean and include each, every and any article, substance, product or compound manufactured, produced or compounded from milk, whether such milk conform to the standard and definitions set forth in this section or not.

Milk products.

The term "milk by-product" shall mean any and all products of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and shall include skimmed milk, buttermilk, whey, casein and milk powder.

Milk by-product.

The term "cheese" shall mean the sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid or pepsin with or without the addition of ripening ferments and seasoning, and with or without salt or harmless coloring matter.

Cheese.

The term "full cream cheese" or "full milk cheese", and each or either of them, shall mean cheese which contains in the water-free substance thereof not less than fifty per cent of milk fat.

Full cream cheese.

Full milk cheese.

The term "half skim cheese" shall mean cheese which contains in the water-free substance thereof less than fifty per cent and not less than twenty-five per cent of milk fat.

Half skim cheese.

The term "skim cheese" shall mean cheese which contains in the water-free substance thereof less than twelve per cent of milk fat.

Skim cheese.

The term "quarter skim cheese" shall mean cheese which contains in the water-free substance thereof less than twenty-five per cent and not less than twelve per cent of milk fat.

Quarter skim cheese.

Imitation  
cheese.

The term "imitation cheese" shall mean any article, substance or compound, other than that produced from pure milk or from the cream from pure milk, which shall be made in the semblance of cheese, and designed to be sold or used as a substitute for cheese made from pure milk or cream: *Provided, however,* That the use of salt, rennet, lactic acid, or pepsin, and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation; *And provided further,* That nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Whey.

The term "whey" shall mean the product remaining after the removal of fat and casein from milk in the process of cheese making.

Oleomargarine.

The term "oleomargarine" shall mean all manufactured substances, extracts, mixtures or compounds, including mixtures or compounds with butter, heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and shall include all lard and tallow extracts and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter, or calculated or intended to be sold as butter or for butter.

Substitute  
butter.

The term "substitute butter" shall mean and include all compounds of vegetable oils with milk fats or milk solids, and all compounds of milk fats or milk solids with butter, when such compound contains less than eighty per cent of milk fat.

Person.

The term "person" shall import both the singular and plural as the case may demand, or as shall be applicable, and shall include individuals, co-partnerships, corporations and unincorporated societies and associations.



SEC. 2. That section 6165 of Remington's Com-  
 piled Statutes be amended to read as follows:

§ 1855-2,  
 Pierce's  
 Code; § 2, ch.  
 175, L. 1919.

Section 6165. Insanitary Dairy—What Con-  
 stitutes.

What con-  
 stitutes  
 insanitary  
 dairy.

A dairy shall be deemed insanitary in the follow-  
 ing cases:

(a) If the drinking water provided for the cows  
 therein be stagnant, polluted with manure, urine,  
 drainage, or decaying vegetable or animal matter.

Polluted  
 drinking  
 water.

(b) If the yards or enclosures in which the cows  
 are confined or kept be filthy or insanitary.

Filthy yards.

(c) If any part of the yards or enclosures in  
 which the cows are confined or kept, other than past-  
 ures, be made depositories of manure in heaps, or  
 otherwise, where it is allowed to ferment and decay.

Manure  
 deposits.

(d) If a suitable milk house or milk room is not  
 provided and maintained, properly screened to ex-  
 clude flies and insects, for the purpose of cooling,  
 mixing, bottling, canning, keeping or separating the  
 milk or cream. Such milk house or milk room shall  
 not be located in, or be a part of, any barn or poultry  
 house, and shall not be used for any other purpose  
 whatsoever, and if contained in any building or  
 structure in which any business, occupation or trade,  
 other than handling, bottling or processing milk is  
 conducted or carried on, such milk room shall be  
 separated from the portion or portions of such build-  
 ing or structure in which such business, trade or  
 occupation is conducted or carried on, by a tightly  
 ceiled or plastered partition constructed in such  
 manner as to meet with the approval of and comply  
 with any regulations issued by the department of  
 agriculture.

Milk room  
 not screened.

Milk room to  
 be separated  
 from barn,  
 etc.

(e) If milk or cream shall be cooled, stored,  
 mixed, bottled, canned or kept in any room or place  
 occupied by any person as a sleeping or living apart-  
 ment, or occupied by horses, cows, hogs or other  
 animals, or by fowl of any kind.

Storage in  
 sleeping  
 room or  
 place occu-  
 pied by  
 animals.

Not distant from urinal, etc.

(f) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure, or other filth shall be permitted within one hundred feet of such milk house, or milk room, or within fifty feet of any cow stalls or stanchions, or other place where milking is done.

Unclean walls or floors.

(g) If the walls or floor of such milk house or milk room shall become soiled with manure, urine, dirt of [or] other filth.

Failure to lime whitewash.

(h) If an application of lime whitewash to the interior of any cattle stable, barn or milking shed in which cows are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, shall not be made as often as once in one year.

Sterilization of container.

(j) If the pails, cans or other containers of milk, or the strainers or coolers coming in contact with the milk are not thoroughly sterilized with boiling water or live steam each and every time the same are used.

Person and wearing apparel of employees to be clean.

(k) If the person or wearing apparel of the dairyman, or his employees, or other persons coming in contact with milk and its products, are allowed to become soiled, or are not washed from time to time with reasonable frequency.

Clean equipment.

(l) If the milking stools, milking machines and equipment therein are not kept clean.

Any other causes rendering impure.

(m) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure and unhealthy.

Unlawful to sell.

It shall be unlawful to sell milk or dairy products from a closed or insanitary dairy.

§ 1855-11, Pierce's Code; § 11, ch. 192, L. 1919.

SEC. 3. That section 6174 of Remington's Compiled Statutes be amended to read as follows:

Section 6174. That process of pasteurization as applied to milk, skimmed milk, cream and milk prod-

ucts 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-two and one-half degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized. 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-two and one-half degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty 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 manufacture 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.

Pasteurization process.

SEC. 4. That section 6180 of Remington's Compiled Statutes be amended to read as follows:

Section 6180. All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in or quality of said

§ 1855-17,  
Pierce's  
Code; § 17,  
ch. 192, L.  
1919.

Measuring  
bottles.

Identifying information on all bottles.

Designating number.

Bond by manufacturer.

Record of bonds in Dept. of Agriculture.

Penalty for non-compliance.

Specifications prescribed by Comm'r. of Agriculture.

milk or milk products shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "sealed" and in the side of the pipette or the side or bottom of the bottle the name, initials, or trade mark of the manufacturer and his designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the commissioner of agriculture upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars (\$1,000.00) with sureties to be approved by the attorney-general, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number, and to whom furnished, shall be kept in the office of the department of agriculture.

Any manufacturer who sells Babcock or other milk, cream or butter test bottles or milk pipettes, to be used in this state, that do not comply with the provisions of this section shall suffer the penalty of five hundred dollars (\$500.00) to be recovered by the attorney-general in an action against the offender's bondsmen, to be brought in the name of the people of the state. Any dealer who uses, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after this law takes effect that do not comply with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor.

The commissioner of agriculture shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all Babcock or other glassware shall be the true cubic centimeter or the weight of one gram of distilled water at four degrees Centigrade.

Inspectors of the department of agriculture are not required to seal Babcock milk, cream or butter

test bottles or milk pipettes marked as in this section provided, but they shall from time to time make tests of individual bottles used by the various firms in the territory over which they have jurisdiction in order to ascertain whether the above provisions are being complied with and they shall report immediately to the commissioner of agriculture violations found.

Tests and reports by inspectors.

SEC. 5. That section 6184 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-21.  
Pierce's  
Code; § 21,  
ch. 192, L.  
1919.

Section 6184. Each and every person whose duty it shall be to take, or who shall take or make any test, measure or grade or take or extract any sample of milk or cream sold or purchased, or to be sold or purchased, by weight, test, measure or grade, shall weigh, test, measure or grade the milk or cream sold or purchased by or from each individual separately. He shall before making any test or grade, or taking or extracting any such sample, thoroughly mix the milk and cream of the entire shipment or delivery from which a sample is to be taken, or extracted, by pouring or stirring until such milk and cream is of uniform and homogeneous consistency and richness, or shall take a sample from each can or other container of the entire shipment to be sampled and tested.

Test.

Samples.

How samples taken.

SEC. 6. That section 6185 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-22.  
Pierce's  
Code; § 22,  
ch. 192, L.  
1919.

Section 6185. Deceit in Weight, Grade, Measure or Test.

No person, firm or corporation selling, delivering or hauling milk or cream, and no person, firm or corporation receiving or purchasing milk or cream by weight, grade or test, or either, or by measure, grade or test, or either, shall with intent to deceive, defraud or mislead as to the weight, grade, measure or test thereof, manipulate, change or alter such measure, test, grade or weight, or make or return to any person

Deceiving as to weight, grade, measure or test.

any false, deceitful, inaccurate or untrue statement of such weight, grade, test or measure, or use any measure, grading or testing apparatus which does not comply with the standards defined therefor in this act or which has been condemned as inaccurate by the department of agriculture.

§ 1855-25,  
Pierce's  
Code.

SEC. 7. That section 6188 of Remington's Compiled Statutes, as amended by section 6, chapter 27, Laws of 1923, be amended to read as follows:

Milk tests  
by a Bab-  
cock  
licensed  
tester.

Section 6188. All tests, samples, weights or grades of milk or cream sold, purchased or delivered on the basis of the grade and amount of milk fat or butter fat contained therein, or by weight, shall be performed by a Babcock licensed tester, sampler, weigher or grader. Such Babcock tester, sampler, weigher or grader shall personally operate and conduct each test, taking of sample, determination of weight or grade, 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, sample, weight or grade thereof: *Provided*, That it shall be the duty of each and every licensed Babcock tester, sampler, weigher or grader to make and keep for a period of four months in a locked container to which only the director of agriculture or his duly authorized agent shall have access, one or more legible carbon copies of the original report of each and every test, weight and grade made by him or her, and that the record or records of any and all tests, weights and grades 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 offense not less than twenty-five dollars (\$25.00) nor more

Duty of  
tester.

Violation.

Penalty.

than one hundred dollars (\$100.00), and the license of the Babcock tester, sampler, weigher or grader revoked. Any person, firm or corporation who shall employ anyone to operate the Babcock test or to weigh, sample or grade milk or cream who does not have a Washington State Babcock license or Cream Grader's license, or a Washington state permit in lieu of such license, or 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.

Employment of one without license or permit, or who obstructs department—penalty.

SEC. 8. That section 6189 of Remington's Compiled Statutes, as amended by section 7, chapter 27, Laws of 1923, be amended to read as follows:

§ 1855-26, Pierce's Code.

Section 6189. Any person may receive from the department of agriculture a license as a Babcock licensed tester, sampler, weigher or grader 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.

License as Babcock tester, etc.

Fee.

Qualifications of applicant.

SEC. 9. That section 6190 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-27, Pierce's Code; § 27, ch. 192, L. 1919.

Section 6190. Applications for licenses as a Babcock licensed tester, sampler, weigher or grader shall be made upon an application blank to be provided and furnished by the department of agriculture, and shall be filed with the department. Upon receipt of any such application the department of agriculture may, if the commissioner shall so direct, issue a permit to the applicant to act as a Babcock licensed

Application for Babcock tester license.

tester, sampler, weigher or grader, for such period as may be prescribed and stated in said permit, not to exceed sixty days, but such permit shall not be renewed so as to extend the period beyond sixty days from the filing of the application.

§ 1855-28,  
Pierce's  
Code; § 28,  
ch. 192, L.  
1919.

SEC. 10. That section 6191 of Remington's Compiled Statutes be amended to read as follows:

Duration of  
license.

Section 6191. Every license as a Babcock licensed tester, sampler, weigher or grader shall be valid and in force during the life of the person to whom it is issued unless it shall be sooner revoked. Any license as a Babcock licensed tester, sampler, weigher or grader may at any time be revoked by the department of agriculture, upon due notice to the person to whom it is issued, if such person shall fail to comply with the provisions of this act, or shall exhibit in the discharge of his functions any gross carelessness or lack of qualification, or shall fail to comply with the rules and regulations issued and promulgated by the department of agriculture under the authority of this act.

Cause for  
revocation.

§ 1855-29,  
Pierce's  
Code.

SEC. 11. That section 6192 of Remington's Compiled Statutes, as amended by section 8, chapter 27, Laws of 1923, be amended to read as follows:

Creameries,  
factories,  
etc., to ob-  
tain annual  
license.

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)

License fee.



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, nor to bakeries and candy manufacturing plants.

Period of license.

License not required of individual, hotel and other purchasers.

SEC. 12. That section 6193 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-31, Pierce's Code; § 31, ch. 192, L. 1919.

Section 6193. No person, firm or corporation shall convey, transport or carry any milk, skimmed milk, buttermilk or cream in any wagon, automobile, cart or other vehicle, for the purpose of selling or vending the same within the state or sell or vend any milk, skimmed milk, buttermilk or cream from any such wagon, cart, automobile or other vehicle, within the state, unless such person, firm or corporation shall have first obtained a milk vendor's license therefor.

Milk vendor's license.

SEC. 13. That section 6199 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-37, Pierce's Code; § 37, ch. 192, L. 1919.

Section 6199. The department of agriculture shall conduct tests at any creamery, milk plant, cheese factory, milk condensing plant or factory of milk products where there is reason to believe that milk or cream purchased or sold upon any basis of test, weight, grade or measure is not being tested, weighed, graded or measured accurately.

Accuracy of tests questioned.

Revisory tests by department.

§ 1855-38,  
Pierce's  
Code; § 38,  
ch. 192, L.  
1919.

Testing  
apparatus  
to be  
inspected.

Defective  
apparatus  
condemned.

§ 1855-39,  
Pierce's  
Code; § 39,  
ch. 192, L.  
1919.

Inspection  
duties; by  
whom  
performed.

§ 1855-41,  
Pierce's  
Code; § 41,  
ch. 192, L.  
1919.

Statistical  
reports;  
preparation.

SEC. 14. That section 6200 of Remington's Compiled Statutes be amended to read as follows:

Section 6200. All apparatus used for the purpose of testing or grading milk or cream sold, purchased or delivered upon the basis of the amount of milk fat contained therein, or grade thereof, shall be inspected and tested from time to time by the department of agriculture and any such apparatus, or any portion thereof, found defective or faulty shall be condemned and be replaced through the department at cost to the dealer.

SEC. 15. That section 6201 of Remington's Compiled Statutes be amended to read as follows:

Section 6201. The duties of inspection imposed by this act on the department of agriculture, and all powers and authorities conferred upon said department in connection with any test, sample, weight or grade, or inspection of any creamery, dairy, plant, factory, store, depot, booth, market, wagon, automobile, cart, vehicle or place, or of any milk or milk product or any substitute therefor, or imitation thereof may be exercised by any commissioner, assistant commissioner, or inspector thereof.

SEC. 16. That section 6203 of Remington's Compiled Statutes be amended to read as follows:

Section 6203. The department of agriculture shall provide blanks for reporting statistics of the production of milk and milk products. The department shall when it deems necessary, but at least annually, on or before the first day of January of each year cause to be mailed to the owners or operators of all creameries, cheese factories, milk plants, milk condensing factories, factories of milk products, and to all milk vendors and milk dealers, one or more of such blanks. All such persons shall during the thirty days next following transmit to said department such blanks properly filled out and signed by such person and

showing a full and accurate report of the amount of milk, cream, butter, cheese, ice cream, ice milk, buttermilk, skimmed milk, or other milk produce received, produced, manufactured or distributed during the required period as set forth by the department. The words "milk vendor" or "milk dealer" shall mean any person, firm or corporation who sells, vends, furnishes or delivers milk, skimmed milk, buttermilk or cream from any wagon, automobile, cart or other vehicle.

Milk vendor.

Milk dealer.

SEC. 17. That section 6226 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-64,  
Pierce's  
Code.

Section 6226. Every person, firm or corporation who shall manufacture any cheese shall at the place of manufacture, and before selling or removing such cheese therefrom, distinctly and durably brand such cheese on the bandage of every such cheese and on the box, package or container in which every such cheese shall be packed or contained, with the name and address of the manufacturer and with the words "Full Cream Cheese", "Half Skim Cheese", "Quarter Skim Cheese" or "Skim Cheese", according to the percentage of milk fats and milk solids contained in any such cheese and the definitions and standards established by this act. Such name and address and such words shall be printed in letters of plain uncondensed gothic type and not less than one half inch in height and in such a manner that such brand cannot be readily obliterated or erased. Failure to brand any cheese and the selling of any such cheese not so branded, as provided in this section, shall constitute a violation of this act upon the part of the manufacturer and on the part of every person selling, furnishing, exchanging or delivering the same: *Provided, however,* That the provisions of this section shall not be construed to apply to cheeses commonly known as "Edam", "Pineapple", "Brickstein", "Lim-

Imitation  
cheese to be  
branded.

Information  
on container.

Penalty for  
non-  
compliance.

Cheeses  
excluded  
from Act.

burger", "Swiss" or to other hand-made cheeses not made by ordinary cheddar process.

§ 1855-65,  
Pierce's  
Code; § 65,  
ch. 192,  
L. 1919.

Vending of  
unbranded  
cheese.

SEC. 18. That section 6227 of Remington's Com-  
piled Statutes be amended to read as follows:

Section 6227. The vending, exposing or offering  
for sale, or sale, furnishing or exchange of any cheese  
not branded according to the provisions of section  
6226 of this act shall constitute a violation of this  
act on the part of the person vending, exposing, sell-  
ing, furnishing, exchanging or offering such article  
or product.

§ 1855-70,  
Pierce's  
Code; § 70,  
ch. 192,  
L. 1919.

What  
constitutes  
impure milk.

SEC. 19. That section 6232 of Remington's Com-  
piled Statutes be amended to read as follows:

Section 6232. Any milk which shall not be free  
from foreign substances, coloring matter or pre-  
servatives, pus cells or blood cells or which contains  
more than 100,000 bacteria or germs of all kinds to  
the cubic centimeter or which has been infected by or  
exposed to any contagious or infectious disease, shall  
be deemed to be impure, unwholesome and adulter-  
ated within the meaning of this act.

Any pasteurized milk shall be considered unlaw-  
ful that contains in excess of 25,000 bacteria per cubic  
centimeter in the finished product.

§ 1855-73,  
Pierce's  
Code; § 73,  
ch. 192,  
L. 1919.

Bottling  
regulations.

SEC. 20. That section 6235 of Remington's Com-  
piled Statutes be amended to read as follows:

Section 6235. Bottling Regulations.

No person, firm or corporation shall bottle any  
milk, skimmed milk or cream, designed or intended  
for sale within the state, or transfer such milk,  
skimmed milk or cream, from any can, bottle or con-  
tainer to any other can, bottle or container, in any  
place, building or structure not a milk-room, milk  
plant, creamery or other place used exclusively for  
bottling, handling, storing or processing milk. Such  
milk-room, milk plant, creamery or other place shall  
be a room or place used exclusively for bottling, hand-

ling, storing or processing milk, cream or other milk products and shall not be used for any other purpose whatsoever, and shall not be located in or be a part of any residence, dwelling house, barn or poultry house, and if contained in any building or structure in which any trade, business or occupation other than that of bottling, handling, storing or processing milk is conducted or carried on, such milk-room, milk plant, creamery or other place shall be separated from the portion or portions of such building or structure in which such other trade, occupation or business is carried on, by a tightly sealed or plastered partition constructed in such a manner as to meet with the approval of and comply with the regulations of the department of agriculture. Every such milk-room, milk plant, creamery or place shall be provided with suitable windows or other openings permitting the entrance of light and air from outside such building or structure without passing through any other portion thereof, and such milk-room or other place shall be otherwise constructed, kept and maintained in a sanitary condition and manner within the intent and meaning of section 6166.

SEC. 21. That sections 6236 and 6254 of Remington's Compiled Statutes be and the same are hereby repealed.

SEC. 22. That section 6259 of Remington's Compiled Statutes, as amended by section 12, chapter 27, Laws of 1923, 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 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

§§ 1855-74,  
1879,  
Pierce's  
Code; § 74,  
ch. 192.  
L. 1919; § 7,  
ch. 92.  
L. 1905.

§ 1902,  
Pierce's  
Code.

Ownership  
marks for  
containers  
adopted.

Fee.

Exclusive  
use of mark.

for the exclusive right to use such mark or marks, in the office of the department of agriculture, which application shall contain the name and address of the applicant, a description of the mark or marks proposed and the use to be made of the cans, 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

How mark  
affixed or  
attached to  
containers.

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 cans, tubs or containers so registered the mark or marks of ownership of said person, firm or corporation shall become void: *And*

Sale of  
marked  
containers.

*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, tub or container, and the possession of any such branded, stamped or marked cans, tubs or containers by any junk dealer or vendor, 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, 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, tubs and containers until it shall be

Unlawful  
to retain  
marked  
containers.

Registered  
owner may  
retake  
property.

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

SEC. 22-a. That section 6262 of Remington's Compiled Statutes be amended to read as follows:

§ 1905,  
Pierce's  
Code; § 4,  
ch. 101,  
L. 1915.

Section 6262. No person shall use any can, tub or case marked as herein provided, for any other purpose than the transportation of the products herein mentioned to or from the rightful owner of said cans, tubs or cases.

Marked  
containers  
to be used  
only for  
transportation  
of  
products.

SEC. 22-b. That section 6263 of Remington's Compiled Statutes be amended to read as follows:

§ 1906,  
Pierce's  
Code; § 5,  
ch. 101,  
L. 1915.

Section 6263. No person other than the owner thereof shall deface any registered mark upon any can, tub or case nor remove the same.

Defacing  
registered  
mark.

SEC. 23. That section 6264 of Remington's Compiled Statutes be amended to read as follows:

§ 1907,  
Pierce's  
Code; § 87,  
ch. 192,  
L. 1919.

Section 6264. It shall be the duty of any person, firm or corporation receiving milk, cream or other dairy products in cans, tubs or cases, bearing marks which have been registered with the department of agriculture, from a shipper or other source, to return such cans, tubs or cases to the rightful owners. Failure to do so shall be considered a violation of this act. The inspectors of the department of agriculture shall seize cans, tubs and cases not rightfully used and return them to the person, firm or corporation in whose name they are registered. Any expense in transporting such seized cans, tubs or cases shall be paid by the owner of the cans, tubs or cases: *Provided*, That the department of agriculture, or any person, firm or corporation who shall return such

Marked  
containers  
to be  
returned to  
owner.

Penalty for  
violation.

Seizure of  
containers  
and return  
by department.

Owner to  
pay expense  
of return.

registered cans, tubs or cases shall not be liable for any loss of cans, tubs or cases lost in transportation.

§ 1889,  
Pierce's  
Code § 6,  
ch. 234,  
L. 1907.

SEC. 24. That section 6272 of Remington's Compiled Statutes be amended to read as follows:

Sale of im-  
pure milk.

Section 6272. In prosecutions under the provisions of sections 6270 and 6271 of this chapter, milk, normal and of standard quality, is defined as milk, pure, healthy, wholesome and uninfected, free from any foreign substance whatsoever, including coloring matter or preservatives, free from all pus cells, or blood cells, and which does not contain more than 100,000 bacteria or germs of all kinds to the cubic centimeter, and which has not been infected by or exposed to the infections of any contagious or infectious disease and which comes from cows healthy and free from all kinds of disease and kept in a healthy, sanitary condition and fed upon wholesome feed and which contains not less than 11.75 per cent of milk solids and not less than 8.50 per cent of solids exclusive of fat, or not less than 3.25 per cent of fat. Any dealer therein who shall sell milk not normal and up to said standard shall be subject to prosecution and fine as provided in section 6271 of this act.

Penalty.

§ 1891,  
Pierce's  
Code; § 8,  
ch. 234,  
L. 1907.

SEC. 25. That section 6274 of Remington's Compiled Statutes be amended to read as follows:

Selling  
cream not of  
standard  
quality.

Section 6274. No sweet cream shall be sold, offered for sale, exchanged, delivered or shipped, transported or carried for purposes of sale, exchange or delivery, that contains less than eighteen per cent of butter fat, or which contains any puss cells, blood cells or more than 100,000 bacteria or germs of all kinds to the cubic centimeter, and any person who shall adulterate cream or reduce or change it in any respect by the addition of water or any foreign substance with the intention of selling or offering the same for sale or exchange, shall be punished by a fine of not less than \$50.00 nor more than \$100.00, or

Adulteration.

Penalty.



imprisonment for not less than thirty nor more than sixty days.

Passed the Senate February 25, 1927.

Passed the House February 23, 1927.

Approved by the Governor March 3, 1927.

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## CHAPTER 193.

[H. B. 15.]

### HOMESTEADS.

AN ACT relating to homesteads, amending Sections 1 and 4 of Chapter LXIV of the Laws of 1895, and repealing Sections 342, 343, 344, 345, 346 and 2415 of the Code of Washington Territory of 1881, and Chapter LXXXVIII of the Laws of 1887-8.

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

SECTION 1. That section 1 of chapter LXIV (64) of the Laws of 1895, page 109, (section 528 of Remington's Compiled Statutes; section 7860 of Pierce's 1919 Code) be amended to read as follows: Statute amended.

Section 1. The homestead consists of the dwelling house, in which the claimant resides, and the land on which the same is situated, selected at any time before rendition of judgment, as in this act provided. Of what homestead consists.

SEC. 2. That section 4 of chapter LXIV (64) of the Laws of 1895, page 109, (section 532 of Remington's Compiled Statutes; section 7863 of Pierce's 1919 Code) be amended to read as follows: Statute amended.

Section 4. The homestead is exempt from execution or forced sale, except as in this act provided; and the proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, shall likewise be exempt for one year, and also such new homestead acquired with such proceeds; and no judgment, or other claim Exempt from forced sale.  
Proceeds of voluntary sale exempt.

Mortgage  
only lien.

against the owner of a homestead, except by mortgage, shall be a lien against such homestead in the hands of a *bona fide* purchaser for a valuable consideration.

Statutes  
repealed.

SEC. 3. That sections 342, 343, 344, 345, 346 and 2415 of the Code of Washington Territory of 1881; chapter LXXXVIII (88) of the Laws of 1887-8, page 162; (sections 529 and 562 of Remington's Compiled Statutes; sections 7849 and 7850 of Pierce's 1919 Code) are hereby repealed.

Passed the House January 18, 1927.

Passed the Senate February 3, 1927.

Approved by the Governor March 3, 1927.

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## CHAPTER 194.

[S. B. 72.]

### WEIGHTS AND MEASURES.

AN ACT relating to weights and measures; establishing standards therefor; prescribing the powers and duties of certain officers in relation thereto; fixing penalties for violations of this act; and repealing certain acts and parts of acts in relation thereto.

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

National and  
state  
standards.

SECTION 1. The weights and measures, received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be supplied by the state in conformity therewith and certified by the National Bureau of Standards, shall be the state standards, by which all county and municipal standards of weights and measures shall be tried, approved and sealed.

All weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales, or other instruments for weighing or measuring, by which any merchandise, commodity, or thing is bought or sold by weight or measure, or offered or exposed for sale, shall conform to the state standards herein prescribed.

Weighing and measuring instruments to conform to state standards.

Any weight, measure, scale, scale beam, patent balance, steelyard, automatic or computing scale or other instrument or device for weighing or measuring which does not conform to such state standards is hereby declared to be a false weight or measure.

False weight or measure.

SEC. 2. The director of agriculture through and by means of the division of weights and measures shall take charge of the state standards, cause them to be kept in a safe and suitable place in the office of the division of weights and measures, from which they shall not be removed except for repairs or for certification, and shall take all other necessary precautions for their safe keeping; shall maintain the state standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification; shall at least once in five years try and prove by the state standards all weights, measures and other apparatus which may belong to any county or city, and shall seal such when found to be accurate, by stamping on them with seals which he shall have and keep for that purpose, the letter "W" and the last two figures of the year in which the same are sealed; shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold or in use in the state; shall, upon the written request of any citizen, firm, corporation or educational institution in the state, test or calibrate weights, measures, weighing or measuring devices and instruments or appliances used as standards in this state; shall

Division of weights and measures in charge of the state standards.

Duties.

County and city weighing and measuring instruments to be tested.

Supervision of devices used or sold in state.

Tests upon request.

Annual test of instruments determining quantities of supplies sold to state.

Report.

Appointment of special deputies.

Annual report to the Governor.

Inspection of standards used by state and cities.

Inspect work of city sealers.

Track scales of common carriers excepted.

Make regulations for state and city sealers.

City standards.

at least once annually, test all scales, weights, measures, weighing or measuring devices or instruments used in determining the quantities of the receipts or disbursements of supplies for the maintenance of which moneys are appropriated by the legislature, and report in writing his findings to the director of business control or the supervising board, and to the executive officer, of the institution concerned, and at the request of such director, board or executive officer, shall appoint in writing one or more employes, then in the actual service of each institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies; shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for the same from his successor in office; shall annually, on the first day of October, make to the governor a report of the work done by his office; shall inspect all standards and apparatus used by the state and cities having a population of more than fifty thousand, at least once in two years, and keep a record of the same; shall at least once in two years visit the various cities in the state having a population of fifty thousand, in order to inspect the work of the city sealers, and in the performance of such duties may inspect the weights, measures, and weighing or measuring devices or instruments of any citizen, firm or corporation, except track scales used by common carriers by railroad, and shall have the same powers as the city sealer of weights and measures; shall issue, from time to time, regulations for the guidance of state and city sealers, which regulations shall govern the procedure to be followed by such officers in the discharge of their duties.

SEC. 3. The director of agriculture, and the council or other governing body of each city having a population of more than fifty thousand, shall procure

and keep at all times a complete set of weights, measures, weighing and measuring devices and other apparatus, of such materials and construction as the director of agriculture may direct. All such weights, measures, devices and other apparatus having been tried and accurately proven by the director of agriculture through and by means of the division of weights and measures, shall be sealed and certified to by the director; and shall then be deposited with and preserved by the city sealer as public standards for such city, and by the director for use as public standards in any county in the state.

Apparatus sealed and certified by director of agriculture.

Whenever the council or other governing body of any such city shall neglect for six months so to do, the city clerk or comptroller of said city, on notification and request by the director of agriculture or the supervisor of weights and measures, shall provide such standards and cause the same to be tried, proved, sealed and deposited at the expense of such city.

Failure of city to provide standards.

SEC. 4. The director of agriculture, the supervisor of weights and measures, and the duly appointed and deputized sealers, testers and inspectors of the division of weights and measures, shall have the power to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, and other instruments or mechanical devices for ascertaining the quantity of any article by weight, and all measures, and other instruments or mechanical devices for ascertaining the size or dimensions of any article, or the quantity thereof, by measurement, and all tools, appliances and accessories connected with any such weighing or measuring instrument or device, kept for the purpose of sale or sold, or used or employed by any person or corporation, or any agent, lessee or employe, in ascertaining the weight, size, quantity, extent, dimension or area of any article for distribu-

State sealer.

Powers and duties.

tion or consumption, offered for sale, or sold or purchased, or stored or transported, except track scales used by common carriers by railroad; and shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold, or purchased, or in the process of delivery, in order to determine whether the same contain the amount represented, and whether they are being offered for sale or sold, or have been purchased, in the manner provided by law; and may, for the purposes above mentioned and in the performance of official duty, without formal warrant, enter into or upon any stand, place, building or premises, and stop any vendor, peddler, junk dealer or the person in charge of any coal wagon, wood wagon, ice wagon or delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some specified place, for the purpose of making proper tests. Whenever any such officer finds a violation of any statute relating to weights or measures, he shall cause the person violating such statute to be prosecuted. Whenever any such officer inspects, tests and tries any weight, measure or weighing or measuring instrument or device and ascertains that it is correct and corresponds, or causes it to correspond, with the standards in his possession, he shall seal or mark such weight, measure or weighing or measuring instrument or device with appropriate devices to be approved by the director of agriculture, and shall condemn and seize and may destroy any incorrect weight, measure or weighing or measuring instrument or device which cannot be repaired, and shall mark or tag any such weight, measure or weighing or measuring instrument or device found to be incorrect and that may be repaired with the words "condemned for repairs" in a manner prescribed by the director of agriculture. The owner or user of any

Shall cause  
prosecution  
for  
violations.

Condemn  
incorrect  
instrument.

weight, measure or weighing or measuring instrument or device which shall have been so marked or tagged "condemned for repairs", shall have the same repaired or corrected within ten days and shall not use or dispose of the same in any way, but shall hold the same subject to the orders of the officer condemning the same.

SEC. 5. There shall be, in each city of the first class having a population of more than fifty thousand, a city sealer of weights and measures, to be appointed by the mayor, or other chief executive officer, from a list to be furnished by, and under the rules of, the civil service board, where such board exists; otherwise he shall be appointed by the mayor or other chief executive officer by and with the advice and consent of the council or other governing body. He shall perform in said city the duties and shall have like powers as the director of agriculture acting by and through the division of weights and measures: *Provided, however,* That in every case where any city of the first class has heretofore made, or may hereafter make provision by charter or ordinance for the enforcement of proper legal weights and measures, vesting general supervision and direction in any official at the head of any department of such city, such official for the purpose of this act, shall be *ex-officio* sealer of weights and measures in such city, and he and his subordinates shall have the duties and powers of city sealers of weights and measures, and the powers of such cities relative to weights and measures shall be additional to the powers granted such city by law and charter: *And provided further,* That the director of agriculture and the officers of the division of weights and measures shall exercise no powers and discharge no duties in any city of the first class having its own sealer of weights and measures, except as in this act hereinabove provided.

City sealer  
of weights  
and  
measures.

Duties and  
powers.

Ex-officio  
sealer in  
cities of the  
first class.

State sealer  
no jurisdic-  
tion in city  
having a  
sealer.

Penalties for using false weight or measure and for other violations.

SEC. 6. Any person, who, by himself, or his servant or agent or as the servant or agent of another, shall use or retain in his possession a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by or under the direction of the director of agriculture or a city sealer within one year, in the buying or selling of any commodity, or thing, or in the storage thereof, or in the transportation thereof, except track scales used by common carriers by railroad; or who shall dispose of any condemned weight, measure or weighing and measuring device contrary to law, or remove any tag placed thereon by any authorized officer under the provisions of this act; or any person who, by himself, or by his servant or agent, or as the servant or agent of another, shall sell or offer or expose for sale, or purchase or store or transport less than the quantity he represents, or sell or offer or expose for sale or purchase, store or transport any such commodities in a manner contrary to law; or any person who by himself or by his servant or agent or as the servant or agent of another shall sell or offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor upon the first conviction, but upon a second and each subsequent conviction he shall be guilty of a gross misdemeanor.

Supervisor and others made special policemen.

May arrest without warrant.

SEC. 7. The director of agriculture, the supervisor of weights and measures and all duly appointed sealers, testers and inspectors of the division of weights and measures and all duly appointed and qualified city sealers of weights and measures, are hereby made special policemen, and are authorized and empowered to arrest, without warrant, any violator of the statutes in relation to weights and meas-



ures, and to seize for use as evidence, and without warrant, any false weight, measure or weighing or measuring device or packages or amounts of commodities found to be used, retained or offered or exposed for sale, or sold, or purchased, stored or transported contrary to the provisions of this act.

May seize evidence without warrant.

SEC. 8. Any person who shall hinder or obstruct, in any way, the director of agriculture, the supervisor of weights and measures, any duly appointed and deputized sealer, tester, or inspector of the division of weights and measures, or any city sealer, in the performance of his official duties, shall be guilty of a misdemeanor.

Penalty for obstructing officers.

SEC. 9. A standard package or container of butter in this state 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, but it shall be unlawful to offer for sale or sell butter in any package or container where the net weight thereof is more or less than the standards herein prescribed without having said package or container 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.

Standards specified.

Butter container.

Label to show correct weight if not standard.

SEC. 10. It shall be unlawful for any person to manufacture, sell or offer or expose for sale, any bread except in the following weights, which shall be the 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: *Provided*, That variations at the rate of one ounce per pound over, and one ounce per pound under, the 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

Specified weights of bread.

Variations permitted.

kind shall not be less than the weight hereinabove prescribed.

Standard  
sack of  
potatoes.

SEC. 11. A standard sack of potatoes in this state shall contain one hundred (100) pounds net weight, and a standard sack of potatoes need have no statement of the weight of its contents, but it shall be unlawful to sell or offer for sale potatoes by the sack, in sacks containing more or less than the standard of one hundred (100) pounds, unless each such sack shall be labeled in plain English words and figures with its true net weight.

Berry boxes.

SEC. 12. A standard berry box for selling or offering for sale blackberries, currants, strawberries, cranberries, blueberries, gooseberries, cherries and similar berries in packages containing less than one bushel, shall be a dry quart containing 67.2 cubic inches or a dry pint containing 33.6 cubic inches, and it shall be unlawful to sell or offer for sale or use for the purpose of selling or offering for sale any of the berries named in this section, berry boxes of any other interior capacity than 67.2 or 33.6 cubic inches, unless the same be labeled in plain English words or figures with the correct interior capacity expressed thereon in cubic inches: *Provided*, That nothing in this section shall be construed to prevent the sale or offering for sale of any of the articles therein mentioned by weight.

Sale by  
weight  
permitted.

Sack of coal.

SEC. 13. A standard sack of coal in this state 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, but it shall be unlawful to offer for sale or sell coal in sacks containing more or less than one hundred (100) pounds net weight, unless such sacks be labeled in plain English words or figures with the true net weight of the contents expressed in pounds, and it shall be unlawful for any person, firm or corporation, or their agents,

servants or employes, 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.

SEC. 14. It shall be unlawful for any person, firm or corporation to sell milk, cream or buttermilk in this state, in bottles unless such bottles contain either one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure. Milk bottles.

SEC. 15. Standard bottles for selling or offering for sale vinegar in this state shall contain one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure and whenever vinegar is sold or offered for sale in such standard bottles no statement of the net measure of the contents thereof need be given thereon, but it shall be unlawful for any person, firm or corporation to offer for sale or sell vinegar in this state in bottles containing more or less than the standard amount in this section, unless such bottles shall be labeled in plain English words and figures with the true net measurement thereof stated in liquid ounces. Vinegar bottles.

SEC. 16. It shall be unlawful for any person, firm or corporation to buy at wholesale in this state any article or commodity upon the basis of weight or measure unless the same be bought upon the basis of the true net weight or measure, and unless the scales, measures or weighing or measuring devices used by the buyer in determining the quantity bought shall bear the seal of a state or city sealer of weights or measures and conform to the standards provided by this act. Purchase at wholesale to be upon basis of net weight or measure.

SEC. 17. It shall be the duty of every vendor of ice in this state, at the time of the actual delivery of any ice sold, to weigh the quantity of ice delivered and for that purpose to use a steelyard balance or other weighing device for weighing such ice, which Ice.

Weighing device to be sealed.

shall have been duly adjusted and sealed by a duly appointed state or city sealer of weights and measures in accordance with the provisions of this act, and all ice delivered to a consumer within this state shall be sold by avoirdupois weight unless it is otherwise specially agreed upon between the buyer and the seller, and each and every pair of ice tongs used in the delivery of ice in this state shall have conspicuously stamped thereon the true and exact avoirdupois weight of such tongs.

Ice tongs to have weight stamped thereon.

Commodities sold in bulk.

Officially tested device required.

SEC. 18. It shall be unlawful for any vendor, or his servant, agent or other employe, in this state, to offer for sale, 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 an officially tested and approved weighing or measuring device, 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.

Firewood.

Standard cord.

Sixteen-inch wood—unit or load standard.

SEC. 19. It shall be unlawful for any vendor of firewood in this state, or his servant, agent or employe to offer for sale or sell any firewood in any quantity or by any measure except by the cord or fractional part thereof. The standard measurement of a cord of firewood in this state shall be one hundred twenty-eight (128) cubic feet: *Provided, however,* That firewood 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, and it shall be the duty of every vendor of firewood, his servant, agent or employe, with every delivery of firewood, to 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.

Written statement by vendor of quantity and price.

SEC. 20. A standard wholesale package or container for cranberries in this state shall contain one thousand nine hundred forty-two (1,942) cubic inches or the equivalent of one-third of a United States cranberry barrel, and need have no statement of its cubical contents, but shall be marked in plain letters, not less than one-quarter inch in height, "One-third United States Cranberry Barrel", or the net weight of the contents thereof, but it shall be unlawful for any person, firm or corporation to offer cranberries for sale at wholesale in this state, in packages or containers, the cubical contents of which are less than the standard defined, unless each such package or container be marked in plain letters and figures, not less than one-quarter inch in height, with the cubical contents of the container in inches, or the net weight of the contents.

Cranberry standard wholesale container.

Containers less than standard to be marked.

SEC. 21. It shall be the duty of every person, firm or corporation using milk cans or other vessels for the shipping, sale or dispensing of milk to have the liquid capacity, United States standard, of every such can or vessel measured and plainly sealed or stamped thereon by a duly authorized officer of the division of weights and measures or a city sealer in the manner provided in this act, and it shall be unlawful for any person, firm or corporation to own and use milk cans or other vessels for shipping, selling or dispensing milk, or ship, sell or dispense milk by measurement for consideration in a can or vessel that has not been officially sealed and its liquid capacity plainly stamped thereon, and upon conviction of a violation of this section the person so convicted shall, in addition to other penalties provided

Capacity to be officially stamped on milk cans.

Penalty to use cans not officially sealed.

Milk sold by weight excepted.

by law, forfeit all unsealed milk cans or vessels found in his possession: *Provided*, That this shall not apply where milk is sold by weight and on butter fat content.

Apple box.

Pear box.

SEC. 22. The standard size of an apple box in this state, shall be eighteen inches long, eleven and one-half inches wide, and ten and one-half inches deep, inside measure, and the standard size of a pear box in this state, shall be eighteen inches long, eleven and one-half inches wide, and eight inches deep, inside measure; and it shall be unlawful for any person to offer for sale or sell apples or pears in this state, by the box, unless the box containing the same conform to the above standard: *Provided*, That apples or pears may be packed and sold in special boxes if the net weight and contents are stamped thereon in plain letters and figures not less than one-half inch in height, and marked "Special Box".

Net contents to be stamped if box not standard.

Gross ton and net ton of coal.

SEC. 23. Two thousand two hundred forty (2240) pounds avoirdupois shall constitute a gross ton of coal, and two thousand (2000) pounds shall constitute a net ton of coal, in this state, and it shall be unlawful for any person, firm or corporation to sell and deliver less than two thousand (2000) pounds of coal for a ton, or less than the true weight of coal according to the standard provided in this section for a fractional part of a ton of coal.

Violations for which penalty not specified.

SEC. 24. Every person found guilty of violating or failing to comply with any of the provisions of this act for which no specific penalty is prescribed herein, shall be deemed guilty of a misdemeanor, and for each subsequent offense he shall be deemed guilty of a gross misdemeanor.

Statutes repealed.

SEC. 25. That chapter LXXXVIII (88) of the Laws of 1899, page 141; chapter 42 of the Laws of 1903, page 49; chapter 100 of the Laws of 1907, page 194; chapter 52 of the Laws of 1913. pages 144-155;

chapter 85 of the Laws of 1917, page 325; chapter 122 of the Laws of 1917, pages 489-494; chapter 102 of the Laws of 1919, pages 253-254; chapter 126 of the Laws of 1923, pages 342-346; sections 11603-11618 and 11622-11628 of Remington's Compiled Statutes; and sections 7251-7260, 7260a-7260d, 7261-7265 of Pierce's 1919 Code, are hereby repealed: *Provided*, That the repeal of said acts, or any of them, shall not be construed as reviving any act repealed or amended by any thereof: *And provided further*, That the repeal of said acts shall not operate to prevent the prosecution of the violation of any of the provisions thereof committed prior to the taking effect of this act or to affect any proceedings pending for violations thereof at the time of the taking effect of this act, but such violations may be prosecuted and such proceedings continued and penalties imposed in the same manner as though this act had not taken effect.

Statutes  
repealed.

No revivor  
by repeal.

Prosecution  
for violations  
of repealed  
acts prior to  
taking effect  
of this act.

Passed the Senate March 2, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 195.

[S. B. 87.]

### DAM ACROSS BONE RIVER AUTHORIZED.

AN ACT authorizing the construction of a dam for diking and drainage purposes across Bone River in Pacific County, providing for a hearing thereon and for compensation to persons injured thereby.

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

SECTION 1. A dam to prevent the overflow of lands above the same by tides and to permit the drainage of such lands is hereby authorized to be constructed across the Bone river in the southwest

Authority  
for dam  
across the  
Bone river in  
Pacific  
county.

quarter of section 34, township 14 north, range 10 west, W. M., and the northwest quarter of section 3, township 13 north, range 10 west, W. M., in Pacific County.

SEC. 2. The authority herein given may be exercised by the persons who own the lands bordering upon and along said stream above the location of said dam or by any number of them representing a majority of the foot frontage of property along said stream upon application therefor to the commissioner of public lands and approved by him as hereinafter provided or may be exercised by the state highway committee acting on behalf of the state or by the board of county commissioners of Pacific County acting on behalf of the county, or by such persons, committee and board, or any of them, jointly.

SEC. 3. Whenever any one or more of the property owners as named in section 2 shall, either severally or jointly with the state highway committee and/or the board of county commissioners of Pacific County, apply to the commissioner of public lands for the right to construct a dam on Bone river as herein authorized, and show that he or they are the owners of lands bordering upon or along said Bone River above the location of said dam, and that the owners of a majority of the foot frontage along said stream join in said petition or waive any objection thereto, the said commissioner shall fix a time for a hearing on such application and shall post notices thereof, or cause notices to be posted, in at least three places on and along the property affected thereby. If after such hearing the commissioner shall be satisfied that the owners of a majority of the lands bordering upon and along said stream desire such dam, or waive any objections thereto, he shall cause the property owner applicants for such right to file a good and sufficient bond in amount to be fixed by him

Who may exercise the authority.

Riparian owners.

State Highway Committee.

County commissioners.

Application to land commissioner for permission.

Who must petition or waive objection.

Notice for hearing.

Bond by applicants for compensation of persons injured.



to compensate any person or persons who may claim to be injured by said dam for the damages sustained, or the proportionate amount thereof in case of a joint application by property owners, and the state highway committee and/or the board of county commissioners of Pacific County, and upon the filing of such bond shall grant the applicants the right to construct such dam. In case the application is made by the state highway committee and/or the board of county commissioners of Pacific County without property owners joining in such application, the commissioner of public lands may grant the right to construct such dam without hearing.

Application of highway committee and county commissioners granted without a hearing.

SEC. 4. The dam herein authorized shall be built in a good and substantial manner to be approved by the commissioner of public lands, and it shall also provide gates or fishways for the passage of fish through the same in a manner to be approved by the state Fisheries Board, and shall be subject to the right of the State of Washington or the county of Pacific to use the same for a public highway without compensation to the owners thereof. The applicant or applicants for a right to construct such dam, and their successors and assigns, shall also be responsible for the safe upkeep and repair of the same: *Provided*, That in case said dam shall be appropriated and used as a public highway by the State of Washington or the county of Pacific, then and in that event the state or county, as the case may be, shall maintain the same.

Construction subject to approval of land commissioner.

Fishways to be provided.

May be used for public highway.

Responsibility of applicants for upkeep and repair.

Appropriated as a highway to be maintained by state or county.

SEC. 5. If any person owning or having an interest in lands bordering on or along said stream shall believe himself damaged by the construction of such dam, he shall file his claim with the commissioner of public lands not later than six months after the completion and acceptance of such dam. Upon the filing of such claim the commissioner of public lands shall

Claim of riparian owners for damages.

Ascertain-  
ment of  
amount.

Liability  
against ap-  
plicants.

Enforcement  
of claim.

cause an action to be brought in the superior court of Pacific County to ascertain the amount of such damage, and the amount of such damage so ascertained, together with the costs in the suit, shall be liability against the applicant or applicants to whom the right to build such dam was granted, and in case of property owner applicants such claim may be enforced against the bond filed with the commissioner of public lands as above provided and may be enforced against the State of Washington or the county of Pacific in the manner provided by law for the enforcement of claims against the state or any county.

Passed the Senate January 27, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 196.

[S. B. 88.]

### HIGHWAY FUNDS CONTRIBUTED BY PROPERTY OWNERS— DEPOSIT AND EXPENDITURE.

AN ACT relating to the deposit and expenditure of funds contributed to aid in the construction of state highways.

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

Benefited  
property  
owners con-  
tributing  
funds for  
highway  
construction.

Deposited in  
county  
treasury.

Fund  
credited.

How  
expended.

SECTION 1. Whenever the owners of property to be benefited thereby desire to contribute funds to aid in the construction of any state highway such funds may be deposited in the county treasury of the county in which the portion of the proposed highway in the aid of which such funds are contributed, is situated and placed to the credit of the general road and bridge fund of the county, and by resolution of the board of county commissioners of the county ex-

pending by the state highway department upon vouchers approved by the state highway engineer.

Passed the Senate January 27, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 197.

[S. B. 89.]

### SALE OF SCHOOL LANDS TO SOPHIA MARGARET GARRETSON.

AN ACT for the relief of Sophia Margaret Garretson, and authorizing the Commissioner of Public Lands to reinstate contracts numbered ten thousand three hundred forty-five and ten thousand three hundred forty-six of state school land contracts, for the purchase of certain lands in Yakima County, Washington.

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

SECTION 1. That the commissioner of public lands be, and he is hereby, authorized and directed to reinstate contracts numbered ten thousand three hundred forty-five and ten thousand three hundred forty-six of state school land contracts for the sale and purchase of the following described property in Yakima County, State of Washington, to-wit: The northwest quarter of the southwest quarter of section thirty-six, township fourteen north, range seventeen east, Willamette meridian; and the southwest quarter of the northwest quarter of section thirty-six, township fourteen north, range seventeen east, Willamette meridian, upon the payment by Sophia Margaret Garretson, the holder of said contracts, of all the principal and interest now due upon said contracts, said contracts having been heretofore for-

School land contracts for sale of land in Yakima county to Sophia Margaret Garretson reinstated.

Conditions.

feited by the commissioner of public lands because of the inadvertent failure of the said Sophia Margaret Garretson to make the interest payments at the time provided by said contracts.

Passed the Senate February 15, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 198.

[S. B. 108.]

### FOOD FISH AND FISHERIES—MOUTH OF COLUMBIA RIVER ESTABLISHED.

AN ACT relating to food fish and fisheries, and amending Section 5663-a of Remington's Compiled Statutes, as enacted by Section 8, Chapter 90, Session Laws of 1923; and establishing the mouth of the Columbia River for the purpose of computation and determination of any statute, rule or regulation with respect to the fishing industry of the State of Washington or upon the Columbia River and declaring an emergency, and providing that this act shall take effect immediately.

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

SECTION 1. That section 5663-a of Remington's Compiled Statutes of the State of Washington, as enacted by section 8, chapter 90, Session Laws of 1923 of the State of Washington, be and the same hereby is amended to read as follows:

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 outshore end of the north jetty of the Columbia River to the knuckle of

§ 2420,  
Pierce's  
Code.

Mouth of  
Columbia  
river  
established.

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  $\frac{6}{8}$  of a mile westerly from Buoy No. 10 as shown on geodetic survey No. 6151, dated January 5th, 1917.

SEC. 2. An emergency exists, and this act is necessary for the support of the state government and its existing public institutions and it shall take effect immediately. Emergency.

Passed the Senate February 3, 1927.

Passed the House March 1, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 199.

[S. B. 118.]

### CONSOLIDATION OF SCHOOL DISTRICTS.

AN ACT relating to consolidated school districts and amending Section 4734, Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 4734, Remington's Compiled Statutes of Washington, 1922, be amended to read as follows: § 4926,  
Pierce's  
Code.

Section 4734. Upon receipt of a petition signed by five heads of families requesting the consolidation of two or more adjoining districts in the same county, the county superintendent shall call a special election of the voters of such school districts at some convenient place, by posting written or printed notices in like manner as is provided for calling annual school district elections, and said notices shall state the object for which the election is called. Petition to  
consolidate  
districts.  
  
Special  
election  
called.  
  
Notice.

Vote to consolidate.

County superintendent to establish district.

No change for five years.

When may become part of another district.

Withdrawal from consolidated district organized as a new district.

Petition to withdraw.

Submission to vote.

Withdrawal voted.

Constituted a new district.

Funds apportioned, property rights adjusted.

If a majority of the voters of each district shall vote to consolidate, the clerk of each district so proposing to consolidate, shall within ten days after the election notify the county superintendent of the holding of and the result of the election and the county superintendent shall, immediately after receipt of said notice organize and establish a consolidated school district and when such consolidated district shall have been established no new district shall be established out of any portion thereof, or any portion thereof changed to another district within five years from such consolidation: *Provided*, That any portion thereof, after five years from the date such portion first became a part of a consolidated district, may be changed to another district of any kind, in the manner provided in sections 4727 and 4728, Remington's Compiled Statutes of Washington, for the transferring of territory from one district to another: *Provided further*, That any portion thereof, after five years from the date such portion first became a part of such consolidated district, may withdraw from such consolidated district, and become organized as a new district in the following manner: Whenever a petition is presented to the directors of such consolidated district, setting forth the desire of such portion to withdraw from such consolidated district, signed by a majority of the heads of families residing in such portion, such directors shall at the next general school election held in such consolidated district, submit to the qualified voters of such district the question of withdrawal of such portion, and if a majority of the qualified voters at such election shall vote in favor of such withdrawal, such portion shall be withdrawn from such consolidated district, and shall be constituted as a new district, and the county superintendent shall apportion the funds and adjust the property rights and debts between the consoli-

dated district and the new district, and shall appoint directors for such new district, in the manner provided by law for such matters in cases of new school districts.

Appointment  
of directors.

Passed the Senate March 2, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 200.

[S B. 125.]

### ELECTION OF PRECINCT COMMITTEEMEN.

AN ACT relating to election of precinct committeemen, and amending Section 1 of Chapter 158 of the Laws of 1925.

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

SECTION 1. That section 1 of chapter 158 of the Laws of 1925, pages 448-449, (section 5198 of Remington's Compiled Statutes; section 2243 of Pierce's 1926 Code) be amended to read as follows:

Section 1. The precinct committeeman of each party entitled to participate in the September primaries shall be elected at the September primaries. Any elector duly registered to vote in his precinct may file, at a cost of \$1.00 with the county auditor, a declaration of candidacy for precinct committeeman for the election precinct in which he resides. Said filing shall be in all respects and follow the form provided for the filing of declaration of candidacy for county offices. The name of such candidates so filing for precinct committeeman shall be printed or stamped upon the official ballot; *Provided*, That nothing herein contained shall prevent any voter from writing in on the ticket the name of one qualified registered elector of the precinct, for member of the

Election of  
party  
precinct com-  
mitteemen.

Who may  
file.  
Fee.

Form.

Names of  
candidates  
printed.

Voter may  
write in  
name.

party committee of his party county committee. The one having the highest number of votes shall be such committeeman of such party for such precinct. The party committee of each county shall consist of the precinct committeemen from the several precincts of such county. The state committee shall consist of one committeeman and one committee woman from each county, elected by the county committee, which shall meet for such purpose and organization at the court house at the county seat of each county at 2 o'clock p. m. on the second Saturday after such primary election, unless some other time and place of such meeting shall be designated by a regular call of the properly authorized officers of the retiring committee. Each political party organization shall have the power to make its own rules and regulations, call conventions, elect delegates to conventions, state and national, fill vacancies on the ticket, provide for the nomination of presidential electors, and perform all other functions inherent to such organizations, the same as though this act had not been passed: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election. City committeemen may be elected at municipal elections in the manner provided in this section, as near as may be.

Party county committee.

State committee.

Organization meeting.

Called meeting.

Power to make rules.

Convention may not nominate candidate for primary election.

City committeemen elected at city elections.

Passed the Senate January 27, 1927.

Passed the House February 23, 1927.

Approved by the Governor March 7, 1927.



CHAPTER 201.

[S. B. 215.]

APPOINTMENT OF JUDGES OF NIGHT COURTS.

AN ACT relating to night courts, providing for the appointment of judges thereof, prescribing their powers, duties and jurisdiction, and amending Section 2 of Chapter 14 of the Laws of 1923, 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 14 of the Laws of 1923, be amended to read as follows:

§ 2, ch. 14, L. 1923.

Section 2. Within ten days after this act takes effect the county commissioners of the county wherein said city is located shall appoint one of the duly elected and qualified justices of the peace of the precinct consisting in whole or in part of said city, who shall act as judge of the night court; and within ten days after the qualification of justices of the peace elected in said precinct in the election held in 1930, and quadrennially thereafter, and within ten days after the election and qualification of the justices of the peace for said precinct, shall appoint as judge of said night court, one of the justices of the peace so elected and qualified; and in event a vacancy occurs in the office of judge of said night court for any cause it shall be the duty of said county commissioners, within ten days after such vacancy occurs, to appoint one of the qualified justices of the peace of said precinct to fill the unexpired term created by such vacancy. Any judge of said court shall have power to appoint one clerk for the same.

County commissioners to appoint a justice of the peace as night court judge.

Filling vacancy.

Appointment of clerk of court.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 11, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 202.

[S. S. B. 202.]

### OVERFLOWING HIGHWAYS, STREETS, ETC., FOR POWER, IRRIGATION AND OTHER PURPOSES—ASCERTAINMENT OF DAMAGES.

AN ACT relating to overflowing and inundating state and county roads, permanent highways, streets and alleys in fourth class cities and towns for the purpose of constructing and operating water power plants, reservoirs and other impounding works for power purposes, irrigation and other uses, and the reestablishment and reconstruction of the same, and the bringing of condemnation suits therefor and determining the amount of damages, conferring certain powers upon the state highway committee, state supervisor of hydraulics, boards of county commissioners, and town councils of towns and cities of the fourth class, and declaring an emergency.

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

SECTION 1. The state highway committee shall have power to, and in its sole discretion may, grant to any person or corporation the right, privilege and authority to perpetually back and hold the waters of any lake upon or over any state, county or permanent highway or road, or any street or alley within the limits of any town or city of the fourth class, or any part thereof, and overflow and inundate the same whenever the state supervisor of hydraulics shall deem it necessary for the purpose of erecting, constructing, maintaining or operating any water power plant, reservoir or works for impounding water for power purposes, irrigation, mining or other public use and shall so certify to the state highway commit-

State highway committee may authorize overflow of waters upon highways or streets and alleys of fourth class cities.

For what purposes.

tee. The decision of the state highway committee, in the absence of bad faith, arbitrary, capricious or fraudulent action, shall be conclusive. But no such right shall be granted until it shall have been heretofore or shall be hereafter determined in a condemnation suit instituted by said person or corporation desiring to obtain such right or rights in the county wherein is situated that part of said road, highway, street or alley so to be affected that the use for which said grant is sought is a public use, nor until there shall be filed with the clerk of the court in which the order or decree of public use was entered a bond or undertaking signed by the person or corporation seeking the grant, executed by a surety company authorized to do business in this state, conditioned to pay all costs and expenses of every kind and description connected with and incident to the relocation and reconstruction of any such highway, road, street or alley, the same to be of substantially the same type and grade of construction as that of the highway, road, street or alley to be overflowed or inundated, including any such relocation, reconstruction and maintenance costs and expenses as may arise within a period of 18 months after such new highway, road, street or alley shall have been opened, in its entirety, to public travel, and also including any and all damages for which the state, county, city or town may be liable because of the vacation of any such highway, road, street or alley and the relocation thereof in the manner provided herein and to save harmless the state, county, city or town from the payment of the same or any part thereof. Such bond shall be in a penal sum of double the estimated amount of the expenses, costs and damages referred to above, such estimate in case of a state highway to be made by the state highway committee, in case of a county road or permanent highway, to be made by

Decision of state highway committee conclusive.

Condemnation suit determining public use a prerequisite.

Filing bond.

Relocation and reconstruction of highway or street.

All damages to be paid.

Bond to be double estimated costs, etc.

Bond to be approved by state highway committee or superior court judge.

Parties defendant in condemnation suit.

Right to overflow as against owner of fee in highway, alley, etc.

Owner's damages separate from those of state, county or city.

The committee, board or council.

Thirty days after entry of decree of public use and filing of bond.

the board of county commissioners and in case of a street or alley of a town or city of the fourth class, to be made by the city or town council thereof. Said bond shall be approved by the state highway committee when the road to be affected shall be a state highway, and in all other cases by a judge of the Superior Court in which the order or decree of public use was entered. In such condemnation suit the State of Washington shall be made a party defendant when the road affected shall be a state highway; if the road shall be a county road or permanent highway the county in which said road or permanent highway is situated shall be made a party defendant and when any street or alley in any town or city of the fourth class shall be affected such city or town shall be made a party defendant. Any person or corporation may acquire the right to overflow as against the owner of the fee in any such highway, road, street or alley by making the owner of such fee, or of any part thereof, a party defendant in the condemnation suit provided for herein, or by instituting a separate condemnation suit against any such owner; the damages sustained by any such owner as a result of the overflow of any such highway, road, street or alley to be determined as in other condemnation cases, separate and apart from any damage sustained by the state, county, city or town.

SEC. 2. It shall be the duty of the state highway committee, if the road to be affected shall be a state highway, or of the board of county commissioners of the county in which such road is located, if the road to be affected shall be a county road, or permanent highway, or of the town council of any town or city of the fourth class in which the road is located, if the road to be affected shall be a street or alley, within 30 days after entry of said order or decree of public use and the filing of the bond mentioned in

section 1 hereof, to enter an appropriate order or resolution directing the relocation and reestablishment and completion forthwith of such highway, road, street or alley in place of that so to be overflowed or inundated, and promptly thereafter to acquire all property and rights of way necessary therefor, instituting and diligently prosecuting such condemnation suits as may be necessary in order to secure such property and rights of way. The decision of the committee, board or council as to relocation and reestablishment set forth in such order or resolution shall be final and conclusive as to all matters and things set forth therein, including the question of public use and necessity in any and all condemnation suits to be brought under this act. After the reestablishment and relocation of any such highway, road, street or alley and the construction and opening thereof in its entirety to public travel and the signing of the grant authorized in section 1 of this act, the state highway, county road or permanent highway, street or alley or such part thereof described in said grant shall be deemed to be abandoned and thereafter cease to be a highway, road, street or alley.

To enter order for relocation and reestablishment of highway, street, etc.

Decision as to relocation final.

SEC. 3. An emergency exists making the provisions of this act necessary for the immediate preservation of public peace, health and safety, and for the support of the state government and its existing public institutions, and this act shall take effect immediately.

Emergency.

Passed the Senate March 2, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

## CHAPTER 203.

[H. B. 155.]

PAYMENT OF COST OF SIDEWALK CONSTRUCTION BY  
ABUTTING PROPERTY-OWNERS.

AN ACT relating to the construction and reconstruction of sidewalks in cities of the first, second and third class, and other cities of equal population working under special charter, and providing for the payment therefor by the owners of abutting property.

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

## Definitions:

Street.

SECTION 1. The term "street" as used in this act shall include boulevard, avenue, street, alley, way, lane, square, or place. The term "city" shall include any city of the first, second or third class or any other city of equal population working under a special charter. The term "sidewalk" shall include any and all structures or forms of street improvement included in the space between the street margin and the roadway. The singular shall include the plural.

Sidewalk lacking or unsafe.

SEC. 2. Whenever a portion, not longer than one block in length, of any street in any city shall not be improved by the construction of a sidewalk thereon, or the sidewalk thereon shall have become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion shall be so improved and in good repair, and the city council of such city shall by resolution find that the improvement of such portion of such street by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden, and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion; *Provided*, That such abutting property shall not be charged with any costs of construction or reconstruction under this act

Resolution for construction or repair.

Abutting property liable.

Limit of assessment.

in excess of fifty per cent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purposes of general taxation.

SEC. 3. Whenever the city council of any such city shall have adopted such resolution it shall cause a notice to be served on the owner of the property directly abutting on such portion of such street, instructing said owner to construct or reconstruct a sidewalk on such portion in accordance with the plans and specifications which shall be attached to such notice. Such notice shall be deemed sufficiently served if delivered in person to the owner or if left at the home of such owner with a person of suitable age and discretion then resident therein, or with an agent of such owner, authorized to collect rentals on such property, or, if such owner is a non-resident of the State of Washington, by mailing a copy to his last known address, or if such owner be unknown or if his address be unknown, then by posting a copy in a conspicuous place at such portion of said street where such improvement is to be made. Such notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case such owner shall fail to make the same within such time, the city will proceed to make the same through the officer or department thereof charged with the inspection of sidewalks and that such officer or department will report to the city council, at a subsequent date to be definitely stated in said notice, an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such improvement, and the name of the owner, if known, and that the city council at the time stated in said notice or at the time or times to which the same may be adjourned, will hear any and all protests against the

Notice to  
abutting  
owners.

How served.

Time allowed  
for con-  
struction.

Construction  
by city.

Assessment  
of property.

Hearing.

proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city may proceed to perform such work, and the officer or department of the city performing such work shall, within the time fixed in the notice, report to the city council of such city an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if known. The city council shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such improvement against said property and shall fix the time and manner for payment thereof, which said assessment shall become a lien upon said property and shall be collected in the manner as is provided by law for collection of special assessments under chapter XXII, Title LX, Remington's Compiled Statutes.

Sidewalk assessment a lien upon property.

Abutting property defined.

SEC. 4. For the purposes of this act all property having a frontage upon the sides or margins of any street shall be deemed to be abutting property, and such property shall be chargeable, as provided by this act, for all costs of construction or reconstruction or any form of sidewalk improvement between the margin of said street and the roadway lying in front of and adjacent to said property.

No limitation or repeal of existing powers of cities.

SEC. 5. Nothing in this act shall be construed to limit or repeal any existing powers of cities with reference to the construction or reconstruction of sidewalks or the improvement or maintenance of streets, but the power and authority herein granted is to be exercised concurrent with or in extension of powers and authority now existing. The legislative authority of any city before exercising the powers and authority herein granted shall, by proper

Proper ordinances for enforcement to be adopted.



ordinance, provide for the application and enforcement of the same within the limitations herein specified.

Passed the House February 7, 1927.

Passed the Senate February 23, 1927.

Approved by the Governor, March 7, 1927.

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## CHAPTER 204.

[H. B. 170.]

### PORT DISTRICT ELECTIONS.

AN ACT relating to port district elections and amending Section 3½ of Chapter 92 of the Laws of 1911, added by Section 3, of Chapter 62 of the Laws of 1913.

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

SECTION 1. That section 3½ of chapter 92 of the Laws of 1911, added by section 3 of chapter 62, Laws of 1913, pages 208-210, (section 9691 of Remington's Compiled Statutes; section 4474 of Pierce's 1919 Code) be amended to read as follows:

Statutes amended.

Section 3½. A general election shall be held on the first Saturday in December of each year for the election of a port commissioner or commissioners and for the submission of propositions, and special elections shall be held at such times and for such purposes as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of this act. All elections shall be called and held as in this section provided except as in this act otherwise expressly provided. All notices of election shall be given by publishing the same for a period of ten days in a daily newspaper of general circulation published in said port district, or, if there is no daily newspaper published therein, then in at least two issues of a weekly newspaper published in said port district, such publication to be

Time of general port district elections.

Special elections.

Notices of election.

made within a period of twenty (20) days immediately preceding such election; and by posting, for at least ten (10) days prior to the date of election, a written or printed notice of such election in each polling place within such port district. The published notice shall give the time of holding the election, the hours the polls will remain open, the officer or officers to be elected, and a statement of the propositions to be submitted, and the posted notices shall, in addition, give the location of the polling places.

Polling places.

When only one polling place.

Election officers.

When polls open.

Who may vote.

Registration books delivered to port election officers.

There shall be not less than one polling place in each of the various wards of any incorporated city within such port district, and one polling place within each precinct of each port district not within the limits of any incorporated city: *Provided*, That the commissioners of any port district having a population of less than two hundred and fifty registered voters, may, by resolution, provide that all elections of said district be held at one central polling place to be designated by them. It shall be the duty of the county commissioners in the formation of a port district, and of the port commission in all subsequent elections, to, at least twenty (20) days before each election, designate the polling places and appoint three election officers for each place of voting. At all elections the vote shall be by ballot. The polls shall be open between such hours of the day as the commission shall designate, but in every case the polls shall be open between one o'clock p. m. and eight o'clock p. m. All electors who are, at the time of such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any election held in such port district.

Officers of the city and county having charge of the registration books of any city or precinct in a port district shall deliver the same for the use of the election officers at all port elections. In the event of

such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, such books shall be delivered to the port commission and school district or other public corporation jointly, and the same polling places and registration books may be used jointly in such cases, and the same individuals may serve as election officers for all such joint elections, and in such cases the compensation of such election officers and other expense shall be so divided that the port district shall bear only its proportionate share thereof.

Joint use of registration books in port and school elections.

The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this act.

General election laws to apply.

Immediately after the closing of the polls the election officers shall then and there, without removing the ballot box from the place where the ballots were cast, proceed to count the votes, and as soon as such count is completed a return thereof shall be signed by such election officers and securely enveloped and sealed and delivered, together with the ballot box containing the ballots, to the port commission, or some person delegated to receive the same on their behalf.

Counting ballots.

Returns.

Within five days after the election, the port commission shall meet and proceed to canvass the returns of such election, and shall thereupon declare the result.

Canvassing returns.

Passed the House February 1, 1927.

Passed the Senate February 23, 1927.

Approved by the Governor March 7, 1927.

## CHAPTER 205.

[H. B. 185.]

## LEGISLATIVE ELECTION CONTESTS.

AN ACT relating to legislative election contests and providing for the taking of depositions and the perpetuation of testimony therein.

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

Contest of election of member of legislature.

Testimony taken before legislature convenes.

Notice to contestee.

Contents of notice.

Cross-examination of witnesses.

Depositions transmitted through Sec'y of State.

SECTION 1. Any person desiring to contest the election of any member of the legislature, may, at any time after the presumptive election of such member and before the convening of the ensuing regular session of the legislature, have the testimony of witnesses, to be used in support of such contest, taken and perpetuated, by serving not less than three days' written notice upon the member whose election he desires to contest, of his intention to institute such contest and that he desires to take the testimony of certain witnesses named in such notice, at a time and place named therein, before a notary public duly commissioned and qualified and residing in the county where the presumptive member resides, giving the name of such notary public, which deposition shall be taken in the manner provided by law for the taking of depositions in civil actions in the superior court. The presumptive member of the legislature, whose election is to be contested, shall have the right to appear, in person or by counsel, at the time and place named in the notice, and cross examine any witness produced and have such cross examination made a part of such deposition, and to produce witnesses and have their depositions taken for the purpose of sustaining his election. The notary public before whom such deposition is taken shall transmit such depositions to the presiding officer of the Senate, or House of Representatives, as the case may be, in

which said contest is to be instituted, in the care of the secretary of state, at the state capitol, by registered mail, and it shall be the duty of the secretary of state upon the convening of the legislature to transmit said depositions, unopened, to the presiding officer of the Senate, or the House of Representatives, as the case may be, to whom it is addressed, and in case such contest is instituted said depositions may be opened and read in evidence in the manner provided by law for the opening and introduction of depositions in civil actions in the superior court.

Sec'y of State  
to deliver  
depositions  
to Legis-  
lature.

Passed the House January 31, 1927.

Passed the Senate February 23, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 206.

[H. B. 200.]

### TRANSFER OF STOCK IN CORPORATION BY MARRIED WOMEN.

AN ACT relating to the rights of married women in the transfer of, and the acceptance of dividends upon, stock in corporations, and the giving of proxies and powers of attorney in relation thereto.

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

SECTION 1. Shares of stock in corporations standing in the name of a married woman may be transferred by her, her agent or attorney, without the signature of her husband, in the same manner as if such married woman were a *feme sole*. All dividends payable upon any stock of a corporation standing in the name of a married woman shall be paid to such married woman, her agent or attorney, in the same manner as if she were unmarried, and it shall not be necessary for her husband to join in a receipt therefor; and any proxy or power given by a married woman

Married woman may transfer corporation stock as a single woman.

Dividends.

touching any shares of stock of any corporation standing in her name, shall be valid and binding without the signature of her husband the same as if she were unmarried.

Passed the House February 4, 1927.

Passed the Senate February 23, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 207.

[H. B. 234.]

### POWERS OF MUNICIPAL CORPORATIONS OF THE FOURTH CLASS.

AN ACT relating to the powers of municipal corporations of the fourth class, to levy and collect taxes and license certain kinds of business, amending Section 154 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency." Approved March 27, 1890, and repealing certain acts and parts of acts.

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

SECTION 1. That section 154, of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, Laws of 1889-90, pages 201-202, (as amended by section 1, of chapter 159 of the Laws of the Extraordinary Session of 1925, pages 449-453; section 9175 of Remington's Compiled Statutes; section 837 of Pierce's 1919 Code) be amended to read as follows:

Statutes amended.

Powers of council.

Section 154. The council of said town shall have power:

Ordinances.

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States;

2. To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town: *Provided*, That they shall not have power to sell or convey any portion of any waterfront; To acquire and dispose of property.  
May not sell waterfront.
3. To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein; Water.
4. To establish, build and repair bridges; to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places; Bridges, streets, etc.
5. To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers shall have been constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof; Drains and sewers.

Fire extin-  
guishment.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

Street poll  
tax.

7. To impose on, and collect from, every male inhabitant between the ages of twenty-one and fifty years, an annual street poll tax not to exceed two dollars, and no other road poll tax shall be collected within the limits of such town, and that said poll tax may be paid in labor on said streets at the rate of two dollars per day;

Dog tax.

8. To impose and collect an annual license not exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

Property  
tax.

9. To levy and collect annually a property tax, for the payment of current expenses, not exceeding fifteen mills on the dollar; a tax for the payment of indebtedness (if any indebtedness exists) not exceeding six mills on the dollar of the assessed value of all real and personal property within such town: *Provided*, That if the qualified electors of any such town shall, at a special election to be held for that purpose, vote in favor of a larger levy for the payment of current expenses than fifteen mills on the dollar of assessed valuation, such larger levy for such purposes may be made accordingly;

Limit.

License  
taxes.

10. To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts



thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

11. To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

River improvement.

12. To erect and maintain buildings for municipal purposes;

Municipal buildings.

13. To permit, under such restrictions as they may deem proper, the laying of railroad track and the running of cars drawn by horses, steam, electricity or other power thereon; and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein; and to grant and extend to any person, firm or corporation, both public and private, under such terms and conditions and for such purposes as it may see fit, franchises, permits and rights of way to construct, maintain and operate surface, underground and aerial tramways, and other means of conveyance, over, above, across, upon and along its streets, highways and alleys;

Tracks, pipes, wires.

14. To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

Prohibit prostitution and gambling.

Penalties for ordinance violations. 15. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

Prison labor. 16. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

General welfare ordinances. 17. To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the constitution and laws of the State of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Statutes repealed. Saving clause. SEC. 2. That chapter XXXII of the Laws of 1895, pages 50-53, and section 1, chapter 159 of the Laws of the Extraordinary Session of 1925, pages 449-453, are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done, or of any taxes levied, or licenses issued, under the provisions of said acts repealed but such taxes shall be collected in the manner provided by law and such licenses shall continue in force, unless revoked in the manner provided by law, until their expiration, as provided in said acts repealed.

Passed the House February 7, 1927.

Passed the Senate February 24, 1927.

Approved by the Governor March 7, 1927.

## CHAPTER 208.

[H. B. 212.]

## CONVEYANCE OF LANDS TO PIERCE COUNTY FOR HIGHWAY PURPOSES.

AN ACT authorizing the conveyance by deed of certain lands to Pierce County for highway purposes and declaring that this act shall take effect immediately.

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

SECTION 1. The governor and secretary of state are hereby respectively authorized to execute and attest, in the name of the State of Washington, a quitclaim deed of conveyance to the County of Pierce of a strip of land of such width as may be agreed upon as a right of way for a public highway, along and across the lands owned by the State of Washington in sections 5 and 6, township 18 north, range 5 east, of the Willamette Meridian, known as the Soldiers' Home site near the town of Orting in said county; which strip of land shall be located by a definite survey of said road and as may be agreed upon between the Board of County Commissioners of the County of Pierce and the said governor and secretary of state of the State of Washington.

Authority to convey land to Pierce county.

Description.

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

Emergency.

Passed the House February 8, 1927.

Passed the Senate February 28, 1927.

Approved by the Governor March 9, 1927.

CHAPTER 209.

[H. B. 294.]

LOCAL IMPROVEMENTS: GUARANTY FUND.

AN ACT relating to local improvements and bonds issued therefor and amending sections 1, 2, 3, 4 and 5 of chapter 141 of the 1923 Session Laws of Washington and repealing section 6 thereof.

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

§ 1, ch. 141,  
L. 1923.

SECTION 1. That section 1 of chapter 141 of the 1923 Session Laws of Washington be amended to read as follows:

Establishment of local improvement guaranty fund.

To what cities applicable.

Cities excepted.

Section 1. There is hereby established for each city and town in the State a fund for the purpose of guaranteeing, to the extent of such fund and in the manner hereinafter provided, the payment of its local improvement bonds and warrants issued to pay for any local improvement ordered; (a) In any city of the first class having a population of more than three hundred thousand, subsequent to the effective date of this act; (b) In any city or town having created and maintained a guaranty fund under chapter 141 of the 1923 Session Laws of Washington, subsequent to the date of establishment of such fund; (c) In any other city or town, subsequent to April 7, 1926. *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 Washington, 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 funds shall be held

and deemed to be guaranteed under the provisions of this act and *vice versa*.

SEC. 2. That section 2 of chapter 141 of the 1923 Session Laws of Washington be amended to read as follows:

§ 2, ch. 141, L. 1923.

Section 2. Such fund shall be designated "Local Improvement Guaranty Fund." For the purpose of maintaining the same every city or town shall after the creation thereof levy, from time to time, as other taxes are levied, such sums as may be necessary to meet the financial requirements thereof; *Provided*, that such sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on said fund and to establish therein a balance which combined levy in any one year shall not exceed five per centum of the outstanding obligations thereby guaranteed. The tax levies herein authorized and directed shall be additional to and if need be in excess of any and all statutory and charter limitations applicable to the tax levies of any city or town.

Local improvement guaranty fund.

Tax levy to maintain fund.

Limit of levy.

SEC. 3. That section 3 of chapter 141 of the 1923 Session Laws of Washington be amended to read as follows:

§ 3, ch. 141, L. 1923.

Section 3. Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a local improvement bond or warrant, 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 or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such local improvement fund. War-

City as trustee of fund—right of subrogation.

What payments into guaranty fund.

Warrants against fund.

Levy to pay warrants.

Limit of warrants.

Bond and warrant redemption—preferences.

Rules for fund maintenance.

Fund used to purchase delinquency certificates.

Fund subrogated to rights of city.

Disposal by city of property acquired at tax sale.

rants drawing interest at a rate not to exceed six per cent shall be issued, as other warrants are issued by the city or town, against a guaranty fund to meet any liability accruing against it; and at the time of making its annual budget and tax levy the city or town shall provide for the levying of a sum sufficient, with the other resources of the fund, to pay warrants so issued during the preceding fiscal year: *Provided*, That such warrants shall at no time exceed five per cent of the outstanding bond obligations guaranteed by said fund. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation.

Every city or town operating under the provisions of this act shall prescribe by ordinance appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, underlying bonds or warrants guaranteed by the fund, or to purchase such property at county tax foreclosures or from the county after foreclosure, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the city or town, and the city or town may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale. After so acquiring title to real property, a city or town may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the city or town council or other legislative body, any provisions of law, charter or ordinance to the contrary notwithstanding, and all proceeds resulting

from such sales shall belong to and be paid into the guaranty fund.

Proceeds to guaranty fund.

SEC. 4. That section 4 of chapter 141 of the 1923 Session Laws of Washington be amended to read as follows:

§ 4, ch. 141, L. 1923.

Section 4. No city or town operating under the provisions of this act shall order any improvement to be paid for, in whole or in part, by local assessment where the estimated cost of such improvement, if such cost is all to be assessed to the property in the district, or that portion of the estimated cost to be assessed, if a portion only of said total cost is to be assessed, when added to all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest, shall exceed the actual value of the real property, exclusive of improvements thereon, within the district according to the valuation last placed upon it for the purposes of general taxation; *Provided*, That when a local improvement is petitioned for by the owners of seventy-five per cent of the lineal frontage upon the improvement and seventy-five per cent of the area of the property within the district, and the petition requests that such limitation be exceeded, the city or town council or other legislative body may proceed with the improvement in the usual manner if the property owners so petitioning, or any of them, or any person in their behalf, shall deposit with said city or town a sum in cash equal to the amount that the estimated cost of the improvement shall exceed the limitation hereinbefore in this section provided. The sum so deposited shall be applied and credited on the assessment roll for the district by the treasurer upon his receipt of the roll for collection: *Provided, further*, That the council or other legislative body of any such city or town may, by unanimous vote, order the construction

When improvements prohibited.

If limitation exceeded paid by property owners improvement permitted.

When sanitary sewers, etc., excepted.

Assessment for diking, etc.

Report of outstanding assessments, value, etc., condition precedent to ordering improvement.

of sanitary sewers and necessary accessories for the disposal of sewage, or for the construction of any sanitary fill, or for the filling of any street to the established grade over any tide flats or tide lands, in the manner now provided by law, where in its judgment the same are necessary for public health, and may assess a part or the whole of the cost thereof to the property benefited, without regard to the foregoing limitation: *Provided, further,* That no assessment for diking, draining, sanitary fill or for filling any street to the established grade over any tide flats or tide lands or for storm or sanitary sewers or water mains shall be included in any computation of outstanding assessments under the provisions of this section.

Before ordering any improvement hereunder the council or other legislative body of a city or town shall require and receive a report from the proper board, officer or authority designated by charter or ordinance, certifying in detail the local improvement assessments outstanding and unpaid against the property in the proposed district together with the aggregate of the actual value of the real property in the district, exclusive of improvements thereon, according to the valuation last placed upon it for the purpose of general taxation. In the absence of fraud or gross mistake, such certificate shall be final and conclusive, in computing the valuation of property in the district any non-assessable railroad operating property or property owned by the United States or the state or a county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

§ 5, ch. 141, L. 1923.

SEC. 5. That section 5 of chapter 141 of the 1923 Session Laws of Washington be amended to read as follows:

Section 5. Neither the holder nor the owner of any bond or warrant 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 or warrant was issued, and except as against the local improvement guaranty fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond, or warrant in case of non-payment, shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder, and the writing, printing or engraving shall be deemed sufficient compliance with the requirements of section 9405 of Remington's Compiled Statutes.

Bond-holders have no claim against city.

Must look solely to guaranty fund.

SEC. 6. That section 6 of chapter 141 of the 1923 Session Laws of Washington is repealed.

§ 6. ch. 141,  
L. 1923.

Passed the House February 25, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 9, 1927.

CHAPTER 210.

[S. B. 109.]

MUNICIPAL CORPORATIONS: COMMISSION GOVERNMENT.

AN ACT relating to the organization, classification, incorporation and government of municipal corporations, under a commission, and amending sections 9090 and 9103 of Remington's Compiled Statutes, and declaring an emergency.

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

§ 897.  
Pierce's  
Code: § 1,  
ch. 116,  
L. 1911.

Population  
necessary  
for commis-  
sion form of  
government.

SECTION 1. That section 9090 of Remington's Compiled Statutes be amended to read as follows:

Section 9090. Any city, now or hereafter, having a population of two thousand and less than thirty thousand as shown by the last state or federal census or by any special census taken by the city in the manner prescribed in section 8939 of Remington's Compiled Statutes may be organized as a city under the provisions of this act by proceeding as hereinafter provided.

Emergency.

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

Passed the Senate March 4, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 9, 1927.

## CHAPTER 211.

[S. B. 120.]

## BARBERS' LICENSE ACT.

AN ACT relating to barbering and hair cutting, providing for examination and licenses therefor, amending sections 1, 4, 6, 7, 10, 11, 12, 13, 14 and 17 of chapter 75, Laws of 1923, and adding two new sections to chapter 75, Laws of 1923, to be known as sections 2-A and 3-A, respectively, and providing penalties.

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

SECTION 1. That section 1, chapter 75, of the Laws of 1923, be amended to read as follows: § 1, ch. 75,  
L. 1923.

Section 1. Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally upon male or female) constitutes the practice of barbering; shaving or trimming the beard or cutting the hair; giving facial, and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair or applying tonics; applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or upper part of the body: *Provided*, That the provisions of this act shall not apply to any person employed in, or engaged in the operation of, any beauty shop or hair dressing establishment, except as to the cutting of hair in such establishments, for which provision is hereinafter made. Barbering  
defined.  
  
Beauty shops  
and hair  
dressing  
establish-  
ments.

SEC. 2. That chapter 75 of the Laws of 1923 be amended by adding thereto a new section to be known and designated as Sec. 2-A to read as follows: § 2A, ch. 75,  
L. 1923.

Section 2-A. It shall be unlawful for any person to follow the occupation of cutting hair or practice as a hair cutter in any beauty shop or hair dressing establishment unless such person shall first have obtained a license as herein provided, which license shall authorize the cutting of hair of female persons only in such establishments. Applicants for such license must possess the qualifications required of applicants for a barber's license as prescribed in section 3 of chapter 75 of the Laws of 1923, and the application shall be made in the same manner and form and upon payment of the same fee as required by said section 3. Before any license is issued to such hair cutter he shall submit to an examination to test his qualifications as a hair cutter and such examination shall be held and conducted in the same manner and by the same persons as is required by law for applicants for a barber's license, except that such applicant shall be examined only as to his skill, ability and knowledge to properly perform the occupation of female hair cutting, and his knowledge of hygiene and sanitation pertaining thereto. Any person who shall have been engaged in cutting hair in any beauty shop or hair dressing establishment for at least six months prior to the taking effect of this act shall be entitled to a license to cut hair of females only in a beauty shop or hair dressing establishment, without taking any examination. An application for such license shall be filed with the state treasurer within thirty days after this act takes effect, and shall be accompanied by a fee of five dollars, and an affidavit sworn to before a notary public or some person authorized by law to administer oaths, which shall set forth the facts as to the previous service of such person in cutting hair in such establishments. The state treasurer shall on the next business day after receipt of such application and fee transmit the application, accompanied by his

License  
required.Qualifica-  
tions.

Fee.

Examination.

Who exempt.

Application  
for license.

duplicate receipt and the affidavit, to the director of licenses, who shall thereupon issue to such person a license to cut the hair of females only in beauty shops and hair dressing establishments. Any hair cutting license issued under this act shall be renewed annually at the same time and in the same manner and upon payment of the same fee as is required by law for an annual barber's license; and any license so issued may be revoked for any of the reasons and in the same manner as is provided for the revocation of licenses of barbers in section 16, chapter 75, Laws of 1923.

Renewal of license.

SEC. 3. That chapter 75 of the Laws of 1923 be amended by adding thereto a new section to be known and designated as section 3-A to read as follows:

§ 3A, ch. 75, L. 1923.

Section 3-A. No barber license shall be issued under this act unless the applicant shall have satisfied the examining committee that he or she is able to read intelligently and write clearly the English language.

Must read and write English.

SEC. 4. That section 4, chapter 75, Laws of 1923, be amended to read as follows:

§ 4, ch. 75, L. 1923.

Section 4. Any person from another state making application for examination as provided by this act, shall be allowed to practice the occupation of barber under a licensed barber until the date of the next examination at which he shall have been notified to appear: *Provided*, Such person shall make sworn affidavit showing the name and address of employer or employers for whom he worked for a period of two years preceding his application for permit, 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

Permit to practice until examination.

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.

§ 6, ch. 75,  
L. 1923.

SEC. 5. That section 6, chapter 75, Laws of 1923, be amended to read as follows:

Grade  
required.

Section 6. 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 barber as provided by this act, until the first day of July next following the issuance of such license. Should the applicant fail to pass the examination he shall be issued a student certificate as provided for in section 11.

License.

Student  
certificate.

§ 7, ch. 75,  
L. 1923.

SEC. 6. That section 7, chapter 75, Laws of 1923, be amended to read as follows:

Renewal of  
license  
annually.

Section 7. Every person who has heretofore been granted, or shall hereafter be granted a license to practice the occupation of barber or of hair cutting in any beauty shop or hair dressing establishment within the State of Washington, shall, on or before the 30th day of June each year pay an annual license fee of one dollar for the year commencing with the first day of July next following, and upon the payment of such renewal fee the director of licenses shall issue to such licentiate a license renewal certificate, which certificate shall be *prima facie* evidence that the same has been paid. The failure, neglect or refusal of any licensed barber, or hair cutter to pay said annual license renewal fee before delinquency shall *ipso facto* work a forfeiture of his license, and the same shall not be reinstated except upon written application and the payment of a penalty of five

Penalty for  
failure to  
renew.

dollars, together with the payment by such licentiate of all annual license fees then delinquent; *Provided, however,* That after July 1, 1927, no such license shall be reinstated after any annual license fee shall have been delinquent for more than one year.

SEC. 7. That section 10, chapter 75, Laws of 1923, be amended to read as follows: § 10, ch. 75,  
L. 1923.

Section 10. Any person who holds a paid up 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 such state or province 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 examination 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.

Licensing  
barbers from  
other states.

Examination  
waived.

Fee.

SEC. 8. That section 11, chapter 75, Laws of 1923, be amended to read as follows: § 11, ch. 75,  
L. 1923.

Section 11. Nothing in this act shall prohibit any person from serving as an apprentice under a licensed barber of this state or from serving as a student in any barber school or barber college for the training of students in such occupation in this state: *Provided,* That not more than one student or apprentice shall be employed in any one barber shop: *Provided, further,* That such licensed 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

Apprentices  
and  
students.

Limit.

Report of  
names, etc.,  
of students.

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 (\$5.00) for each 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 student certificate, showing the date the student certificate was issued. This certificate shall entitle the holder to practice as such under a licensed barber or as a student in a barber school or barber college. At any time after six months and within one year following the issuance of such student certificate said apprentice or student may file his application for license and shall present himself for examination as provided by this act. Should he fail to pass the examination, upon the payment of \$5.00 he shall be issued a student certificate, good until the date of the next examination.

Fee.

Student certificate.

Examination for license.

§ 12, ch. 75, L. 1923.

SEC. 9. That section 12, chapter 75, Laws of 1923, be amended to read as follows:

Register of licenses.

Section 12. The secretary of the department of licenses shall keep a register in which shall be entered the names of all persons to whom licenses, permits or students' certificates are issued under this act, and said register shall be at all times open for public inspection.

§ 13, ch. 75, L. 1923.

SEC. 10. That section 13, chapter 75, Laws of 1923, be amended to read as follows:

Barber to display license.

Section 13. It shall be the duty of the holder of any license, permit or student certificate 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.

SEC. 11. That section 14, chapter 75, Laws of 1923, be amended to read as follows: § 14, ch. 75,  
L. 1923.

Section 14. 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. No barber school or college shall be issued a permit by the director of licenses unless such school or college requires as a prerequisite to admission thereto, that the applicant for admission shall be at least sixteen and not over fifty years of age; and unless such school or college requires as a prerequisite to graduation a course of instruction of not less than one thousand hours to be completed within six months of not more than eight hours in any working day, such course of instruction to include the following subjects: Scientific fundamentals for barbering, hygiene, bacteriology, histology of the hair, skin, nails, muscles and nerve structure of the head, face, and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands, and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair. The director of licenses shall revoke the license of any school or college which shall admit any applicant not possessing the qualifications herein required, or which shall fail to impart to each student in such school or college the instruction herein made a prerequisite to the graduation of any student from any such school or college. Barber  
Schools.

§ 17, ch. 75,  
L. 1923.

SEC. 12. That section 17, chapter 75, Laws of 1923, be amended to read as follows:

Penalties for  
violations.

Section 17. Any person who shall practice the occupation of barber, barber's apprentice or student, or hair cutter in any beauty shop or hair dressing establishment in this state, without having obtained a license, permit or student certificate, as provided by this act, or who shall employ a barber or apprentice who has not such license, permit or student certificate, 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, or hair cutter in a beauty shop or hair dressing establishment under this act, or who shall fail to display his license, permit or student certificate 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.

Duty of  
Prosecuting  
Attorney.

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.

Passed the Senate March 4, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 9, 1927.

## CHAPTER 212.

[S. S. B. 55.]

## MANAGEMENT OF STATE REFORMATORY.

AN ACT relating to the Washington State Reformatory, providing for the management thereof, and repealing chapter 167 of the Laws of 1907.

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

SECTION 1. The Washington state reformatory heretofore established and located at Monroe in Snohomish County shall be equipped and managed in the manner and for the purpose in this act hereinafter provided.

Equipment and management of reformatory.

SEC. 2. The government and control of the Washington state reformatory and of the prisoners sentenced thereto shall be vested in the director of business control.

Director of business control to govern.

SEC. 3. The director of business control shall appoint and fix the salary of the superintendent of the Washington state reformatory. The superintendent shall furnish bonds in the sum of ten thousand dollars (\$10,000.00) for the faithful discharge of his duties.

Salary of superintendent.

Bond of superintendent.

SEC. 4. The superintendent, by and with the advice and consent of the director of business control, shall appoint the chaplain, physicians, and such subordinate officers, guards and employes as the number of prisoners or the needs of the institution may from time to time require. The director of business control shall fix and determine the salaries to be paid to all appointees or employes.

Appointment of chaplain, physicians and other employes.

Salaries.

SEC. 5. The director of business control, by and through the superintendent of the reformatory, shall receive all males between the ages of sixteen and thirty-five years who shall be sentenced to the Wash-

Criminals receivable at reformatory.

ington state reformatory on conviction of any criminal offense in any court having jurisdiction thereof; and all male prisoners who may be removed from any other penal institution of the state as provided by law.

Transfer of prisoners to penitentiary.

SEC. 6. The director of business control shall have power to transfer to the Washington penitentiary any prisoner who, subsequent to his committal, shall be shown to have been at the time of his conviction more than thirty-five years of age, and any incorrigible prisoner whose presence in the reformatory is detrimental to the inmates of the institution.

Prisoners to work.

No contract prison employment.

SEC. 7. Every prisoner in the reformatory shall be required to work in such manner as may be prescribed by the director of business control: *Provided*, That prisoners shall not be employed in what is known as the contract system of prison labor.

Rules for discipline.

SEC. 8. The director of business control shall have power to make rules and regulations for the discipline, employment, instruction, education and removal of prisoners in the reformatory. The discipline imposed shall be reformatory in character.

Disposition of prisoner's earnings.

SEC. 9. Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the director of business control is authorized to credit the prisoner with such amount of his earnings as the director may deem just and equitable, but in no case more than twenty per cent of his earnings shall be paid to him or his family. Upon release or discharge from the reformatory an additional twenty-five per cent of the moneys thus earned shall be paid to the person discharged or released.

Additional payment upon discharge.

Imprisonment not to exceed maximum term.

SEC. 10. The term of imprisonment of a person sentenced to the Washington state reformatory shall be terminated by the director of business control as

authorized by this act, but the imprisonment shall not exceed the maximum provided by law for the crime for which the person was sentenced. The person sentenced to said reformatory shall, within thirty days after his sentence, unless the execution thereof be suspended, be conveyed to the reformatory by order of the director of business control in the manner provided by law and delivered into the custody of the superintendent of the reformatory, along with a certified copy of the sentence of the court, and there kept until released by the director of business control, or until said prisoner be pardoned or paroled, and if the execution of the sentence be suspended and the judgment be afterward affirmed, the prisoner shall be conveyed to the reformatory within thirty days after the court directs the execution of the sentence.

Time within which sentenced person shall be taken to reformatory.

SEC. 11. The governor shall establish uniform rules and regulations under which prisoners in the reformatory may be paroled, or returned to the reformatory in case of the violation of the terms of the parole.

Governor to make rules for paroling prisoners.

SEC. 12. The governor shall have the power to cause the arrest and imprisonment of any person who violates the terms and conditions of his parole, and the written order of the governor shall be sufficient warrant for all officers named in it to authorize such officers to arrest and return to custody such conditionally released or paroled person. A paroled prisoner in the custody of an officer, either under an order of arrest, or by virtue of a commitment under a sentence for any crime other than murder, may be taken into custody by an officer of the reformatory, and it is hereby made the duty of all officers named in such order to arrest and return to custody any conditionally released or paroled prisoner named in such order.

Parole breached.

Reimprisonment.

Business management in director of business control.

SEC. 13. The business management, purchase of supplies and sale of products and manufactures, and the auditing and keeping of accounts pertaining thereto shall be vested in the director of business control under such regulations as may be prescribed by the department of efficiency.

Reformation the objective.

SEC. 14. It shall be the duty of the director of business control to maintain such control over prisoners committed to the reformatory as shall prevent them from committing crime, best secure their self support, and accomplish their reformation. When any prisoner shall be received into the reformatory under sentence thereto, the director shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and social tendencies of the prisoner and the best probable plan of treatment. In such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to the knowledge of the director or superintendent.

Register of prisoners.

Information to be entered therein.

Credit system for inmates.

SEC. 15. The director of business control shall establish a uniform system of credits by which to determine the number of credits to be earned by each prisoner to obtain privileges or release from control at the reformatory, which system shall be subject to revision from time to time. Each prisoner sentenced or removed to the reformatory shall be credited for good behavior, diligence in labor or study and for results accomplished, and shall be recharged for derelictions, negligence or offenses. The director shall establish rules and regulations by

Monthly account of credits.

which the standing of each prisoner's account of credits shall be made known to him as often as once a month.

SEC. 16. Whenever it appears to the governor that there is a strong or reasonable probability that any prisoner on parole may live and remain at liberty without violating the law, and his release is not incompatible with the welfare of society, he may thereupon in his discretion grant an absolute release to such prisoner, and in his discretion restore such prisoner to citizenship. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation of sentence in any case.

Paroled  
prisoner.

Citizenship  
may be  
restored.

Governor's  
power to  
pardon or  
commute not  
impaired.

SEC. 17. That chapter 167 of the Laws of 1907, pages 385-393, (sections 10280-10298 of Remington's Compiled Statutes; sections 6739-6760 of Pierce's 1919 Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done under and by virtue of said acts repealed but this act shall be construed as a revision and continuation of said former acts.

Statute  
repealed.

Revision  
and continu-  
ation of  
former acts.

Passed the Senate March 4, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 9, 1927.

CHAPTER 213.

[S. B. 227.]

REAPPROPRIATION FOR HIGHWAYS IN ISLAND COUNTIES.

AN ACT reappropriating a certain sum from the Permanent Highway Fund for the construction and maintenance of highways in counties composed entirely of islands and for the construction and maintenance of permanent highways in all other counties, and declaring that this act shall take effect immediately.

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

SECTION 1. For the completion of work already under contract, for new contracts, and for the construction and maintenance of highways in counties composed entirely of islands and for the completion of work already under contract, for new contracts and for the construction and maintenance of permanent highways in all other counties there is hereby reappropriated from the Permanent Highway Fund the sum of six hundred eighty two thousand four hundred twenty nine dollars and forty one cents (\$682,429.41) or so much thereof as may be necessary; the same being the unexpended balance of the Permanent Highway Fund as shown by the State Auditor's books on December 31, 1926: *Provided, however,* That the amount above stated, together with the amount expended, shall not exceed the original appropriation made in 1925 for said purposes.

Reappropriation for highways in island counties.

Not to exceed original appropriation.

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 February 14, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.



CHAPTER 214.

[S. B. 230.]

MOTOR VEHICLE FUND: FEDERAL AID ROAD CONSTRUCTION.

AN ACT making an appropriation from the motor vehicle fund, creating a revolving fund, to be applied in payment of federal proportion of cost of federal aid road construction, providing for the payment of federal contributions into the motor vehicle fund, and declaring that this act shall take effect immediately.

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

SECTION 1. That the state treasurer be and he is hereby authorized and directed to place in the state motor vehicle fund any and all federal funds or warrants received as custodian under the operation of the Federal Aid Road Act and the state act assenting thereto, to be held in said motor vehicle fund subject to disbursement therefrom only in accordance with the authority and appropriation set forth in section 2 of this act.

Federal aid road funds to be placed in motor vehicle fund.

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 motor vehicle 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 engineer for work actually done upon federal aid projects and only to the extent thereof charged to the federal

Appropriation matching federal funds constituting a revolving fund.

Appr'n to pay for federal aid projects.

Limit.

contributing fund under specific project agreements executed by state and federal authority.

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

Passed the Senate February 14, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 215.

[S. B. 173.]

### VALIDATION OF PUBLIC HIGHWAY EXPENDITURES.

AN ACT validating expenditures in connection with certain public highways.

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

**SECTION 1.** Whenever any money has heretofore been paid or expended, by, or under the direction of, any county official, from the county road and bridge fund of any county or from the road district fund of any road district of any county, or from any trust fund in possession of the county treasurer of any county, for the construction, and/or improvement of any permanent highway constructed and/or improved under the provisions of chapter 35 of the Laws of 1911 as amended, chapter XXVII, Title XLI of Remington's Compiled Statutes, such expenditure is hereby ratified and validated.

Expenditures by county officers for construction and improvement of permanent highways validated.

Passed the Senate February 8, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 216.

[S. B. 113.]

## AUTHORIZING ACTIONS AGAINST THE STATE.

AN ACT relating to, and authorizing and governing, actions against the State of Washington, and amending Sections 1 and 2 of Chapter XCV of the Laws of 1895.

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

SECTION 1. That section 1 of chapter XCV of the Laws of 1895, page 188, (section 886 of Remington's Compiled Statutes; section 6260 of Pierce's Code) be amended to read as follows:

Section 1. Any person or corporation having any claim against the State of Washington shall have a right of action against the state in the superior court of Thurston County. The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the State of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: *Provided*, That actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the State of Washington is a necessary or proper party defendant may be commenced and prosecuted to judgment against the state in the superior court of the county in which such real property is situated, and that no surety bond as above provided for shall be required in any such action.

SEC. 2. That section 2 of chapter XCV of the Laws of 1895, page 188, (section 887 of Remington's

Statute amended.

Claim against the state.

Procedure for collection.

Bond.

Situs of realty determines forum.

Amendment.

Compiled Statutes; section 6261 of Pierce's Code) be amended to read as follows:

Service upon Attorney General.

Section 2. Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the same in his office with an assistant attorney general.

Passed the Senate March 7, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 217.

[S. B. 174.]

PERMANENT HIGHWAY IMPROVEMENT—ENGINEER—BIDS.

AN ACT relating to public highways and amending Sections 6777 and 6781 of Remington's Compiled Statutes, as amended by Chapter 23 of the Laws of 1925 and declaring an emergency.

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

§ 6161, Pierce's Code.

SECTION 1. That section 6777 of Remington's Compiled Statutes be amended to read as follows:

County Engineer may be required to supervise work.

Section 6777. The board of county commissioners may, if there be a county engineer in the county in which the work is contemplated, require the county engineer to perform all engineering in connection with and to supervise any improvement work contemplated or prosecuted under the provisions of this act, or may in its discretion employ a construction engineer for that purpose and fix his compensation, such compensation to be paid by the county; but shall provide for all engineering work in connection with the contemplated improvement to be done by the county engineer or shall employ a construction engineer for that purpose.

May appoint construction engineer.

Compensation.

SEC. 2. That section 6781 of Remington's Compiled Statutes as amended by section 2, chapter 23, Laws of 1925, be amended to read as follows:

§ 6165,  
Pierce's  
Code.

Section 6781. When the board of county commissioners shall have finally adopted the profiles, maps, plans and specifications for the improvement of any permanent highway under the provisions of this act, said board shall advertise for bids for three successive weeks in a newspaper published at the county seat of such county, and if it deem advisable, in such other newspaper as it shall determine, for the construction and improvement of such permanent highway, or section thereof, according to such profiles, maps, plans and specifications, and shall award the contract to the lowest responsible bidder, save that the board shall have the right to reject any and all bids. All contracts shall be on a form to be approved by the state highway engineer and shall be let on the lump sum, or unit price basis. Before entering into any contract for such construction or improvement, it shall require a corporate surety bond in the full amount of the contracts, or, if the contract is to be awarded upon a unit price basis, in the full amount of the total cost of said work, as determined by unit prices bid and the estimated quantities, conditioned that the party thereto will perform the work upon the terms, within the time, and in accordance with the contract, profiles, maps, plans and specifications, and that such party will indemnify the county against any direct or indirect damages that shall be suffered or claimed for injuries to persons or property during the construction and improvement of such highway and until the same is accepted. Each bid shall be accompanied by a certified check in a sum equal to five per cent of the amount of such bid if upon a lump sum basis, and if upon the unit price basis, five per cent of the total cost as deter-

Call for  
bids.

Lump sum  
or unit  
price basis.

Bond of  
contractor.

Certified  
check to  
accompany  
bid.

mined by the unit prices and the estimated quantities, payable to the county, which shall be forfeited to the county upon the failure of the party, for a period of twenty days after any contract is awarded to any such party, to enter into a proper contract and furnish satisfactory bonds as required by this act. The contract shall provide for payment and reserve from moneys earned in accordance with the provisions of chapter 166, Laws of 1921. No final payment shall be made until the state highway engineer shall have examined the work or caused the same to be examined and certify to the state auditor that such work has been fully completed in accordance with the contract and the profiles, maps, plans and specifications governing such work. All payments to be made by the state upon contracts, entered into in accordance with the provisions of this act shall be made by the state treasurer from the permanent highway fund hereinafter created, upon the warrant of the state auditor issued upon the presentation of proper vouchers by the person entitled thereto, said vouchers to be approved by the board of county commissioners, and the state highway engineer, and, in case of final payment, to be accompanied by the certificate of the state highway engineer as aforesaid.

Payments ;  
portion  
reserved.

Ch. 166, L.  
1921.

Final  
payment.

Certificate  
work  
completed.

Payments  
from  
permanent  
highway  
fund.

Approval of  
vouchers.

County road  
and bridge  
funds may  
be used.

Payments on such contracts may be made from the permanent highway fund in conjunction with money from the county road and bridge fund, or from the road district fund of any road district in which the improvement or any part thereof is located, or any fund created by donation and placed in possession of the county treasurer as a trust fund, for the expenditure in connection with such improvement. Whenever any such funds are to be used in conjunction with the permanent highway fund in paying for such improvement, the county commis-

sioners shall adopt a resolution to that effect, and shall set aside in such funds the amount to be expended from said funds on such contract, and such funds so set aside shall be held and expended for that purpose and shall not be otherwise expended or used until the completion of the work and final payment on such contract. All payments from county funds, or from funds donated and placed in the possession of the county treasurer shall be by the county treasurer upon warrants drawn by the county auditor, upon presentation of proper vouchers, approved by the board of county commissioners, and the state highway engineer.

Payments from county and donated funds.

The state auditor shall issue no warrant for any purpose against the permanent highway fund hereinafter provided for unless there be sufficient money to pay such warrant in such fund to the credit of the county affected. No changes or additions, or payments therefor, shall be made during the progress of the work, unless the same shall have been approved by the board of county commissioners by resolution, and a copy of said resolution shall have been transmitted to and approved by the state highway engineer. The board of county commissioners shall let no contract for the improvement of any permanent highway or section thereof less than one mile in length; *Provided*, That any highway, or any portion thereof, of less than one mile in length may be constructed under the provisions of this act whenever said highway, or portion thereof, will connect two highways, or portions thereof, previously constructed under the provisions of this act, or highways, or portions thereof, of the same type and standard of construction as highways constructed under this act. Whenever any permanent highway shall be improved or constructed pursuant to a petition as provided for in section 6774, the proportion

State warrants not issued without funds.

Changes during progress of work.

Limit to county contracting for permanent highway.

Portion payable by abutting property.

Assessments paid into general road and bridge fund.

Payments from fund.

Approval of vouchers.

Contract upon unit price basis.

Additional amount set aside for extras.

Approval before performance of excess work.

Excess payable from county funds; when.

Emergency.

of the cost of such improvement chargeable to the property within the improvement district shall be paid out of the general road and bridge fund of the county, and all taxes assessed against abutting property under the provisions of the following section, and all moneys payable by any township, shall, when collected, be paid into said general road and bridge fund. All payments made from the general road and bridge fund upon contracts entered into in accordance with the provisions of this act, shall be made by the county treasurer upon warrants of the county auditor, issued upon the presentation of proper vouchers, approved by the board of county commissioners and the state highway engineer. Whenever any contract is awarded upon the unit price basis, an additional sum equal to ten per cent of the amount of the contract as determined by the unit prices bid and estimated quantities shall be set aside in the permanent highway fund to the credit of the county, and shall not be available for use of such county except for the payment of extras and overruns on such contract, until after the completion of the work and final payment on such contract. All extras and overruns in excess of such percentage shall be approved by the board of county commissioners before the performance of such excess work. If the amount of such excess exceeds the moneys available in the Permanent Highway Fund to the credit of the county, such excess shall be paid from county funds as herein provided.

SEC. 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 March 7, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.



## CHAPTER 218.

[S. B. 96.]

## TAX LEVY FOR THE RECLAMATION REVOLVING FUND.

AN ACT relating to the tax levy for the reclamation revolving fund and amending Section 12 of Chapter 158 of the laws of 1919 as amended by Section 1, Chapter 151, Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 12 of chapter 158 of the Laws of 1919 (section 3015 of Remington's Compiled Statutes) as amended by section 1, chapter 151, Laws of the Extraordinary Session of 1925 be amended to read as follows: Amendment.

Section 12. For the purpose of raising revenue for the carrying out of the provisions of this act, the state equalization committee shall, beginning the fiscal year of 1919, and annually thereafter, except in the years 1927 and 1928, at the time of levying taxes for state purposes, levy upon all property subject to taxation, and the proper officers shall collect, a tax of one-half of one mill. The revenue so raised shall be paid into the state treasury and credited to the state reclamation revolving fund. Tax levy for reclamation purposes.  
Credited to reclamation revolving fund.

Passed the Senate February 24, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 219.

[S. B. 130.]

EMINENT DOMAIN BY CORPORATIONS.

AN ACT in relation to property put to public use by corporations, the acquisition of title thereto, the condemnation thereof, and providing for the recovery of compensation by the owner in any suit for compensation.

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

Entry upon property with owner's consent.

SECTION 1. No corporation authorized by law to condemn property for public use, which has heretofore entered or shall hereafter enter upon property for a public use with the consent of the record owner or the person or corporation in possession, shall be ousted from such possession or prevented from continuing the putting of such property to public use if before entry of judgment of ouster it shall institute proceedings in condemnation to acquire such property for public use, and shall thereafter prosecute the same in good faith and pay any compensation which may be awarded therein.

No ouster if corporation institute condemnation proceedings.

Possession and public use for three years.

SEC. 2. No corporation which shall have been or shall be in possession of property put to public use for three or more years, and while continuing to put such property to public use shall be ousted therefrom or prevented from continuing such use if prior to the entry of any judgment of ouster it shall institute condemnation proceedings to acquire such property for public use, and shall thereafter prosecute the same in good faith and pay any compensation awarded therein.

Owner's action for compensation without ouster.

SEC. 3. Nothing in this act shall prevent the owner of any such property suing for and recovering compensation for such property without instituting suit or proceedings to oust such corporation therefrom, and upon payment of the amount awarded

Payment of award.

such owner title to the property shall vest in such corporation as effectually as if acquired by proceedings in condemnation.

Title vests in corporation.

SEC. 4. If any section, provision or clause in this act be adjudged invalid the remainder of the act shall nevertheless remain valid.

Partial invalidity.

Passed the Senate February 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 220.

[S. B. 141.]

### PAYMENT OF CLAIMS AGAINST COUNTIES FOR LABOR AND MATERIAL.

AN ACT authorizing the payment of claims for labor, material and supplies furnished for the benefit of counties, in certain cases.

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

SECTION 1. Whenever any county, by its board of county commissioners, shall have heretofore entered into a contract for the construction of any public improvement for the benefit of the county, whereby the contractor agreed to furnish all labor, material and supplies necessary for such improvement, and the contractor has proceeded with such improvement and procured from other persons, firms or corporations, labor, material or supplies and used the same in the construction of such improvement, but has failed to pay such persons, firms or corporations therefor, and such persons, firms or corporations have filed claims therefor against the county, and such claims have been audited in the manner provided by law and found to be just claims against the county, and valid obligations of the county except for the fact that the

Liens for labor and material supplied contractor valid though not filed within time.

County to  
pay such  
claims.

same were not filed within the time provided by law; the board of county commissioners of such county shall be and is hereby authorized to provide funds sufficient for the payment, and cause the payment, of such claims in the manner provided by law for the payment of valid claims against the county.

Passed the Senate February 10, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 221.

[S. B. 198.]

### CHANGE IN BOUNDARY LINES OF SENATORIAL AND REPRESENTATIVE DISTRICTS.

AN ACT relating to a change in the boundary lines of the thirty-first (31) and thirty-second (32) Senatorial Districts and the forty-first (41) and forty-second (42) Representative Districts in King County, Washington, and declaring that this act shall take effect immediately.

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

Fixing  
boundaries  
of 31st and  
32nd  
Senatorial  
and 41st and  
42nd Repre-  
sentative  
districts.

SECTION 1. That all of sections ten (10), fourteen (14), fifteen (15), sixteen (16) and twenty-three (23); the north half of section twenty-one (21); the north half and the southeast quarter of section twenty-two (22); and the north half of section twenty-six (26); all in Township twenty-five (25) North, Range six (6) East, W.M., King County, be and the same hereby are taken from the area comprising Vincent and Fall City precincts in the Thirty-first (31) Senatorial and the Forty-first (41) Representative Districts, in said King County, and be and the same are hereby added to, made a part of and incorporated into the area of Happy Valley

precinct, situated in the thirty-second (32) Senatorial and Forty-second (42) Representative Districts, in said King County, State of Washington.

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

Passed the Senate February 21, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 222.

[S. S. B. 162.]

### CRIMINAL LAW: FRAUD IN SALE OF GASOLINE AND LUBRICATING OILS.

AN ACT relating to and to prevent fraud in the sale of gasoline and lubricating oils for internal combustion engines and providing penalties for violation thereof.

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

SECTION 1. It shall be unlawful for any person, firm or corporation: (a) To use, adopt, place upon, or permit to be used, adopted or placed upon, any barrel, tank, drum or other container of gasoline or lubricating oil for internal combustion engines, sold or offered for sale, or upon any pump or other device used in delivering the same, any trade-name, trade-mark, designation or other descriptive matter, which is not the true and correct trade-name, trade-mark, designation or other descriptive matter of the gasoline or lubricating oil so sold or offered for sale; Prohibited.

(b) To sell, or offer for sale, or have in his or its possession with intent to sell, any gasoline or lubricating oil, contained in, or taken from, or False trade-mark or description on gasoline or lubricating oil container.  
Sale of gasoline or oil from unlawfully labeled container.

through any barrel, tank, drum, or other container or pump or other device, so unlawfully labelled or marked, as herein-above provided;

Misrepresent  
quality or  
name of  
manufacturer  
of gasoline  
or lubricat-  
ing oil.

(c) To sell, or offer for sale, or have in his or its possession with intent to sell any gasoline or lubricating oil for internal combustion engines and to represent to the purchaser, or prospective purchaser, that such gasoline or lubricating oil so sold or offered for sale, is of a quality, grade or standard, or the product of a particular gasoline or lubricating oil manufacturing, refining or distributing company or association, other than the true quality, grade, standard, or the product of a particular gasoline or oil manufacturing, refining or distributing company or association, of the gasoline or oil so offered for sale or sold.

Penalty for  
violation.

SEC. 2. Any person, firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and for a second, and each subsequent, violation of any provision of this act shall be guilty of a gross misdemeanor.

Passed the Senate February 14, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 223.

[S. B. 216.]

## FORESTS AND FOREST FIRES.

AN ACT relating to forests, permits to burn waste forest material, the abatement of nuisances resulting from logging or clearing operations, and amending Chapter I, Title XXXVI of Remington's Compiled Statutes by adding two new sections to be known as Section 5788-1 and Section 5792-1.

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

SECTION 1. That chapter I, Title XXXVI, of Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 5788-1, to read as follows:

Section 5788-1. Anyone desiring to dispose of the refuse or waste forest material resulting from logging, clearing, or other operation on forest lands, by burning during the closed season, may make written application to the state supervisor of forestry, or to any duly appointed and authorized warden or ranger, for a permit so to do. Every such application shall state the location and extent of the area sought to be burned over, and by whom the burning is to be done. Upon receipt of any such application, the state supervisor of forestry shall inspect, or shall cause to be inspected by a warden or ranger, the area described in the application and no permit shall be issued until after such inspection, and until the party making the inspection is satisfied as a result thereof that all requirements of law and of the rules and regulations prescribed by the director of the department of conservation and development relating to fire fighting equipment and the work to be done or precautions to be taken before commencing such burning, applicable to the particular area described in the application for the permit, shall have been complied with.

§ 2565-1.  
Pierce's  
Code.

Permit for  
burning  
during  
closed  
season.

Application.

Inspection  
of area  
described.

Period of  
permit.

Any permit issued upon such an application and after such inspection, shall be effective only for the time or period stated, but with respect to any fires started by the permittee within such period, shall be conclusive evidence of the compliance by the permittee with all such laws, rules and regulations, except as shall be noted or endorsed upon the permit when issued.

§ 2569-1,  
Pierce's  
Code.

SEC. 2. That chapter I, Title XXXVI, of Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 5792-1, to read as follows:

Effort to  
remove fire  
hazard.

Section 5792-1. Any one who has been engaged in logging operations or in the clearing of land, and who shall have made an effort to remove the fire hazard thereby created, by burning the waste and other debris resulting therefrom, and anyone who shall have made an effort to abate any nuisance as defined and described in section 5792, may apply in writing to the state supervisor of forestry for a certificate of clearance.

Application  
for certifi-  
cate of  
clearance.

Inspection of  
burned  
over area.

As soon as practicable after the receipt of such written request said state supervisor shall cause the burned over area to be carefully inspected, and if it is found that the said waste and debris has been properly disposed of or the nuisance abated, the said supervisor shall issue a certificate of clearance in duplicate, one copy to be delivered to the applicant, and one copy to be retained in the records of his office. Each such certificate of clearance shall describe the slashing, chopping or other area on which the waste or other debris or nuisance has been satisfactorily disposed of with reasonable accuracy, by subdivision, section, township and range, shall give the approximate acreage of the area to which the certificate applies, shall name the person, firm or corporation which created such slashing, chopping,

Certificate  
issued.

Contents  
of certificate.



waste material or nuisance if known, and name the person, firm or corporation by whom such burning was done, shall give the date on which such area was inspected and the name of the person making the inspection, and shall certify that in the opinion of the said inspector such waste forest material or debris has been properly disposed of and the nuisance abated. Such certificate of clearance may be issued for any fraction or part of the area inspected when the inspector finds that only such fraction or part meets the requirements of satisfactory and legal disposition of such waste material or debris and of the abatement of such nuisance.

Certificate  
for portion  
of area.

All such certificates of clearance shall be conclusive evidence of the satisfactory and legal disposition and abatement of the waste material and debris and the nuisance created thereby to the extent in such certificate set forth; but any such certificate may be cancelled or set aside by the state supervisor of forestry for fraud or collusion in the procuring for issuance thereof.

Certificates  
as evidence.

Cancellation  
for fraud.

Passed the Senate February 18, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 224.

[S. B. 233.]

## BANKS AND TRUST COMPANIES: SURETY BONDS OF OFFICERS AND EMPLOYEES.

AN ACT relating to banking and trust business, and amending Section 32 of Chapter 80 of the Laws of 1917, being Section 3239 of Remington's Compiled Statutes of Washington 1922.

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

§ 282,  
Pierce's  
Code.

SECTION 1. That section 32 of chapter 80 of the Laws of 1917, being section 3239 of Remington's Compiled Statutes of Washington 1922, be and the same hereby is amended to read as follows:

Surety  
bonds of  
officers and  
employees.

Section 32. The board of directors of each bank and trust company shall require its active officers and employees and such other officers as they shall designate, each to give a surety company bond, in such sum as the board shall specify and the state bank examiner shall approve, conditioned for the faithful and honest discharge of his duties and for the faithful application of all moneys, funds and valuables which shall come into his possession, or under his control. *Provided, however,* That nothing herein contained shall be construed to prohibit the board of directors of any bank or trust company from procuring, in addition to the requirements of this section, any other bond or bonds, and it shall be proper to insert in any bond not intended as a statutory bond a statement to that effect.

May procure  
other bonds.

Statement  
in bond.

Passed the Senate February 25, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 225.

[S. B. 252.]

TAX LEVY FOR CAPITOL BUILDINGS: REDUCTION OR  
SUSPENSION.

AN ACT relating to capitol buildings and grounds, the powers and duties of certain officers in relation thereto and a tax levy therefor.

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

SECTION 1. If it shall appear to the satisfaction of the state capitol committee that there is, or will be, sufficient money in the capitol building construction fund accrued from the sale of capitol building lands, or timber thereon, to meet the obligations chargeable to the capitol building construction fund in any year, the state capitol committee shall certify to the state board of equalization the amount of money in, or that will be in, and the obligations chargeable against the fund, and shall direct the state board of equalization to reduce, or suspend or omit the levy provided for in chapter 167 of the Laws of 1917.

Capitol building construction fund sufficient from sales.

Certified by Capitol committee to Board of Equalization.

Tax levy directed reduced or suspended.

SEC. 2. The state board of equalization shall be and is hereby authorized and directed to reduce, or suspend or omit, the levy required to be made by chapter 167 of the Laws of 1917, in accordance with the direction of the state capitol committee.

Authority to reduce or suspend levy.

Passed the Senate February 24, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 226.

[S. B. 258.]

INVESTMENT IN REAL PROPERTY FOR HOME OFFICE OF DOMESTIC INSURANCE COMPANY.

AN ACT relating to insurance and amending Section 7061 of Remington's Compiled Statutes of the State of Washington, and amending Section 8 of Chapter 112, Laws of 1921.

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

SECTION 1. That section 7061 of Remington's Compiled Statutes be amended to read as follows:

Section 7061. A domestic insurance company may invest in such real property as shall be requisite for its home office, in the transaction of its business and may rent space therein not immediately required for its own use: *Provided*, That, except upon the approval of the insurance commissioner, no such investment shall be made in excess of ten per cent (10%) of the admitted assets of said company. The admitted assets of a company shall be such as are so designated in the "convention blank form" adopted from year to year by the National Convention of Insurance Commissioners. *Provided, further*, That, except upon the approval of the insurance commissioner, no such investment shall be made by a domestic mutual insurance company that will reduce the amount of the surplus assets, exclusive of such investment, of such company to less than fifty thousand dollars.

§ 2930-7, Pierce's Code.

Investment in real property for home office.

May rent space.

Limit of investment.

Convention blank form.

Passed the Senate February 24, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 227.

[S. B. 259.]

POWERS AND DUTIES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON.

AN ACT relating to the powers and duties of the board of regents of the University of Washington, and amending Section 5 of (sub) Chapter 1 of Title II of Chapter 97 of the Session Laws of 1909.

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

SECTION 1. That section 5 of (sub) chapter 1 of title II of chapter 97 of the Session Laws of 1909 (section 4557 R. C. S.) be and the same is hereby amended to read as follows:

§ 4759, Pierce's Code.

Section 5. The board of regents may adopt by-laws or rules and regulations for its own government. The powers and duties of the board of regents are as follows:

Duties and powers of regents.

First. The said board shall have full control of the university and its property of various kinds, and shall employ the president, members of the faculty, assistants and employes of the institution, who shall hold their positions during the pleasure of said board of regents.

Full control of university.

Employ officers, teachers, etc.

Second. It shall be the duty of the board of regents, with the assistance of the faculty of the university, to prescribe the course of study in the various departments of the institution and to publish the annual catalogue.

Prescribe course of study.

Publish catalogue.

Third. The said board shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty. The board shall also have power, upon recommendation of the faculty, to confer the usual honorary degrees upon other persons than graduates of this university in recognition

Grant diplomas and degrees.

No degree for consideration.

Five year normal and university life diplomas.

Diploma requirements.

of their learning or devotion to literature, art or science; but no degree shall ever be conferred in consideration of the payment of money or other valuable thing. The said board is also empowered, upon recommendation of the faculty, to grant normal diplomas which shall entitle the holder to teach in any public school in the state for a period of five years; and to grant university life diplomas to candidates who shall give satisfactory evidence of having taught successfully for twenty-four months: *Provided*, That all candidates for the normal diploma and life diploma shall have satisfactorily completed not less than twelve semester hours in the Department of Education.

Receive and invest gifts.

Rules governing receipts and expenditures.

Report to the governor.

Fourth. The board of regents is authorized to receive such bequests and gratuities as may be granted to the said university and to invest or expend the same according to the terms of said bequests or gratuities. The said board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, bequests or gratuities, and shall make full report of the same in the customary biennial report to the governor, or more frequently if required by law.

Execute bond to war and navy departments for arms and equipment.

Fifth. The board of regents is authorized and empowered to give and execute, on behalf of the State of Washington, the bonds and other papers required by the war department and/or navy department for the safe keeping of the arms and equipments loaned by the United States to the University of Washington.

Printed biennial report to the governor.

Sixth. The board of regents shall transmit, on the first day of January preceding each regular session of the legislature, to the governor a printed report of all the doings since their last report, not exceeding three hundred in number, giving full information of the receipt and expenditure of money, furnish an estimate of the needs of the institution,

and give such information as will be helpful to the state authorities in providing for the said institution.

Seventh. The members of said board of regents shall serve without compensation. Each regent, however, shall be paid his actual traveling expenses in going to and coming from any meeting of said board, and such claims for expenses shall be audited on vouchers issued by the president and secretary of said board the same as any other claims are audited.

Serve  
without  
compensa-  
tion.

Traveling  
expenses.

Passed the Senate February 23, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 228.

[S. B. 275.]

### EXTENSION OF TIME FOR PAYMENT OF MUNICIPAL STREET RAILWAY BONDS.

AN ACT relating to and authorizing the extension of time for the payment of municipal street railway revenue bonds, and preserving their respective seniorities and priorities.

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

SECTION 1. Any city which has purchased a street railway system and issued and delivered in payment of the purchase price revenue bonds payable out of a special fund, into which special fund such city obligated, or attempted to obligate, itself to pay a certain percent of the gross revenues of such system and of the additions to, or extensions of, such system, or a certain fixed portion of such gross revenues or a fixed amount out of such gross revenues, may contract with the owner or owners of such bonds, or any portion of such bonds, to extend the time for the payment of all or any of such

Authority to  
city purchas-  
ing street  
railway to  
be paid for  
from gross  
revenues to  
contract for  
extension of  
time of bond  
payments.

bonds to a date or dates later than the date or dates fixed in such bonds, or in any of them, for their payment.

Extension of time not affect seniority of bonds.

SEC. 2. Such extension shall not without the consent of holders thereof operate to disturb the seniority of outstanding bonds or warrants. Any bonds or warrants issued or sold after the making of such contract of extension shall not have any right superior or prior to such extended bonds unless in the contract of extension it is expressly so agreed.

Priority of bonds sold after extension contract.

SEC. 3. Such contract of extension shall not lessen or impair the validity of any bonds of an issue for which the time of payment shall be extended in whole or in part, except as to the date of payment as specified in such contract.

Validity of bonds not impaired.

Passed the Senate March 3, 1927.  
Passed the House March 8, 1927.  
Approved by the Governor March 19, 1927.

CHAPTER 229.

[S. B. 99.]

RELIEF OF JOHN G. MATTHEWS.

AN ACT for the relief of John G. Matthews.

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

Contract of John G. Matthews for shorelands.

SECTION 1. That whereas John G. Matthews on the 17th day of May, 1913, entered into a contract with the State of Washington through the honorable commissioner of public lands for the purchase of the following described shorelands of the first class described as follows, to-wit:

All that portion of lots one (1) and two (2) of block sixty seven (67), described as follows:



Beginning at a point which is north 49° 59' 13.8" west 200 feet distant from the northeast corner of block sixty-seven (67); thence north 49° 59' 13.8" west 120 feet along the northeasterly marginal line of said block sixty-seven (67); thence south 40° 00' 46.2" west 60 feet to the northeasterly marginal line of lot two (2) of said block sixty-seven (67); thence north 49° 59' 13.8" west along the northeasterly marginal line of said lot two (2) to its intersection with the inner harbor line; thence south 00° 2' 26.9" west 78.292 feet along said inner harbor line; to its intersection with the southerwesterly [southwesterly] marginal line of said lot two (2); thence south 49° 59' 13.8" east to a point which is south 40° 41' 26.4" west 120.008 feet distant from the place of beginning; thence north 40° 41' 26.4" east 120.008 feet to the place of beginning. Subject to an easement for the common use and benefit of the several portions of said lots one (1) and two (2), block sixty-seven (67), and as appurtenant thereto, as a private way and not as a public easement along the margin of said waterway bordering upon the northeasterly line of said lot one (1), and over and across a strip of land 25 feet in width extending from the said northeasterly line of said lot one (1) southwesterly and along the entire frontage of said lot one (1) and said waterway. All as shown on the official maps of Lake Union shore lands filed in the office of the commissioner of public lands at Olympia, Washington, July 1, 1907. The contract price being \$2640.61 payable in annual installments as therein provided; and said Matthews had paid thereon in principal the sum of \$1320.31 and interest in the sum of \$1297.72, or a total of \$2618.03; and on the 9th day of November, 1923, the honorable commissioner of public lands cancelled said contract for failure to pay installments then due.

Description.

Price.

Contract cancelled.

**Contract for tide and shorelands.** SEC. 2. That on the 7th day of January, 1911, said John G. Matthews entered into a contract with the State of Washington through the honorable commissioner of public lands for the purchase of the following described tide and shorelands in Kitsap County, Washington, to-wit:

**Description.** All tide and shore lands of the second class, owned by the State of Washington, situate in front of, adjacent to or abutting upon lot 7, section 3, township 24 north, range 1 east of the Willamette Meridian, with a frontage of 53.88 lineal chains, more or less, measured along the meander line, according to a certified copy of the government field notes of the survey thereof on file in the office of the commissioner of public lands at Olympia, Washington.

**Price.** The contract price thereof being \$808.20, payable in annual installments; and said Matthews had paid thereon \$484.92 as principal and \$254.79 as interest, or a total of \$739.71; that on the 9th day of November, 1923, the said contract was forfeited by the honorable commissioner of public lands for the non-payment of installments then due.

**Forfeited contract.**

**Deed for tide lands.** SEC. 3. On the sixth day of June, 1911, said John G. Matthews secured a deed from the State of Washington covering the following described tide lands in Kitsap County, to-wit: All tide lands of the second class owned by the State of Washington lying between the line of mean low tide and the line of extreme low tide and in front of lot seven (7), section three (3), township twenty-four (24) north, range one (1), east W. M. with a frontage of 53.88 lineal chains, more or less, measured along the meander line, according to a certified copy of the government field notes of the survey thereof on file at the office of the commissioner of public lands at Olympia, Washington.

**Description.**

The purchase price was \$53.88 and the deed was made subject to the completion of the contract of sale covering the tide lands lying above the line of mean low tide as described in section 2 of this act and said deed was canceled by the commissioner of public lands on November 9, 1923, upon the cancellation of said contract.

Price.

Deed  
Cancelled.

SEC. 4. That upon the passage and approval of this act, the commissioner of public lands is hereby directed to re-instate contracts of sale mentioned in sections 1 and 2 of this act and deed mentioned in section 3 of this act, placing same in the condition they were in at the date of cancellation. The amount due on said contracts at date of cancellation to be paid by said John G. Matthews within ninety (90) days from notice from the commissioner of public lands that said contracts have been re-instated as provided by this act, together with interest thereon to the date on which payment is made, at the same rate as provided in said contracts, and the commissioner of public lands is directed to issue deeds to the said John G. Matthews for the tracts covered by said contracts.

Authority  
to reinstate  
contracts  
and deed.

Amount  
payable by  
John G.  
Matthews.

Passed the Senate March 4, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 230.

[S. B. 133.]

## ESTABLISHMENT OF WATER DISTRICTS—PETITION FOR.

AN ACT relating to the establishment of water districts, amending Section 11581 of Remington's Compiled Statutes, validating certain elections and proceedings had thereunder and declaring that this Act take effect immediately.

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

§ 7250-3,  
Pierce's  
Code.

SECTION 1. That section 11581 of Remington's Compiled Statutes be amended to read as follows:

Petition  
contents.

Section 11581. The petition presented to the board of county commissioners shall set forth the territorial extent of the proposed water district, particularly describing the same, and shall be filed with the county auditor who shall within sixty days examine the signatures thereto and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in possession of the officers of any incorporated city or town in such proposed district. If any protest signed by twenty-five per cent of the qualified electors of any city or town shall be filed with the county auditor within thirty days after the filing of the petition for the formation of the district, the auditor shall likewise examine the signatures thereof and certify the sufficiency or insufficiency thereof to the board of county commissioners with the petition. No person having signed such petition or such protest shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same together with his certificate of sufficiency attached thereto, to the board of county commissioners and

Filing.

Checking.

Protest  
filed.

Checking  
signatures.

Withdrawal  
of signa-  
tures.

Certificate  
petition  
sufficient.

likewise if said protest shall be found to contain a sufficient number of signatures, shall transmit the same together with his certificate of sufficiency to said board, and the board of county commissioners shall at their first meeting thereafter if such petition so requires, by resolution call a special election to be held not less than sixty days from the date of such certificate and shall cause to be published a notice of such election at least once a week for four consecutive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall state the hours during which such polls will be open, the boundaries of the proposed water districts exclusive of the territory excluded by reason of such protest or protests, if any, and the object of such election and said notice shall also be posted for ten days in ten public places in such proposed water district. The same notice shall be given if such proposition be submitted at a general election: *Provided*, In submitting said proposition to the voters for their approval or rejection, said proposition shall be expressed on the ballots in the following terms:

Calling special election.

Notice.

“Water District. Yes.”

Form of ballots.

“Water District. No.”

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

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

Polling places.

In case there is no incorporated city or town within the boundaries of a proposed water district, the county commissioners may call such election to be held at any time after thirty days from the date

No incorporated city within proposed district. May call election after 30 days.

of such certificate by the county auditor as to the sufficiency of the petition.

Stay of proceedings.

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

Election to organize district not timely; proceedings not invalid.

SEC. 2. That in case an attempt has been made to organize a water district not containing within its boundaries any incorporated city or town, and either through inadvertence or mistake the election for the organization of the district was held more than thirty days from the date of such certificate of the county auditor but less than sixty days from such date, such proceedings shall not be deemed invalid by reason thereof, and in case all other proceedings in connection with the organization of any such water district were regular, such proceedings are hereby validated and all bonds and warrants issued or to be issued by any such water district are hereby declared to be valid.

Bonds and warrants validated.

Emergency.

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

Passed the Senate February 24, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 231.

[S. B. 136.]

## STATE LANDS RESERVED FROM SALE OR LEASE.

AN ACT relating to the reservation of certain state lands from sale or lease.

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

SECTION 1. That all tide lands and the bed of Willapa Bay lying west of the produced east line of Range 11 West, W. M., and between the main ship channel on the north and a line parallel to and one mile south of the produced north line of township 13 north, are hereby reserved from sale and lease.

Tide lands and portion of bed of Willapa Bay reserved from sale and lease.

Passed the Senate February 9, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 232.

[S. B. 203.]

## CLOSING OF STREETS AND HIGHWAYS.

AN ACT providing for the closing of certain city or town streets, or township roads, county and state roads or parts thereof, and amending Section 1 of Chapter 21 of the Laws of 1921.

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

SECTION 1. That section 1 of chapter 21 of the Laws of 1921, page 87, (section 6839 of Remington's Compiled Statutes) be amended to read as follows:

§ 5962-1.  
Pierce's  
Code.

Section 1. Whenever the condition of any city or town street, or township road, state or county road, either newly constructed, repaired or improved or of prior construction, or any part thereof,

When city, county, etc., may close street, road, etc.

Period  
closed.

is such that its use or continued use by vehicles will greatly damage such road, the state highway engineer, if it be a state road, or the board of county commissioners, if it be a county road, or the governing body of a city or town, or township, if it be a city or town street, or township road, is authorized to close such road to travel by all vehicles or to any class of vehicles, classified by size, weight, load weight, tire surface or other description, for such period as they shall determine.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 233.

[S. S. B. 220.]

CRIMINAL CODE: CRIME ATTEMPTED WHILE ARMED  
WITH DEADLY WEAPON.

AN ACT relating to crimes and punishments.

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

Crime  
deemed  
completed if  
attempted  
while armed.

SECTION 1. Any person who shall attempt to commit a crime punishable as a felony while armed with a pistol, revolver, or deadly weapon, shall, upon conviction be punished as if the crime attempted had been a completed act.

Passed the Senate February 15, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.



## CHAPTER 234.

[S. S. B. 265.]

## DOMESTIC INSURANCE COMPANY INVESTMENTS.

AN ACT relating to insurance, investment of funds of companies engaged in such business, and amending Section 7063 of Remington's Compiled Statutes as amended by Section 1 of Chapter 16 Laws 1925.

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

SECTION 1. That section 7063 of Remington's Compiled Statutes as amended by section 1 of chapter 16 Laws 1925 be amended to read as follows:

§ 2930-9,  
Pierce's  
Code.

Section 7063. All investments and loans of the capital and funds of any domestic insurance company, except the amount invested in real estate for its home office, as especially provided for, shall be made and kept invested in and loaned on interest or dividend-bearing securities, whereon default for interest has not been made prior to the making of such loan, or investment, and the regular annual dividends, in the case of investments in stocks, shall have been actually earned and paid out of the net profits of not less than four per centum of the par value of such stock during each of the three years next preceding the time of such investment: *Provided*, That any insurance company may, upon the approval of the insurance commissioner, invest its funds in or loan its funds on the stock of any solvent corporation, and such investment in or loan on such stock may be included in the admitted assets of such insurance company; *Provided, further*, That the insurance commissioner may authorize the making of a loan on, or investment in, interest-bearing securities upon which there has been a default in payment of interest, if such default occurred more than five

Nature of  
investment  
securities.

May invest  
in stock of  
solvent cor-  
poration.

May invest  
in securities  
if interest  
payment  
defaulted  
five years  
before.

years prior to the time of making such loan or investment.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 235.

[S. B. 282.]

APPROPRIATIONS FOR STATE PENITENTIARY AND STATE REFORMATORY.

AN ACT making appropriations for certain penal and reformatory institutions of the state, and providing for appointment of committee to make certain selections of lands, 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 the general fund in the state treasury for the operation of certain state institutions, and for the purchase of lands, which lands shall be selected by a committee of five, to consist of two members of the Senate, to be appointed by the president, two members of the House of Representatives, to be appointed by the speaker, and the director of business control, and for the construction, repair and improvement of the various state institutions hereinbelow designated and mentioned, as hereinafter expressed for the fiscal bienium beginning April 1, 1927, and ending March 31, 1929.

Appropriation.  
Operations.  
Purchase of lands.  
Committee to select lands.

Penitentiary.  
Vetoed.  
Purchase of lands.

	For the State Penitentiary at Walla Walla:	
	Rehabilitation, replacement, repair of buildings	
	and improvments of the jute mill plant.....	\$50,000.00
	For Penitentiary Revolving Fund.....	90,000.00
	For purchase of lands.....	35,000.00
		<hr/>
	Total .....	\$175,000.00

For Washington State Reformatory for  
purchase of lands.....\$65,000.00

Reformatory.  
Purchase of  
lands.

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 1, 1927.

Passed the House March 8, 1927.

Approved by the Governor, with the exception of the two items which are vetoed, March 21, 1927.

Vetoed.

CHAPTER 236.

[S. B. 168.]

REMINGTON'S COMPILED STATUTES: SUPPLEMENT  
MADE OFFICIAL.

AN ACT to make Remington's 1927 Supplement to Remington's Compiled Statutes of Washington an official code of the Session Laws of the years 1923 to 1927, inclusive.

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

SECTION 1. The compilation of the Session Laws of the State of Washington for the sessions of 1923 to 1927, inclusive, arranged and compiled by Arthur Remington and to be known as Remington's 1927 Supplement to Remington's Compiled Statutes of Washington, upon its authentication and certification by the secretary of state as hereinafter provided, shall be and is hereby adopted as an official compilation of the existing statutes of the State, enacted by the legislature from 1923 up to and including the year 1927, but of no greater authority than all other existing or official compilations or session laws of the State.

Adopted as  
official  
compilation.

SEC. 2. It shall be proper for the legislature in amending or repealing existing statutes to refer to or cite the said compilation; and it shall be proper, by new legislation, to amend or add to any desig-

Reference  
and citation.

Amendments  
and addi-  
tions.

nated title, chapter or section of said compilation, or to add thereto new titles, chapters or sections, 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.

Secretary of  
State to  
certify laws  
1923 to 1927.

SEC. 3. Upon the completion of the said compilation the secretary of state is hereby authorized and directed to certify the laws contained therein and in force and effect at the close of the session of 1927, enacted by the sessions of 1923 to 1927, inclusive, for publication as a part of the said compilation, and when printed in said supplemental code and so certified, it and future editions of said code may be cited by the legislature and courts to the same effect as Remington's Compiled Statutes of Washington, issued in 1921.

Passed the Senate February 7, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 237.

[S. B. 184.]

### PIERCE'S CODE MADE OFFICIAL.

AN ACT to adopt Pierce's Washington Code as an official compilation.

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

Adopted as  
official  
compilation.

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 1927.

Amend-  
ments,

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 to Pierce's Code.

reference  
and citation.

SEC. 3. The secretary of state is hereby authorized and directed to certify the laws 1925-6 and 1927 as a part of said compilation.

1925-26 and  
1927 laws  
certified.

Passed the Senate February 10, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 238.

[S. B. 206.]

### GRANT OF LAND TO FRANK A. FAAS.

AN ACT granting to Frank A. Faas, all right, title and interest of the State of Washington in and to the following land, situate in Lewis County, Washington, to-wit: The South half of the Northeast quarter of Section 10, Township 13 North, Range 2, East W. M., containing 80 acres, more or less, according to the government survey thereof.

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

SECTION 1. The following described land in Lewis County, Washington, to-wit: The South half of the Northeast quarter of Section 10, Township 13 North, Range 2 East, W. M., containing 80 acres, more or less, according to the government survey, was a part of the estate of Gilbert M. M. Lafayette Carmack, of Kitsap County, Washington, who died October 7, 1912, leaving no heirs. No record of such death was made in Lewis County, and such property was carried on the tax rolls and taxed, and said Frank A. Faas acquired title to such property in 1922, under a sale thereof for taxes, paying a total of \$515.97 therefor, which seems to be the present value of said land, and has since paid taxes

Land of  
Gilbert M.  
M. Lafay-  
ette Carmack  
who died  
without  
heirs.

No record  
made of  
death.

Frank A.  
Faas  
purchased  
at tax sale.

Escheat  
proceedings.

thereon. That proceedings to escheat said property were commenced in March, 1926, and such facts were disclosed.

State grants  
land to  
Frank A.  
Faas.

The State of Washington hereby grants unto the said Frank A. Faas, his heirs, executors, administrators, successors and assigns, all right, title and interest of the State of Washington in and to the following described land, situated in Lewis County, Washington, to-wit: The South half of the Northeast quarter of Section 10, Township 13 North, Range 2 East, W. M., containing 80 acres, more or less, according to the government survey.

Passed the Senate February 17, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 239.

[S. B. 178.]

### SALARY OF THE STATE LAW LIBRARIAN.

AN ACT fixing the salary of the state law librarian.

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

Salary of  
law  
librarian.

SECTION 1. The salary of the state law librarian shall be four thousand eight hundred dollars (\$4,800.00) per annum.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 240.

[S. B. 200.]

## DIKING AND DRAINAGE IMPROVEMENT SYSTEMS.

AN ACT relating to diking, drainage and sewerage and amending Section 1 of Chapter 176 of the Laws of 1913 as amended by Chapter 79 of the Laws of Extraordinary Session 1925, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter 176 of the Laws of 1913, pages 611 and 612, as amended by chapter 79 of the Laws of Extraordinary Session 1925, (section 4405 Remington's Compiled Statutes) be amended to read as follows:

§ 1945-57,  
Pierce's  
Code.

Section 1. Whenever four or more persons whose lands will be benefited thereby, desire to have improvements constructed for the drainage, sewerage or protection from overflow, or for any or all of said purposes, of any contiguous body of land situated in the same county, whether wholly or partly within or wholly without the limits of any incorporated city or town, proceedings for the construction of such improvements may be had as provided in this act: *Provided*, That when such contiguous body of land is situated wholly within an incorporated city or town, such city or town may, through its council or other legislative body, have all of the powers and exercise all of the functions of a drainage district under this act, if and when it shall declare its right to do so hereunder by ordinance duly enacted.

Four or  
more may  
petition.

If contiguous  
land within  
incorporated  
city, the city  
acts as  
drainage  
district.

That such city or town when it is beneficial or necessary for the purpose of an outlet for such sewerage or drainage to use any of the ditches or other improvements of an established drainage district, may purchase or contract for such use with such drainage district acting by and through its

City may  
purchase  
drainage  
district.

May exercise eminent domain right.

Approval of State Board of Health prerequisite.

Emergency.

board of commissioners, such commissioners being hereby duly empowered so to do; or such city or town may acquire such rights by eminent domain in the manner now provided by law. The rights herein granted shall be in addition to and in aid of existing rights: *Provided*, That no rights herein be granted any city or town until the same has been approved by the state board of health.

SEC. 2. This act is necessary for the immediate preservation of the public health and shall take effect immediately.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 241.

[S. B. 128.]

PUBLIC IMPROVEMENT CONTRACTS: LIENS.

AN ACT regulating contracts for public improvements, and amending Section 10322, Remington's Compiled Statutes.

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

§ 9727-3, Pierce's Code; § 3, ch. 166, L. 1921.

Time for foreclosure of lien.

Forum in county where lien filed.

SECTION 1. That section 10322 of Remington's Compiled Statutes be amended to read as follows:

Section 10322. Any person, firm or corporation filing a lien claim against said reserve fund shall have four (4) months from the time of the filing of claims against said fund in which to bring an action for the foreclosure of such lien. The liens provided for in this chapter shall be enforced by a civil action in the superior court of the county wherein the lien was filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial, and the proceedings and laws to secure property so as to hold it for the



satisfaction of any lien that be against it: *Provided*, That, in any such action the state, county, city, town, district, board or other public body shall not be required to make any detailed answer to any complaint or other pleading served upon it, but instead shall be required only to certify to the court in which such action is pending the name of the contractor, the work contracted to be done, the date of contract, the date of completion and final acceptance of such work, the amount retained, and all claims filed with it showing respectively the dates of filing, the names of claimants and amounts claimed. Such certification shall operate to arrest payment of so much of the funds retained as is required to meet and discharge the claims of materialmen and laborers who filed their claims, as provided in section 10320 of Remington's Compiled Statutes, and render the same subject to payment thereafter as said court may direct. In the event the lien claimant fails to bring an action within the time provided for and limited herein, the said reserve fund shall be discharged from the lien of said claimant and the moneys so held shall be forthwith paid to the contractor: *Provided, however*, That the limitation of four (4) months provided for herein shall not be construed as a limitation upon the right to sue the contractor or his surety where no right of foreclosure against said fund is sought.

Answer required of state, city, etc.

Certify name of contractor, work performed, etc.

Certification arrests payment of retained funds.

Lien claimant's action not within time.

Reserve fund released.

No limitation upon right to sue contractor or surety.

Passed the Senate January 31, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 242.

[S. B. 268.]

## SHADE TREES AND SHRUBBERY ON PUBLIC HIGHWAYS.

AN ACT relating to public highways and the improvement thereof, permitting and regulating the use of portions thereof for the purpose of cultivation and the planting of shade or ornamental trees, hedges or shrubbery thereon, providing penalties for violation thereof and repealing Chapter 118 of the Laws of 1903.

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

SECTION 1. Any person, firm or corporation owning cultivated lands abutting upon any state, county or township highway, and desiring to plant, cultivate and grow a hedge or hedges along the boundary thereof, or to plant, cultivate and grow shade or ornamental trees or shrubbery thereon, or to clear and cultivate a portion of such highway for the purpose of growing crops and destroying noxious weeds, or any corporation or association or organization of individuals interested in public improvement and desiring to improve and beautify the public highways, by planting, cultivating and growing shade or ornamental trees or shrubbery thereon, may, upon application to the state highway committee, the board of county commissioners or the township supervisors, as the case may be, having charge of any such highway, be granted a permit therefor as in this act provided.

SEC. 2. Each application for a permit to improve and beautify a highway under the provisions of this act, shall be in writing, signed by the applicant and shall describe the highway to be improved by name, or number, or other reasonable description, and the

Permit to plant trees, etc., and cultivate portion of highway.

Application to whom.

Form of application.

lands bordering thereon by government subdivisions, and shall state the names, places of residences, post office addresses of the applicant owning the land abutting upon the highway, or the name of the corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, as the case may be.

SEC. 3. Upon the filing of any such application, the state highway committee, the board of county commissioners or the township supervisors, as the case may be, shall cause the state highway engineer, the county engineer or the overseer of highways to make an examination of the highway described in the application and to report his findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the state highway committee, the board of county commissioners or the township supervisors, that the use of a portion of the highway for the purposes set out in the application will not interfere with the use of such highway for public travel and will beautify and improve such highway, it shall grant and issue to the applicant a permit to plow and cultivate and grow crops upon or to plant, cultivate and grow shrubbery or trees upon, or to plant and grow a hedge along the boundary of, such portion of such highway as shall be definitely described in said permit, and to construct and maintain for a definite period specified in such permit, a temporary but substantial fence on and along the portion of the highway described in the permit but not to exceed ten feet from the border thereof, for the protection of such

Examination  
of highway  
described.

Report and  
recommen-  
dation.

Permit  
issued.

Period of  
permit.

crops, shrubbery, trees or hedge, at such places as shall be specified in such permit, which permit shall specify the location of the trees or shrubbery to be planted and grown under such permit, and the distance from the border of the highway that the same shall be planted, and shall provide that the person receiving such permit will remove any and all fences built, at the expiration of the permit, without cost to the state, county or township: *Provided*, That nothing in this act shall be construed as in any wise affecting the title of the state, county or township, to the lands included in such highway, or the right to use the same for highway purposes, when necessary.

Title to lands used not affected.

Injury to plants, fences, etc., unlawful.

Officers may remove; when.

Penalty.

Statute repealed.

SEC. 4. It shall be unlawful for any person to injure or destroy any shade or ornaments [ornamental] trees, or shrubbery or hedge in or along the boundary of any public highway in this state planted and grown under the provisions of this act, or of any law in this state; and it shall be unlawful for any person other than the person constructing the same under the provisions of this act to injure, destroy or remove any fence erected on any public highway under the provisions of this act: *Provided*, That nothing in this section shall be construed to prevent the officers of the state, county or township, charged with the duty of maintaining any such highway, from removing any trees or shrubbery planted or fences built under the provisions of this act when in their judgment they interfere with or are detrimental to, the use of such highway for public travel, or such removal is necessary for the improvement or maintenance of such highway. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. That chapter 118, of the Laws of 1903, pages 221-222, (section 6437-6440 of Remington's

Compiled Statutes; section 5985-5988 of Pierce's Code) is hereby repealed.

Passed the Senate February 24, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 243.

[S. B. 250.]

### IRRIGATION DISTRICT ASSESSMENTS.

AN ACT relating to irrigation district assessments and tax exemptions and amending Section 22 of the Laws of 1890, pages 683-684, as amended by Section 10 of Chapter 138 of the Laws of 1923.

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

SECTION 1. That section 22 of the Laws of 1890, pages 683-684, as amended by section 10 of chapter 138 of the Laws of 1923, (section 7440 of Remington's Compiled Statutes, 1923 Supplement; section 3218 of Pierce's Code) be amended to read as follows: Amendment.

Section 22. The board of directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and Annual levy.

For bonds.

discharge the outstanding bonds as they mature. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year. The board shall also, at the time of making the annual levy, estimate the amount of the assessments to be made against lands owned by the district, including local improvement assessments, and shall levy a sufficient amount to pay said assessments. All lands owned by the district shall be exempt from general state and county taxes.

Expense fund.

Levy to cover delinquencies.

Levy for local improvement assessments, etc.

District-owned land exempt from general taxes.

Levy for surplus fund.

The board may also at the time of making the said annual levy, levy an amount not to exceed twenty-five per cent of the whole levy for the said year for the purpose of creating a surplus fund. This fund may be used for any of the district purposes authorized by law. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds, as the case may be, to be called respectively, the "Bond Fund of..... Irrigation District," the "Contract Fund of..... Irrigation District," the "Expense Fund of..... Irrigation District," the "Coupon Warrant Fund of..... Irrigation District," the "Surplus Fund of..... Irrigation District": *Provided*, That in districts acting as fiscal agent for the United States or the State of Washington such assessments may also be paid to the secretary of such districts when so authorized by the board of directors and under such rules and regulations as the board may adopt.

Funds.

The secretary shall issue a receipt for such payments and shall be accountable on his official bond for the safe keeping of such funds and shall remit the same at least once each month to the treasurer of the county wherein the land is located on which payment was made. Upon receipt of such funds the county treasurer shall issue his official receipt therefor in like manner as though payment had been made direct to him by the land owner.

If the annual assessment roll of any district has not been delivered to the county treasurer on or before the 15th day of January in the year 1927, and in each year thereafter, he shall notify the secretary of the district by registered mail that said assessment roll must be delivered to the office of the county treasurer forthwith. If said assessment roll is not delivered within ten days from the 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.

Annual assessment roll delinquent.

Procedure.

Non-performance of duties by district secretary.

Levy for  
final  
payment on  
bonds.

Surplus in  
bond fund.

Investment  
of surplus  
moneys.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the board of directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining unpaid. All surplus remaining in any bond fund after all bonds are paid in full must be transferred to the surplus fund of the district.

Any surplus moneys in the surplus fund or any surplus moneys in the bond fund when so requested by the board of directors shall be invested by the treasurer of said county under the direction of said board of directors in United States gold bearing bonds or bonds of the State of Washington, or any bonds pronounced by the treasurer of the State of Washington as valid security for the deposit of public funds, and in addition thereto in any bonds or warrants of said district, all of which shall be kept in the surplus fund until needed by the district for the purposes authorized by law.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 244.

[S. B. 170.]

### ACQUISITION OF LANDS FOR STATE PARK PURPOSES.

AN ACT authorizing the state parks committee to purchase for state park purposes certain lands in Section Twenty (20), Township Twenty-two (22) North, Range Four (4) East, Willamette Meridian, County of King, State of Washington, and making an appropriation therefor.

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

Authority to  
purchase  
land for  
state park  
purposes.

SECTION 1. The state parks committee is hereby authorized to purchase for state park purposes the following described property, to-wit: Lot Four (4), and the Southeast quarter (SE $\frac{1}{4}$ ) of the South-



east quarter (SE $\frac{1}{4}$ ) of Section Twenty (20), Township Twenty-two (22), North Range Four (4) East, Willamette Meridian, less portion for road, situated in the County of King, State of Washington, for which purpose the sum of Ten Thousand Twenty-one and 61/100 dollars (\$10,021.61) is hereby appropriated from any moneys in the Park and Parkways fund.

Appropriation.

Passed the Senate March 10, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 245.

[S. B. 212.]

### UNLAWFUL USE OF TEAR BOMBS.

AN ACT relating to the use of tear bombs and similar devices, and providing a penalty therefor.

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

SECTION 1. Any person other than a lawfully constituted peace officer of this state who shall deposit, leave, place, spray, scatter, spread or throw in any building, or any place, or who shall counsel, aid, assist, encourage, incite or direct any other person or persons to deposit, leave, place, spray, scatter, spread or throw, in any building or place, or who shall have in his possession for the purpose of, and with the intent of depositing, leaving, placing, spraying, scattering, spreading or throwing, in any building or place, or of counselling, aiding, assisting, encouraging, inciting or directing any other person or persons to deposit, leave, place, spray, scatter, spread or throw, any stink bomb, stink paint, tear bomb, tear shell, or any other device, material, chemical or substance, which, when exploded or opened, or without such exploding or opening, by

Use of tear bombs, etc., unlawful.

Penalty.

Who may use.

reason of its offensive and pungent odor, does or will annoy, injure, endanger or inconvenience any person or persons, shall be guilty of a gross misdemeanor: *Provided*, That this act shall not apply to persons in the military service, actually engaged in the performance of military duties, pursuant to orders from competent authority nor to any property owner or person acting under his authority in providing protection against the commission of a felony.

Passed the Senate March 9, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 246.

[S. B. 251.]

### STATE PUBLIC LANDS ON FEDERAL RECLAMATION PROJECTS.

AN ACT relating to the subdivision, appraisal and disposal of public lands of the state on federal reclamation projects, defining the powers and duties of certain officers in relation thereto, authorizing the exchange of such lands for public lands of the United States, and providing that if any part of this act shall be declared unconstitutional, the remainder shall be unaffected thereby.

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

SECTION 1. The commissioner of public lands of the State of Washington is authorized to cooperate with the secretary of the interior of the United States with a view to facilitate the execution of plans approved by the secretary of the interior for subdivision and disposal of lands under federal reclamation projects constructed or to be constructed under the provisions of the Act of Congress of June 17, 1902, (32 Stat., 388) and acts amendatory thereof or supplementary thereto in farm units bounded by lines considered more economical and convenient for irrigation and reclamation than the lines of legal

Cooperation of state land commissioner with U. S. interior department in disposal of federal reclamation lands under 32 Stat. 388.

subdivisions and for such purpose is authorized to cause to be prepared and filed a plat or plats of any state lands in any such federal reclamation project showing said state lands subdivided into blocks, lots or farm units, with boundary lines other than those of legal subdivisions, and located with a view to greater convenience, economy or efficiency in irrigation and reclamation, and such subdivision into lots, blocks or farm units may be made in harmony with any general plan approved by the secretary of the interior for subdivision of the lands of any such federal reclamation project or any part or division of any such project into blocks, lots or farm units with boundary lines other than the boundary lines of legal subdivisions and designed for more convenient, economical or efficient reclamation and irrigation. And the commissioner of public lands is authorized to offer for sale and to sell such state lands, in the lots, blocks or farm units designated on such plat or plats instead of offering and selling the same in the legal subdivisions of the U. S. public land surveys.

To make plats of state lands in federal projects.

Subdivision into blocks, lots, etc.

State land to be sold as designated on plats instead of subdivisions of U. S. land surveys.

SEC. 2. From and after the date that the consent of the United States shall be given thereto by Act of Congress, the said commissioner of public lands is authorized, upon request from the secretary of the interior, to cause an appraisal to be made by the board of state land commissioners of state lands in any division of any federal reclamation project which the secretary of the interior shall advise the commissioner of public lands that he desires to have subdivided into farm units of class referred to in section 1 of this act, and also to cause to be appraised by the board of state land commissioners such public lands of the United States on the same project, or elsewhere in the State of Washington, as the secretary of the interior may propose to ex-

When U. S. consents the land commissioner to appraise state lands in federal reclamation projects.

Appraisal of lands to be exchanged by state with U. S.

Authority to execute relinquishment to U. S. of state lands.

change for such state land, and when the secretary of the interior shall have secured from Congress authority to make such exchange the commissioner of public lands is authorized to exchange such state lands in any federal reclamation project for public lands of the United States on the same project or elsewhere in the State of Washington of approximately equal appraised valuation, and in making such exchange is authorized to execute suitable instruments in writing conveying or relinquishing to the United States such state lands and accepting in lieu thereof such public land of approximately equal appraised valuation.

Effect of partial invalidity.

SEC. 3. Sections 1 and 2 of this act are each declared to be separable from the remainder of the act, and, should either of said sections be held unconstitutional or void, the remainder of the act shall nevertheless remain effective and in such event such unconstitutional section shall be eliminated without affecting the remainder of the act.

Passed the Senate February 24, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 247.

[S. B. 280.]

### EXCHANGE WITH C. R. BEHME OF STATE LANDS FOR OTHER LANDS FOR HIGHWAY PURPOSES.

AN ACT authorizing and directing the Governor to convey certain state lands in exchange for other land for state highway purposes.

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

Authority to quit-claim to C. R. Behme state lands.

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 C. R.

Behme the following described tract of land situated in Whatcom County, Washington, said tract of land having been acquired by the state for exchange for other lands acquired by the State of Washington from C. R. Behme for state highway purposes:

Beginning at the northeast corner of Lot 4, Block 12 of the town of Custer in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 35, Twp. 40 N. R. 1, E. W. M. as now of record and on file in the office of the county auditor of Whatcom County at Bellingham, Washington; thence South 0° 48' West 65.9 feet along the easterly boundary line of said lot 4, to an intersection with the northeasterly right of way line of state road No. 1, (Pacific Highway) as now located and of record in the office of the state highway engineer in Olympia, Washington; thence turning an angle of 134° 42' to the right and running north 44° 30' west 89.7 feet to an intersection with the westerly boundary line of said lot 4; thence turning an angle of 44° 39' to the right and running north 0° 09' East 2.3 feet along the westerly boundary line of said lot 4 to the northwest corner of said lot 4; thence turning an angle of 90° 11' to the right and running south 89° 40' east 63.8 feet along the north boundary line of said lot 4 to the northeast corner of said lot 4 and the true point of beginning and containing 0.05 acres, more or less. Description.

Passed the Senate March 4, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 248.

[S. B. 160.]

PUBLIC UTILITIES—REGULATION OF STEAMBOAT COMPANIES.

AN ACT relating to steamboat companies, providing for additional regulation and amending Chapter 117 of the Laws of 1911 by adding thereto Sections 25-a and 25-b.

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

SECTION 1. That chapter 117 of the Laws of 1911 be amended by adding thereto a section to be numbered 25-a and to read, as follows:

Section 25-a. No steamboat company shall hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the department of public works a certificate declaring that public convenience and necessity require such operation: *Provided*, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten per cent (10%) of the total gross earnings of such vessel: *Provided*, That nothing herein shall be construed to affect the right of any county within this state to construct, condemn, purchase, operate or maintain, itself or by contract, agreement or lease, with any person, firm or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate carrier, nor shall this act be construed to affect, amend or in-

§ 1, ch. 33, L. 1919; § 10361-A, Rem. Stat; § 5552-A, Pierce's Code.

Certificate of necessity required to operate vessel or ferry.

When certificate not required for freight carriers.

Counties may operate ferries and wharves.

May not compete with certificate carrier.

validate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm or corporation. Upon the filing of an application the department shall give reasonable notice to any common carrier which might be adversely affected, of the time and place for hearing on such application. The department shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the department shall not have power to grant a certificate to operate between districts and/or into any territory already served by an existing certificate-holder, unless such existing certificate-holder shall fail and refuse to furnish reasonable and adequate service. *Provided*, A certificate shall be granted when it shall appear to the satisfaction of the department that such steamboat company was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: *Provided, further*, That in case two or more steamboat companies shall upon said date have been operating vessels upon the same route or between the same districts the department of public works shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the department shall consider all material facts and circumstances including the prior operation, schedules and services rendered by either of said companies, and in case more than one certificate shall issue, the department shall fix and determine the schedules and services of the companies to whom such certifi-

Prior contracts not invalidated.

Application for certificate.

Notice of hearing.

Discretion of department.

No certificate if territory has service.

Certificate if operating prior to Jan. 15, 1927.

Two or more carriers on same route.

To whom certificate issues.

Fixing schedules.

cates are issued to the end that duplication of service be eliminated and public convenience be furthered.

Certificate non-transferable without authority of department.

No certificate or any right or privilege thereunder held, owned or obtained under the provisions of this act shall be sold, assigned, leased, mortgaged or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the department first obtained. The department may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this act, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate or the orders, rules or regulations of the department, or the provisions of this act.

Suspension, etc., of certificate for breaching regulations.

§ 1, ch. 33, L. 1919; § 10361-B, Rem. Stat.; § 5552-A, Pierce's Code.

SEC. 2. That chapter 117 of the Laws of 1911 be amended by adding thereto a section to be numbered 25-b and to read, as follows:

Annual statement by certificate holder.

Section 25-b. Every steamboat company holding a certificate under this act, shall between the 1st and 15th days of March of each year file with the department of public works, a statement showing the gross operating revenue of such company for the preceding calendar year, or portion thereof, and shall pay to the said department a fee not to exceed one-fifth of one per cent of the amount of such gross operating revenue: *Provided*, The fee so paid shall in no case be less than \$10.00. The percentage rate of gross operating revenue to be paid as herein provided shall be subject to future adjustment by the department, which percentage, not exceeding one-fifth of one per cent, shall be fixed by the department by general order entered at the beginning of any year. In fixing such rate the department shall take into consideration all moneys on hand paid in

Fee.

General order fixing fee.



by such steamboat companies, to the end that the moneys collected hereunder shall be neither more nor less than sufficient to cover the cost of supervising and regulating such steamboat companies. The department shall collect the following filing fees: Application for a certificate of public convenience and necessity or to amend certificate, \$50.00. Application to sell, lease, mortgage or transfer certificate, or any interest therein, \$10.00. Fees paid to the department under this section shall be in lieu of fees provided by chapter 107, Laws of 1923. All moneys collected by the department under this section shall be paid into the state treasury monthly and credited to the "public service revolving fund."

Filing fees.

Fees to public service revolving fund.

Passed the Senate March 1, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 249.

[S. B. 273.]

### STATE REFORMATORY FOR WOMEN.

AN ACT creating a Washington State Reformatory for women, providing for the management thereof, making appropriation for the purchase of a site therefor and the construction and maintenance thereof, repealing Chapter 186 of the Laws of 1919 and declaring an emergency.

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

SECTION 1. There is hereby established a public institution to be known as the Washington state reformatory for women, to be equipped and managed in a manner for the purpose as in this act provided.

State reformatory for women established.

SEC. 2. The government and control of the Washington state reformatory for women, and of

Government vested in director of business control.

the women sentenced thereto shall be vested in the director of business control.

Appointment of woman superintendent.

Bond.

SEC. 3. The director of business control shall appoint a woman as superintendent for the Washington state reformatory for women and fix her salary. The superintendent shall furnish bonds in the sum of five thousand dollars (\$5,000.00) for the faithful discharge of her duties.

Appointment of teachers and other employees.

Medical attention for inmates.

Salaries of employees.

SEC. 4. The superintendent, by and with the advice and consent of the director of business control, shall appoint the teachers, such subordinate officers, guards and employes as the number of prisoners or needs of the institution may from time to time require, and make provision for the proper medical attention for the inmates. The director of business control shall fix and determine the salaries to be paid to all appointees or employes.

Criminals to be sentenced to reformatory.

Transfer from other institutions.

What women criminals not receivable at reformatory.

SEC. 5. The director of business control, by and through the superintendent of the reformatory, shall receive all females between the ages of eighteen and thirty-five years who shall be sentenced to the Washington state reformatory for women on conviction of the gross misdemeanor or a felony in any court having jurisdiction thereof; and all female prisoners who may be removed from any other penal institution as provided by law; *Provided, however,* That women convicted of or who plead guilty to murder in the first and second degree, arson in the first degree and robbery, and women who have been twice before convicted in this state or elsewhere of crimes which under the laws of this state would amount to felonies shall be sentenced to the state penitentiary.

Transfer to penitentiary of certain criminals.

SEC. 6. The director of business control shall have power to transfer to the Washington penitentiary any prisoner who, subsequent to her committal, shall be shown to have been at the time of

her conviction more than thirty-five years of age, and any incorrigible prisoner whose presence in the reformatory is detrimental to the inmates of the institution.

Passed maximum age.

Incorrigibles.

SEC. 7. Every prisoner in the reformatory shall be required to work in such manner as may be prescribed by the director of business control: *Provided*, That prisoners shall not be employed in what is known as the contract system of prison labor.

Inmates required to work.

No contract prison labor.

SEC. 8. The director of business control shall have power to make rules and regulations for the discipline, employment, instruction, education and removal of prisoners in the reformatory. The discipline imposed shall be reformatory in character.

Rules for discipline, etc.

Reformatory discipline.

SEC. 9. Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the director of business control is authorized to credit the prisoner with such amount of her earnings as the director may deem just and equitable, but in no case more than twenty per cent of her earnings shall be paid to her or her family. Upon release or discharge from the reformatory an additional twenty-five per cent of the moneys thus earned shall be paid to the person discharged or released.

Earnings of inmate.

Credit and payment.

Additional payment upon release.

SEC. 10. The term of imprisonment of a person sentenced to the Washington state reformatory for women shall be terminated by the director of business control as authorized by this act, but the imprisonment shall not exceed the maximum provided by law for the crime for which the person was convicted. The person sentenced to said reformatory shall, within thirty days after her sentence, unless the execution thereof be suspended, be conveyed to the reformatory by order of the director of busi-

Termination of imprisonment.

Confinement not exceed maximum provided for the crime.

ness control in the manner provided by law and delivered into the custody of the superintendent of the reformatory, along with a certified copy of the sentence of the court, and there kept until released by the director of business control, or until said prisoner be pardoned or paroled, and if the execution of the sentence be suspended and the judgment be afterward affirmed, the prisoner shall be conveyed to the reformatory within thirty days after the court directs the execution of the sentence.

Governor  
may parole.

SEC. 11. The governor shall establish uniform rules and regulations under which prisoners in the reformatory may be paroled, or returned to the reformatory in case of the violation of the terms of the parole.

Reimprison-  
ment for  
violation of  
parole con-  
ditions.

SEC. 12. The governor shall have the power to cause the arrest and imprisonment of any female person who violates the terms and conditions of her parole, and the written order of the governor shall be sufficient warrant for all officers named in it to authorize such officers to arrest and return to custody such conditionally released or paroled person. A paroled prisoner in the custody of an officer, either under an order of arrest, or by virtue of a commitment under a sentence for any crime other than murder, may be taken into custody by an officer of the reformatory, and it is hereby made the duty of all officers named in such order to arrest and return to custody any conditionally released or paroled prisoner named in such order.

Business  
management  
in director  
of business  
control.

SEC. 13. The business management, purchase of supplies and sale of products and manufactures, and the auditing and keeping of accounts pertaining thereto shall be vested in the director of business control under such regulations as may be prescribed by the department of efficiency.

SEC. 14. It shall be the duty of the director of business control to maintain such control over prisoners committed to the reformatory as shall prevent them from committing crime, best secure their self support, and accomplish their reformation. When any prisoner shall be received into the reformatory under sentence thereto, the director of business control shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influence as seem to indicate the constitutional defects and social tendencies of the prisoner and the best probable plan of treatment. In such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to the knowledge of the director or superintendent.

Reformation  
purpose of  
treatment.

Prison  
register.

SEC. 15. The director of business control shall establish a uniform system of credits by which to determine the number of credits to be earned by each prisoner to obtain privileges or release from control at the reformatory, which system shall be subject to revision from time to time. Each prisoner sentenced or removed to the reformatory shall be credited for good behavior, diligence in labor or study and for results accomplished, and shall be recharged for derelictions, negligence or offenses. The director shall establish rules and regulations by which the standing of each prisoner's account of credits shall be made known to him as often as once a month.

System of  
credits.

SEC. 16. Whenever it appears to the governor that there is a strong or reasonable probability that

Release by Governor.

any prisoner on parole may live and remain at liberty without violating the law, and her release is not incompatible with the welfare of society, he may thereupon in his discretion grant an absolute release to such prisoner, and in his discretion restore such prisoner to citizenship. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation of sentence in any case.

Restoration of citizenship.

Governor's pardoning power not impaired.

Selection of site for reformatory.

SEC. 17. It shall be the duty of a committee consisting of the director of business control and two women appointed by the governor to select a suitable site in Western Washington and more than ten miles distant from any existing penal or reformatory institution for the Washington state reformatory for women.

Appropriation.

SEC. 18. There is hereby appropriated out of the general fund in the state treasury not otherwise appropriated the following sums:

Site and buildings.

For the purchase of a suitable site and the construction of buildings, one hundred seventy-five thousand dollars (\$175,000.00).

Operations

For operation, fifteen thousand dollars (\$15,000.00) to carry out the provisions of this act to be disbursed in accordance with law.

§§ 1988-2004, Rem. Stat.; §§ 7289-1 to 7289-16, Pierce's Code.

SEC. 19. That from and after the taking effect of this act, chapter 186 of the Laws of 1919, pages 570 to 579, be, and the same is hereby, repealed.

Emergency.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing institutions, and shall take effect April 1, 1927.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 250.

[S. B. 158.]

TOLL BRIDGES.

AN ACT defining the policy of the State of Washington respecting toll bridges, providing for the regulation of existing toll bridges, providing for temporary permits to collect tolls under certain conditions, providing for the purchase or condemnation of toll bridges, repealing Sections 3016 to 3029, both inclusive, and Sections 2460 and 2471, both inclusive, of the Code of Washington Territory of 1881, repealing Chapters 93 of the Laws of 1919, 56 of the Laws of 1913, 22 of the Laws of 1915, 88 of the Laws of 1919, 167 of the Laws of 1923, 157 of the Laws of 1917, and 105 of the Laws of 1919, saving, however, all rights, privileges, duties and obligations now existing under any franchise or state permit heretofore granted under and by virtue of said chapters, repealing all other acts and parts of acts in conflict with this act, and declaring that this act shall take effect immediately.

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

SECTION 1. The highway policy of this state shall be that all public highways within the state shall be free and open for public travel, and that the state shall hereafter regulate all tolls collected for use of any toll bridge on any state highway.

State highway policy.

Free highways.

State regulated toll bridges.

SEC. 2. Every person, firm or corporation operating any toll bridge on any state highway within the State of Washington under any existing franchise shall keep an accurate account of the cost of construction thereof and of the amount expended in keeping such toll bridge in repair and of the cost for operation and maintenance thereof, and shall, on or before March 15th in each year, file such statement for the preceding calendar year, verified by such person or by some member of such firm or by some officer of such corporation having knowledge of the facts, with the department of public works of the State of Washington. The department of public works of the State of Washington shall prescribe a

Toll bridge operators to file annual statement of construction costs, receipts and expenditures.

Department of public works to prescribe

uniform system of accounts for toll bridges.

uniform system of accounts for all such toll bridges, and the manner in which the account of costs of construction, repair, operation and maintenance thereof and the annual statement of expenditures and revenues shall be kept, and shall prescribe the forms of such reports required under this act. The department of public works of the State of Washington shall have power and authority to make orders and to prescribe rules and regulations with respect to toll bridges in conformity with this act.

Make rules for toll bridges.

Temporary routing of travel over private bridge necessary.

SEC. 3. Whenever in the opinion of the state highway committee of the State of Washington an emergency exists which requires the temporary routing of public travel over any private bridge or structure across any stream within the State of Washington or between this state and any adjoining state, said state highway committee may by due resolution authorize the issuance of any temporary written permit or permits, upon such terms and conditions as it may prescribe and revocable at the will of said state highway committee, to the owner or owners of such bridge or structure to charge tolls in such amounts and for such period or periods of time as may in each instance be fixed by said state highway committee.

Permit to owner to charge tolls.

Fixing rate.

State may by purchase or eminent domain acquire toll bridges.

SEC. 4. The State of Washington is hereby authorized and empowered to purchase or to acquire by condemnation in the manner provided by law any toll bridge or toll bridges within the State of Washington whenever any legislative appropriation or appropriations be made therefor in advance.

Counties may acquire toll bridges.

SEC. 5. Any county in this state is hereby authorized and empowered to purchase or to acquire by condemnation in the manner provided by law any toll bridge or toll bridges within the limits of such county, and any two or more counties are hereby authorized to purchase or to acquire by condemna-



tion in the manner provided by law for acquisition of real estate by a county and by appropriate action in the superior court of either of said counties, any toll bridge or toll bridges over any stream which is a boundary line between such counties; *Provided, further,* That the provisions of sections 4 and 5 of this act shall not apply to any railroad bridge heretofore conducted as such and now being used in interstate commerce by any common carrier transcontinental railway system.

Procedure.

Interstate  
railroad  
bridges  
excepted.

SEC. 6. That sections 3016 to 3029, both inclusive, and sections 2460 to 2471, both inclusive, of the Code of Washington Territory of 1881 (sections 6571 to 6584, both inclusive, and sections 6587 to 6597, both inclusive, of Remington's Compiled Statutes; sections 6188 to 6201, both inclusive, and sections 7633 to 7640, both inclusive, and sections 7642, 7643 and 7644 of Pierce's Code), and, subject to the saving clause hereinafter provided chapter 93 of the Laws of 1919, pages 226-228, (sections 6441 to 6446 of Remington's Compiled Statutes; sections 564-5 to 564-10 of Pierce's Code); chapter 56 of the Laws of 1913, pages 168-175, (sections 6524 to 6539, both inclusive, of Remington's Compiled Statutes; sections 538 to 552, both inclusive of Pierce's Code); chapter 22 of the Laws of 1915, pages 49-53, (sections 6539½ to 6546, both inclusive, of Remington's Compiled Statutes; sections 553 to 560, both inclusive, of Pierce's Code); chapter 88 of the Laws of 1919, pages 203-204; chapter 167 of the Laws of 1923, pages 537-538; chapter 157 of the Laws of 1917, pages 708-709, (sections 6547 to 6550, both inclusive, of Remington's Compiled Statutes; sections 561 to 564, both inclusive, of Pierce's Code); chapter 105 of the Laws of 1919, pages 256-257, (sections 6551 to 6554, both inclusive, of Remington's Compiled Statutes; sections 564-1 to 564-4, both inclusive, of

Statutes  
repealed.

Rights reserved.

Pierce's Code), also all other acts and parts of acts in conflict with any of the provisions of this act, are hereby repealed: *Provided*, That all of the rights, privileges, duties and obligations now existing under any franchises or state permit heretofore granted under and by virtue of the provisions of said chapter 93 of the Laws of 1919, chapter 56 of the Laws of 1913, chapter 22 of the Laws of 1915, chapter 88 of the Laws of 1919, chapter 167 of the Laws of 1923, chapter 157 of the Laws of 1917, and chapter 105 of the Laws of 1919, shall not be affected by the foregoing repeal, but shall continue in full force and effect: *And provided further*, That this act shall not affect any franchise for the construction of any toll bridge to be built or constructed entirely within incorporated cities or towns other than those now located on a line of a state highway.

Franchises excepted.

Emergency.

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

Passed the Senate March 9, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 251.

[S. B. 286.]

### CONVEYANCE OF LAND TO T. G. LAWSON.

AN ACT authorizing and directing the Governor to reconvey certain premises secured to straighten and otherwise improve State Road No. 2 in Spokane County, Washington.

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

Authority  
quit claim  
to T. G.  
Lawson.

SECTION 1. That the governor be, and he is hereby authorized and directed to convey in the name of the State of Washington, by quit claim deed, to T. G. Lawson of Spokane county, Washington, the

following described premises situate in the county of Spokane, State of Washington, the said premises having been heretofore secured from Adam A. Houston for the purpose of straightening state road No. 2. The area to be conveyed has been abandoned and should be conveyed to the said T. G. Lawson, who is the successor of Adam A. Houston, so as not to deprive him of his existing frontage on the public highway. The property to be conveyed is to be described as follows: Those portions of lots twenty (20) and twenty-one (21), lying north of the right-of-way of state road No. 2, and those portions to the south half of lots twenty-two (22) and twenty-three (23), lying north of the right-of-way of state road No. 2, all being in block one (1) of Carpenter and Davis' Addition, Spokane county, Washington, being a part of section twenty-seven (27), township twenty-five (25) north of range forty-two (42) E. W. M.

Land  
obtained  
from Adam  
A. Houston  
for state  
road.

Description.

Passed the Senate March 4, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 252.

[S. B. 269.]

ACQUISITION BY STATE OF INTEREST OF CLARK COUNTY IN COLUMBIA RIVER BRIDGE.

AN ACT authorizing acquisition on certain conditions by the state of all interest, share, right and title of Clark county in and to the bridge on the Pacific Highway across the Columbia River between Vancouver, Washington, and Portland, Oregon, providing methods for acquisition thereof and payment therefor, providing for disposal of purchase price by Clark county and providing for operation and control of said bridge by the state highway committee.

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

SECTION 1. The State of Washington, acting through its state highway committee, is hereby authorized to purchase and Clark county, being one of the counties in said state, is hereby authorized to sell unto said state that portion of the existing bridge on the Pacific highway across the Columbia river between Vancouver, Washington and Portland, Oregon, which has heretofore been owned by said county subject to certain encumbrances, all on the conditions hereinafter stated.

Authority for state to purchase Clark county's interest in Columbia river toll bridge.

SEC. 2. The state highway committee of the State of Washington is hereby authorized to pay unto Clark county, Washington, from any funds which may hereafter be made available for the purposes of this act by the legislature, such price and compensation as may be agreed upon between said county, acting through its board of county commissioners, and said state highway committee for all that portion of the aforesaid bridge heretofore owned by said Clark county, for the full and indefeasible title thereto free from all bonded indebtedness, both principal and interest, maintenance charges and all other encumbrances of whatsoever

Price to be paid.

nature as determined by the attorney general of the State of Washington, and upon payment of such agreed purchase price it shall be the duty of the board of county commissioners of said Clark county, Washington, to convey to the State of Washington full and indefeasible title to such portion of aforesaid bridge by conveyance in such form as may be prescribed by the attorney general of said state: *Provided*, That the state highway committee shall not purchase the aforesaid portion of said bridge until it shall have first entered into an understanding and agreement with the proper authorities of the state of Oregon or the county of Multnomah in said state 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.

Not to purchase until agreement with Oregon to maintain free of tolls.

SEC. 3. Whenever such purchase price is paid the same shall be placed in the interstate bridge fund of said county for payment therefrom of all outstanding bonds with interest accrued thereon and all existing maintenance charges and other charges and indebtedness on account of the aforesaid portion of such bridge, and after payment of all such indebtedness and charges any balance remaining in said interstate bridge fund of said county shall be transferred to the general road and bridge fund of such county to be expended according to law.

Purchase price.

Pay all county bridge indebtedness.

Balance to road and bridge fund of Clark county.

SEC. 4. In case of the failure to agree upon a purchase price as above provided for or in the event that Clark county is unable to secure and deliver full and indefeasible title as above specified the state highway committee of the State of Washington may in its discretion, and it is hereby empowered so to do, commence in the superior court of Clark county, Washington, in the name of the State of Washington

Failure to agree upon price; unable to deliver title.

Condemnation proceedings by highway committee.

Washington and Oregon to operate bridge free of tolls.

and prosecute to conclusion, condemnation proceedings under the provisions of section 891, *et seq.*, Remington's Compiled Statutes of the State of Washington, for the acquisition of all interest of such portion of aforesaid bridge with payment of award from such funds as may hereafter be made available by the legislature for the purposes of this act, in the discretion of said committee and upon the certificate of the attorney general.

May collect tolls from street railways and motor vehicles operated for hire.

SEC. 5. From and after the time when the State of Washington shall acquire from Clark county the aforesaid portion of said 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 having charge of the maintenance and operation of the other portion of said bridge, 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 of the State of Washington and the proper authorities of the state of Oregon or the county of Multnomah may agree upon and prescribe.

Submission to voters of Clark county.

SEC. 6. The county commissioners of Clark county are hereby authorized to submit to a vote of the electors of Clark county at a special election the proposition to sell under the terms of this act at such price as they may desire to submit. The time and manner of holding the election, and the notice to be given thereof, shall be such as the board of county commissioners may prescribe.

Passed the Senate March 4, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 253.

[S. B. 186.]

## REGISTRATION OF PHARMACISTS.

AN ACT providing for the registration of pharmacists and assistant pharmacists, and amending Sections 3, 4 and 5, of Chapter 180, of the Laws of 1923.

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

SECTION 1. That section 3, of chapter 180, page 588, of the Laws of 1923, be amended to read as follows:

§ 3, ch. 180.  
L. 1923.

Section 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 shall have had prior to the taking effect of this act, and not otherwise, at least fifteen years continuous experience in the practice of pharmacy wherein the prescriptions of medical practitioners were compounded and was so engaged in this state at the time this act took effect: *Provided, however,* That experience gained before the age of fifteen years shall not be counted or computed, 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 prescriptions, 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

Certificate  
by exami-  
nation.

Require-  
ments.

Experience  
before age of  
fifteen years  
not credited.

Physicians  
and surgeons.

Grade.

Require-  
ments for  
physicians  
and surgeons

Practical  
experience  
required.

Exception.

Practical  
experience  
defined.

Recognized  
colleges of  
pharmacy  
defined.

4, ch. 180,  
1923.

Certificate  
by gradu-  
ation re-  
quirements.

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 action [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. 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.

SEC. 2. That section 4 of chapter 180 of the Laws of 1923, be amended to read as follows:

Section 4. To be granted a certificate of registered pharmacist by the director of licenses, by graduation, a person shall furnish evidence of having had twelve months' practical experience in a pharmacy, as that term is defined in section 3 of this act, and 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.



SEC. 3. That section 5, of chapter 180, page 590, § 5, ch. 180, Laws of 1923, be amended to read as follows: L. 1923.

Section 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%): *Provided*, That any person not possessed with the requisites or requirements for graduation from a college of pharmacy and for registration as a pharmacist, as in this act provided, upon the furnishing of suitable evidence that he or she was registered as a pharmacist by examination in another state, which by its laws extends reciprocal privileges to persons registered in this state, and was actively engaged in the practice of pharmacy in such state at least ten years or more next preceding the taking effect of this act, may have the right to register as a pharmacist in this state provided he or she pass a satisfactory oral examination in practical pharmaceutical subjects and provided he or she meets all other conditions for registration as a pharmacist as provided by law.

Certificate to pharmacists of other states.

Requirements.

Reciprocity.

Passed the Senate March 10, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 254.

[S. B. 232.]

RECLAMATION ACT.

AN ACT authorizing the creation and maintenance of reclamation districts, and of general improvement and divisional districts within the boundaries of the same for the irrigation and improvement of arid and semi-arid lands situated therein, prescribing the objects and powers of such districts, fixing the duties and powers of certain officers in relation thereto, providing for the levy and collection of taxes and assessments against the lands included within district boundaries, authorizing the issuance and sale of bonds and other evidences of indebtedness, and the execution of contracts with the United States or any state therein for the accomplishment of district purposes, making violations of certain provisions of the act a misdemeanor, and declaring that this act shall take effect immediately.

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

Authority to create reclamation districts.

SECTION 1. Reclamation districts including an area of not less than one million acres of land may be created and maintained in this state, as herein provided, for the reclamation and improvement of arid and semi-arid lands situated in such districts.

May include territory of one or more counties.

SEC. 2. Such reclamation districts may include all or part of the territory of any county and may combine the territory in two or more counties, in which any of the lands to be reclaimed and improved are situated.

Purposes.

SEC. 3. Such reclamation districts may be organized or maintained for any or all the following general purposes:

Acquisition of works for irrigation.

1. The construction or purchase of works or parts of same for the irrigation of lands within the operation of the district.

Improvement of existing irrigation works.

2. The reconstruction, repair or improvement of existing irrigation works.

3. The operation or maintenance of existing irrigation works.

Maintenance of present irrigation works.

4. The construction, reconstruction, repair or maintenance of a system of diverting canals or conduits, from a natural source of water supply to the point of individual distribution for irrigation purposes.

Construction, etc., of conduits for water distribution.

5. The execution and performance of any contract authorized by law with any department of the United States or any state therein for reclamation and irrigation purposes.

Execution of contracts with U. S.

6. The performance of all things necessary to enable the district to exercise the powers granted in this act.

Incidental powers.

SEC. 4. For the purpose of creating such a district, a petition signed by the owners of not less than a majority of the acreage of lands held in private ownership susceptible of irrigation and proposed to be included in the district, shall be filed with and presented to the board of county commissioners of the county in which the greatest portion of the lands susceptible of irrigation to be included in the proposed district is located; *Provided*, That such petition shall not be filed as provided herein, or hearings had thereon for the organization of such a reclamation district, until the Congress of the United States by appropriate enactment shall have recognized the project and shall have authorized the department of the interior to enter into a contract providing for the development of the project proposed.

Petition for irrigation district.

Development of project authorized by U. S. Condition precedent.

SEC. 5. Said petition shall describe the lands proposed to be irrigated in township and ranges and in case of smaller bodies of land, in legal subdivisions or fractions thereof, shall give the name of the county in which said respective irrigable lands are situated, and shall state all the possible sources

Contents of petition.

District not confined to water supply mentioned in petition.

of water supply from which said lands can be irrigated: *Provided*, That nothing herein contained shall be construed to limit the power of any district organized under the provisions of this act to utilize any other source of water supply not mentioned in the petition. Said petition shall also define the boundaries of the proposed district, which said boundaries shall include all of the lands, a major portion of which can be irrigated from the proposed sources of water supply, shall give the name by which the petitioners desire the district to be designated and shall state that the petitioners desire to have the territory included within the boundaries defined, organized into a reclamation district under the provisions of this act.

Boundaries of proposed district to be defined, name of district, etc.

State lands may be included in district and assessed.

SEC. 6. State, granted, school or other public lands of the State of Washington may be included in such districts, and may be included in any general improvement district or divisional district authorized herein within the reclamation district and subjected to special assessments for general improvement or divisional district purposes.

Contractual interest in state land treated as owner's private property.

SEC. 7. All leases, contracts, or other form of holding any interest in any state or public land shall be treated as the private property of the lessee or owner of the contractual or possessory interest; *Provided*, That nothing in this act shall be construed to effect the title of the state or other public ownership, nor shall any lien for assessments or taxes attach to the fee simple title of the state or other public ownership.

No lien for taxes or assessment attach to fee simple of state.

U. S. lands may be included in district.

SEC. 8. Lands of the federal government may be included within such districts; and such lands may be included in any general improvement or divisional district authorized herein, in the manner and subject to the conditions specified in the statutes of the United States.

Conditions.

SEC. 9. Lands held by private persons under possessory rights from the federal government may be included within the operation of the district, and as soon as such lands are held under title of private ownership, the owner thereof shall be entitled to receive his proportion of water as in case of other landowners upon payment by him of such sums as shall be determined by the district board and at the time to be fixed by said district board, which sum shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Individual's possessory rights to federal lands.

May include in district.

May receive water.

Payments to be made.

Credit for water rent prior to private ownership.

Lands subject to future assessments.

SEC. 10. Persons signing said petition shall state following their respective names, in a place provided in said petition for that purpose, the legal description of the lands owned by them and the estimated irrigable acreage contained in the same: *Provided*, That the petitioners shall be *prima facie* deemed to be the owners of lands susceptible of irrigation for the purposes of the petition in the absence of evidence to the contrary submitted prior to the day of the hearing hereinafter provided for on said petition.

Petitioners to describe land and estimate irrigable acreage.

Signers deemed owners.

SEC. 11. The ownership of land of any of the petitioners may be shown by the county general tax roll of the county in which such land is situated, last equalized prior to the time of the filing of said petition with the county board. Any item on said assessment roll may be proved by a certificate of the county officer having the custody of said tax roll at the time of making said certificate.

Ownership shown by tax roll.

Assessment roll as proof.

Petition :  
 Form and  
 number.  
 Lands  
 grouped ac-  
 cording to  
 county.  
 Withdrawal  
 of petition-  
 ers' names.

SEC. 12. The petition for organization of such reclamation district shall consist of any number of separate instruments of uniform similarity, numbered consecutively. For convenience, lands represented on said instruments may be grouped separately according to the county in which said lands are situated. No petitioner shall have the right to withdraw his name from the petition after the same has been filed with said county board.

Petition  
 defective.  
 Procedure  
 to cure.

SEC. 13. If it shall appear that said petition or any part thereof does not contain the matters and things required by the statute, said county board shall make an order specifying the deficiency and shall return said petition or the part thereof found to be deficient to the persons filing the same.

More than  
 one petition  
 filed.  
 Hearing.  
 Priority of  
 petition  
 covering  
 largest area.

SEC. 14. In the event that more than one petition for the organization of a reclamation district covering any of the same territory, is filed with the same board or with different boards of county commissioners prior to the date of the issuance of the order fixing the time and place for a hearing on one of said petitions as herein provided, the petition covering the largest territory shall first be determined and voted upon by the electors concerned.

Petition  
 sufficient.  
 Entry of  
 order fixing  
 time of  
 hearing.  
 Notice.  
 No news-  
 paper in  
 county.

SEC. 15. If and when said county board finds that the petition is sufficient it shall enter an order to that effect and shall fix a time and place for a hearing on said petition which said time shall be not less than thirty days nor more than ninety days from the date of said order and shall direct the clerk of the board to publish notice of said hearing, setting forth the matters and things hereinafter required in a newspaper of general circulation published in each county in which any lands to be included in the district are situated. If there should be no newspaper of general circulation published in any county involved, then the county board shall

designate some newspaper of general circulation published outside said county for the publication of said notice as to the lands situated in said county.

Publication designated.

SEC. 16. Said notice shall be published once a week for at least two weeks (three issues) before the time when the hearing on said petition is to be held.

Notice.  
Times published.

SEC. 17. Said notice shall state that a petition has been filed with said county board for the purpose of creating a reclamation district under the provisions of this act and may be inspected during office hours by any interested person, shall specify the boundaries of the district proposed in the petition, shall mention the time and place of hearing on said petition and shall state that all persons having or claiming any interest in said land, or any part thereof, and all persons otherwise interested are required at or before the time of said hearing to file in writing with the clerk of the county board such objections as they may have, if any, to the creation of said district. Said notice shall be signed by the clerk of the board.

Recitals required in notice.

Signed by clerk.

SEC. 18. Said clerk shall also mail a copy of said notice to each member of the commission hereinafter provided for, at least two weeks before the day of said hearing.

Copy of notice mailed to members of commission.

SEC. 19. Upon the giving of notice of hearing on the petition by the clerk of the county board aforesaid, there is hereby authorized and created a commission composed of the chairman of the board of county commissioners of each of the counties in which any of the lands to be included in the proposed reclamation district are situated, and of the state director of conservation and development, and also the chief engineer of the United States reclamation service or such divisional or district engineer in such service as said chief engineer may appoint,

Creation of commission.

Personnel.

which commission shall consider and determine said petition.

Director of conservation chairman, clerk of county board, clerk of commission.

SEC. 20. The state director of conservation and development shall be ex officio chairman of said commission, and the clerk of the county board of the county in which the petition is filed, shall be ex officio clerk of said commission. A majority of the members of said commission shall constitute a quorum for the transaction or exercise of any of its powers, functions, duties and business.

Quorum.

Clerk may vote in case of a tie.

SEC. 21. The clerk of the commission shall not be entitled to vote on matters coming before it, except in case of a tie vote of the members thereof, in which event said clerk shall cast the deciding vote.

Powers of commission.

SEC. 22. Said commission is hereby given full authority to receive evidence, to make independent investigation, to determine and establish the boundaries of the district, to adjourn its meeting from time to time and place to place, and to do any and all things necessary or incidental to the determination of the petition and the establishment of the boundaries of the reclamation district.

Period of meeting adjournments.

SEC. 23. The period of such adjournments, however, shall not exceed ninety days in all and in case of lack of a quorum, one or more members of the commission may adjourn to a day certain and notify the absent members of the day to which said hearing was adjourned.

Expenses of commission borne by counties concerned.

SEC. 24. Except as otherwise herein provided the necessary expenses of the commission and of the members thereof in performing the duties and functions of said commission shall be borne by the respective counties concerned in proportion to the taxable value of the acreage of each included in the proposed reclamation district and said respective counties are hereby made liable for such expenses.



The individual expenses of the state director of conservation and development shall be borne by the state.

State pays expenses of conservation director.

SEC. 25. The hearing on said petition shall be held at the office of the county board of the county where the petition is filed or at such other convenient place as said county board shall designate.

Place of hearing on petition.

SEC. 26. At the time and place designated in said notice the commission shall meet to consider said petition. Said commission shall first determine whether notice of the hearing on said petition has been published in the manner and for the time required by this act and shall file the affidavits of the publishers as to the time of publication in their respective newspapers among the records of the hearing.

Hearing by commission.

Jurisdictional steps.

SEC. 27. If it is determined that the notice of the hearing has been properly published, the commission shall proceed to consider the petition, and to receive any pertinent evidence that may be offered.

Finding as to publication.  
Petition considered.  
Evidence received.

SEC. 28. Said commission shall have full authority to increase or diminish and change the boundaries of the proposed district and to fix the same so as to subserve the best interests of the district and to enable it to carry out the objects of its creation, and shall establish and define said boundaries.

Commission may increase or diminish district.

Define boundaries.

SEC. 29. At said hearing the commission shall give the district a name, shall fix a day for and order an election to be held therein for the purpose of determining whether or not the district shall be created under the provisions of this act.

Name the district and order an election.

SEC. 30. The clerk of the commission shall forthwith mail by registered mail a copy of said order for an election to the county auditors of each of the counties in which any lands within the boundaries of the proposed reclamation district are located.

Order for election mailed to county auditors.

Commission  
to file all  
records with  
county board.

SEC. 31. Upon full determination of the petition and the ordering of said election, the commission shall turn all papers and records involved in its deliberations over to the board of the county where the petition to organize the reclamation district was filed, and said papers and records shall be preserved among the records of said county board.

Election.

How  
conducted.

SEC. 32. Notice of said election shall be given by the same officer in the same manner and for the same length of time, electors shall have the same qualifications, and said election shall be provided for, held and conducted by the same officers and the results thereof determined by the same officers in the same manner, and with the same force and effect as nearly as may be as that provided in this act for general reclamation district elections.

Notice of  
election;  
contents.

SEC. 33. The notice of said election shall specify the boundaries of the proposed district as established by the commission and shall state that the object of said election is to determine whether or not said district shall be created under the provisions of this act, shall state that votes will be received at the regular polling places of the county precincts, except in the following new precincts for such election, (new precincts and voting places for the same shall be specified) and shall state that the polls will be open from eight o'clock a. m. to eight o'clock p. m. on said election day. The ballot for said election shall contain the words: Reclamation district—"Yes", and Reclamation district—"No."

Form of  
ballots.

Election  
returns to  
board of  
county in  
which  
petition filed.

SEC. 34. The board of county commissioners of the county in which the petition to organize the district is filed shall receive from the several county auditors concerned their abstracts of election returns, herein provided for, shall tabulate the same and declare the result of the election.

SEC. 35. If upon the tabulation of said abstracts of the returns of said election as herein provided, it appears that a majority of the votes cast at said election were in favor of the creation of the district, the said county board shall by order entered in the minutes of its proceedings declare the territory included within the boundaries defined in the notice of election duly organized into a reclamation district within the provisions of this act, under the name and style theretofore designated and thereafter no other reclamation district including any of the same territory shall be organized under the provisions of this act.

Creation of district voted.

Entry of order declaring result.

Same territory may not be included in another district.

SEC. 36. Said county board shall then cause a copy of such order, duly certified by the clerk of the board to be immediately filed for record in the office of the county commissioners of any other county in which any portion of the territory embraced in such district is situated.

Order certified to other counties in district.

SEC. 37. It shall be the duty of the clerk of the board of county commissioners of every county in which any lands included in the district are situated forthwith to certify and file for record in the county auditor's office of his county, a statement to the effect that, under the provisions of this act, certain lands (describing them in township and range and in case of smaller bodies of land in legal subdivisions or fractions thereof) were, by order of the board of county commissioners of.....county (naming the county) entered on the ..... day of ..... (naming the day, month and year) included in the ..... reclamation district (using the name designated in the order of the county board establishing the district). Said statement certified by the clerk of the county board shall be entitled to record in the office of the county auditor without payment of filing or recording fee.

Clerk of each county board to file in auditor's office order establishing the district.

No recording fee.

Only state  
may question  
legal exist-  
ence of  
district.

SEC. 38. From and after such filing the creation of the district shall be complete and its existence cannot thereafter be legally questioned by any person except the State of Washington in an appropriate court action brought within six months from the date of the order of the county board tabulating the abstracts of the returns of the organization election and creating said district. If the existence of said district is not challenged within the period above specified, the State of Washington shall thereafter be forever barred from questioning the legal existence of said district by reason of any defect in the organization thereof.

State may  
not contest  
after six  
months.

Preliminary  
costs of  
organization.

District  
liable.

SEC. 39. Any reclamation district created under the provisions of this act shall be liable for the necessary costs preliminary to and involved in preparing the petition for the organization of the district, in publishing any notice required and in conducting the election approving the creation of the district.

Change of  
name of re-  
clamation  
district.

SEC. 40. Any reclamation district created under the provisions of this act may change its corporate name by filing with the board of county commissioners of each of the counties in which any of the lands included within the operation of the district are situated a certified copy of a resolution of its board of directors adopted by a 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.

Reclamation  
districts

SEC. 41. Reclamation districts created under this act shall be political subdivisions of the state

and shall be held and construed to be municipal corporations within the provisions of the state constitution relating to exemptions from taxation and within the provisions relating to the debt limits of municipal corporations; *Provided*, That nothing herein contained shall be construed as a limitation on general improvement and divisional districts, authorized herein, to contract obligations. Said reclamation districts shall not be liable for the torts of their officers, agents and servants.

are municipal corporations.  
Tax exemptions.  
Debt limitation.  
Contractual obligation limitation.  
Not liable for torts.

SEC. 42. Any judgment obtained against the reclamation district on account of any contract or transaction, made for or on behalf of any general improvement district or divisional district herein authorized, or on account of the construction or maintenance of any improvement for such improvement district or divisional district, shall be chargeable exclusively against the improvement district or divisional district concerned and assessments may be levied against the lands therein to satisfy said judgment.

Judgment against reclamation district account of improvement or divisional district.

SEC. 43. A reclamation district created under this act shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all powers that may now or hereafter be specifically conferred by law.

Reclamation district a corporation.

SEC. 44. Said reclamation districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or any interest therein, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of taxes and special assessments in the manner herein provided against the lands within

Powers of district.

the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this act.

May create general improvement and divisional districts.

SEC. 45. Said reclamation districts shall have authority to create general improvement districts and divisional districts to include any or all the lands within the reclamation district, to provide for the levy and collection of special assessments against the respective lands benefited, and to issue bonds, and other evidences of indebtedness, as in this act provided.

Levy assessments, issue bonds, etc.

May develop and sell water and electric power.

SEC. 46. Said reclamation districts shall have authority to develop and sell, lease or rent the use of water or electric energy at the district works and/or generating plants for use or distribution within or without the district on such terms and under such regulations as shall be set out and prescribed in the contract between the district and the United States for the construction of the district irrigation works, and to use the income derived therefrom for district purposes.

May issue bonds payable from income from sale of power.

SEC. 47. Said reclamation districts shall also have authority to issue and sell bonds of the district payable from the income derived from the sale or rental of water or electric power as in this act provided.

Authority.

SEC. 48. Said reclamation districts shall also have authority:

May acquire system to sell irrigable water.

1. To construct, repair, purchase, maintain, or lease a system or systems for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

Maintain system of drains.

2. To construct, repair, operate and maintain a system of drains as in this act provided.

Regulate land settlement.

3. To regulate the settlement of lands within the district under the provisions of any contract with the State of Washington or the United States.

This section shall not be construed as in any manner affecting or abridging any other powers of said reclamation district conferred by law.

Powers of other districts not abridged.

SEC. 49. Reclamation districts created under this act may accept appointment as fiscal agent or other authority of the United States to make collections of money for or on behalf of the United States in connection with any federal or other reclamation project whereupon the reclamation district and the county treasurer for said district shall be authorized to act and to assume the duties and liabilities incident to such action and the district board shall have full power to do any and all things required by the said statute now or hereafter enacted in connection therewith and to do all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto.

May accept U. S. fiscal appointment.

SEC. 50. Any person, firm or corporation except the State of Washington or the United States, to whom or to which a contract may have been awarded by the district for construction purposes, or for labor or material entered into when the total amount to be paid therefor exceeds one thousand dollars, shall enter into a surety bond to be approved by the district board, payable to the district for at least seventy-five per cent of the contract price conditioned for the faithful performance of said contract and with such further conditions as may be required by law.

Except state and U. S., bond required of contractors.

SEC. 51. Contracts entered into by reclamation districts authorized under this act for construction or for services or materials, may provide that payments shall be made in such monthly amounts or in such monthly proportion of the contract price as the board shall determine as the work progresses or as the services or materials are furnished on monthly

Contracts; monthly payments permitted.

Amount retained until contract completed.

estimates of the value thereof approved by the board; *Provided*, That at least ten per cent of each of the monthly estimates shall be retained until the contract is completed and its completion approved by the district board.

Public bids in awarding contracts.

SEC. 52. Contracts for labor or materials entering into the construction of any improvement authorized by the district shall be awarded at public bidding except as herein otherwise provided. A

Notice for proposals.

notice calling for sealed proposals shall be published in such newspaper or newspapers of such general circulation as the board shall designate for a period of not less than two weeks (three issues) prior to the date of the opening of the bids. Such proposals shall be accompanied by a certified check for

Period of publication.

Certified check to accompany bid.

such amount as the board shall decide upon to guarantee compliance with the bid, and shall be opened in public at the time and place designated in the notice. The contract shall be awarded to the lowest and best responsible bidder; *Provided*, That the board shall have authority to reject any and all bids.

Award to lowest and best bidder.

May reject all bids.

SEC. 53. The board shall have authority to enter into any obligation or contract authorized by law with the United States or with any state therein for the supervision of the construction, for the construction, reconstruction, betterment, extension, sale or purchase, or operation or maintenance of the necessary works for the delivery and distribution of water therefrom or for any other service furthering the objects for which said reclamation district is created under the provisions of the law of the State of Washington or of the United States and all amendments or extensions thereof and the rules and regulations established thereunder.

May contract with federal or state governments for water or other service.

May contract with U. S. for assumption of control of water works.

SEC. 54. Reclamation districts created under this act shall have authority to enter into contracts with the United States under any act of Congress



for the assumption of the control and management of the works for such period as may be designated in the contract.

SEC. 55. In case a contract has been or shall be hereafter made between the district and the United States as herein provided, bonds of any general improvement district or of any divisional district herein authorized, may be deposited with the United States as payment or as security for future payment at not less than ninety per cent of the par value, the interest on said bonds to be provided for by assessment and levy as in the case of bonds of the district sold to private persons and regularly paid to the United States to be applied as provided in such contract and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment against the lands of any general improvement district or of any divisional district concerned, an amount sufficient to meet each year all payments accruing under the terms of any such contract.

SEC. 56. No contract, however, providing for the levy of such assessments shall be entered into with the State of Washington or the United States as above provided unless a proposition of entering into such a contract shall have first been submitted to the electors of the general improvement district or divisional district concerned, and by said electors approved.

SEC. 57. Elections held for the purpose of approving a contract with the State of Washington or the United States as herein provided, shall be called, noticed, conducted and canvassed in the same manner and with the same force and effect as in the case of bond elections held in general improvement districts or in divisional districts as authorized in this act.

May deposit with U. S. as payment or security bonds of general improvement or divisional district.

Assessment and levy to pay interest on bonds. Collections payable to U. S.

No bonds deposited.

Levy of amount to annually meet all payments under the contract.

No contract providing for assessments until submitted to voters of the district.

Elections for approving contract—

How conducted.

No obligation if liability not stated in contract.

SEC. 58. The reclamation district shall not be liable under any contract creating an obligation chargeable against the lands of any general improvement district or of any divisional district authorized herein unless such liability is specifically stated in such contract.

Resolution of district board for system of drainage.

Further meeting called.

Notice of board meeting.

Hearing.

Resolution of board.

Finality.

SEC. 59. Whenever in the judgment of the reclamation district board a system of drainage for any lands included in the operation of any general improvement or divisional district therein will be of special benefit to the lands of the general improvement or divisional 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 commission to hear the petition for the organization of the reclamation 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.

District powers as to drainage.

Same as powers respecting irrigation.

SEC. 60. 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 the reclamation district with respect to irrigation shall be construed to include drainage in conjunction therewith as herein provided.

Drainage improvement beneficial to road or sewer system.

SEC. 61. Whenever any drainage improvement constructed under the provisions of this act results in benefit to the whole or any part of a public road, road bed or track thereof, or will facilitate the con-

struction or maintenance of any sewer system in any city or town, the state, county, city, town or subdivision or any of them responsible for the maintenance of said public road, or sewer, shall be liable for assessment for the cost and maintenance of such drainage improvement.

Assessment of state or city for cost of improvement.

SEC. 62. The taking and damaging of property or rights therein or thereto by a reclamation district to construct an improvement or to fully carry out the purposes of its organization are hereby declared to be for a public use, and any district organized under the provisions of this act, shall have and exercise the power of eminent domain to acquire any property or rights therein or thereto either inside or outside the operation of the district and outside the State of Washington if necessary, for the use of the district.

Right of eminent domain within or without district and outside the state.

SEC. 63. Reclamation districts exercising the power of eminent domain shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations, except as otherwise expressly provided herein.

Power of eminent domain; procedure in exercising.

SEC. 64. The district may at its option unite in a single action proceedings to condemn, for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

Consolidation of condemnation suits optional.

Separate verdicts.

SEC. 65. 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

Verdict for damages.

What considered in determining amount.

accrue to the property damaged by reason of the improvement for which the land is sought to be condemned, 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 special 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 special 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 decree of appropriation shall be entered, vesting the title to the property appropriated in the district.

Benefits equal or exceed damages.

Judgment for owner for costs only.

SEC. 66. If it shall appear by the verdict that the gross special 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 in the district.

Damages payable from district funds; court may not prevent tax levy against uncondemned lands to pay.

SEC. 67. If the damages found in any condemnation proceedings are to be paid for from funds of the reclamation district, no finding of the jury or court as to benefits or damages shall in any manner abridge the right of the district to levy and collect taxes for district purposes against the uncondemned lands situated within the reclamation district.

Damages payable from special assessments.

SEC. 68. If the damages found in any condemnation proceedings are to be paid for from special assessments levied in behalf of any general improvement or divisional 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 district in their levy of assessments to pay the cost of

the system or improvements on behalf of which the condemnation was had, as herein provided.

SEC. 69. 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; *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.

Damages applied  
*pro tanto*.

Remaining  
lands  
assessed for  
deficiencies.

SEC. 70. The title acquired by the reclamation district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation and in case such proceedings are brought in behalf of any general improvement or divisional district, the reclamation district shall hold title to lands so acquired as trustee for said general improvement or divisional district as the case may be.

Title  
acquired.

Reclamation  
district  
trustee for  
improvement  
and  
divisional  
districts.

SEC. 71. The reclamation district board and its agents and employees shall have the right to enter upon any land, to make surveys and may locate the necessary irrigation works and the line for canal or canals and the necessary branches for the same on any lands which may be deemed necessary for such location.

May enter  
upon any  
land for  
irrigation  
purposes.

SEC. 72. The board of directors of any reclamation district authorized under this act, shall have power to construct district works across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume which route of said canal or canals may intersect or cross in such manner as to afford security for life and property, but said board shall restore the same when so crossed or in-

May con-  
struct works  
across  
streams,  
highways,  
etc.

To restore  
same to  
former state.

tersected to its former state as near as may be or in a sufficient manner not to have impaired unnecessarily its usefulness.

Intersect  
railroad.  
Duty of  
company.

SEC. 73. Every company whose railroad shall be intersected or crossed by district works shall unite with said board in forming said intersections and crossings and shall grant the privileges aforesaid.

Ascertain-  
ment of  
railroad  
crossing  
damages.

SEC. 74. If such railroad company and said board or the owners or controllers of said property, thing or franchise so to be crossed, cannot agree upon the amount to be paid therefor or the points or manner of said crossings or intersections, the same shall be ascertained and determined in all respects as herein provided for the taking of land under the power of eminent domain.

Right of  
way through  
state lands.

SEC. 75. The right-of-way is hereby given, dedicated and set apart to locate construction and maintenance works over and through any of the lands which are now or may be the property of the State of Washington.

Personnel  
board of  
directors of  
district.

SEC. 76. The affairs of the district shall be managed by a board of directors composed of a number of qualified resident electors of the district equal to the number of director districts contained in said reclamation district.

Director's  
term of  
office.

SEC. 77. Except as herein otherwise provided, the term of the office of director shall be six years from and after the second Monday in January next succeeding his election.

County  
board to  
divide ter-  
ritory into  
director  
districts.

SEC. 78. The county board at the time of making the order creating a reclamation district under the provisions of this act, shall divide the territory of the reclamation district into regional divisions to be known as "director districts".

Territory of  
each county.

SEC. 79. All the territory of each county included within the boundaries of the reclamation district

shall constitute a director district which shall be designated by the name of the county in which it is located.

A director district.  
Name.

SEC. 80. The county board of the county in which each director district is located shall within ten days after receipt of the order creating the reclamation district appoint and certify to the county board of the county in which the reclamation district was affected, the appointment of a resident director from said director district to act as a member of the first board of directors of said reclamation district.

Appointment of resident district director.

SEC. 81. The first members of the district board so appointed shall hold office until their successors have been elected at the time of the next general state and county election, and have been qualified.

Tenure of office of first district board members.

SEC. 82. At the time of the next general state and county election, an election shall be held in each of the director districts in the reclamation district for the purpose of electing directors of the district.

Election of district directors at general election.

SEC. 83. Candidates for the office of district director shall be nominated in the manner herein provided for such nominations.

Nomination for district director.

SEC. 84. The terms of the first directors of the district to be elected shall be determined in relation to the amount of the taxable wealth in their respective director districts. The candidates of the two wealthiest director districts shall serve for a term of six years; the candidates of the next two wealthiest director districts shall serve for a term of four years; the candidates of the two next wealthiest director districts shall serve for a term of two years.

Terms of first elected district directors.

How determined.

SEC. 85. After the first terms have been served, all directors shall serve for a term of six years.

Term of office six years.

SEC. 86. In case of any vacancy occurring in the office of director, such vacancy shall be filled by ap-

Filling vacancies.

pointment of a resident elector of the director district represented by the former incumbent by the board of directors of the reclamation district, and the person so appointed shall serve until the time of the next general state and county election when the vacancy shall be filled for the remainder of the unexpired term by an election in the director district concerned.

Directors.  
Oath of  
office.

Bond.

Recordation  
of oath and  
bond.

SEC. 87. Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office and shall execute an official bond to the district in the sum of twenty-five hundred dollars conditioned for the faithful discharge of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was affected, and said oath and bond shall be recorded in the office of the clerk of the superior court and filed with the secretary of the district.

Secretary of  
district.

Oath of  
office.

Bond.

SEC. 88. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than twenty-five hundred dollars to be fixed by the board of directors, and said bond shall be approved and filed as in the case of the bond of a director.

District au-  
thorized to  
make irriga-  
tion collec-  
tions for  
U. S.

Additional  
bonds of  
secretary,  
director and  
county  
treasurer.

SEC. 89. In case any district authorized in this act is appointed fiscal agent of the United States or is authorized by the United States in connection with any irrigation project in which the United States is interested to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer of the county where the organization of the district was effected shall each execute a further additional official bond in such sum respectively as the secretary of the interior may require conditioned for the faithful discharge of the duties of his respective office and the



faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded, filed and paid for as herein provided for other official bonds.

Approval and filing of bonds.

SEC. 90. Any such additional bonds required by the secretary of interior as above provided may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties.

May sue upon bonds.

SEC. 91. All official bonds executed by district officers under the provisions of this act shall be secured at the cost of the district.

Bonds at cost of district.

SEC. 92. The directors of the reclamation district shall organize as a board and shall elect a president from their number and appoint a secretary who shall be secretary of the district and who shall keep a record of the proceedings of the board and shall have custody of the official records of the district.

Selection of president and secretary of reclamation district board.

SEC. 93. The office of the directors and principal place of business of the reclamation district shall be some place in the reclamation district to be designated by the directors.

Office and place of business.

SEC. 94. Said office and official place of business may be changed by passing a resolution to that effect at a previous meeting of the board entered in the minutes thereof and by posting a notice of the same in a conspicuous public place at or near the place of business which is to be changed at least ten days prior thereto, and by the previous posting of a copy of said notice for the same length of time at or near the new location of the office.

Notice of change of place of business.

SEC. 95. The directors shall hold a regular monthly meeting at their office on such day in each month as the board shall designate in their by-laws

Regular meetings of board.

Adjourned meetings.

and may adjourn any meeting from time to time as may be required for the proper transaction of business; *Provided*, That the day of the regular monthly meeting cannot be changed except in the manner prescribed herein for changing the place of business of the district.

Changing day of regular meetings.

Special meetings.

SEC. 96. Special meetings of the board may be called at any time by order of a majority of the directors. Any member not joining in said order shall be given at least a three days' notice of such meeting, unless the same is waived in writing, which notice shall also specify the business to be transacted and the board at such special meetings shall have no authority to transact any business other than that specified in the notice, unless the transaction of any other business is agreed to in writing by all the members of the board.

Notice.

Transaction of business limited to purpose specified.

Meetings to be public.

SEC. 97. All meetings of the board of directors shall be public. All records of the board shall be open for the inspection of any elector of the district during business hours of the day in which any meeting of the board is held.

Public access to records.

Quorum of board.

SEC. 98. A majority of the directors shall constitute a quorum for the transaction of business and in all matters requiring action by the board, there shall be a concurrence of at least a majority of the directors.

May adopt seal, establish by-laws.

SEC. 99. The board shall have the power and it shall be its duty to adopt a seal of the reclamation district and to establish equitable by-laws, rules and regulations for the government and management of the affairs of the district. The by-laws, rules and regulations must be printed in convenient form for distribution in the district.

By-laws to be printed and distributed.

Per diem of members of board.

SEC. 100. The members of the board of directors shall each receive not to exceed five dollars per day in attending the meetings, to be determined by said

board, and such compensation, not exceeding five dollars per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, said directors shall receive necessary expenses in attending meetings or when otherwise engaged in district business. The board shall fix the compensation to be paid to the secretary and all other officers, agents and employees of the district.

Necessary expenses.

Compensation of officers and employees.

SEC. 101. No director or any other officer named in this act shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment; *Provided*, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as a day laborer.

Officers may not have interest in district contracts.

Violation.

Penalty.

Exception:

Officer may be employed as a day laborer.

SEC. 102. Every person, upon the expiration or sooner termination of his term of office as an officer of the district, shall immediately turn over and deliver, under oath, to his successor in office, all records, books, papers and other property under his control and belonging to such office. In case of the death of any officer, his legal representative shall turn over and deliver such records, books, papers and other property to the successor in office of such deceased person.

Termination of office.

Surrender of records to successor.

SEC. 103. Every person hired by the district and having in his custody or under his control, in connection with his contract of hire, any records, books,

Employees to surrender when services terminate records, etc.

papers or other property belonging to the district shall immediately upon the expiration of his services, turn over and deliver, under oath, to the district board or any member thereof, all such records, books, papers or other property. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Violation.

Penalty.

County  
treasurer  
ex officio  
district  
treasurer.

SEC. 104. The county treasurer of the county in which the organization of the reclamation district was effected shall be and is hereby constituted ex officio district treasurer of said district and of any general improvement district or divisional district organized therein.

Liability of  
treasurer  
upon bond.

SEC. 105. Any county treasurer collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for malfeasance, misfeasance or nonfeasance in office relative to any of his duties prescribed herein.

Duty of  
treasurer  
to collect  
and account.

SEC. 106. 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 act provided, and he shall account to the district for all interest received on such funds from any public depository with which the same may be deposited.

All  
collections  
deposited  
with  
treasurer  
of county in  
which  
organization  
effected.

SEC. 107. There shall be deposited with the county treasurer of the county in which the organization of the reclamation district was effected, all sums collected for and on account of taxes levied by the reclamation district, also all sums collected by tolls, regular annual assessments or voted special assessments, all proceeds from bond sales and all other funds belonging to the reclamation district or collected in behalf of any general improvement district or divisional district within the reclamation district, and all said funds shall be placed by the

county treasurer in the appropriate fund of the district.

SEC. 108. Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance the claim shall be attached to a voucher verified by the claimant or his agent and approved by the president and countersigned by the secretary and directed to the county auditor of the county in which the organization of the reclamation district was effected, for the issuance of a warrant against the proper fund of the district in payment of said claim.

Claims  
against  
district.

Verification  
and  
approval.

Issuance of  
warrant.

SEC. 109. Said 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 such treasurer.

Payment of  
warrants by  
treasurer.

SEC. 110. The said treasurer shall report in writing during the first week 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 district.

Monthly  
financial  
statement by  
treasurer.

SEC. 111. The secretary shall also report to the board in writing during the first week in each month, the amount and items of expenditures during the preceding month and said report shall be filed in the office of the board.

Monthly  
report by  
secretary.

SEC. 112. General elections may be held in the reclamation district at the same time that general state and county elections are held to determine any proposition that may be legally submitted to the electors.

Time of  
general  
elections.

Special elections; when.

SEC. 113. Special elections may be held at any time upon resolution of the district board.

General and special election.

SEC. 114. Notice of any general or special reclamation district election held under the provisions of this act shall be given by the same officials in the same manner and for the same length of time, and said election shall be provided for, held and conducted by the same officials and the results thereof determined by the same officials in the same manner and with the same force and effect as nearly as may be as that provided by the general laws of the State of Washington relating to state and county elections.

Governed by general election laws.

SEC. 115. All county voting precincts lying wholly within the reclamation district shall also constitute the voting precincts of such district. In any instance where the county voting precinct lies only partly within the district, that part of the county voting precinct lying within the reclamation district shall constitute the voting precinct of such district.

Voting precincts.

Polling places.

SEC. 116. The polling places for the county voting precincts shall also be the polling places for all voting precincts of the reclamation district, which coincide with or are a part of said county voting precincts.

Polling places outside district voting precinct; election valid.

SEC. 117. No reclamation district election, otherwise regular, shall be invalid by reason of the fact that some of the polling places for said election were located outside the district voting precinct.

Certified poll list of registered voters attached to precinct poll books.

SEC. 118. The registration clerk of any county voting precinct, partially included in a reclamation district voting precinct, is hereby authorized and it shall be his duty to prepare and certify at the expense of the district a poll list of all registered voters of said reclamation district voting precinct and to attach the same to the poll books for his county voting precinct.

SEC. 119. At least thirty days prior to any general district election, the secretary of the reclamation district shall certify to the county auditor of each county in which the election is to be held, any proposition to be voted on in such precincts.

Secretary to certify to auditor proposition to be submitted to voters.

SEC. 120. The reclamation district ballot for any district election shall be separate from that for any other election held at the same time and place and shall be printed by the county auditor of each county concerned.

District election ballots separate from other ballots.

Printed by auditor.

SEC. 121. In any case where the reclamation district voting precinct includes only part of the county voting precinct, the precinct election officials for said precinct shall check the names of the electors offering to vote at the district election against the registered poll list attached to the registration book, and any said elector whose name appears on said poll list shall receive a district ballot and shall be entitled to vote at said district election.

District precinct includes only part of county voting precinct.

Checking poll list.

Elector may vote in that precinct.

SEC. 122. Precinct election officials shall make return of reclamation district elections to their respective county canvassing boards, which boards are hereby constituted canvassing boards for all district voting precincts in their respective counties.

Making returns.

Canvassing boards.

SEC. 123. Immediately upon conclusion of the canvass of the returns of the reclamation district election held in the precincts located in his county, the county auditor shall mail to the chairman of said district board, an abstract of the result of said district election in his county.

Votes canvassed.

Auditor to mail result to chairman of board.

SEC. 124. Upon receipt of all the required abstracts of any said reclamation district election, the district board shall meet and tabulate the same, and by resolution declare the result of the district election.

Meeting of district board. Tabulation of returns and declaration of result.

Each director district represented on reclamation district board.

SEC. 125. Each director district shall be entitled to representation on the reclamation district board.

Expiration of term of director of director district.

SEC. 126. At the time of the general state and county election next prior to the expiration of the term of office of any director representing a director district on the reclamation district board, a candidate for such position shall be elected from such director district by the electors of such district.

Election of successor.

Director district elections.

SEC. 127. Director district elections shall be provided for, noticed, conducted, canvassed and abstracts of the returns mailed to the reclamation district board, by the same respective officials and in the same manner substantially, the voters thereat shall have the same qualifications and shall vote at the same respective polling places, as that provided herein for general reclamation district elections held in said director districts.

How conducted.

Declaration of candidacy.

SEC. 128. Any qualified resident elector of any director district which is entitled at that time to elect a candidate for the office of reclamation district director may become a candidate for such office by filing, at least thirty days prior to the election, his declaration of candidacy with the county auditor of his county and by paying a fee of one dollar for said filing.

Filing fee.

Ballots.

SEC. 129. The ballots for the election of any reclamation district director shall contain the names of all candidates for such office, who have filed and paid the fee for their respective declarations as aforesaid.

Primary election law not applicable.

SEC. 130. The provisions of the law of the state relating to primary elections shall not apply to district elections authorized in this act.

Annual tax levy.

SEC. 131. For the purpose of raising revenue for any of the purposes of the reclamation district, an annual tax shall be levied on all the taxable real



and personal property within the district; *Provided*, That no such tax shall be levied without the approval of the electors of said district at a general election, or at a special election called for that purpose, until after a contract has been entered into with the United States for the construction of a portion at least of the irrigation works for said district.

No levy until approved by voters and after contract with the U. S. for irrigation construction.

SEC. 132. Said taxes shall be assessed by the county assessors of each county in which any land within the reclamation district is situated, the valuations of the property assessed shall be equalized by the board of equalization of each said respective county, and the levy made on estimates furnished by the district board, by the board of county commissioners of each said respective county, at the same time general state and county taxes are assessed, property values equalized and taxes levied respectively.

Assessment, valuations, equalization, levy, same time as general taxes.

SEC. 133. Taxes so levied shall become a part of the general tax roll of the county and shall be collected and the property charged therewith sold in the same manner, at the same time, with the same penalties attached in case of delinquency, as the general state and county tax, and the proceeds thereof credited to the reclamation district in the office of the county treasurer of the county in which the organization of the reclamation district was effected, as herein provided.

Part of general tax roll. Collected as other taxes.

SEC. 134. Reclamation districts created under the provisions of this act are hereby authorized and empowered to contract indebtedness for district purposes in any manner, when they deem it advisable, not exceeding an amount, together with the existing indebtedness of such district, of one and one-half per cent of the taxable property in such district to be ascertained by the last assessment for

Reclamation district indebtedness.

Limit.

state and county purposes previous to the incurring of such indebtedness.

**SEC. 135.** Such reclamation districts may contract indebtedness for strictly district purposes in excess of the amount specified in the preceding section, but not exceeding in amount, together with existing indebtedness, five per cent of the taxable property, to be ascertained as in the last preceding section, whenever three-fifths of the voters therein voting at an election held for that purpose assent thereto.

Indebtedness limit; increase submitted to voters.

**SEC. 136.** Elections held in the reclamation district for the purpose of authorizing district indebtedness, may be held during a regular or at a special election as the district board shall determine.

Elections to authorize indebtedness; time.

**SEC. 137.** The notice of election for the authorization of reclamation district indebtedness shall set forth the proposition generally as to amount, duration, and terms of indebtedness and the purpose thereof.

Notice of election.

Contents.

**SEC. 138.** The reclamation district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district.

Authority to issue bonds.

**SEC. 139.** Said bonds shall be in such denominations as the board shall determine, shall be serial in form with maturities providing a definite schedule of amortization and shall be payable at such place as shall be designated thereon.

Bonds to be serial.

**SEC. 140.** Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate not exceeding six per cent per annum, payable semi-annually on the first day of January and of July in each year, with coupons attached, for each interest payment.

Interest rate.

Date payable.

SEC. 141. Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to the coupons. The coupons shall be signed by the same officers but the signature on the coupons may appear by lithographic facsimile.

Bonds:  
Signatures,  
seal, etc.

SEC. 142. 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.

Statement  
on bonds as  
to authority  
for issuance.

SEC. 143. In any instance where the district is selling, renting or leasing water or electric energy under the provisions of this act and there is reasonable certainty of a permanent fixed income from this source, the district board shall have authority to create a special fund derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from such special fund and to sell the same to raise revenue for district purposes.

Water or  
electric  
power.  
Certain  
income.  
Special fund  
created.  
Issuance of  
bonds  
against fund.

SEC. 144. Bonds payable from such special fund shall not be an obligation of the reclamation district and they shall state on their face that they are payable solely from a special fund derived from a certain fixed proportion (naming it) of the gross income derived by the district from the sale, rent or lease of water or power, as the case may be, and such fixed proportion of such gross income shall be irrevocably devoted to the payment of such bonds until the same are fully paid.

Such bonds  
not district  
obligation;  
Payable  
solely from  
the special  
fund.

SEC. 145. Said bonds shall mature in series amortized in a definite schedule during a period not to exceed twenty-five years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semi-annual

Bonds  
mature  
within 25  
years.  
Denomina-  
tions.

Interest rate.

interest not exceeding six per cent at such place, as the board shall provide.

Acquisition and improvement of property, etc., for irrigation purposes.

SEC. 146. In any instance where the construction, reconstruction, betterment or extension of irrigation works or the acquisition of property and rights therein appropriate for the purpose of carrying out the provisions of this act, will specially benefit any or all the lands within the reclamation district susceptible of irrigation, the district board shall have authority to organize said lands into a general improvement district and to provide for the levy and collection of special assessments against said lands to raise revenue in support of any or all of said purposes.

Creation of general improvement district.

Special assessments.

Resolution to organize improvement district.

SEC. 147. For the purpose of organizing such an improvement district, the district board shall pass a resolution outlining in general terms the proposed improvement to be constructed or property or rights to be acquired, finding that the same will be of special benefit to any or all the lands susceptible of irrigation within the reclamation district, and ordering a survey and investigation with respect to the matter.

Survey and investigation ordered.

Investigation cost payable from reclamation district funds.

Tax levy therefor; limit.

SEC. 148. The cost of making said survey and investigation shall be paid from any funds available for the purpose in the treasury of the reclamation district; *Provided*, That the annual tax levy made by the reclamation district for such purpose shall not exceed one mill in any year.

Authority of district board in investigating; extent.

SEC. 149. The district board shall have full authority to make such survey and investigation as in its judgment shall be necessary to obtain reliable information upon which to determine whether the proposed improvement shall be made or property or rights acquired, and for this purpose the district board shall employ such services of every nature as may be required.

SEC. 150. The district board shall also have authority to enter into contracts with the proper department of the State of Washington or the federal government, to make such survey and investigation, or any part of same or to render any other service as may be deemed advisable.

May contract with state or U. S. to make investigation.

SEC. 151. Upon the completion of said survey and investigation, the district board shall cause to be filed in its office a written report of the same. Said report shall specify the character of the proposed improvement to be made, or property or rights to be acquired, shall state in reasonable detail the probable cost of same, including integral parts thereof; *Provided*, That such estimate of the cost shall be held to be preliminary only and shall not be binding as a limit on the amount that may be expended in carrying out the proposed project. Said report shall also outline a plan for financing the proposed project, shall contain any recommendations that may be deemed advisable, and shall be identified by the signature of the secretary of the district as the official report of the survey and investigation in the proceedings to organize said improvement district.

Report of investigation.

Recitals.

Cost estimated only preliminary.

Shall outline plan for financing project.

SEC. 152. The district board shall thereupon fix a time and place for a hearing on said report and shall cause notice of said hearing to be published in the same manner and for the same length of time as provided herein in case of notice of hearing on the petition to organize the reclamation district.

Notice for hearing on report.

SEC. 153. Said notice shall state that all or part of the lands included in the reclamation district (naming it) are proposed to be organized as a general improvement district for the purpose of making a certain improvement (stating its nature generally) or acquiring certain property or rights (naming the same) as the case may be, that the lands within the

Notice: Recitals.

proposed improvement district (where part only of the lands in the reclamation district are to be included, such part shall be described in township, ranges and where necessary in lesser legal subdivisions) are to be assessed to pay for said improvement, or property or rights therein; that a report containing further information concerning the matter is on file in the office of the board of the reclamation district and may be inspected at any time, during business hours, by any interested person; that a hearing thereon will be held (stating the time and place); that all persons interested may appear before the board at the time and place named in the notice and show cause, if any they have, why the proposed district should not be organized, the proposed project carried out, and said lands assessed for that purpose. Said notice shall be signed by the secretary of the reclamation district.

Opportunity  
for  
protestants  
to appear.

SEC. 154. On the date set for said hearing, the district board 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 and may adjourn said hearing from time to time and place to place.

Meet at  
time and  
place  
specified by  
notice.

Adjourned  
meetings.

SEC. 155. At said hearing, the district board shall hear all objections and receive all pertinent evidence offered and shall, in any event, receive evidence as to whether all the lands included in the proposed improvement district will be benefited by the proposed project.

Hearing.

SEC. 156. The district board at said hearing may adopt, or for good reason, change, add to or modify the plans for the system of improvement, and shall exclude lands not benefited; said board shall have full authority to determine all the questions properly before it at said hearing.

Board may  
adopt or  
modify  
plans.

SEC. 157. If at said hearing the district board approves the plan of improvement or acquisition of property or rights therein, it shall make and enter an order to that effect, shall specify the lands that will be specially benefited by the proposed project and shall declare the improvement district duly organized under the name of General Improvement District No..... of..... Reclamation District.

Plan approved by board.

Entry of order organizing and naming general improvement district.

SEC. 158. The finding of the board that the lands included within the general improvement district will be benefited by the proposed improvement or acquisition of property or rights therein, shall be a legislative determination that such lands will be specially benefited to the extent necessary to pay in full all costs and obligations of every nature required in making and maintaining such improvement or for the acquisition of property or rights, and such determination shall be conclusive upon the courts, except for actual fraud or arbitrary action on the part of the district board when making such finding as to lands benefited.

Finality of finding of board as to benefits, etc.

SEC. 159. The special benefits conferred upon the lands involved in the general improvement district by any such improvement or by the acquisition of any property or rights therein shall not be deemed to accrue at any one time but shall be deemed to be benefits continuing throughout the period of the life of the project, which render said lands subject to assessment, from year to year as herein provided, to pay for and carry out the object for which such improvement was made or property or rights therein acquired.

Special benefits continue during life of project.

Subject lands to annual assessments.

SEC. 160. The board of directors of the reclamation district shall have full authority to manage and conduct the business affairs of the general improvement district, to employ and appoint such

Reclamation district board to have full control of improvement district.

Appoint employees.

By-laws.

Only lands of improvement district chargeable for acts of board.

Authority to levy assessments.

May organize irrigable lands into divisional districts.

Organization, financing, etc., of divisional districts;

Powers of board.

agents, officers and employees as may be necessary and prescribe their duties, to establish reasonable by-laws, rules and regulations for the government and management of the affairs of the improvement district, and generally to perform any and all acts necessary to carry out the purpose of the general improvement district; *Provided*, That no act done nor contract entered into by the district board for or in behalf of any improvement district or in behalf of any divisional district herein authorized, shall in any manner bind the reclamation district or render the same liable except as herein specifically provided, but such act or contract shall be chargeable exclusively to the lands of the improvement district or divisional district concerned.

SEC. 161. Said district board shall have authority to levy assessments as herein provided against the benefited lands included within the operation of the general improvement or divisional district for any of the objects or purposes for which the general improvement or divisional district was organized.

SEC. 162. For the purpose of carrying out any of the objects for which a reclamation district may be created and maintained, under the provisions of this act in units of development of lesser area than that contemplated in the organization of a general improvement district, the district board shall have authority to organize the lands susceptible of irrigation in one or more of such units of development, into divisional districts.

SEC. 163. All the powers which the district board, other officers and the electors therein, now or shall hereafter have under the provisions of this act to organize, manage, finance and operate a general improvement district, said board, other officers and said electors, shall have to organize, manage, finance and operate divisional districts, and such



divisional districts may be organized, managed, financed and operated to develop and improve the lands susceptible of irrigation within their operation for any of the purposes for which a general improvement district may be organized, managed, financed and operated.

SEC. 164. Divisional districts shall be organized in the same manner as that provided herein for the organization of general improvement districts.

How divisional districts organized.

SEC. 165. Any assessments levied against the lands included in any said divisional district, any contracts entered into, any evidences of indebtedness issued, or obligations arising, in behalf of any said divisional district, shall be in addition to and independent of any assessments, contracts, evidences of indebtedness, or obligations arising in behalf of any general improvement district, authorized under the provisions of this act.

Assessments and other indebtedness against lands of divisional district additional to improvement district debts.

SEC. 166. The district board and other proper officers shall have authority to levy and collect assessments against the lands included in any said divisional district, enter into contracts, issue evidences of indebtedness, and do everything that may be necessary to carry out the purposes of the divisional district organization, in similar form and manner as that provided in this act with respect to general improvement districts.

District board's authority as to assessments, etc., against lands of divisional district.

SEC. 167. In any instance in which any tract of land not susceptible of irrigation in its natural state has been included in any general improvement district or divisional district herein authorized through inadvertency or mistake on the part of the district board at the time of the organization of such general improvement district or divisional district, the same may be excluded from the district concerned by a petition made by the owner or owners thereof and filed with the district board; *Provided*, That the

Exclusion of non-irrigable land mistakenly included within district.

Petition therefor.

Excluded land liable for its proportion of indebtedness.

exclusion of said land or lands shall not relieve the same of its obligation to pay assessments for bonds outstanding at the time said petition is filed with the district board without written consent of the holders of said bonds.

Petition for exclusion.

SEC. 168. Upon the receipt of any petition for exclusion of lands from any general improvement district or divisional district, the board shall fix a time and place for hearing said petition and give notice thereof at the expense of the landowner concerned by publication in a newspaper of general circulation published in the county where the lands petitioned to be excluded are situated, for a period of two weeks (three issues) prior to the date of the hearing.

Notice of hearing.

Hearing.

SEC. 169. At the time and place named in the notice, the board shall consider the petition and shall have full authority to grant or deny the same.

Power of board.

Petition granted.

SEC. 170. In the event that there are outstanding bonds, the board shall have authority, if it believes that the petition should otherwise be granted, to grant the same for all purposes except that of the levy of assessments to pay the principal and interest of outstanding bonds.

Land to pay its portion of debts.

May grant exclusion and absolve from liability.

SEC. 171. In the event that a petition for exclusion as herein provided is unconditionally granted by the district board, said land shall thereafter be relieved from any obligation to pay special assessments levied in behalf of the district from which the same is excluded.

Excluded lands not relieved of assessment obligation; Reduction of assessments.

SEC. 172. In the event that lands petitioned to be excluded cannot be relieved of the obligation to pay assessments for outstanding bonds, the board shall have authority, when sitting as a board of equalization, to make an equitable reduction in the amount of assessments levied against such land for bond purposes.

SEC. 173. For the purpose of furthering or carrying out any of the objects for which a general improvement or divisional district was organized, for the purpose of raising additional moneys for that purpose or for refunding outstanding improvement or divisional district bonds, the district board shall have authority to issue and sell the negotiable coupon bonds of the district in such amounts as shall be approved by the electors of the general improvement or divisional district at an election called for that purpose, as herein provided.

District board may issue bonds to be approved by voters.

SEC. 174. Bonds issued under the provisions of this act shall be negotiable, serial bonds, in such series, maturities and denominations as the board shall determine, payable in gold coin of the United States, at such place as the board shall provide, from funds derived from the levy and collection of special assessments against the benefited lands within the operation of the general improvement or divisional district and shall draw interest at a rate not to exceed six per cent per annum.

Only serial bonds to be issued.

Payable from special assessments against benefited lands.

Rate of interest.

SEC. 175. Such bonds shall not constitute an obligation of the reclamation district and shall so specify on their face, but said bonds shall constitute a general obligation of the general improvement or divisional district for the benefit of which the same are issued and all the lands included in such general improvement or divisional district shall be and remain liable to be assessed for their payment until the principal and interest of said bonds are fully paid; *Provided*, That in case the plan of improvement contemplates the construction of units progressively, the levy and collection of assessments against lands in any undeveloped unit, may at the option of the district board be deferred until such lands are sufficiently developed to equitably bear such exactions.

Bonds not an obligation of reclamation district.

Are general obligation of improvement or divisional district.

Progressive unit construction.

Levy against undeveloped unit deferred.

General election laws govern bond elections in general improvement and divisional districts.

SEC. 176. Elections held in a general improvement or divisional district for the purpose of determining whether bonds of the district shall be issued, shall except as otherwise herein provided, be called by the district board, shall be provided for, noticed, conducted and the results thereof determined in the same manner and by the same officers respectively in each county concerned as nearly as may be as provided in the general election laws of the state for special municipal and district elections.

Election precincts and officials.

SEC. 177. The several county election boards of the respective counties concerned shall have full authority and it shall be their duty to establish election precincts within the general improvement or divisional district for such bond elections and to appoint the necessary election officials, and to do such other things as may be necessary and proper for the holding of such an election; *Provided*, That wherever possible the regular county voting precincts, polling places and election officials shall be used for said elections.

Notice of election.

What shall recite.

SEC. 178. Notice of said election shall state the amount and maturities of the proposed bonds and in general terms the objects for which said bonds are to be issued, shall specify any precincts and the location of any polling places other than the regular county precincts and polling places therein, shall state that the polling places will be open from eight o'clock a. m. to eight o'clock p. m. on the day of said election and shall be signed by the clerk of said respective county election boards.

Non-assessable area within voting precinct.

Posting notice.

SEC. 179. Where any non-assessable area is situated within any voting precinct within the general improvement or divisional district, any notice or other announcement required by law to be posted, may be so posted in such area, and any election held

or to be held pursuant to the provisions of this act, may be held within such area.

Election within area.

SEC. 180. The election officials for every voting precinct for said bond elections shall mail their returns to the county election board of the county in which such precincts are located, and such board shall canvass the returns of said election.

Returns.

SEC. 181. Immediately upon the canvass of said election, the county auditors of the several counties concerned shall mail an abstract of the result of said election in the precincts of their respective counties to the board of directors of the reclamation district.

Canvass.

Abstract of result to reclamation district board.

SEC. 182. The reclamation district board shall tabulate said abstracts of election returns and if it appears that a majority of the votes cast at any such election are in favor of the proposition submitted at said election, the board shall so declare and enter a resolution authorizing the issuance of bonds in the amounts and maturities and for the objects proposed.

Tabulation of returns.

Declaration of result.

Resolution authorizing issuance of bonds.

SEC. 183. General improvement or divisional district bonds issued under the provisions of this act shall not be sold for less than ninety per cent of their par value, and refunding bonds shall not be sold or exchanged for less than their par value.

Bonds. Minimum price at which may sell.

SEC. 184. Such bonds may be pledged to the United States under any contract with the United States authorized by federal statute, for the purpose of furthering any of the objects and purposes of the district organization.

May pledge bonds to U. S. for district development.

SEC. 185. Such bonds, or any portion thereof, may be sold at public or private sale, and property or property rights, labor and material, necessary to carry out the objects and purposes of said bond is-

May sell bonds at private or public sale.

May accept labor and material for bonds.

sue may be received by the district board in payment therefor.

Bonds negotiable.

SEC. 186. All general improvement or divisional district bonds issued under the provisions of this act shall be negotiable in form, shall be signed by the president of the reclamation district board and secretary of said district and shall have the seal of the district impressed thereon.

Bonds registered.

SEC. 187. The county treasurer of the county in which the organization of the reclamation district was effected shall register said bonds before the delivery of the same to the purchaser 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 impressed thereon is the seal of the district.

Bond register to disclose consideration for bonds.

SEC. 188. It shall be the duty of the district board to inform the treasurer as to the consideration received by the district for said bonds and the treasurer shall specify the same in said bond register.

Proceeds of bond sales to county treasurer.

SEC. 189. The proceeds of bond sales for cash shall be paid by the purchaser to the county treasurer of the county in which the organization of the district was effected or to his duly authorized agent and credited to the proper fund.

Bonds a prior lien upon fund.

SEC. 190. Bonds issued for or in behalf of any general improvement district or any divisional district under the provisions of this act, shall constitute a lien upon the moneys in any fund set apart for their payment paramount and superior to that of any other obligation of whatsoever nature against said fund except that of a prior bond issue payable from said fund.

Assessments.

SEC. 191. Assessments made in order to carry out the purposes of any general improvement dis-

trict or of any divisional district, authorized in this act, shall be made annually on an *ad valorem* basis against the lands and improvements thereon, included within the operation of any such district; *Provided*, That in assessing lands having and using a water right independent of the district system, the value of such water right shall be deducted from the assessable value of said lands.

Annual and ad valorem.

Value of independent water right deducted from assessable value.

SEC. 192. On or before the first Tuesday in November of each year, the secretary of the district shall prepare and file with the district board for the use of any general improvement or divisional district authorized under this act, an assessment roll on which must be listed all the assessable property within such general improvement or divisional district.

Preparation and filing of assessment roll.

SEC. 193. On such assessment roll must be specified in separate columns, under appropriate headings, the following:

Assessment roll—what to contain.

1. The name of the person to whom the property is assessed, if not known then to "Unknown Owners."

Name of owner.

2. Land by township, range, section or fractional section and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon.

Acreage description.

3. City and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town, and the improvements thereon.

Town lots.

4. The cash value of real estate other than city or town lots.

Value of real estate.

5. The cash value of improvements on such real estate.

Value of improvements.

Value of lots.  
Value of improvements.  
Total value.  
Value after equalization.

6. The cash value of city and town lots.
7. The cash value of improvements on city and town lots.
8. The total value of all property assessed.
9. The total value of all property after equalization by the board of directors.
10. Such other things as the board of directors may require.

Basis of valuation for district assessment.

SEC. 194. The value of such lands and improvements thereon shown on the county general tax roll, last equalized, shall be taken as the basis of valuation wherever possible in preparing said district assessment roll.

Property omitted from county general tax roll—valuation on district roll.

SEC. 195. Lands and improvements not shown on the county general tax roll shall be given such valuation on the district assessment roll as the secretary shall determine having regard to the equalized valuation of similar private lands in the vicinity for general tax purposes.

Equalization of values fixed by Secretary.

SEC. 196. The values of land fixed by the secretary on the district assessment roll shall be conclusive upon all persons unless challenged before the district board at the time of the equalization of said roll.

Property not assessed in past—assessed for other years and penalized.

SEC. 197. Any property which may have escaped assessment for any year or years shall in addition to the assessment for the then current year be assessed for such year or years with the same effect and with the same penalties as are provided for such current year, and any property delinquent in any year may be directly assessed during the current year for any expense caused the district on account of such delinquency.

Delinquency expense.

Lands of improvement district in more than one county—assessment roll.

SEC. 198. Where the general improvement or divisional district embraces lands lying in more than one county, the assessment roll shall be so arranged that the lands lying in each county shall be segre-



gated and grouped according to the county in which the same are situated.

SEC. 199. On or before the first Tuesday in November each year, the secretary shall complete the general improvement or divisional district assessment roll and deliver it to the district board who shall immediately direct the secretary to give a notice thereof and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper in each of the counties comprising such district.

General improvement and divisional district assessment roll delivered to board.

Notice of equalization meeting.

SEC. 200. The time fixed for said meeting shall not be less than twenty nor more than thirty days for [from] the day of the first publication of the notice and in the meantime the assessment roll shall remain in the office of the secretary for the inspection of all persons interested.

Time for meeting.

SEC. 201. Upon the day specified in the notice of the meeting of the board of equalization, the board of directors which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed ten days exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them and the board may change the valuation as may be just.

Hearing by board of equalization.

SEC. 202. The secretary shall be present during the sessions of the board of equalization, and note all changes made in the valuation of property and in the names of the persons whose property is assessed and on or before the first day of January next following, he shall complete the assessment roll as finally equalized by the board and deliver the segregations of the same to the respective county treasurers concerned.

Notation of changes in valuation.

Assessment roll completed.

Delivery to county treasurers.

SEC. 203. The board of directors shall in each year before said assessment roll for any general improvement or divisional district herein authorized, is delivered to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds issued for the benefit of said district, and shall beginning in the year preceding the maturity of any series of the bonds of any issue, levy an assessment for the ensuing year and from year to year in an amount sufficient to pay and discharge said outstanding bonds as they mature.

Levy of assessment for ensuing annual interest and bond maturity.

SEC. 204. Said board shall also levy an assessment sufficient to provide for 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 authorized under this act. A similar levy of assessment shall be made by the board for any other item chargeable against the lands of such district under the provisions of this act.

Levy for payments due state or U. S.

Levy for other charges.

SEC. 205. The board shall also at the time of making the annual levy for any general improvement or divisional district authorized under this act, estimate all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount to cover any deficit that may have resulted from any delinquent assessments for any preceding year.

Levy to meet deficits and probable delinquencies.

SEC. 206. Assessments against lands in any general improvement or divisional district authorized under this act, 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 General Improvement or Divisional District No.....," the "Contract Fund of General Improvement or Divisional District No.....," the

Assessments paid constitute special funds.  
Name of funds.

Bond fund.

Contract fund.

“Coupon Warrant Fund of General Improvement or Divisional District No.....,” and any other special fund authorized by law.

Coupon warrant fund.

SEC. 207. If the annual assessment roll or segregation thereof for any general improvement or divisional district authorized under this act, has not been delivered to the respective county treasurers concerned on or before the first day of January following the equalization thereof, any said county treasurer shall immediately notify the secretary of the district by registered mail that unless said roll is delivered to said county treasurer within ten days from the receipt of said notice, the board of county commissioners of the county in which the organization of the reclamation district was effected will cause an assessment roll for the district to be prepared and shall equalize the same if necessary and make the levy required by this act.

Assessment roll delivery delayed.

Notice by county treasurer to secretary that county commissioners will prepare assessment roll and equalize.

SEC. 208. Any levy of assessments so made by said board of county commissioners shall be made in the same manner and with like effect as if the same had been made and equalized by the board of directors of the reclamation district and all expenses incidental thereto shall be borne by the district.

Levy by Co. Commissioners.

Effect.

SEC. 209. In case of the neglect or refusal of the secretary of the reclamation district to perform the duties imposed by law, then the treasurer of the county in which the organization of the reclamation district was effected may perform such duties and shall be accountable therefor on his official bond as in other cases.

Failure of secretary of district to perform duties—imposed upon county treasurer.

SEC. 210. The assessment upon the real property in any general improvement or divisional district authorized under this act, shall be a lien against the property assessed from and after the first day of March in the year in which it is levied but as between a grantor and a grantee such lien shall not attach.

Assessment a lien after March 1st of year levied.

Between grantor and grantee.

Attaches  
succeeding  
year.

until the first Monday of February of the succeeding year.

Lien for  
assessments;  
priority.

SEC. 211. The lien for said assessments shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage, judgment or otherwise except a lien for prior assessments and for general taxes, and such lien shall not be extinguished until the assessments are paid or the property sold for the payment thereof and deed issued as provided by law.

When  
assessments  
delinquent.

SEC. 212. The assessments specified in said assessment roll shall become due and payable on the first Monday of February of the year succeeding the equalization of said assessments at the office of each respective county treasurer and said assessments shall become delinquent at five o'clock in the afternoon of the thirty-first day of May thereafter unless fifty per cent thereof shall have been paid.

Interest on  
delinquent  
assessments.

SEC. 213. If the whole or fifty per cent thereof shall not have been paid on or before five o'clock in the afternoon on the thirty-first day of May as above provided, the said assessments shall become delinquent and shall draw interest at the rate of twelve per cent per annum until paid.

May pay  
assessments  
in two semi-  
annual in-  
stallments.

SEC. 214. If fifty per cent of said assessments against any tract of land is paid on or before five o'clock in the afternoon of the thirty-first day of May aforesaid, then the remainder thereof will not become delinquent until the thirtieth day of November next following. The second instalment of assessments shall become delinquent at five o'clock in the afternoon on the thirtieth day of November unless sooner paid and the same interest shall attach thereto as provided in the case of the delinquency of the entire assessment.

SEC. 215. Upon receiving the assessment roll for any general improvement or divisional district

authorized herein, the county treasurer shall prepare therefrom an assessment book in which shall be written the descriptions of the land as they appear in the assessment roll, the name of the owner or owners where known, and if assessed to unknown owners then the word "Unknown," and the total assessment levied against each tract of land. Proper space shall be provided in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Treasurer's assessment book—what shall contain.

SEC. 216. Upon the payment of any said assessment, the county treasurer shall enter the date of payment in said assessment book opposite the description of the land and the name of the person paying, and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed.

Entries in assessment book of payments, etc.

SEC. 217. It shall be the duty of the county treasurer of the county in which any land in the general improvement or divisional district is located, to furnish upon request of the owner or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request and all statements of general taxes covering any land in such district shall be accompanied by a statement showing the condition of district assessments against such lands; *Provided*, That the failure of the county treasurer to render any statement herein required of him, shall not render invalid any assessments made for any general improvement or divisional district or proceeding had for the enforcement and collection of such assessments pursuant to this act.

Treasurer to supply on request statement showing condition of assessments against any land.

Effect of failure to render statement.

SEC. 218. It shall be the duty of the county treasurer of any county other than the county in which the organization of the reclamation district was effected to make monthly remittances to the

Remittances by treasurers of counties other than organization county

county treasurer of the county in which the organization of the reclamation district was effected, covering all amounts collected by him for any said general improvement or divisional district during the preceding month.

Delinquency  
lists posted.

SEC. 219. On or before the thirtieth day of June in each year each respective county treasurer concerned shall post the delinquency list which must contain the names of persons and the descriptions of the property delinquent and the amount of assessments, interest and costs opposite each name and the description in all cases where payment of fifty per cent or more of the assessment against any tract of land has not been made on or before the thirty-first day of May next preceding. Likewise on or before the fifteenth day of December in each year he must post the delinquency list of all persons delinquent in the payment of the final instalment of the fifty per cent of said assessments as in this act provided.

Notice of  
sale of lands  
delinquent.

SEC. 220. Said county treasurer must append to and post with the delinquency list a notice that unless the assessment delinquent together with interest and costs are paid, the real property upon which said assessments are a lien will be sold at public auction. Said notice and delinquent list shall be posted at least twenty days prior to the date of the sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the office of the board of directors, and one copy in each of three public places in the portion of said general improvement or divisional district lying in said county.

Publication  
of list of  
places of  
posting and  
notice of sale  
of delinquent  
lands.

SEC. 221. Concurrent as nearly as possible with the day of the posting required in the preceding section, the said county treasurer shall publish a list of the places where said notices are posted and in connection therewith a notice that unless said delinquent

assessments together with the interest and costs are paid, the real property upon which the said assessments are a lien will be sold at public auction.

SEC. 222. Such notice must be published once a week for two successive weeks (three issues) in a newspaper of general circulation published in the county within which the land is located but said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices must designate the time and place of sale. The time of sale must not be less than thirty nor more than forty-five days from the date of posting and from the date of the first publication of the notice thereof and the place must be at some point designated in said notices by said treasurer.

Period of publication of notice.

Time of sale.

SEC. 223. The treasurer of the county in which the land is situated shall conduct the sale of all land situated therein and must collect the assessments due as shown on the delinquency list together with interest from the date of delinquency at the rate of twelve per cent per annum, and the costs of sale.

Treasurer to conduct the sale.

SEC. 224. On the day fixed for the sale or on some subsequent day to which the treasurer may have postponed it, of which postponement he must give notice at the time of making such postponement, and between the hours of ten o'clock a. m. and three o'clock p. m., the county treasurer making the sale must commence the same beginning at the head of the list and continuing alphabetically or in numerical order of the parcels, lots and blocks until completed.

Day of sale.

Order in which land sold.

SEC. 225. The county treasurer may postpone the date of commencing the sale or may postpone the sale from day to day by making oral notice thereof at the time of the postponement, but the sale must be completed within three weeks from the first day fixed.

Notice of postponement of sale.

When sale must be completed.

Delinquent owner may designate portion he desires sold.

SEC. 226. The owner or person in possession of any real estate offered for sale for assessments thereon may designate in writing to the county treasurer by whom the sale is to be made and prior to the sale, what portion of the property he wishes sold, if less than the whole, but if the owner or possessor does not, then the treasurer may designate it and the person who will take the least quantity of the land or in case an undivided interest is assessed then the smallest portion of the interest, and pay the assessment, interest and cost due including one dollar to the treasurer for a duplicate of the certificate of sale, is the purchaser. The treasurer shall account to the district for said one dollar.

Sale of smallest portion of undivided interest.

Sale not completed by purchaser.

Property resold.

SEC. 227. If the purchaser does not pay the assessment, interest and costs before ten o'clock a. m. the day following the sale, the property must be resold on the next day for the assessment, interest and costs.

No purchaser for property.

Sold to the reclamation district.

SEC. 228. In case there is no purchaser in good faith for the property on the first day that the property is offered for sale and if there is no purchaser in good faith when the property is offered thereafter for sale, the whole amount of the property assessed shall be struck off to the reclamation district as the purchaser, and the duplicate certificate shall be held with the original in the office of the county treasurer.

Entry "Sold to the district" treasurer credited.

SEC. 229. In case the district is the purchaser, the treasurer shall make an entry "Sold to the district", and he shall receive proper credit for the amount of the sale in his settlement with the district.

Rights of district as purchaser.

SEC. 230. A reclamation district as purchaser at said sale shall be entitled to the same rights as a private purchaser and may assign or transfer the certificate of sale upon the payment of the amount which would be due as redemption were it made by



the owner. Such transfer shall be made by the president and secretary of the district on the duplicate certificate which shall be delivered by the county treasurer to the assignee. The assignee shall be required to pay a fee of one dollar for such duplicate certificate.

Transfer of certificate of sale.

Fee payable by assignee.

SEC. 231. If no redemption is made of land for which a reclamation district holds a certificate of purchase, the district will be entitled to receive a treasurer's deed therefor in the same manner as a private person would be entitled thereto, and may convey the title so acquired by deed executed by the president and secretary of the board.

No redemption.

Treasurer's deed to district.

District may convey as a private person.

SEC. 232. Authority to convey any property thus acquired must be conferred by resolution of the board entered on its minutes fixing the price at which such sale may be made.

Conveyance only by resolution authorizing.

SEC. 233. In the event that the district board shall determine that the best interests of the district will be conserved by the leasing of any property acquired for delinquent assessments, it shall have authority to lease the same for a period not exceeding five years on such terms and conditions as the board may require.

District's authority to lease delinquent property acquired.

SEC. 234. All moneys received by the reclamation district for transfers of certificates of sale, or through sale or lease of property acquired on account of sales for delinquent assessments, shall be paid to the county treasurer of the county in which the lands involved are situated and by him credited to the funds for which the assessments were levied in proportion to the right of each fund respectively.

Receipts by district from transfer of sale certificates, leases, credited to funds for which assessments were levied.

SEC. 235. When lands have been deeded by the county treasurer to the reclamation district on account of delinquent assessments, if title shall remain vested in the district and if in the judgment of the

Lands sold to the district for delinquent assessments.

Title still in district.

When redemption by owner permitted. Conditions of redemption.

board of directors said sale for delinquent assessments shall have resulted from unavoidable accident, inadvertency or misfortune and without intent of the owner or persons entitled to make redemption, to permit said assessments to become delinquent and the land to be sold, the board of directors may, pursuant to an order entered upon the minutes of the board, cause said land to be reconveyed to the owner or person entitled to redemption within the period of one year after deed is issued, upon the payment by said owner or person who would have been entitled to make redemption before issuance of deed, of the total amount of assessments, interest and costs, subsequent assessments and an additional penalty of twenty-five per cent of the amount for which the land was sold; *Provided*, That nothing herein contained shall be construed to prevent the district from selling or leasing property acquired at sales for delinquent assessments immediately after the deed has been delivered to the district.

District may immediately sell or lease delinquent property acquired.

Delinquency certificate.

Treasurer's certificate of sale.

SEC. 236. After receiving the amount of assessments, interest and costs, the county treasurer must make out in duplicate a certificate dated on the day of the sale stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments giving the amount and year of assessment, and specifying the time when the purchaser shall be entitled to a deed.

Certificate filed with county treasurer.

Duplicate to purchaser.

SEC. 237. The certificate of sale must be signed by the treasurer making the sale and filed in his office. A duplicate of said certificate shall be delivered to any purchaser, other than the district.

More than one tract included in one certificate.

SEC. 238. In case of a sale to a person or a district of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

SEC. 239. The county treasurer before delivering any copy of a certificate of sale, must file the same and enter in the assessment book opposite the description of the land sold the date of sale, the purchaser's name and the amount paid therefor, and must regularly number the descriptions on the margin of the assessment book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours when not in actual use.

Recordation of copy of certificate of sale.

SEC. 240. On filing the certificate of sale as provided herein, the lien of the assessment vests in the purchaser and is only divested by the payment to the county treasurer making the sale of the purchase money, the costs of the certificate, and interest thereon at twelve per cent per annum from the date of sale until redemption for the use of the purchaser.

Lien of assessment vests in certificate purchaser.

Divested by redemption.

SEC. 241. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest within one year from the date of purchase by paying the amount of the purchase price, cost of certificate and interest and the amount of any assessments which any such purchaser may have paid thereon after purchase by him together with like interest on such amount, and if the reclamation 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: when; how.

SEC. 242. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and the county treasurer must credit the amount paid to the person named in the certificate or his assignee and pay it on demand to

Redemption in specie.

Redemption made only to county treasurer.

such person or his assignee. No redemption shall be made except to the county treasurer of the county in which the land is situated.

Redemption entry.

SEC. 243. 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.

Treasurer's deed to certificate holder if redemption not within time.

SEC. 244. If the property is not redeemed within one year from the date of sale, the county treasurer of the county in which the land sold is situated, must make to the purchaser or his assignee 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.

Fee for deed.

SEC. 245. The treasurer shall receive from the purchaser for the use of the district one dollar for making such deed. 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.

One deed for more than one parcel.

Treasurer's deed as evidence.

SEC. 246. The matter recited in the certificate of sale must be recited in the deed and such deed duly acknowledged or proved is *prima facie* evidence that:

Assessment.

1. The property was assessed as required by law.

Equalization.

2. The property was equalized as required by law.

Levy.

3. The assessments were levied in accordance with law.

Non-payment.

4. The assessments were not paid.

5. At a proper time and place the property was sold as prescribed by law, and by the proper officers.

Property sold.

6. The person who executed the deed was the proper officer.

Deed by proper officer.

SEC. 247. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the secretary inclusive up to the execution of the deed.

Conclusive-ness of deed.

SEC. 248. The deed conveys to the grantee the absolute title to the lands described therein free from all encumbrances except when the land is owned by the United States or the State of Washington in which case it is *prima facie* evidence of the right of possession.

Lands conveyed free of encumbrances.

If owned by state or U. S. deed evidence of possessory right.

SEC. 249. The assessment book or delinquency list, or a copy thereof, certified by the secretary showing unpaid assessments against any person or property is *prima facie* evidence of the assessment of the property, the delinquency, the amount of the assessments due and unpaid and that all the forms of law in relation to the assessment and levy of such assessment have been complied with.

Assessment book for delinquency list evidence of what.

SEC. 250. When land is sold for assessments correctly imposed as the property of a particular person no misnomer of the owner or supposed owner or other mistake relating to the ownership thereof effects the sale or renders it void or voidable.

Sale for assessments not invalidated by certain errors.

SEC. 251. 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 general improvement or divisional district assessments 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 the rate of twelve per cent per annum reckoned from the

General tax certificate holder may pay all assessments and foreclose or may foreclose subject to district assessments.

date of delinquency of said assessments shall be included in the amount for which foreclosure may be had or if said certificate holder elects to foreclose such certificate without paying such assessments, the purchaser at such foreclosure sale shall acquire title to such property subject to all such district assessments.

Foreclosure sale to county for general taxes. Land subject to subsequent district assessments.

SEC. 252. Property within a general improvement or divisional district authorized under the provisions of this act, acquired by a county pursuant to a foreclosure and sale for general taxes, shall, nevertheless, be liable for all assessments levied by the district subsequent to the date of the sale for delinquent general taxes to the county, which assessments the board of county commissioners may at its option pay from the current expense fund of the county or execute and deliver to the district a deed from the county to the district in lieu of the payment of said assessments.

Payment by county from expense fund or land deeded to district.

County lands.

Sale for delinquent assessments subsequent to county's acquisition.

SEC. 253. The county treasurer shall have authority to sell lands, owned by the county, for delinquent assessments levied against the same subsequent to the acquisition of said property by the county in the same manner and with the same force and effect as though said property were owned by a private individual.

Special assessments may be authorized by voters.

SEC. 254. Special assessments may be voted by the electors of any general improvement district or divisional district within the reclamation district for any of the purposes for which bonds of the district as herein authorized may be issued.

Special assessments voted.

Annual levy.

SEC. 255. In the event that special assessments are voted by the electors of the district, levy for the same against the lands within such district shall be made on the completion and equalization of the assessment roll each year, which special assessment

roll shall be prepared, equalized, the levy made and assessments collected at the same time and in the same manner and by the same officers that the assessment roll is prepared, equalized and assessments collected for the payment of bonds and the district board and other officers shall have the same powers and functions for the purposes of said voted special assessment as possessed by them in case of levy of assessments to pay bonds of the district.

Special assessment roll—preparation, etc.

SEC. 256. When it is desired to levy special assessments for any of the purposes for which bonds of the district may be issued, the proposition to levy such special assessments shall be submitted to the electors of the general improvement district or divisional district as the case may be, at an election called for that purpose.

Levy of special assessments submitted to voters at called election.

SEC. 257. Such election shall be called, provided for, notice thereof given, shall be conducted, and the results thereof canvassed by the same officers in the same manner and with the same force and effect as provided herein for bond elections in such districts.

Election as in case of district bond elections.

SEC. 258. The notice of election must specify the amount of money proposed to be raised and the purpose for which it is intended to be used and the number of instalments in which it is to be paid. The ballot at such election shall contain the words "Assessment—Yes" and "Assessment—No".

Notice of election—recitals.

Ballot.

SEC. 259. If the majority of the votes cast at such election are "Assessment—Yes", the board may immediately or at intervals thereafter incur indebtedness to the amount of said special assessment for any of the purposes for which the proceeds of said assessment may be used.

Assessment voted.

Board may incur indebtedness—limit.

SEC. 260. Said board in such event may provide for the payment of said indebtedness by the issue and sale of coupon notes of the district to an amount

Issue of coupon notes to pay indebtedness.

Payable in  
three in-  
stalments.

equal to said authorized indebtedness which coupon notes shall be payable in such equal instalments, not exceeding three in number, as the board shall direct. .

Annual levy  
to pay  
coupon notes.

SEC. 261. Said coupon notes shall be payable exclusively by assessments levied at the time of the regular annual levy each year thereafter until fully paid. All the lands within the general improvement district or divisional district as the case may be, shall be and remain liable to an annual assessment for the payment of said coupon notes with interest until fully paid.

Lands liable  
to assess-  
ment to pay  
notes.

Rate of  
interest.

SEC. 262. Coupon notes issued under the provisions of this act shall bear interest at a rate not to exceed seven per cent per annum, payable semi-annually.

Board may  
fix tolls  
electric and  
water power  
for domestic  
purposes.

SEC. 263. The district board shall have authority to fix and charge tolls for the distribution of electric power or water, for domestic purposes as herein provided, and to collect said tolls from all persons using such service. All tolls shall be collected by such officer as the board shall designate and shall be deposited with the county treasurer of the county in which the organization of the reclamation district was effected, monthly and shall be credited to such fund of the district as the district board shall designate.

To collect  
monthly.

Bond of  
collectors.

SEC. 264. Any officer of the district collecting tolls as herein provided, shall be required to give a surety bond in double the probable amount of monthly collections conditioned that he will faithfully account to the reclamation district for all tolls collected under the provisions of this act.

SEC. 265. At the instance of the board of directors of any reclamation district created under this act, the superior court of the State of Washington



shall have original jurisdiction to judicially examine, approve and confirm any or all proceedings pertaining to the organization of the reclamation district or of any general improvement or divisional district therein, and any or all proceedings had or contemplated in the exercise of any of the functions or powers of any of such districts.

Superior court has original jurisdiction to hear and confirm district organization proceedings, etc.

SEC. 266. For the purpose of securing such judicial determination, the board of directors of the reclamation district shall file in the superior court of the county in which the lands of said district or some portion thereof are situated, a petition praying in effect that the proceedings aforesaid be examined, approved and confirmed by the court.

Petition for judicial determination.

SEC. 267. The petition shall state the facts generally showing the proceedings which are sought to be judicially examined.

Contents of petition.

SEC. 268. The court shall fix a time for the hearing of said petition and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall mention the time and place fixed for the hearing of the petition and the prayer of the petition, and shall state that any person interested in said proceedings may on or before the day fixed for the hearing of said petition demur to or answer the same.

Time for hearing. Notice of filing of petition, etc.

SEC. 269. The notice shall be given and published in the same manner and for the same length of time as that required herein for the notice of hearing on the petition to organize a reclamation district.

Publication of notice.

SEC. 270. Any person interested in the proceedings sought to be judicially examined may demur to or answer said petition.

Who may appear.

SEC. 271. The rules of pleading, practice and appeal provided by the statutes of this state which

Court rules applicable.

are not inconsistent with any of the provisions herein, are applicable to and shall govern the special proceedings for the judicial examination and determination of any of the district proceedings aforesaid.

Motion for  
new trial.

SEC. 272. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issues to [to] be re-examined on such new trial and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

Action in  
*rem*.

SEC. 273. Said action shall be one *in rem* against all persons claiming any right or interest in the proceedings concerned and upon the hearing of such special proceedings the court shall have full power and jurisdiction to examine and determine the legality and validity of and to approve and confirm each and all of the proceedings mentioned in the petition seeking judicial determination and all other proceedings which may affect the proceedings in question.

Court to  
disregard  
errors not  
affecting  
substantial  
rights of  
parties.

SEC. 274. The court in inquiring into the regularity, legality and correctness of said proceedings, must disregard any error, determination or omission which does not affect the substantial rights of the parties to said special proceedings and it may approve and confirm such proceedings in part and disapprove and declare illegal or invalid other and subsequent parts of the proceedings.

Judgment  
final unless  
appeal  
within time.

SEC. 275. The judgment rendered in such action unless appealed from within the time prescribed herein and upon final judgment upon appeal, shall be conclusive as to all matters determined by the court in said action against every person including those under disability as well as those free from disability.

SEC. 276. The cost of the special judicial proceedings authorized herein may be allowed and apportioned between all of the parties in the discretion of the court. Apportionment of costs.

SEC. 277. An appeal from an order granting or refusing a new trial or from the judgment in said action must be taken by the parties aggrieved within thirty days after the entry of said order or said judgment. Thirty days to appeal from order granting or refusing new trial.

SEC. 278. The provisions of this act and all proceedings thereunder shall be liberally construed with a view to effect their objects. Liberal construction.

SEC. 279. 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. Partial invalidity.

SEC. 280. 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. Emergency.

Passed the Senate February 25, 1927.

Passed the House March 3, 1927.

Approved by the Governor March 21, 1927.

## CHAPTER 255.

[S. B. 85.]

## PUBLIC LANDS.

AN ACT relating to the selection, control, management, sale, lease and disposition of lands and areas belonging to or held in trust by the state, defining the powers and duties of certain officers in relation thereto, providing for appeals, prohibiting certain acts in relation thereto and providing penalties for violations thereof.

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

SECTION 1. Public lands of the State of Washington are lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tide lands, shore lands and harbor areas as hereinafter defined, and the beds of navigable waters belonging to the state.

Whenever used in this act the term "state lands" shall mean and include:

Public lands. State, tide, and shore lands. Harbor areas. Beds of navigable waters.

State lands classified:

School lands. School lands, that is, lands held in trust for the support of the common schools;

University lands. University lands, that is, lands held in trust for university purposes;

Agricultural college lands. Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

Scientific school lands. Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

Normal school lands. Normal school lands, that is, lands held in trust for state normal schools;

Capitol building lands. Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive and judicial purposes;

Institutional lands, that is, lands held in trust for state charitable, educational, penal and reformatory institutions; and

Institutional lands.

All public lands of the state, except tide lands, shore lands, harbor areas and the beds of navigable waters.

Public lands.

SEC. 2. Whenever used in this act the term "outer harbor line" shall mean a line located and established in navigable waters as provided in section 1 of article XV of the state constitution, beyond which the state shall never sell or lease any rights whatever.

Outer harbor line.

May not sell or lease rights beyond.

SEC. 3. Whenever used in this act the term "harbor area" shall mean the area of navigable tidal waters determined as provided in section 1 of article XV of the state constitution, which shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Harbor area.

Reserved for navigation and commerce.

SEC. 4. Whenever used in this act the term "inner harbor line" shall mean a line located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area.

Inner harbor line.

SEC. 5. Whenever used in this act the term "first class tide lands" shall mean the beds and shores of navigable tidal waters belonging to the state, lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.

First class tide lands.

SEC. 6. Whenever used in this act the term "second class tide lands" shall mean public lands belonging to the state over which the tide ebbs and

Second class tide lands.

flows outside of and more than two miles from the corporate limits of any city, from the line of ordinary high tide to the line of extreme low tide.

First class  
shore lands.

SEC. 7. Whenever used in this act the term "first class shore lands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side.

Second  
class shore  
lands.

SEC. 8. Whenever used in this act the term "second class shore lands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and more than two miles from the corporate limits of any city.

Improve-  
ments.

SEC. 9. Whenever used in this act the term "improvements" when referring to public lands belonging to the state shall mean anything considered a fixture in law placed upon or attached to such lands, or any change made in their previous condition that has added value to the lands.

Board of  
state land  
commission-  
ers con-  
stituted.

SEC. 10. The commissioner of public lands, the secretary of state, and the state treasurer shall constitute the board of state land commissioners, of which the commissioner of public lands shall be chairman, and a clerk in the office of the commissioner of public lands, to be appointed by the chairman, shall be secretary.

Ex-officio  
harbor line  
commission.

SEC. 11. The board of state land commissioners shall constitute the commission provided for in section 1 of article XV of the state constitution, to locate and establish harbor lines beyond which the state shall never sell or lease any rights whatever, and to determine the width of the harbor area be-

tween such harbor lines and the line of ordinary high tide, which area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Reservation for navigation and commerce.

SEC. 12. The board of state land commissioners shall constitute the board of appraisers provided for in section 2 of article XVI of the state constitution, to, before the sale of any lands granted to the state for educational purposes, appraise the value of such lands less the improvements thereon.

Board of appraisers of educational lands.

SEC. 13. The board of state land commissioners shall have its office and keep its records in the office of the commissioner of public lands, and shall keep a full and complete record of its proceedings in separate records, one relating to the establishment of harbor lines and the determination of harbor areas, and one relating to the appraisal of lands granted for educational purposes, and the board shall have the power, from time to time, to make and enforce rules and regulations for the carrying out of the provisions of this act relating to its duties not inconsistent with law.

Office and records of board.

Separate records for harbor lines and areas and for appraisal of educational lands.

May make rules.

SEC. 14. The commissioner of public lands shall have the power to appoint an assistant, who shall be deputy commissioner of public lands with power to perform any act or duty relating to the office of the commissioner, and, in case of vacancy by death or resignation of the commissioner, shall perform the duties of the office until the vacancy is filled, and shall act as chief clerk in the office of the commissioner of public lands, and, before entering upon his duties, shall take, subscribe and file in the office of the secretary of state the oath of office required by law of state officers.

Deputy land commissioner.

Act as commissioner—when.

Chief clerk.

Oath of office.

SEC. 15. The commissioner of public lands shall have the power to appoint an auditor and cashier, and an assistant auditor and cashier, and to appoint

Commissioner may appoint certain assistants.

State land inspectors.

and employ such number of state land inspectors, who shall be citizens of the State of Washington familiar with the work of inspecting and appraising lands, and such number of engineers, draftsmen, clerks and other assistants, as he may deem necessary for the performance of the duties of his office.

Bonds of commissioner and appointees.

SEC. 16. The commissioner of public lands and his appointees shall enter into good and sufficient surety company bonds as required by law, in the following sums: Commissioner of public lands, fifty thousand dollars; auditor and cashier, twenty thousand dollars; assistant auditor and cashier, ten thousand dollars; each state land inspector, five thousand dollars; and other appointees in such sum as may be fixed in the manner provided by law.

State land inspector compensation.

SEC. 17. The compensation of a state land inspector shall not exceed seven dollars per diem for the time actually employed, and necessary expenses, which shall be submitted to the commissioner of public lands in an itemized and verified account to be approved by him.

Oath of office.

Each state land inspector shall, before entering upon his duties, take and subscribe and file in the office of the secretary of state, an oath in substance as follows: "I.....do solemnly swear that I will well and truly perform the duties of state land inspector in the inspection and appraisal of lands to be selected by, or belonging to, or held in trust by the State of Washington, to the best of my knowledge and ability; that I will personally and carefully examine each parcel or tract of land assigned to me for inspection, and a full and complete report make, as to each tract inspected, of every material fact connected with the location, condition and character of said land, and my estimate of the value thereof, and the amount and estimated value of all timber, or other valuable



material, and all improvements thereon, when directed by the commissioner of public lands; that I am not, nor will I become, interested directly or indirectly in the sale, lease or purchase of said lands; that I will not communicate or disclose to any person other than the commissioner of public lands, or his deputy, or the members of the board of state land commissioners, any information in relation to the location, condition, character or value of any lands inspected by me, or the timber or other valuable material, or the improvements thereon; that in the performance of my duties as state land inspector I will in all respects act according to the best of my knowledge and ability, and will protect the interests of the State of Washington.”

SEC. 18. If any state land inspector shall knowingly or willfully make any false statement in any report of inspection of lands, or any false estimate of the value of lands inspected or the timber or other valuable materials or improvements thereon, or shall knowingly or willfully divulge anything or give any information in regard to lands inspected by him, other than to the commissioner of public lands, the deputy commissioner of public lands, or the board of state land commissioners, he shall forthwith be removed from office, and shall be deemed guilty of a felony and in such case it shall be the duty of the commissioner of public lands and of the members of the board of state land commissioners, to report all facts within their knowledge to the proper prosecuting officer to the end that prosecution for the offense may be had.

False report or estimate or disclosure of information by land inspector.

Penalty.

SEC. 19. So long as any grant of lands by the United States to the State of Washington, for any purpose, or as lieu or indemnity lands therefor, remains incomplete, the commissioner of public lands shall, from time to time, cause the records in his

Grant by U. S.

Lieu or indemnity lands.

Records examined for unappropriated U. S. lands.

Inspection and appraisal.

Classification of lands.

Quantity and value of timber, etc.

Report under oath.

Inspector to personally examine.

office and in the United States land offices, to be examined for the purpose of ascertaining what of the unappropriated lands of the United States are open to selection, and whether any thereof may be of sufficient value and so situated as to warrant their selection as state lands, and in that case may cause the same to be inspected and appraised by one or more state land inspectors, and a full report made thereon by the smallest legal subdivisions of forty acres each, classifying such lands into grazing, farming and timbered lands, and estimating the value of each tract inspected and the quantity and value of all valuable material thereon, and in the case of timbered lands the amount and value of the standing timber thereon, and the estimated value of such lands after the timber is removed, which report shall be made as amply and expeditiously as possible on blanks to be furnished by the commissioner of public lands for that purpose, under the oath of the inspector to the effect that he has personally examined the tracts mentioned in each forty acres thereof, and that said report and appraisal is made from such personal examination, and is, to the best of affiant's knowledge and belief, true and correct, and that the lands are not occupied by any *bona fide* settler.

Selection by commissioner of unappropriated lands.

The commissioner of public lands shall select such unappropriated lands as he shall deem advisable, and do all things necessary under the laws of the United States to vest title thereto in the state, and shall assign lands of equal value, as near as may be, to the various uncompleted grants.

Selection of land failed or rejected.

SEC. 20. In case any person interested in any tract of land heretofore selected by the Territory of Washington or any officer, board or agent thereof or by the State of Washington or any officer, board or agent thereof or which may be hereafter selected

by the State of Washington or the commissioner of public lands, in pursuance to any grant of public lands made by the United States to the Territory or State of Washington for any purpose or upon any trust whatever, the selection of which has failed or been rejected or shall fail or shall be rejected for any reason, shall request it, the commissioner of public lands shall have the authority and power on behalf of the state to relinquish to the United States such tract of land.

Land relinquished to U. S. on request of interested person.

SEC. 21. The commissioner of public lands shall cause to be prepared, and furnish to applicants, blank forms of applications for the appraisement, and purchase of any state lands, except capitol building lands, and the purchase of tide or shore lands, and the purchase of timber, fallen timber, stone, gravel or other valuable materials situated thereon, and the lease of state lands, tide lands, shore lands and harbor areas which forms shall contain such instructions as will inform and aid intending applicants in making applications.

Forms to applicants for appraisement and purchase of lands.

SEC. 22. Any citizen, or person who has in good faith declared his intentions of becoming a citizen of the United States, or any corporation organized under the laws of this state or any state or territory of the United States, the majority of stockholders of which are citizens of the United States, desiring to purchase any state lands, except capitol building lands, or to purchase any tide or shore lands, or to purchase any timber, fallen timber, stone, gravel or other valuable materials situated on state, tide or shore lands, or to lease any state, tide or shore lands, or harbor areas, shall file in the office of the commissioner of public lands an application, on the proper form, and in case of application for the purchase of lands, or for the purchase of timber, fallen timber, stone, gravel or other valuable materials,

Who may apply for purchase of lands, timber, etc.

Filing application.

Deposit  
required.

shall deposit with the application not less than ten cents per acre for the land or material applied for, but in no case less than ten dollars, and in case of application for lease for any purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, shall deposit the sum of ten dollars, which deposit shall be returned to the applicant in case the land or materials applied for is sold, or the land or area leased, when offered pursuant to the application, but in case the land or material is not sold, or the land or area not leased, by reason of the failure of the applicant to bid the appraised value, or the fixed rental thereof, when the same is offered, the deposit shall be forfeited to the state and paid into the state treasury to the credit of the general fund.

When  
deposit  
returned.

Deposit  
forfeited.

Applications  
for appraise-  
ment and  
sale or lease.

Inspection  
of lands.

Report of  
inspector.

Application  
to purchase  
educational  
lands and  
report  
thereon filed  
with board  
of state land  
commis-  
sioners.

SEC. 23. When, in the judgment of the commissioner of public lands, a sufficient number of applications for the appraisement and sale, or the lease, for any lawful purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, of state lands, except capitol building lands, have been received, the commissioner shall cause each tract of land so applied for to be inspected by one or more state land inspectors as to its character, topography, agricultural and grazing qualities, timber, coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and a full report thereof to be made to the commissioner, together with the inspector's judgment as to the present and prospective value, or rental value, as the case may be. In case of an application to purchase land granted to the state for educational purposes, the commissioner shall submit said report together with all other information in the records of the office of the commissioner of public lands concerning the

land applied for, to the board of state land commissioners, which board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the commissioner of public lands shall appraise and fix the value thereof. In case of applications for the lease of state lands, except capitol building lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the commissioner of public lands shall fix the rental value thereof, and shall fix the limit of the value of the improvements that may be placed upon said land by any lessee of the state, and may, in case the land is leased, at any time during the life of the lease, extend the limit of value of the improvements that may be placed upon the land covered by the lease, if he deems it advisable and for the best interest of the state, by written order which shall be filed with the lease in the office of the commissioner, and a copy mailed to the lessee at his last known postoffice address, and upon the expiration of such lease, the commissioner of public lands, shall not appraise said improvements in an amount exceeding the limit so fixed by the commissioner of public lands.

SEC. 24. Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except with the consent of the board of regents of the University of Washington. Not less than a legal subdivision of any land granted to the state by the United States shall be offered for sale, except that upon the application of a cemetery association for the purchase

Minimum valuation.

Land Commissioner to appraise other state lands.

Application for lease.

Fixing rental value.

Value of improvements.

Extension of limit of value of improvements.

Filing order.

Expiration of lease.

Appraisal of improvements.

Sale limited to 160 acres.

May not sell university lands without consent of regents.

Legal subdivision minimum offered for sale.

Cemetery sites minimum purchase.

School house sites.

School district to have preference to purchase.

Price.

When tract less than subdivision may be sold or leased.

Sale of timber.

Maximum amount of educational land leased to one person.

Period of lease.

If oil or gas lease twenty year limit.

Platting into lots and blocks lands near and within municipality.

of school land for a site or sites for cemeteries, not less than one nor more than ten acres may be offered, and in case of the application of a school district for the purchase of a school house site or sites on any school lands, not less than three nor more than ten acres each may be offered for sale and in all cases where a school house is or may be erected upon any school lands the school district to which such school house belongs shall have the preference right for six months after the filing of the final appraisal of such school lands to purchase school house sites to include the lands occupied by such school houses and grounds, at the appraisal value thereof, and in case any tract of timber or agricultural state land, except capitol building lands, contain less than a regular government or public subdivision, where the reduced area of said tract is due to natural causes, or to isolation, it may be offered for sale or lease, or the timber thereon may be offered for sale, as in this act provided, whenever the commissioner of public lands shall deem it to be to the best interest of the state. Not more than one section of land granted to the state for educational purposes shall be leased to any one person or company, nor for a longer period than five years, except that such lands may be leased for the extraction of petroleum or natural gas or for the mining of coal for any period not exceeding twenty years.

SEC. 25. The commissioner of public lands shall cause all unplatted state lands, except capitol building lands, within the limits of any incorporated city or town, or within two miles of the boundary thereof, where the valuation of such lands is found by appraisal to exceed one hundred dollars per acre, to be platted into lots and blocks, of not more than five acres in a block, before the same are offered for

sale, and not more than one block shall be offered for sale in one parcel. The commissioner of public lands may designate or describe any such plat by name, or numeral, or as an addition to such city or town, and, upon the filing of any such plat, it shall be sufficient to describe the lands, or any portion thereof, embraced in such plat, according to the designation prescribed by the commissioner of public lands. Such plats shall be made in duplicate, and when properly authenticated by the commissioner of public lands, one copy thereof shall be filed in the office of the commissioner and one copy in the office of the county auditor in which the lands are situated, and said auditor shall receive and file such plats without compensation or fees and make record thereof in the same manner as required by law for the filing and recording of other plats in his office.

Designated  
as addition  
to the city.

Plats in  
duplicate.

Filing and  
recording.

No filing fee  
to county  
auditor.

SEC. 26. When, in the judgment of the commissioner of public lands the best interest of the state will be thereby promoted, the commissioner may vacate any plat or plats covering state lands, except capitol building lands, and vacate any street, alley or other public place therein situated: *Provided*, That the vacation of any such plat shall not effect the vested rights of any person or persons theretofore acquired therein. In the exercise of the foregoing power and authority to vacate the commissioner shall enter an order in the records of his office and at once forward a certified copy thereof to the county auditor of the county wherein said platted lands are located and said auditor shall cause the same to be recorded in the miscellaneous records of his office and noted on the plat by reference to the volume and page of the record.

Vacation  
of plats.

Streets and  
alleys  
vacated.

Vested rights  
protected.

Entry of  
vacation  
order.

Copy to  
county  
auditor.

SEC. 27. Whenever all the owners and other persons having a vested interest in the lands abut-

Platted lands.

Petition of abutting owners for vacation of portion of tract.

Replattng and sale of vacated portions.

New survey not essential when.

Abutting owners preference right to purchase vacated lands.

Application to purchase less than section of unplatted lands.

Vetoed.

ting on any street, alley, or other public place, or any portion thereof, in any plat of state lands, except capitol building lands, lying outside the limits of any incorporated city or town, shall petition the commissioner of public lands therefor, the commissioner may vacate any such tract, alley or public place or part thereof and in such case all such streets, alleys or other public places or portions thereof so vacated shall be platted, appraised and sold or leased in the manner provided for the platting, appraisal and sale or lease of similar lands: *Provided*, That where the area vacated can be determined from the plat already filed it shall not be necessary to survey such area before platting the same. The owner or owners, or other persons having a vested interest in the lands abutting on any of the lots, blocks or other parcels platted upon the lands embraced within any area vacated as hereinabove provided, shall have a preference right for the period of sixty days from the date of filing such plat and the appraisal of such lots, blocks or other parcels of land in the office of the commissioner of public lands, to purchase the same at the appraised value thereof.

SEC. 28. Whenever application is made to purchase less than a section of unplatted state lands, except capitol building lands, the commissioner of public lands may order the inspection of the entire section or sections of which the lands applied for form a part.

SEC. 29. In no case shall any lands granted to the state for educational purposes be offered for sale unless the same shall have been appraised by the board of state land commissioners within ninety days prior to the date fixed for the sale, and in no case shall any other state lands, except capitol building lands, or tide or shore lands belonging to the



state, or any materials on any state lands, except capitol building lands, or on any tide or shore lands, or the beds of navigable waters belonging to the state, be offered for sale unless the same shall have been appraised by the commissioner of public lands within ninety days prior to the date fixed for the sale. No public lands, except capitol building lands, or timber or other valuable materials thereon, shall be sold or offered for sale by the commissioner of public lands unless the same have been inspected, and any timber thereon cruised, within one year prior to the date of sale, by a duly qualified inspector, or cruiser and a report in writing of such inspection and/or cruise filed in the office of the commissioner of public lands.

Vetoed.

The commissioner of public lands, and the board of state land commissioners, shall have the power to make public, or to refrain from making public, any report of any inspection and/or cruise, filed as in this section provided, so long as the lands referred to in such report remain unsold, but when any such lands, or the timber thereon, shall have been sold and conveyed by the state, all such reports, or cruises, as the case may be, shall become public records.

SEC. 30. The commissioner of public lands may cause any state lands, except capitol building lands, or any tide or shore lands, to be surveyed for the purpose of ascertaining and determining the area subject to sale or lease.

Surveying state lands to determine area subject to sale or lease.

SEC. 31. Timber, fallen timber, stone, gravel, or other valuable material situated upon state lands, except capitol building lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the

Sale of timber, stone, etc., separate from the land.

When timber shall be sold separate from the land.

Application to purchase material.

Inspection and report.

Appraised value minimum price.

Lands within watershed.

City may acquire with timber, etc., without a separate appraisalment.

Timber, stone, etc., sold separate from land. Cash payment required.

Timber, etc., sold separate from the land reverts to state not removed within time.

same, and in case the estimated amount of timber on any tract of state lands, except capitol building lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land. When application is made for the purchase of any valuable material, situated upon state lands, except capitol building lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state, the same inspection and report shall be had as upon an application for the appraisalment and sale of such lands, and the commissioner of public lands shall appraise the value of the material applied for. No timber, fallen timber, stone, gravel, or other valuable material, shall be sold for less than the appraised value thereof.

SEC. 32. Whenever any state lands, except capitol building lands, lie within the limits of any watershed over or through which is derived the water supply of any city or town in this state, and such city or town shall desire to purchase or condemn the same, it may do so, and, in case of purchase, it shall have the right to purchase the land with the timber, fallen timber, stone, gravel, or other valuable material thereon without a separate appraisalment thereof.

SEC. 33. When any timber, fallen timber, stone, gravel, or other valuable material on state lands, except capitol building lands, is sold separate from the land, the full purchase price thereof shall be paid in cash.

In all cases where timber, fallen timber, stone, gravel, or other valuable material, is sold separate from the land, the same shall revert to the state if not removed from the land within five years from the date of the purchase thereof: *Provided*, That in all cases where, in the judgment of the commissioner of public lands, the purchaser is acting in good faith

and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding ten years, upon payment to the state of a sum, to be fixed by the commissioner, of not less than one nor more than two dollars per acre per annum, and the commissioner shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold.

Extension of time for removal.

Extension fee.

SEC. 34. Before any state lands, except capitol building lands, are offered for sale, or before any state lands are offered for lease, the commissioner of public lands shall separately appraise all improvements situated thereon at the time of the appraisal of the land, at such sum as the improvements add to the value of the land for the purpose of selling the same, and shall also appraise all damages and waste committed or suffered upon such lands by the cutting or removal of timber, or the removal of stone, gravel or other valuable material, by the person or persons owning such improvements, or their assignors, and the damages so found shall be deducted from the appraised value of the improvements, and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisal shall be recorded in the office of the commissioner of public lands, but nothing herein shall be construed as affecting the right of the state to receive the full value of the land.

Appraisal of improvements prior to sale or lease of lands.

Appraisal of damages and waste.

Damages deducted from value of improvements.

Recording appraisal.

State to receive full value for land.

SEC. 35. No lessee of state lands shall remain in possession of said lands, or the improvements thereon, after the termination or expiration of his lease, without the written consent of the commissioner of public lands, and then only upon such terms and conditions as such written consent shall

Surrender of possession on termination of lease.

Extension of time.

Removal  
of improve-  
ments.

prescribe. At any time within sixty days after the termination or expiration of any such lease the owner of said improvements shall be entitled to remove such thereof as can be removed without injury to the land.

When im-  
provements  
become  
property  
of state.

SEC. 36. All improvements placed upon state lands under lease, during the term of any lease, which remain upon said lands sixty days after the termination or expiration of said lease, except with the consent of the commissioner of public lands as above provided, shall become the property of the state, and be considered a part of the land upon which they are located: *Provided*, That if said lands are sold within a period of three years from the termination or expiration of said lease, then the purchaser at such sale shall pay to the owner of said improvements the appraised value thereof as determined by the commissioner of public lands. Any improvements placed upon any state lands without the written authority of the commissioner of public lands, or after the expiration of a written lease, shall become the property of the state and be considered a part of the land.

When pur-  
chaser to pay  
owner value  
of improve-  
ments.

Unauthor-  
ized im-  
provements  
become state  
property.

Deposit by  
purchaser of  
state lands  
covering  
value of im-  
provements.

When owner  
of improve-  
ments to  
receive  
payment  
therefor.

SEC. 37. If the purchaser of state lands be not the owner of the improvements thereon, he shall deposit with the officer making the sale, at the time of the sale, the appraised value of such improvements, and if it be found by the commissioner of public lands that the owner of such improvements was not holding adversely to the state at the time of the making thereof, or that said improvements were placed upon the land in good faith by a lessee of the state whose lease had not been cancelled or become subject to cancellation for any cause, or that such improvements were placed upon the land by mistake, then the commissioner shall pay to the owner of said improvements the sum so deposited,

but if it be found that such improvements were made by persons holding or claiming adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, or by a lessee or other person with intent to defraud the state or the intending purchaser of the land from the state, then the sum so deposited shall be paid into the state treasury to be placed to the credit of the fund into which the proceeds derived from the sale of the land should be paid.

SEC. 38. For the purpose of determining the value and character of lands, timber, fallen timber, stone, gravel, or other valuable material, or improvements, the board of state land commissioners, or the commissioner of public lands, as the case may be, may compel the attendance of witnesses by subpoena, at such place as the board, or the commissioner, may designate, and examine such witnesses under oath as to the value and character of such lands, or materials, or improvements and waste or damage to the land.

May subpoena witnesses to ascertain value and character of lands, timber, etc.

SEC. 39. When timber, or other valuable materials have been sold separate from lands granted to the state for educational purposes, and have actually been removed therefrom, then such lands may be sold for such a sum as added to the price received for the timber or other valuable materials will not be less than ten dollars per acre.

Materials sold separate from educational lands.

Minimum sale price of lands.

SEC. 40. All sales of timber upon state lands, except capitol building lands, shall be made subject to the right, power and authority of the commissioner of public lands to prescribe rules and regulations governing the manner of the removal of the timber with a view to the protection of the non-merchantable timber against destruction or injury by fire or from other causes, and such rules or

Timber sales subject to rules governing manner of removal.

regulations shall be binding upon the purchaser of the timber and his successors in interest and shall be enforced by the commissioner of public lands.

Sale and removal of merchantable timber.

Land classified.

Reservation for reforestation.

Reservations certified to conservation director.

Fire protection.

Reforestation.

Sale of timber damaged by fire.

Harvesting and disposition of crops by state upon termination of lease.

SEC. 41. When the merchantable timber has been sold and actually removed from any state lands, except capitol building lands, the commissioner of public lands may classify the land, and may reserve from any future sale such portions thereof as may be found suitable for reforestation, and in such case, the commissioner shall enter such reservation in the records in his office, and all such lands so reserved shall not thereafter be subject to sale or lease. The commissioner of public lands shall certify all such reservations for reforestation so made, to the director of conservation and development, and it shall be the duty of the director of conservation and development, through and by means of the division of forestry, to protect such lands, and the remaining timber thereon, from fire and to reforest the same.

SEC. 42. The commissioner of public lands may cause all timber on state lands, except capitol building lands, which has been damaged by fire, to be inspected and appraised and offered for sale without an application having been filed, or deposit made, for the purchase of the same.

SEC. 43. Whenever the State of Washington shall become the owner of any growing crop, or crop grown upon, any state lands, by reason of the forfeiture, cancellation or termination of any contract or lease of state lands, or from any other cause, the commissioner of public lands is authorized to arrange for the harvesting, sale or other disposition of such crop in such manner as he deems for the best interest of the state, and shall pay the proceeds of any such sale into the state treasury to be

credited to the same fund as the rental of the lands upon which the crop was grown would be credited.

SEC. 44. Any county, city or town desiring to purchase any stone, rock, gravel or sand upon any state lands, or upon any tide or shore lands or bed of navigable waters belonging to the state, 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 commissioner of public lands an application for the purchase thereof, which application shall set forth the quantity and kind of material desired to be purchased, the location thereof, and the name, or other designation, and location of the street, road or highway upon which the material is to be used. The commissioner of public lands upon the receipt of such an application is authorized to sell said material in such manner and upon such terms as he deems advisable and for the best interest of the state for not less than the fair market value thereof to be appraised by the commissioner of public lands. The proceeds of any such sale shall be paid into the state treasury and credited to the fund to which the proceeds of the sale of the land upon which the material is situated would belong.

Purchase by county or city of stone, etc., for street or highway improvement.

Application.

Authority to sell material.

Price.

SEC. 45. Immediately upon the making of the appraisalment of the value of any state lands, except capitol building lands, or rental value of any state lands, upon application to purchase the same, or to lease the same for any purpose except mining of valuable minerals, or coal, or extracting petroleum or gas, or upon making the appraisalment of the value of timber, fallen timber, stone, gravel, or other valuable materials, upon application to purchase the same at public auction, the commissioner of public lands shall prepare in duplicate a certificate of such appraisalment showing in detail the facts found and

Appraisalment of value of state lands, etc.

Certificate in duplicate of appraisalment.

Filing and  
posting.

the value appraised, and shall file one copy of the same in his office, and certify one copy and forward it to the auditor of the county in which the land is situated, and the county auditor shall post such certified appraisement in a conspicuous place in his office. The commissioner of public lands shall notify the applicant for the purchase, or lease, of the land, or the purchase of materials, of the appraisement and of the notice to the auditor, and that the board of state land commissioners, or the commissioner of public lands, as the case may be, will allow the applicant twenty days in which to show wherein said appraisement is defective, excessive or unjust, and in case such showing is made it shall be considered by the board, or the commissioner, as the case may be, and notice of their action thereon shall be sent to the applicant.

Notice to  
applicant to  
purchase or  
lease of ap-  
praisement.

Time for  
protest.

Fixing date  
of sale of  
lands or  
materials.

SEC. 46. When the commissioner of public lands shall have decided to sell any lot, block, tract, or tracts of state lands, except capitol building lands and university lands, or any tide or shore lands, or the timber, fallen timber, stone, gravel, or other valuable material thereon, or with the consent of the board of regents of the University of Washington, shall have decided to sell any lot, block, tract or tracts of university lands, or the timber, fallen timber, stone, gravel or other valuable material thereon, it shall be the duty of the commissioner of public lands to forthwith fix the date of sale, which date shall be on the first Tuesday of the month in which the sale is to be had, and no sale shall be had in any month in which the first Tuesday shall fall on a legal holiday, and the commissioner shall give notice of the sale by advertisement published once a week for five weeks next before the time he shall name in said notice, in at lease [least] one newspaper published and of general circulation in the county in which the whole, or any part of any lot,

Publication  
of notice  
of sale.



block or tract of land to be sold or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the office of the county auditor of such county, which notice shall specify the place, time and terms of sale and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and state the appraised value thereof.

SEC. 47. The commissioner of public lands shall cause to be printed in pamphlet form a list of all state lands, except capitol building lands, and of all tide or shore lands, or materials thereon, and the appraised value thereof, that are to be sold in the several counties of the state, said lists to be issued at least four weeks prior to the date of any sale of the 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, the character of the 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. And said county auditors shall keep the list 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 sufficient copies of said 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, shall mail copies of said lists as issued to any applicant therefor. Proof of publication of the notice of sale

Commissioner to publish list of lands and materials for sale.

When issued.

Contents of pamphlet.

Distribution of lists to county auditors.

Free distribution of lists by commissioner.

Proof of publication.

shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the commissioner of public lands.

Advertising  
expense au-  
thorization.

SEC. 48. The commissioner of public lands is authorized to expend any sum in additional advertising of such sale as he shall determine to be for the best interest of the state.

Place of sale.

Time of sale.

SEC. 49. Such sale shall take place in the county in which the whole, or the greater part, of each lot, block, or tract of land, or the material thereon, to be sold, is situated, as shown by the official plat thereof on file in the office of the commissioner of public lands, on the day advertised, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, in front of the court house, or of the building in which the superior court is held in counties in which there is no court house.

Sales at pub-  
lic auction.

SEC. 50. All sales shall be at public auction to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value.

Sales by  
county  
auditor.

SEC. 51. Such sales shall be conducted under the direction of the commissioner of public lands, by the county auditor of the county in which the sale is held, and such auditor, upon the payment to him, by the purchaser, either in cash or by certified check or accepted draft drawn upon some bank doing business in this state, or by postal money order, payable to the order of the commissioner of public lands, of an amount equal to one-tenth of the purchase price of the land purchased by him, or the full amount of the purchase price of the timber, fallen timber, stone, gravel or other valuable material

purchased by him, together with the fee required by law for the issuance of contracts, deeds or bills of sale, shall deliver to the purchaser, under his hand and seal, a memorandum of his purchase containing a description of the land, or materials, purchased, the price bid and the terms of sale. The auditor shall at once send to the commissioner such cash or certified check, draft or postal money order, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the commissioner.

Proceeds and report to commissioner.

SEC. 52. 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 commissioner of public lands it shall be expedient so to do, and such land shall be again advertised and offered for sale as herein provided, whenever any person shall apply to the commissioner in writing to have such land offered for sale and shall agree to pay, at least the appraised value thereof and shall deposit with the commissioner at the time of making such application a sufficient sum of money to pay the cost of advertising such sale.

Readvertising land not sold.

Applicant to pay cost of advertising.

SEC. 53. If no affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, shall be filed with the commissioner of public lands within ten days from the receipt of the report of the county auditor conducting the sale of any state lands, or tide or shore lands, or timber, fallen timber, stone, gravel or other valuable material thereon, and it shall appear from such report that the sale was fairly conducted, that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the commissioner shall be satisfied that the lands, or material, sold

Time in which sale may be protested.

Com-  
mis-  
sioner to  
record sale  
confirmation  
and issue  
contract,  
deed, etc.

would not, upon being readvertised and offered for sale, sell for at least ten per cent more than the price at which it shall have been sold, and that the payment, required by law to be made at the time of making the sale, has been made, and that the best interests of the state may be subserved thereby, the commissioner of public lands shall enter upon his records a confirmation of sale and thereupon issue to the purchaser a contract of sale, deed or bill of sale, as the case may be, as in this act provided.

Terms of  
sale of state  
lands.

Payable in  
ten years.

Interest on  
deferred  
payments.

SEC. 54. All state lands, except capitol building lands, and all tide and shore lands, shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of the issuance of the contract of sale, and one-tenth annually thereafter until the full purchase price has been paid; but any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent per annum. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date, and all remittances for payment of either principal or interest shall be forwarded to the commissioner of public lands: *Provided*, That the commissioner of public lands may, when he deems it for the best interest of the state, sell any state lands, except capitol building lands, in tracts of not more than eighty acres upon the following terms and conditions: One-twentieth of the purchase price to be paid on the date of sale and one-twentieth on the eleventh year thereafter, and one-tenth annually thereafter until the full purchase price has been paid, but in such case, before any such lands are offered for sale, the commissioner of public lands shall prescribe the extent and character of the improvements that shall

Terms when  
payable  
within  
twenty  
years.

be placed upon said lands annually during the first ten years of said contract and said contract shall be subject to forfeiture if the holder thereof shall fail in any year to make such improvements as shall be prescribed by the commissioner before the lands are offered for sale, and the making of such improvements by such contract holder shall, in addition to the payments provided for in said contract, be considered as a part of the consideration thereof. Every such purchaser shall render to the commissioner of public lands between the tenth day of December and the thirty-first day of December of each year during the first ten years a full and complete statement of the character and cost of the improvements placed upon said land during such year. Any such purchaser shall have the right to improve said lands during any one year to any greater extent than that prescribed by the commissioner, and he may pay any number of installments of the purchase price of said lands at any time prior to the dates of payment as above provided for, if the commissioner is satisfied that the improvements which he has placed upon said lands are such as to insure a *bona fide* cultivation and use thereof for agricultural, horticultural or dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four per cent per annum for the first ten years after the date of sale, and thereafter at the rate of six per cent per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes.

Contract forfeited on failure to make improvements.

Annual report by purchaser of improvements made.

May pay installments prior to due date.

Interest on deferred payments.

Improvement of lands for agriculture, dairying, etc., the purpose.

SEC. 55. When the entire purchase price of any state lands, except capitol building lands, or of any tide or shore lands, shall have been fully paid, the

Full purchase price paid.

Deed by  
Governor.

Recordation.

No fee.

commissioner of public lands shall certify such fact to the governor, and shall cause a deed signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed of land issued by the governor other than the fee provided for in this act.

Oil, mineral,  
etc., rights  
reserved by  
state in  
state, tide or  
shore lands  
sold.

SEC. 56. Each and every contract for the sale of, and each deed to, state, tide or shore lands shall contain the following reservation: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself its successors and assigns, forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the suc-

cessful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state, its successors or assigns, until provision has been made by the state, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state, its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer."

Payment for damages to owner in exercising reservation rights.

Legal proceedings to determine damages if owner refuses settlement.

SEC. 57. The purchaser of state lands, except capitol building lands, or of tide or shore lands, under the provisions of this act, except in cases where the full purchase price is paid at the time of the purchase, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf of the state, with the seal of his office attached, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payments of principal and interest,

Form of contract of sale.

Covenants  
of contract.

computed from the date the contract is issued, when due, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on failure to make the payments as prescribed in this act when due, and for six months thereafter, that he will, on demand of the commissioner of public lands, surrender said premises, and that upon such failure for six months all rights of the purchaser under said contract may, at the election of the commissioner of public lands, acting for the state, and without notice to said purchaser, be declared to be forfeited, and that when so declared forfeited the state shall be released from all obligation to convey the land.

Contract in  
duplicate.

The contract provided for in this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands.

Extension  
of time for  
payment.

The commissioner of public lands may, as he deems advisable, extend the time for payment of principal and interest on contracts heretofore issued, and contracts to be issued under this act.

Notice of  
payment  
overdue.

The commissioner of public lands shall notify the purchaser of any state lands, except capitol building lands, and of tide or shore lands, in each instance when payment on his contract is overdue, and that he is liable to forfeiture if payment is not made within six months from the time the same became due, unless the time be extended by the commissioner of public lands.

Bill of sale  
for timber,  
stone, etc.

SEC. 58. When timber, fallen timber, stone, gravel, or other valuable material, shall have been sold separate from the land and the purchase price paid in full, the commissioner of public lands shall cause a bill of sale, signed by the commissioner and attested by the seal of his office, setting for [forth] the time within which such material shall be removed, to be issued to the purchaser and to be re-



corded in the office of the commissioner of public lands, upon the payment of the fee provided for in this act.

Recordation.  
Fee.

SEC. 59. Whenever the holder of any contract of purchase of any state lands, except capitol building lands, or of any tide or shore lands, or the holder of any lease of any such lands, except for mining of valuable minerals, or coal, or extraction of petroleum or gas, shall surrender the same to the commissioner of public lands with the request to have the same divided into two or more contracts, or leases, the commissioner may divide the same and issue new contracts, or leases, provided the proposed subdivision is not less than regular government or platted subdivisions, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental or taxes or assessments on the land held under said contract or lease, nor in any case where the commissioner shall be of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee of two dollars for each new contract, or lease, issued, shall be paid by the applicant, and such fee shall be paid into the state treasury with other fees of the office.

Division into  
two or more  
contracts or  
leases on  
request of  
purchaser  
or lessee.

Conditions.

Fee.

SEC. 60. Any sale or lease of state lands, except capitol building lands, or of tide or shore lands, made by mistake, or not in accordance with law, or obtained by fraud or misrepresentation, shall be void, and the contract of purchase, or lease, issued thereon, shall be of no effect, and the holder of such contract, or lease, shall be required to surrender the same to the commissioner of public lands, who, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has not been paid into the state treasury.

When sale  
or lease  
void.

Refund to  
purchaser  
or lessee.

Lease of state lands.

Purposes.

Terms.

SEC. 61. The commissioner of public lands shall be authorized to lease, for a term of five years or less, to the highest bidder at public auction, any state lands, except capitol building lands, for any purpose, except mining of valuable minerals or coal or extraction of petroleum or gas, and to likewise lease capitol building lands for any purpose except agriculture, but such lands shall not be leased for less than the appraised rental value thereof, nor shall agricultural lands be leased for less than ten cents per acre.

Applications for leases.

List of lands certified to county auditor.

Time and place for offering lands for lease.

SEC. 62. When in the judgment of the commissioner of public lands a sufficient number of applications for leases as provided in the preceding section, have been received from any one county, the commissioner shall certify a list of such lands so applied for, and any other lands he may deem advisable to offer for lease at the same time, to the auditor of the county in which such lands are situated, and fix the time and place when and where such lands shall be offered for lease, and describe the character of the lands.

County auditor to post list.

Lease to highest bidder.

SEC. 63. Upon the receipt of any certified list of lands offered for lease, the county auditor shall post said list for a period of thirty days prior to the date of leasing, in some conspicuous place in his office, and elsewhere in the county, as the commissioner of public lands may direct, and on the day and at the place fixed by the commissioner, shall offer the lands described in the list, in separate tracts as directed by the commissioner, for lease to the highest bidder.

Rentals payable annually in advance.

SEC. 64. The person or persons to whom any lease of lands is awarded, shall pay to the county auditor in cash or by certified check or accepted draft on any bank in this state, the first year's rental in accordance with his bid, and thereafter all

rentals shall be paid annually in advance to the commissioner of public lands.

SEC. 65. When any state lands shall have been leased by the county auditor of any county, the auditor shall at once certify a list of such lands to the commissioner of public lands, giving the name of each lessee, his post office address, the term of the lease, the lease price per annum, the amount paid on the lease, and any other information required by the commissioner of public lands, and shall forward to the commissioner one certified check, draft or postal money order, payable to the order of the commissioner of public lands, for all moneys so paid him on leases. The commissioner shall issue a receipt to the auditor for the total amount of money received, and a receipt to each lessee for the amount paid, which shall be in duplicate, the original receipt to be sent to the lessee and the duplicate thereof kept in the office of the commissioner. If the commissioner shall approve any lease he shall pay the moneys received therefor over to the state treasurer, together with a statement showing the funds to which said moneys, respectively, belong, and take his receipt therefor.

SEC. 66. The commissioner of public lands may reject any and all bids for leases when the interests of the state shall justify it, and in such case he shall forthwith refund to the person paying the same any moneys paid, upon the return of receipts issued therefor. If the commissioner approve any leasing made by the county auditor he shall proceed to issue a lease to the lessee upon a form to be prescribed by the attorney general. All such leases shall be in duplicate, both to be signed by the lessee, and by the commissioner of public lands on behalf of the state, with the seal of the commissioner of public lands attached thereto. The original lease shall be forwarded to the lessee and the duplicate copy kept in the office of the commissioner of public lands.

Auditor to certify list of leases to commissioner.

Receipt by commissioner to auditor and lessees.

May reject lease bids.

Leasing approved. Lease issued. Form prescribed.

Commis-  
 sioner to  
 keep record  
 of leases.  
 Notice to  
 lessees of  
 rental due.  
 Non-  
 payment.  
 Lease  
 cancelled.  
 Extension of  
 time for  
 payment.

SEC. 67. The commissioner of public lands shall keep a full and complete record of all leases issued under the provisions of the preceding sections and the payments made thereon, and not more than forty nor less than thirty days before the time any rental becomes due the commissioner of public lands shall cause to be mailed to the lessee a notice stating the date upon which his rental falls due and the amount thereof. If such rental be not paid on or before the date the same becomes due, according to the terms of the lease, the commissioner of public lands shall declare a forfeiture, cancel the lease and eject the lessee from the land: *Provided*, That the commissioner of public lands may extend the time for payment of annual rental not exceeding one year when, in his judgment, the interests of the state will not be prejudiced thereby.

Contracts of  
 purchase  
 forfeited.  
 Ownér of im-  
 provements  
 preference  
 right to  
 lease.  
 Application.  
 Contents.  
 Period of  
 lease.

SEC. 68. The owner of improvements placed on state lands, except capitol building lands, held under contracts of purchase from the state, where such contracts are forfeited to the state, shall have a preference right to lease any of such lands for a period of ninety days from the cancellation of his contract by the state, in the following manner: The owner of such improvements shall make application in writing, to the commissioner of public lands, for the lease of such lands, certifying under oath as to the character and value of such improvements, and setting forth the amount of annual rental offered for the lease of the lands, and if the commissioner shall deem the rental offered sufficient and that it is to the best interests of the state to accept said offer, he shall, upon the receipt of the first year's rental in advance in accordance with such offer, proceed to issue to the applicant a lease of the lands, for any period not exceeding five years, in the same manner as in this act provided for the issuance of leases of

state lands to the highest bidder at public auction. If such lands are not leased as above provided in this section, the same may be leased or sold as provided in this act for the lease or sale of state lands.

SEC. 69. If at the expiration of any lease of any state lands, except capitol building lands leased for agricultural purposes, and except lands leased for the purpose of mining of valuable minerals, or coal, or extraction of petroleum or gas, or any renewal of any such lease, the lessee desires to re-lease the lands covered thereby, he shall within thirty days after the expiration of his lease, or renewal lease, make application in writing, upon a form prepared for that purpose, to the commissioner of public lands for a re-lease, certifying under oath as to the character and value of all improvements existing on the land, name and post office address of the owner thereof, the purpose for which he desires to re-lease the land, the amount considered by such lessee to be the reasonable annual rental value of the lands, and such other information as the commissioner of public lands may require, and shall deposit with such application the sum of ten dollars, which deposit, if the applicant shall fail or refuse to accept a re-lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state and by the commissioner paid into the state treasury and credited to the general fund. Upon the filing of any such application for a re-lease, the commissioner of public lands may cause the lands to be inspected and a full report made thereon as in the case of original applications for leases, and if he deems it for the best interests of the state to re-lease said lands to the applicant, he shall fix the rental value thereof and notify the applicant of the rental value so fixed, and if within thirty days after the date of such notice the applicant shall pay to the commissioner

Application  
for re-lease  
of lands.

Form of  
application.

Deposit  
required.

Inspection  
and report as  
in original  
lease appli-  
cation.

of public lands the first year's rental as fixed by the commissioner, together with the fees required by law, less the sum of ten dollars already deposited, the commissioner shall issue to the applicant a renewal lease for any period not exceeding five years.

First year's rental and fees not paid.

Deposit forfeited.

Appraisal of improvements.

Land offered for lease at public auction.

Deposit appraised value of improvements.

Disposition of deposit and fees.

SEC. 70. If the applicant fails or refuses to pay to the commissioner of public lands the first year's rental, together with the fees required by law, within thirty days after the date of the notice above provided for, the ten dollars deposited with the application shall be forfeited to the state and by the commissioner of public lands paid into the state treasury and credited to the general fund, and the commissioner may cause the improvements existing upon the land to be appraised in the same manner as in the case of the sale of lands, and offer the land for lease at public auction to the highest bidder, as provided for original leases, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer offering the lands for lease, the appraised value of the improvements. The amount so deposited as the appraised value of improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands, and, upon confirmation of the lease by the commissioner, the amount so deposited in payment for the improvements shall be disposed of by the commissioner of public lands in the same manner as in the case of the sale of the land.

SEC. 71. At any time during the existence of any lease of state lands, except capitol building lands for agricultural purposes, and except lands leased for the purpose of mining of valuable minerals, or coal, or extraction of petroleum or gas, the lessee with the consent of the commissioner of public lands, first obtained, by written application, showing

the cost and benefits to be derived thereby, may purchase or acquire a water right appurtenant to and in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement to the lands, then, in case of the sale or lease of such lands to other parties, the lessee acquiring such water right shall be entitled to receive the value thereof as in case of other improvements which he has placed upon the land.

Acquisition by lessee of appurtenant water right.

Valued as other improvements.

SEC. 72. Whenever the lessee of state lands, except capitol building lands leased for agricultural purposes, and except lands leased for the purpose of mining of valuable minerals or coal, or extraction of petroleum or gas, shall surrender his lease before the end of its term or shall fail to re-lease such lands at the expiration of the term of his lease, any improvements made upon the leased premises by the lessee, that are capable of removal without damage to the land, may be removed by the lessee, or may be left upon the land subject to purchase by any purchaser or lessee of the land within three years from the surrender or expiration of the lease.

Lease surrendered.

Removal of improvements by lessee.

Sale of improvements.

SEC. 73. All contracts of purchase, or leases, of state lands, tide or shore lands or beds of navigable waters belonging to the state, issued by the commissioner of public lands shall be assignable in writing by the contract holder or lessee and the assignee shall be subject to and governed by the provisions of law applicable to the purchaser, or lessee, of whom he is the assignee, and shall have the same rights in all respects as the original purchaser, or lessee, of the lands, provided the assignment is approved by the commissioner of public lands and entered of record in his office.

Contracts of purchase or leases assignable.

SEC. 74. The lessee, or assignee of any lease, of state lands, leased for grazing purposes, shall not use the same for any other purpose than that

May not use otherwise lands leased for grazing.

May receive agricultural lease in lieu thereof.

expressed in the lease: *Provided*, That such lessee, or his assignee, of state lands, except capitol building lands, may surrender his lease to the commissioner of public lands and request the commissioner to issue an agricultural lease in lieu thereof, and in such case, the commissioner upon the payment of the fixed rental for agricultural purposes under the appraisalment of said land shall be authorized to issue a new lease, for the unexpired portion of the term of the lease surrendered, under which the lessee shall be permitted to clear, plow and cultivate the lands as in the case of an original lease for agricultural purposes.

During lease period land may be sold only to lessee.

SEC. 75. State lands held under lease as above provided shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

Comm'r to have of record abstracts of state, tide and shore lands, harbor areas and beds of navigable waters.

What abstracts shall disclose.

SEC. 76. The commissioner of public lands shall cause full and correct abstracts of all the state lands, tide lands, shore lands, harbor areas and beds of navigable waters owned by the state, to be made and kept in his office in suitable and well bound books, and other suitable records. Such abstracts shall show in proper columns and pages the section or part of section, lot or block, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements and the value of damages, and the total value, the several values of timber, stone, gravel or other valuable materials thereon, the date of sale, the name of purchaser, sale price per acre, the date of lease, the name of lessee, the term of the lease, the annual rental, amount of cash paid, amount unpaid and when due, amount of annual interest, and in proper columns such other facts as may be necessary to show a full and complete abstract of the conditions



and circumstances of each tract or parcel of land from the time the title was acquired by the state until the issuance of a deed or other disposition of the land by the state.

SEC. 77. The commissioner of public lands is authorized and directed to make applications, and to cause publication of notices of applications, to the interior department of the United States for certification that any land granted to the state is non-mineral in character, in accordance with the rules of the general land office of the United States.

Certification to interior department land granted non-mineral.

SEC. 78. All state lands, or tide and shore lands belonging to the state, granted, sold or leased since the fifteenth day of June, 1911, or hereafter granted, sold or leased, containing timber, minerals, stone, sand, gravel, or other valuable materials, or when other state, tide or shore lands contiguous or in proximity thereto contain any such valuable materials, shall be subject to the right of the state, or any grantee or lessee thereof who has acquired such other lands, or any such valuable materials thereon, since the fifteenth day of June, 1911, or hereafter acquiring such other lands or valuable materials thereon, to acquire the right of way over such lands so granted, sold or leased, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of, and to be used in, transporting and moving such valuable materials from such other lands, over and across the lands so granted or leased, upon the state, or its grantee or lessee, paying to the owner of the lands so granted or sold, or the lessee of the lands so leased, reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad company seeking to condemn private property.

Sales and leases subject to reservation of right of way for railroads, canals, etc., for removing valuable materials.

Compensation for easement.

Grant of right of way for private railroad, canal, etc.

SEC. 79. Every grant, deed, conveyance, contract to purchase or lease made since the fifteenth day of June, 1911, or hereafter made to any person, firm or corporation, for a right of way for a private railroad, skid road, canal, flume, watercourse or other easement, over or across any state lands, or tide or shore lands belonging to the state, for the purpose of, and to be used in, transporting and moving timber, minerals, stone, sand, gravel or other valuable materials of the land, shall be subject to the right of the state, or any grantee or lessee thereof, or other person who has acquired since the fifteenth day of June, 1911, or shall hereafter acquire, any lands containing valuable materials contiguous to, or in proximity to, such right of way, or who has so acquired or shall hereafter acquire such valuable materials situated upon state lands, or tide or shore lands belonging to the state, or contiguous to, or in proximity to, such right of way, of having such valuable materials transported or moved over such private railroad, skid road, flume, canal, watercourse or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation, or for the use of such private railroad, skid road, flume, canal, watercourse or other easement, and upon complying with just, reasonable and proper rules and regulations relating to such transportation or use, which rates, rules and regulations, shall be under the supervision and control of the state department of public works.

A common carrier subject to rates and rules prescribed by department of public works.

Right of way over lands and across navigable waters of state for transporting valuable materials.

SEC. 80. Any person, firm or corporation, having acquired such right of way or easement since the fifteenth day of June, 1911, or hereafter acquiring such right of way or easement over any state lands, or tide or shore lands belonging to the state, or over or across any navigable water or stream, for the purpose of transporting or moving timber, mineral, stone, sand, gravel or other valuable materials, and

engaged in such business thereon, shall accord to the state, or any grantee or lessee thereof, having since the fifteenth day of June, 1911, acquired, or hereafter acquiring, from the state, any state lands, or tide or shore lands, containing timber, mineral, stone, sand, gravel or other valuable materials, contiguous to or in proximity to such right of way or easement, or any person, firm or corporation, having since the fifteenth day of June, 1911, acquired, or hereafter acquiring, the timber, mineral, stone, sand, gravel or other valuable materials upon any state lands, or tide or shore lands belonging to the state, contiguous to or in proximity to the lands over which such right of way or easement is operated, proper and reasonable facilities and service for transporting and moving such valuable materials, under reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use, shall accord the use of such right of way or easement for transporting and moving such valuable materials, under reasonable rules and regulations and upon the payment of just and reasonable charges therefor.

A common carrier.

SEC. 81. Should the owner or operator of any private railroad, skid road, flume, canal, water-course or other easement operating over lands acquired since the fifteenth day of June, 1911, or hereafter acquired, from the state, as in the previous sections provided, fail to agree with the state, or any grantee thereof, as to the reasonable and proper rules, regulations and charges, concerning the transportation of timber, mineral, stone, sand, gravel or other valuable materials, from lands contiguous to, or in proximity to, the lands over which such private railroad, skid road, flume, canal, water-course or other easement, is operated, for transport-

Operator of railroad, etc., not observing transportation rates.

Investigation  
by depart-  
ment of  
public works.

ing or moving such valuable materials, the state, or such person, firm or corporation, owning and desiring to have such valuable materials transported or moved, may apply to the state department of public works and have the reasonableness of the rules and regulations and charges inquired into, and it shall be the duty of the department of public works to inquire into the same and it is hereby given the same power and authority to investigate the same as it is now authorized to investigate or inquire into the reasonableness of rules, regulations and charges made by railroad companies, and it is authorized and empowered to make any such order as it would make in an inquiry against a railroad company, and in case such private railroad, skid road, flume, canal, watercourse or easement, is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper, and such order shall have the same force and effect, and be binding upon the parties to such hearing, as though such hearing and order was made affecting a common carrier railroad.

Authority.

Violation  
by carrier  
of order of  
department  
of public  
works.

SEC. 82. In case any person, firm or corporation, owning or operating any private railroad, skid road, flume, canal, watercourse or other easement, over and across any state lands, or tide or shore lands belonging to the state or any lands acquired since the fifteenth day of June, 1911, or hereafter acquired, from the state, subject to the provisions of the preceding sections, shall violate or fail to comply with any rule, regulation or order made by the state department of public works, after an inquiry and hearing as provided in the preceding section, such person, firm or corporation, shall be subject to a penalty of not to exceed one thousand dollars for each and every violation thereof, and in addition

Penalty.

thereto such right of way, private road, skid road, flume, canal, watercourse or other easement and all improvements and structures on such right of way, and connected therewith, shall revert to the state or to the owner of the land over which such right of way is located, and may be recovered in an action instituted in any court of competent jurisdiction.

Reversion of improvements to the state.

SEC. 83. Any person, firm or corporation, engaged in the business of logging or lumbering, quarrying, mining or removing sand, gravel or other valuable materials from land, and desirous of obtaining a right of way for the purpose of transporting or moving timber, minerals, stone, sand, gravel or other valuable materials from other lands, over and across any state lands, or tide or shore lands belonging to the state, or any such lands sold or leased by the state since the fifteenth day of June, 1911, shall file with the commissioner of public lands upon a form to be furnished for that purpose, a written application for such right of way, accompanied by a plat showing the location of the right of way applied for with references to the boundaries of the government section in which the lands over and across which such right of way is desired are located. Upon the filing of such application and plat, the commissioner of public lands shall cause the lands embraced within the right of way applied for, to be inspected, and all timber thereon, and all damages to the lands affected which may be caused by the use of such right of way, to be appraised, and shall notify the applicant of the appraised value of such timber and such appraisement of damages. Upon the payment to the commissioner of public lands of the amount of the appraised value of timber and damages, the commissioner shall issue in duplicate a right of way certificate setting forth the terms and conditions upon which such right of way is granted,

Logging, quarrying, etc., operators to file application for right of way.

Form.

Plat.

Inspection. Appraisal of timber and damages.

Right of way certificate issued upon payment.

Forfeiture  
for non-user.

as provided in the preceding sections, and providing that whenever such right of way shall ceased to be used for the purpose for which it was granted, or shall not be used in accordance with such terms and conditions, it shall be deemed forfeited. One copy of such certificate shall be filed in the office of the commissioner of public lands and one copy delivered to the applicant.

Filing  
certificate.

When  
forfeited for  
non-user.

SEC. 84. Any such right of way heretofore granted which has never been used, or has ceased to be used for the purpose for which it was granted, for a period of two years, shall be deemed forfeited. The forfeiture of any such right of way heretofore granted, or granted under the provisions of the preceding sections, shall be rendered effective by the mailing of a notice of such forfeiture to the grantee thereof at his last known post office address and by stamping the copy of such certificate, or other record of the grant, in the office of the commissioner of public lands with the word "cancelled," and the date of such cancellation.

Notice of  
forfeiture.

Construction  
of road,  
street or  
wharf by  
county or  
city.

SEC. 85. Any county or city desiring to locate, establish and construct a road or street over and across any state lands, or tide or shore lands belonging to the state, or any county desiring to construct any wharf on such tide or shore lands, shall by resolution of the board of county commissioners of such county, or city council or other governing body of such city, cause to be filed in the office of the commissioner of public lands a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested copy of a plat made by the county or city engineer showing the location of the proposed road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way

Petition for  
right of  
way.

is desired, the amount of land to be taken and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the commissioner of public lands, if he deem it for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of any timber thereon and notify the petitioner of such appraised value.

Inspection  
and  
appraisal.

If there be no timber on the proposed right of way, or upon the payment of the appraised value of any timber thereon, to the commissioner of public lands in cash, or by certified check drawn upon any bank in this state, or postal money order, the commissioner may approve the plat filed with the petition and file and enter the same in the records of his office, and such approval and record shall constitute a grant of such right of way from the state.

Approval  
and filing of  
plat upon  
payment of  
appraised  
value.

SEC. 86. A right of way through, over and across any state lands not held under a contract of sale, is hereby granted to any railroad company organized under the laws of this state, or any state or territory of the United States, or under any act of congress of the United States, to any extent not exceeding fifty feet on either side of the center line of any railroad now constructed, or hereafter to be constructed, and for such greater width as is required for excavations, embankments, depots, station grounds, passing tracks or borrow pits, which extra width shall not in any case exceed two hundred feet on either side of said right of way.

Right of  
way granted  
to railroads.

SEC. 87. In order to obtain the benefits of the preceding section any railroad company hereafter constructing, or proposing to construct, a railroad, shall file with the commissioner of public lands a copy of its articles of incorporation, due proof of

Procedure  
required of  
railroads  
to obtain  
right of  
way.

To pay appraised value of lands and damages to lands affected.

organization thereunder, a map or maps, accompanied by the field notes of the survey, showing the location of the line of said railroad, the width of the right of way and extra widths, if any, and shall pay to the commissioner of public lands as hereinafter provided the amount of the appraised value of the lands included within said right of way, and extra widths if any are required, and the damages to any lands affected by such right of way or extra widths.

Right of way location: appraisal and report in same manner as applications for purchase.

SEC. 88. All state lands over which a right of way of any railroad to be hereafter constructed, shall be located, shall be appraised in the same manner as in the case of applications for the purchase of state lands, fixing the appraised value per acre for each lot or block, quarter section or subdivision thereof, less the improvements, if any, and the damages to any state lands affected by such right of way, shall be appraised in like manner, and the appraisement shall be recorded and the evidence or report upon which the same is based shall be preserved or [of] record, in the office of the commissioner of public lands, and the commissioner shall send notice to the railroad company applying for the right of way that such appraisement has been made.

Appraisal of improvements.

How made.

SEC. 89. Should any improvements, made by any one not holding adversely to the state at the time of making such improvements or made in good faith by a lessee of the state whose lease had not been cancelled or was not subject to cancellation for any cause, or made upon the land by mistake, be upon any of such lands at the time of the appraisement, the same shall be separately appraised, together with the damage and waste done to said lands, or to adjacent lands, by the use and occupancy of the same, and after deducting from the amount of the appraisement for improvements the amount of such damage and waste, the balance shall be regarded as



the value of said improvements, and the railroad company, if not the owner of such improvements, shall deposit with the commissioner of public lands the value of the same, as shown by said appraisal, within thirty days next following the date thereof. The commissioner of public lands shall hold such moneys for a period of three months, and unless a demand and proof of ownership of such improvements shall be made upon the commissioner within said period of three months, the same shall be deemed forfeited to the state and deposited with the state treasurer and paid into the general fund. If two or more persons shall file claims of ownership of said improvements, within said period of three months, with the commissioner of public lands, the commissioner shall hold such moneys until the claimants agree or a certified copy of the judgment decreeing the ownership of said improvements shall be filed with him. When notice of agreement or a certified copy of a judgment has been so filed, the commissioner of public lands shall pay over to the owner of the improvements the money so deposited.

Deposit by railroad for payment to owner for improvements.

When deposit forfeited to state.

More than one claimant.

Decision as to ownership.

SEC. 90. When the construction or proposed construction of said railroad affects the value of improvements on state lands not situated on the right of way or extra widths, the applicant for said right of way shall file with the commissioner of public lands a valid release of damages duly executed by the owner or owners of such improvements, or a certified copy of a judgment of a court of competent jurisdiction, showing that compensation for the damages resulting to such owner or owners, as ascertained in accordance with existing law, has been made or paid into the registry of such court.

Railroad construction affecting value of improvements on state lands not on right of way.

Release of damages.

SEC. 91. Upon full payment of the appraised value of any right of way for a railroad and of damages to state lands affected, the commissioner of

Railroad's payment for right of way and of damages.

Right of way certificate issued.

public lands shall issue to the railroad company applying for such right of way a certificate in such form as the commissioner of public lands may prescribe, in which the terms and conditions of said easement shall be set forth and the lands covered thereby described, and any future grant, or lease, by the state, of the lands crossed or affected by such right of way shall be subject to the easement described in the certificate.

Future grants subject to the easement.

Railroads may construct bridges across navigable streams.

SEC. 92. Any railroad company heretofore or hereafter organized under the laws of the Territory or State of Washington, or of any other state or territory of the United States, or under any act of the congress of the United States, and authorized to do business in this state and to construct and operate railroads therein, shall have the right to construct bridges across the navigable streams within this state over which the line or lines of its railway will run, for the purpose of being made a part of said line of railway, or the more convenient use thereof, if said bridges are so constructed as not to interfere with, impede or obstruct the navigation of such streams.

Bridges and trestles constructed by cities and counties.

SEC. 93. Counties, cities, towns and other municipalities shall have, and are hereby given the right to construct bridges and trestles across waterways heretofore or hereafter laid out under the authority of the State of Washington, and over and across any tide or shore lands of the state and harbor areas adjacent thereto over which the projected line or lines of any highway will run: *Provided*, Such bridges or trestles are constructed in good faith for the purpose of being made a part of the constructed line of such highway.

SEC. 94. Any corporation, copartnership, person or trustee heretofore or hereafter by any state or municipal law or ordinance authorized to construct

and operate railroads, interurban railroads or street railroads as common carriers within this state, shall have, and hereby is given, the right to construct bridges or trestles across waterways heretofore or hereafter laid out under the authority of the State of Washington over which the projected line or lines of railroad will run: *Provided*, Such bridges or trestles are constructed in good faith for the purpose of being made a part of the constructed line of such railroad, and may also have included therewith the purpose of providing a roadway for the accommodation of vehicles and foot passengers.

Common carrier railroads and street railroads may construct bridges and trestles across waterways.

Roadway for vehicles and pedestrians.

SEC. 95. The location and plans of such structures shall be submitted to, and approved by, the commissioner of public lands of the State of Washington before construction is commenced: *Provided*, That in case the portion of such waterway at the place to be so crossed is navigable water of the United States, or otherwise within the jurisdiction of the United States, such location and plans shall also be submitted to, and approved by, the secretary of war and the chief of engineers of the United States before construction is commenced: *And provided further*, That when plans for any bridge or trestle have been approved by the commissioner of public lands, the secretary of war and the chief of engineers aforesaid, it shall not be lawful to deviate from such plans either before or after the completion of such structure, unless the modification of such plans have previously been submitted to, and received the approval of, the commissioner of public lands, the secretary of war and chief of engineers, as the case may be. Any structure hereby authorized and approved as aforesaid shall remain within the jurisdiction of the respective officer or officers approving the same, and shall be altered or changed from time to time at the expense of the

Submit plans to commissioner.

If within U. S. jurisdiction approval of War Dept. required.

Deviation from plans.

Approval of modification.

Alteration or change of structure necessary.

Payment of  
cost of  
same.

municipality owning the highway or at the expense of the common carriers, at the time owning the road or roads using such structure, to meet the necessities of navigation and commerce, in such manner as may be from time to time ordered by the respective officer or officers at such time having jurisdiction of the same, and such orders may be enforced by appropriate action at law or in equity at the suit of the state.

Right of way  
to municipal  
and private  
corporations  
for telephone  
line, water  
supply,  
electric  
light, power,  
etc.

SEC. 96. A right of way through, over and across any state lands, or tide or shore lands belonging to the state, or oyster reserves belonging to the state and the reversionary interest of the state in oyster lands, which have been or may hereafter be established or arise, is hereby granted to any municipal or private corporation, company, association or individual, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume or pipe line for the domestic water supply of any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

Procedure  
for obtaining  
right of way.

SEC. 97. In order to obtain the benefits of the grant made in the preceding section, the municipal or private corporation or company, association or individual, constructing or proposing to construct, or which has heretofore constructed, such telephone line, ditch, flume, pipe line or transmission line, shall file, with the commissioner of public lands, a map, accompanied by the field notes of the survey and location of such telephone line, ditch, flume, pipe line or transmission line, and shall pay to the state as hereinafter provided the amount of the appraised value of the land, and improvements, if any, used for or included within the right of way applied for. The land within the right of way shall be limited to an amount necessary for the construction of said

telephone line, ditch, flume, pipe line or transmission line sufficient for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same, and the grant shall include the right to cut all standing timber within two hundred feet on either side of the center line of said right of way, which shall be dangerous to the operation and maintenance of the telephone line, ditch, flume, pipe line or transmission line.

Width of  
right of way.

SEC. 98. Upon the filing of the plat and field notes, as provided in the preceding section, the land applied for and the standing timber within two hundred feet on either side of the center line of the right of way applied for, if any, and the improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the land applied for and of the standing timber and improvements, if any, the commissioner of public lands shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in his office, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way. Should the corporation, company, association or individual securing such right of way ever abandon the use of the same for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

Appraisal.

Certificate.

Filing.

Future grants  
subject to  
easement.

Reversion if  
abandoned.

SEC. 99. A right of way through, over and across any state lands or tide or shore lands belonging to the state is hereby granted to any irrigation district, or irrigation company duly organized under the laws of this state, and to any association or indi-

Right of way  
for irrigation  
ditches.

vidual, constructing or proposing to construct an irrigation ditch or pipe line for irrigation, or to any diking and drainage district or any diking and drainage improvement district proposing to construct a dike or drainage ditch.

Procedure to obtain irrigation right of way.

SEC. 100. In order to obtain the benefits of the grant hereinabove provided for, the irrigation district, irrigation company, association or individual constructing or proposing to construct such irrigation ditch or pipe line for irrigation, or the diking and drainage district or diking and drainage improvement district constructing or proposing to construct any dike or drainage ditch, shall file with the commissioner of public lands a map accompanied by the field notes of the survey and location of the proposed irrigation ditch, pipe line, dike, or drainage ditch, and shall pay to the state as hereinafter provided, the amount of the appraised value of the said lands used for or included within such right of way. The land within said right of way shall be limited to an amount necessary for the construction of the irrigation ditch, pipe line, dike, or drainage ditch for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same.

Width of right of way.

Appraisal.

SEC. 101. Upon the filing of the plat and field notes as hereinabove provided, the lands included within the right of way applied for shall be appraised as in the case of an application to purchase such lands, at the full market value thereof. Upon full payment of the appraised value of the lands the commissioner of public lands shall issue to the applicant a certificate of right of way, and enter the same in the records in his office and thereafter any sale or lease by the state of the lands affected by such right of way shall be subject thereto.

Future grants subject to easement.

SEC. 102. The commissioner of public lands shall have the power to grant to any person or corporation the right, privilege and authority to perpetually back and hold water upon or over any state, tide, or shore lands, and overflow such lands and inundate the same, whenever the commissioner shall deem it necessary for the purpose of erecting, constructing, maintaining or operating any water power plant, reservoir, or works for impounding water for power purposes, irrigation, mining or other public use, but no such rights shall be granted until the value of the lands to be overflowed and any damages to adjoining lands of the state, appraised as in the case of an application to purchase such lands, shall have been paid by the person or corporation seeking the grant, and if the construction or erection of any such water power plant, reservoir, or works for impounding water for the purposes heretofore specified, shall not be commenced and diligently prosecuted and completed within such time as the commissioner of public lands may prescribe at the time of the grant, the same may be forfeited by the commissioner of public lands by serving written notice of such forfeiture upon the person or corporation to whom the grant was made, but the commissioner, for good cause shown to his satisfaction, may extend the time within which such work shall be completed.

Grant of right to impound water and overflow state lands.

Procedure.

Construction not completed within time.

Notice of forfeiture of grant.

SEC. 103. The foregoing sections relating to the acquiring of rights of way and overflow rights through, over and across lands belonging to the state, shall not be construed as exclusive or as affecting the right of municipal and public service corporations to acquire lands belonging to or under control of the state, or rights of way or other rights thereover, by condemnation proceedings.

Acquisition of rights of way, and overflow rights across state lands—act cumulative

SEC. 104. In all condemnation proceedings brought for the purpose of appropriating any public

Eminent domain proceedings.

Service upon the commissioner.

land owned by the state or in which the state has an interest, service of process shall be made upon the commissioner of public lands.

Decree appropriating public lands.

Copy certified to comm'r with plat.

Payment of award.

Recordation in comm'r's office.

Certificate to plaintiff.

Future sales subject to easement.

When in any condemnation proceeding a decree is entered appropriating public lands owned by the state or in which the state has an interest, or any interest in or rights over such lands, it shall be the duty of the plaintiff to cause to be filed in the office of the commissioner of public lands a certified copy of such decree, together with a plat of the lands appropriated and the lands contiguous thereto, in form and substance as prescribed and required by the commissioner of public lands, showing in detail the lands appropriated, and to pay to the commissioner of public lands, or into the registry of the court, the amount of compensation and damages fixed and awarded in the decree. Upon receipt of such decree, plat, compensation and damages, the commissioner of public lands shall examine the same, and if he shall find that the final decree and proceedings comply with the original petition and notice and any amendment duly authorized, and that no additional interest of the state has been taken or appropriated through error or mistake, he shall cause notations thereof to be made upon the abstracts, records and tract books in his office, and shall issue to the plaintiff his certificate, reciting compliance, in substance, with the above requirements, particularly describing the lands appropriated, and shall forthwith transmit the amount received as compensation and damages to the state treasurer, as in the case of sale of land, and the subdivision of land through which any right of way is appropriated shall thereafter be sold or leased subject to the right of way.

SEC. 105. It shall be the duty of the board of state land commissioners to locate and establish



harbor lines and determine harbor areas, as required by section 1, of article XV of the state constitution, where such harbor lines have not heretofore been located and established.

Harbor lines and areas to be established.

SEC. 106. Whenever it appears that the inner harbor line of any harbor area heretofore determined has been so established as to overlap or fall inside of the government meander line, or for any other good cause, the board of state land commissioners is empowered to relocate and re-establish said inner harbor line so erroneously established, outside of said meander line, and all tide lands within said inner harbor line so re-established and relocated, may be sold as other tide lands of the first class in accordance with the provisions of this act.

Authority to relocate and reestablish inner harbor line.

May sell tide lands within inner harbor line.

SEC. 107. It shall be the duty of the commissioner of public lands to, simultaneously with the establishment of harbor lines and the determination of harbor areas in front of any city or town, or as soon thereafter as practicable, survey and plat all tide and shore lands of the first class not heretofore platted, and in platting the same to lay out streets which shall thereby be dedicated to public use, subject to the control of the cities or towns in which they are situated, and establish one or more public waterways not less than fifty nor more than one thousand feet wide, beginning at the outer harbor line and extending inland across the tide lands belonging to the state, which waterways shall include within their boundaries, as near as practicable, all navigable streams running through such tide lands, and shall be located at such other places as in the judgment of the commissioner of public lands may be necessary for the present and future convenience of commerce, and such waterways heretofore established under former laws or hereafter established

Harbor lines and areas established.

To plat tide and shore lands of the first class.

Streets subject to control of city.

Establish public waterways.

Location.

Reservation from sale or lease.

shall be reserved from sale or lease as public ways for water craft until vacated as provided in this act, and it shall be the duty of the commissioner of public lands to appraise the value of such platted tide and shore lands and enter such appraisement in the records of his office.

Alleys, streets, etc., platted on tide and shore lands dedicated to public use.

SEC. 108. All alleys, streets, avenues, boulevards, waterways and other public places heretofore located and platted on the tide and shore lands of the first class, or harbor areas, as provided by law, and not heretofore vacated as provided by law, are hereby validated as public highways and dedicated to the use of the public for the purposes for which they were intended, subject however to vacation as in this act provided.

Comm'r to prepare plats of all tide and shore lands.

SEC. 109. The commissioner of public lands shall prepare plats showing all tide and shore lands surveyed, platted and appraised by him in the respective counties, on which shall be marked the location of all such lands, with reference to the lines of the United States survey of the abutting upland, and shall prepare in well bound books a record of his proceedings, including a list of said tide and shore lands surveyed, platted, or re-platted, and appraised by him and his appraisal of the same, which plats and books shall be in triplicate, and the commissioner shall file one copy of such plats and records in his office, and file one copy in the office of the county auditor of the county where the lands platted, or re-platted, and appraised are situated, and file one copy in the office of the city engineer of the city in which, or within two miles of which, the lands platted, or re-platted, are situated.

To keep complete record in triplicate of plating, appraisal, etc.

Copies to county auditor and city engineer.

Each tract of tide or shore lands appraised separately.

SEC. 110. In appraising tide or shore lands hereafter platted, or re-platted, by the commissioner of public lands, the commissioner shall appraise each lot, tract or piece of land separately, and shall

enter in a well bound book to be kept in his office a description of each lot, tract or piece of tide or shore land, its full appraised value, the area and rate per acre at which it was appraised, and if any lot is covered in whole or in part by improvements in actual use for commerce, trade, residence, or business, on, or prior to, the date of the plat or re-plat, the commissioner shall enter the name of the owner, or reputed owner, the nature of the improvements, the area covered by the improvements, the portion of each lot, tract or piece of land covered, and the appraised value of the land covered, with, and exclusive of, the improvements.

Record book.

What shall contain.

SEC. 111. The commissioner of public lands shall, before filing in his office the plat and record of appraisement of any tide or shore lands platted and appraised by him, cause a notice to be published once each week for four consecutive weeks in a newspaper published and of general circulation in the county wherein the land covered by such plat and record are situated, stating that such plat and record, describing it, is complete and subject to inspection at the office of the commissioner of public lands and will be filed on a certain day to be named in the notice.

Notice by publication before filing plat and record.

Record may be inspected.

Any person claiming a preference right of purchase of any of the tide and shore lands platted and appraised by the commissioner of public lands, and who feels aggrieved at the appraisement fixed by the commissioner upon said lands, or any part thereof, may within sixty days after the filing of such plat and record in the office of the commissioner (which shall be done on the day fixed in said notice), appeal from such appraisement to the superior court of the county in which the tide or shore lands are situated, in the manner provided by this act for appeals from orders or decisions.

Claimant of preference right of purchase may appeal from appraisement.

Prosecuting  
Attorney  
to appeal on  
behalf of  
state, city  
or county.

The prosecuting attorney of any county, or city attorney of any city, in which such lands are situated, shall at the request of the governor, or of ten freeholders of the county or city, in which such lands are situated, appeal on behalf of the state, or the county, or city, from any such appraisement in the manner hereinabove provided.

Service of  
notice of  
appeal.

Notice of such appeal shall be served upon the commissioner of public lands, and it shall be his duty to immediately notify all persons claiming a preference right to purchase the lands the appraisement of which has been appealed from.

Appeal  
bond.

Any party, other than the state, county or city, appealing, shall execute a bond to the state with sufficient surety, to be approved by the commissioner of public lands, in the sum of two hundred dollars conditioned for the payment of costs on appeal.

Hearing and  
order by  
superior  
court.

The superior court to which an appeal is taken shall hear evidence as to the value of the lands appraised and enter an order confirming, or raising, or lowering the appraisement appealed from, and the clerk of the court shall file a certified copy thereof in the office of the commissioner of public lands. The appraisement fixed by the court shall be final.

Copy  
certified to  
commis-  
sioner.

Court's ap-  
praisement  
final.

Abutting  
owners have  
preference  
right to  
purchase.

SEC. 112. The owner or owners of land abutting or fronting upon tide or shore lands of the first class platted and appraised by the commissioner of public lands, as in this act provided, shall have the right, for sixty days following the filing of the final appraisal of the tide or shore lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide or shore lands in front of the lands so owned: *Provided*, That if the abutting up-land owner has attempted to convey by deed to a *bona fide* purchaser any portion of the tide or shore lands in front of such uplands, or littoral

rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed.

Transfer of abutting owner's preference right.

If at the expiration of sixty days from and after the filing of the final appraisal with the commissioner of public lands, there being no conflicting applications filed, the applicant shall be deemed to have the right of purchase at the appraised value.

When applicant may purchase if no conflicting application.

If at the expiration of sixty days two or more applicants claiming a preference right to purchase shall have filed applications to purchase any tract, conflicting with each other, the commissioner of public lands shall forthwith require each applicant, within a time stated, to submit under oath a full statement of facts whereby he claims a preference right of purchase.

Conflicting claims of preference right.

In case any applicant shall fail to file such statement within the time stated, he shall, unless good excuse be shown therefor, be deemed to have waived his claim to a right of purchase of the tract described in his application.

Statement required of applicants.

Failure to file statement; Rights waived.

After such statements have been filed, if it be deemed advisable or necessary by the commissioner of public lands in order to determine the rights of the parties applying for said tract, he may order a hearing for that purpose.

Hearing may be had.

The commissioner shall determine who has the first right of purchase to the whole, or any portion of the lot or tract, involved, and shall, unless appeal be taken from his determination to the superior court of the county in which the land is situated, proceed to sell such lands in accordance with his determination.

Commr's determination. Subject to appeal to superior court.

In case of appeal the court after a hearing *de novo* shall enter an order determining the rights of

Court hears *de novo*.

Court's determination final.

the parties to the appeal and the commissioner of public lands shall proceed to sell the lands in accordance with the court's determination.

No applications for purchase of unsold tide or shore lands of the first class.

SEC. 113. Any tide or shore lands of the first class remaining unsold and where there is no pending application for the purchase of the same under claim of any preference right, shall be sold on the same terms and in the same manner as provided for the sale of state lands, other than capitol building lands, for not less than the appraised value fixed at the time of the application to purchase, and the commissioner of public lands whenever he shall deem it advisable and for the best interest of the state may re-appraise such lands in the same manner as provided for the appraisement of state lands, other than capitol building lands.

To be sold and reappraised as other state lands.

Petition for re-plat of tide or shore lands.

SEC. 114. Whenever all of the owners and other persons having a vested interest in the lands embraced within any plat of tide or shore lands of the first class, heretofore or hereafter platted or replatted, or within any portion of any such plat in which there are unsold tide or shore lands belonging to the state, shall file a petition with the commissioner of public lands accompanied by proof of service of such petition upon the city council, or other governing body, of the city or town in which the tide or shore lands described in the petition are situated, or upon the board of county commissioners of the county in which such tide or shore lands outside of any incorporated city or town are situated, asking for a re-plat of such tide or shore lands, the commissioner is authorized and empowered to replat the tide or shore lands described in such petition, and all unsold tide or shore lands within such replat shall be reappraised as provided for the original appraisement of tide or shore lands. All streets, alleys, waterways and other public places embraced

Re-plat and reappraisal.

within any such plat or portion of plat vacated by the replat hereby authorized shall vest in the owner or owners of the lands abutting thereon.

Vacated alleys, etc., vest in abutting owners.

SEC. 115. If in the preparation of such replat by the commissioner of public lands it becomes desirable to appropriate any tide or shore lands heretofore sold, for use as streets, alleys, waterways or other public places, all persons interested in the title to such tide or shore lands desired for public places shall join in the dedication of such replat before it shall become effective.

Replat. Dedication by owners of lands necessary for streets, etc.

SEC. 116. If any street, alley, waterway or other public place theretofore platted is vacated by a replat as in the foregoing sections provided and any new street, alley, water way or other public place is so laid out as to leave unsold tide lands between such new street, alley, waterway or other public place, and tide lands theretofore sold, the owner of said tide lands theretofore sold shall have the preference right, for sixty days after the final approval of such replat, to purchase the unsold tide lands so intervening at the appraised value thereof.

Replat of tide lands. Streets, etc., vacated.

New street, alley, etc., laid out.

Preference right to purchase intervening unsold tide lands.

SEC. 117. The foregoing sections are intended to afford a method of procedure, in addition to other methods provided in this act for the vacation of streets, alleys, waterways and other public places platted on tide or shore lands.

Method for vacation of streets, etc., cumulative.

SEC. 118. Whenever any waterway established under the authority of the laws of this state, or any portion of such waterway, shall not have been excavated, or shall not be in use for the purposes of navigation, or shall no longer be required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the commissioner of public lands of the State of Washington whenever he shall be requested so to do by ordinance or resolution of the city coun-

Established waterway not in use or required.

Vacation ordered.

Requested by city council.

Vacation  
requested  
by port  
commission.

Copy of  
resolution  
and order  
certified to  
War Depart-  
ment.

cil of the city in which such waterway is situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the State of Washington, whenever he shall be requested so to do by resolution of the port commission of such port district; and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated: *Provided, however,* That if the waterway or portion thereof so vacated be navigable water of the United States, or otherwise within the jurisdiction of the United States, a copy of such resolution or ordinance, together with a copy of said order of the commissioner of public lands certified to by him, shall be submitted to the secretary of war and chief of engineers of the United States for their approval, and if they approve the same such waterway or portion thereof shall thereupon be deemed to be and shall be thereupon vacated.

City may  
extend  
streets  
across  
vacated  
waterway.

Time for  
selection.

Upon such vacation occurring, in either of the manners aforesaid, the commissioner of public lands shall notify the city within, or in front of, which, such waterway is located, and the city shall have the right to extend across the portions so vacated any existing streets, or to select therefrom such portions thereof as the city may desire for street purposes, in no case to exceed 150 feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway so vacated.

No selection  
vacated  
waterway  
vests in  
state or  
port district.

Should such city fail to make such selection within such time, or within such time make such selection, the title of the remaining portions of such waterway so vacated shall vest in the state, unless the same be situate within the territorial limits of a port district created under the laws of the state, in which event such title shall vest in said port district. If subsequent to such vacation, the vacated



waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation.

Title subject to existing railroad crossings.

The provisions of this section shall not apply to any waterway or portion of waterway which forms, or by improving the same may be made to form, a connection between a river, or another waterway, and tidal waters.

Waterways excepted by act.

SEC. 119. Any replat of tide or shore lands heretofore, or hereafter, platted shall be in full force and effect and shall constitute a vacation of streets, alleys, waterways and other public places theretofore dedicated and the dedication of new streets, alleys, waterways and other public places appearing upon such replat, when the same is recorded and filed as in the case of original plats.

Streets, alleys, etc., vacated or dedicated when plat or replat of tide or shore lands recorded.

SEC. 120. All tide lands, other than first class, shall be offered for sale and sold in the same manner as state lands, other than capitol building lands, but for not less than five dollars per lineal chain, measured on the United States meander line bounding the inner shore limit of such tide lands, and each applicant shall furnish a copy of the United States field notes certified to by the officer in charge thereof, of said meander line with his application, and shall pay one-tenth of the purchase price on the date of sale.

Tide lands sold as other state lands.

Minimum price.

Field notes filed with application.

SEC. 121. Whenever application is made to purchase any shore lands of the second class or whenever the commissioner of public lands shall deem it for the best interest of the state to offer any shore lands of the second class for sale, he shall cause a notice to be personally served upon the abutting upland owner if he be a resident of this state, or if

Application for shore lands of the second class.

Notice to abutting upland owner.

the upland owner be a non-resident of this state, shall mail to his last known post office address, a copy of a notice notifying him that application has been made for the purchase of such shore lands or that the commissioner deems it for the best interest of the state to sell the same, as the case may be, giving a description and the appraised value of such shore lands in no case less than five dollars per lineal chain frontage and notifying such upland owner that he has a preference right to purchase said shore lands at the appraised value thereof for a period of thirty days from the date of the service or mailing of said notice, and no such shore lands shall be offered for sale, or sold, to any other person than the abutting upland owner until after the expiration of said thirty days from the date of the service or mailing of such notice. If the upland owner is a non-resident of this state and his address is unknown to the commissioner of public lands, notice to him shall not be necessary or required. If at the expiration of the thirty days from the service or mailing of the notice, as above provided, the abutting upland owner has failed to avail himself of his preference right to purchase and paid to the commissioner of public lands the appraised value of the shore lands described in said notice, then in that event said shore lands may be offered for sale and sold in the manner provided for the sale of state lands, other than capitol building lands. The commissioner of public lands may cause any of such shore lands, to be platted as is provided for the platting of shore lands of the first class, and when so platted such lands shall be sold or leased in the manner in this act provided for the sale or lease of shore lands of the first class.

Upland owner has preference right.

Upland owner non-resident and address unknown—notice not required.

May sell to others if right not exercised within time.

Platting and sale as in case of shore lands of first class.

Second class tide or shore lands.

SEC. 122. Tide or shore lands of the second class which are separated from the upland by navi-

gable waters, shall be sold at not less than five dollars per acre; an applicant to purchase such tide or shore lands shall, at his own expense, survey and cause to be filed with his application a plat of the surveys of the land applied for, which surveys shall be connected with, and the plat shall show, two or more connections with the United States survey of the uplands, and the applicant shall also file the field notes of the survey of said land with his application. The commissioner of public lands shall examine and test said plat and field notes of survey, and if found incorrect or indefinite, he shall cause the same to be corrected or may reject the same and cause a new survey to be made.

Separated from the upland.

Price.

Survey at expense of applicant.

New survey may be made.

SEC. 123. Any accretions that may be added to any tract or tracts of tide or shore lands heretofore sold or that may hereafter be sold, by the state, shall belong to the state and shall not be sold or offered for sale until such accretions shall have been first surveyed under the direction of the commissioner of public lands, and the owner of the adjacent tide or shore lands shall have the preference right to purchase said lands produced by accretion for thirty days after the owner of the adjacent tide or shore lands shall be notified by registered mail of his preference right to purchase such accreted lands.

Accretions to tide or shore lands vest in state.

Adjacent owner preference right of purchase.

SEC. 124. All preference rights to purchase tide or shore lands awarded by the commissioner of public lands, or by the superior court in case of appeal from the award of the commissioner of public lands, shall be exercised by the parties to whom the award is made within thirty days from the date of the service of notice of the award by registered mail, by the payment to the commissioner of public lands of the sums required by law to be paid for a contract, or deed, as in the case of the sale of state lands, other than capitol building lands, and upon

Preference right of purchase lost if not exercised within time.

failure to make such payment such preference rights shall expire.

Appeal to superior court from board of land commissioners.

Notice of appeal.

Bond.

Transcript of record.

Court hearing *de novo*.

SEC. 125. Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of state land commissioners, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is taken. The hearing and trial of said appeal in the superior court shall be *de novo* before the court, without a jury, upon the pleadings and papers so certified, but the court may order the

pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court, may appeal therefrom to the supreme court of the state, in the manner, and within the time, for appealing from judgments in actions at law. Unless appeal be taken from the judgment of the superior court, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tide lands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

New or amended pleadings.

Costs to prevailing party.

No costs against state.

Execution upon bond.

Appeal to supreme court.

Record certified to the board.

Appeal from board on prior right to purchase tide lands of the first class—  
Time limit.

SEC. 126. The power to lease all platted first class tide lands, second class tide lands and all harbor areas belonging to the state and situate upon tidal waters, shall be vested in the commissioner of public lands, who shall have authority to make leases

Commissioner authorized to lease tide and shore lands and harbor areas.

Application  
for harbor  
area lease.

Investigation  
and recom-  
mendation  
by port  
commission.

Recommen-  
dations ad-  
visory only.

No prefer-  
ence rights  
created.

Reservation  
to state, port  
district, city,  
to assume  
lease upon  
acquiring  
contiguous  
tide lands.

Forms  
prescribed.

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 for leases of harbor areas situate upon tidal waters, 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 fixing 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 section 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 128, or section 129, 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.

SEC. 127. 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 commissioner, 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.

Lease cancelled for breach.

Bond by lessee.

May require new bond.

Applications for leases of harbor areas upon tidal waters shall be accompanied by such plans and drawings and other data concerning the proposed wharves, docks or 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, and 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 tide lands adjacent thereto are adequate for the public needs, the commissioner may require the maintenance of such existing improvements and need not require further improvements.

Plans and drawings with application to lease harbor area.

Wharves, etc., to be constructed within time limited.

Extension of time for construction of improvements.

May require maintenance of existing improvements.

SEC. 128. If the owner of any lease of harbor area upon tidal waters shall desire to construct

Lessee of harbor area.

Extension of  
improve-  
ments.

Term too  
short to  
warrant.

Application  
for new  
lease.

Conditions.

Election to  
accept new  
lease.

Old lease  
cancelled.

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 new 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 percentage 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 thereon. 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 accept a new lease of 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.

SEC. 129. Upon the expiration of any lease of harbor area upon tidal waters hereafter expiring



the owner thereof may apply for a release 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 tide lands 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 re-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 money of such harbor area determined from time to time by the county assessor as herein provided.

Application by lessee for re-lease.

Investigation.

Fixing terms and conditions.

Rate of rental.

SEC. 130. Upon the filing of any application for the lease, renewal lease, or re-lease, of harbor area under the preceding sections 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 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, which true and fair value in money of such harbor area shall be the value at which the property would be taken in payment of a just debt from a solvent debtor. Such value shall be the basis of rental until the assessor's next valuation as herein provided. The assessor shall thereafter in

Application for lease, renewal lease, or re-lease of harbor area.

Description to county assessor for valuation.

How value determined.

Basis of rental.

Biennial valuation as rental basis.

every even numbered year as of March 1st place a valuation on such harbor area (exclusive of improvements) as above provided, 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 purpose: *Provided*, That the applicant, or lessee, 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 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, or lessee, and the 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

Valuation separate from assessments for taxation.

Appeal from assessor's findings to board.

Notice of appeal.

Time and place of hearing.

Hearing.

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.

Quorum.

Meetings public.

Board's decision final.

SEC. 131. Upon receipt of the valuation of any tract of harbor area applied, for under section 129 hereof, the commissioner shall notify the applicant of the terms and conditions upon which the release 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 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

Notice to applicant of terms upon which may re-lease area.

Option period.

New lease if accepted.

Conditions not accepted.

Notice by publication offering lease for sale.

Public sale.

Highest bidder entitled to lease.

Lease not sold.

Re-advertised.

No sale.

May issue one year leases.

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.

Reservation by state of right to regulate rates and tolls.

SEC. 132. 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. 133. The word "person" as used in the preceding sections relating to the leasing of harbor areas, shall be construed to mean, person, firm, corporation, political subdivision or municipality, or any public commission.

Lease of first class tide and shore lands for booming purposes.

Preference to abutting upland owner.

SEC. 134. The commissioner of public lands is authorized to lease to the abutting upland owner any unplatted first class tide or shore lands or in case the abutting uplands are not improved and occupied for residential purposes and the abutting upland owner has not filed an application for the lease of such lands, may lease the same to any person, firm or corporation for booming purposes.

The commissioner of public lands shall prior to the issuance of any lease under the provisions of this section fix the annual rental for the lands and prescribe the terms and conditions of the lease. No

lease issued under the provisions of this section shall be for a longer term than ten years from the date thereof and every such lease shall be subject to termination upon ninety days' notice to the lessee in the event that the commissioner of public lands shall decide that it is to the best interest of the state that such tide or shore lands be surveyed and platted. Failure to use any lands leased under the provisions of this section for booming purposes, for such purposes, for a period of one year shall work a forfeiture of such lease and such land shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands. At the expiration of any lease issued under the provisions of this section, the lessee, his successors or assigns, shall have a preference right to re-lease the lands covered by his original lease, or any portion thereof if the commissioner of public lands shall deem it to the best interest of the state to release the same, for succeeding periods not exceeding five years each at such rental and upon such terms and conditions as may be prescribed by said commissioner of public lands.

Term and terms of lease.

Non-user : Lease forfeited.

Expiration of lease.

Lessee has preference right to re-lease.

SEC. 135. The commissioner of public lands is authorized to lease any second class tide or shore lands, whether reserved from sale, or from lease for other purposes, by or under authority of law, or not, except any oyster reserve containing oysters in merchantable quantities, to any person, firm or corporation, for booming purposes, for any term not exceeding ten years from the date of such lease, for such annual rental and upon such terms and conditions as the commissioner of public lands may fix and determine, and to forfeit and terminate any such lease at any time for failure to pay the fixed rental or for any violation of the terms or condi-

Lease of second class tide or shore lands for booming purposes.

May not discriminate in receiving and assorting logs.

Tolls permitted.

Rates on timber products.

Duties and liabilities same as boom companies.

Forfeiture for non-user.

Preference right to re-lease.

tions thereof. The lessee of any such lands for booming purposes shall receive, hold and assort the logs and other timber products of all persons requesting such service and upon the same terms and without discrimination, and may charge and collect tolls for such service not to exceed seventy-five cents per thousand feet scale measure on all logs, spars or other large timber and reasonable rates on all other timber products, and shall be subject to the same duties and liabilities, so far as the same are applicable, as are imposed upon boom companies organized under the laws of this state. Failure to use any lands leased under the provisions of this section for booming purposes for the period of one year shall work a forfeiture of such lease, and such lands shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands. At the expiration of any lease issued under the provisions of this section, the lessee shall have the preference right to re-lease the lands covered by his original lease for a further term, not exceeding ten years, at such rental and upon such terms and conditions as may be prescribed by the commissioner of public lands.

Shore lands leased as other granted lands.

Conditions.

SEC. 136. The commissioner of public lands is authorized to lease any platted first class shore lands, or any second class shore lands, in the same manner as provided for the lease of state lands, except capitol building lands, but in all cases where application is made for the lease of any second class shore lands adjacent to upland, under the provisions of this section, the same shall be leased per lineal chain frontage, and the United States field notes of the meander line shall accompany each application as required for the sale of such lands, and when application is made for the lease of second class

shore lands separated from the upland by navigable waters, the application shall be accompanied by the plat and field notes of a survey of the lands applied for, as required with applications for the purchase of such lands.

SEC. 137. In case any lessee of tide or shore lands, for any purpose except mining of valuable minerals, or coal, or extraction of petroleum or gas, or his successor in interest, shall after the expiration of any lease fail to purchase or re-lease from the state the tide or shore lands formerly covered by his lease, when the same are offered for sale or re-lease, then and in that event the commissioner of public lands shall appraise and determine the value of all improvements existing upon such tide or shore lands at the expiration of the lease, which are not capable of removal without damage to the land, including the cost of filling and raising said property above high tide, or high water, whether filled or raised by the lessee or his successors in interest, or by virtue of any contract made with the state, and also including the then value to the land of all existing local improvements paid for by such lessee or his successors in interest. In case the lessee or his successor in interest, is dissatisfied with the appraised value of such improvements as determined by the commissioner of public lands, he shall have the right to appeal to the superior court of the county wherein said tide or shore lands are situated, within the time and according to the mode prescribed in this act for taking appeals from decisions of the commissioner of public lands. In case such tide or shore lands are leased, or sold, to any person, persons or corporation, other than such lessee or his successor in interest, within three years from the expiration of the former lease, the bid of such subsequent lessee or purchaser shall not be accepted

Failure of lessee of tide or shore lands to purchase or re-lease lands.

Appraisal of improvements.

Appeal from appraisement to the superior court.

Subsequent purchaser or lessee pays former lessee for improvements.

until payment is made by such subsequent lessee or purchaser of the appraised value of the improvements as determined by the commissioner of public lands, or as may be determined on appeal, to such former lessee, or his successor in interest. In case such tide or shore lands are not leased, or sold, within three years after the expiration of such former lease, then and in that event, such improvements existing on the lands at the time of any subsequent lease or sale thereof, shall be considered a part of the land, and shall be taken into consideration in appraising the value, or rental value, of the land, and sold, or leased, with the land.

No lease or sale within three years—improvements pass with the land.

SEC. 138. The commissioner of public lands upon the filing in his office by any person, firm or corporation owning any oyster lands within, or abutting upon, any state oyster reserve, of an application to purchase any tract or parcel of tide land lying between said oyster land and the adjoining shore, or any small or isolated tract of tide land, not exceeding three acres in extent, lying between his said oyster lands and any adjoining oyster lands heretofore sold by the state, accompanied by an abstractor's certificate of title or other evidence of title to the applicant's oyster lands demanded by the commissioner of public lands, and by the field notes of a survey and plat of the lands applied for, the commissioner of public lands shall examine such evidence of title and such field notes and plat and cause the land applied for to be inspected, and if he shall find that the title to the adjoining land is in the applicant and that the land applied for is of little value to the state for the future development of the state's oyster reserves, due to its size and isolation, he shall thereupon appraise the value of the land applied for, and upon the payment of the appraised value to the commissioner of public lands cause a

Isolated oyster lands. Application to purchase.

Investigation and appraisal.



deed to be issued for the land applied for in the same manner as deeds of state lands are issued, which deed shall contain a covenant or condition of defeasance to the effect that if said lands be used for any other purpose than the cultivation of oysters or edible shell fish, then such deed shall be cancelled and the lands described therein revert to the state: *Provided*, That if the tract of land applied for is located between the lands of two or more owners, then upon the application of either of the adjoining owners, the others shall be notified of such application and given sixty days within which to apply for the purchase of said land, and if others of said adjoining owners make application to purchase said land, the commissioner of public lands shall determine an equitable division of said land between said applicants, and each shall be given the privilege of purchasing the part allotted to him, but if any of said adjoining owners fail for a period of sixty days to purchase said land at the appraised value, then the other adjoining owner, or owners, shall have the privilege of purchasing the land.

SEC. 139. In lieu of a deed as provided for in the preceding section, a contract may be issued to the applicant by the terms of which one-fifth of the purchase price may be paid to the commissioner, and the remainder in four equal annual installments, with interest on deferred payments at the rate of six per cent per annum, and if said applicant shall comply with the terms of said contract and make the payments therein provided for, a deed shall issue as provided in the preceding section: *Provided*, That said contract shall contain a covenant of defeasance as is provided in the case of a deed issued under the provisions of the preceding section: *And Provided Further*, That such contract shall be subject to cancellation by the commissioner of public lands for

Deed.

Notice to adjoining owners.

Division of the land.

Installment payments.

Interest on deferred payments.

Deed.

Provisions.

failure to comply with its provisions: *And Provided Further*, That whenever an installment shall mature, the contract holder may, if he so elect, pay more than one installment. All moneys received for the sale of tide lands under the provisions of this and the preceding section shall be paid into the state treasury to the credit of the state oyster reserve fund.

Moneys to credit of state oyster reserve fund.

Application to purchase state's reversionary rights.

Appraisal and sale.

Deed.

Installment contract.

Interest on deferred payments.

SEC. 140. Upon an application to purchase the reserved and reversionary rights of the state in any tide lands sold under the provisions of chapter XXIV of the Laws of 1895, or chapter XXV of the Laws of 1895, or chapter 165 of the Laws of 1919, or the provisions of section 138 of this act, or either such reserved or reversionary right if only one exist, being filed in the office of the commissioner of public lands by the owner of such tide lands, accompanied by an abstracter's certificate, or other evidence of the applicant's title to such lands, the commissioner of public lands, if he find the applicant is the owner of the tide lands, is authorized to inspect, appraise and sell, for not less than the appraised value, such reserved or reversionary rights of the state to the applicant, and upon payment of the purchase price to cause a deed to be issued therefor as in the case of the sale of state lands, or upon the payment of one-fifth of the purchase price, to issue a contract of sale therefor, providing that the remainder of the purchase price may be paid in four equal annual installments, with interest on deferred payments at the rate of six per cent per annum, or sooner at the election of the contract holder, which contract shall be subject to cancellation by the commissioner of public lands for failure to comply with its provisions, and upon the completion of the payments as provided in such contract to cause a deed to the lands described in the contract to be issued to the

holder thereof as in the case of the sale of state lands.

SEC. 141. The commissioner of public lands is hereby authorized to locate in all navigable rivers in this state, which are subject to tidal flow, the line dividing the tide lands in such river from the shore lands in such river and such classification or the location of such dividing line shall be final and not subject to review, and the commissioner shall enter the location of said line upon the plat of the tide and shore lands affected.

Location of line dividing tide and shore lands.

Classification final.

SEC. 142. The beds of all navigable tidal waters in this state lying below extreme low tide, not covered by natural oyster beds, and not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon artificial oyster beds, for periods not to exceed twenty years and in quantities not to exceed forty acres, to any one person or corporation.

What oyster lands subject to lease.

Period. Acreage.

SEC. 143. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, or corporation organized under the laws of any state or territory of the United States, and authorized to do business in this state, desiring to lease lands for the purpose of planting and cultivating thereon artificial oyster beds, shall file with the commissioner of public lands, on a proper form an application in writing signed by the applicant and accompanied by a map of the land desired to be leased, describing the lands by metes and bounds tied to at least two United States government corners, and by such reference to local geography as shall suffice to convey a knowledge of the location of the lands with reasonable accuracy to persons acquainted with the vicinity, and accompanied by a deposit of ten dollars

Must be citizen of U. S.

Application to lease.

Conditions.

Deposit.

which deposit shall be returned to the applicant in case a lease is not granted.

Artificial  
oyster beds.

Application  
for lease.

Inspection  
and report  
by director  
of fisheries.

Natural  
oyster bed.

Retention  
for natural  
oyster bed  
protection.

Natural  
oyster bed  
in past.

Lease:  
Conditions.

Preference  
right to  
re-lease.

Application  
for renewal  
lease.

SEC. 144. The commissioner of public lands, upon the receipt of an application for a lease for the purpose of planting and cultivating artificial oyster beds, shall notify the director of fisheries and game of the filing of the application, describing the lands applied for. And it shall be the duty of the director of fisheries and game to cause an inspection of the lands applied for to be made and to make a full report to the commissioner of public lands of his findings as to the following facts:

First. Whether the land, or any portion thereof, is a natural oyster bed;

Second. Whether it is necessary in order to secure adequate protection for any natural oyster beds, to retain the lands described in the application for lease, or any part thereof;

Third. Whether the land, or any part thereof, has been a natural oyster bed within ten years last past and may be reasonably expected to again become such within ten years in the future.

SEC. 145. In case all of the three questions in the preceding section 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 commissioner. Upon the expiration of any lease for the purpose of planting and cultivating artificial oyster beds, heretofore or hereafter issued, the lessee shall have the right to make application to re-lease the lands covered by his former lease within thirty days from the expiration of such former lease.

SEC. 146. The commissioner of public lands may, upon the filing of an application for a renewal lease, cause the lands to be inspected, and if he

deem it for the best interests of the state to re-lease said lands, he 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. In case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries and game.

Conditions.

SEC. 147. If in case of an original application for a lease for planting and cultivating oyster beds, the director of fisheries and game shall answer any of the three questions affirmatively, the commissioner of public lands shall investigate the matter at a public hearing in the county where the lands applied for are situated. Notice of such hearing shall be given by the commissioner by publication in a newspaper of general circulation in the county where the lands are situated, at the expense of the applicant, not less than one, nor more than four weeks before the date of hearing.

Public hearing on application for lease.

Notice of hearing.

Unless at such hearing it shall be shown to the satisfaction of the commissioner of public lands that in the matters at issue, the director of fisheries and game was in error, the commissioner shall refuse to lease such lands, or such portions thereof, as may be determined by the foregoing restrictions.

May deny application or grant in part.

In case of the refusal of the commissioner of public lands to lease the lands applied for, or any portion thereof, as above provided, no new application for the lease of such lands shall be considered by the commissioner until the expiration of six years from the date of such refusal, except that the applicant making such application may file a new application during the three months next preceding the expiration of such six years.

Denial bars new application for six years.

SEC. 148. All leases of lands for the purpose of planting and cultivating artificial oyster beds shall

Reversion to  
state—when.

expressly provide that if at any time after the granting of said lease, the lands described therein shall cease to be used for the purpose of artificial oyster beds, they shall thereupon revert to and become the property of the state and that the same are leased only for the purpose of cultivating oysters thereon, and that the state reserves the right to enter upon and take possession of said lands if at any time the same are used for any other purpose than the cultivation of oysters.

Lands be-  
come unfit  
for oyster  
beds—Lessee  
may apply  
for other  
lands.

SEC. 149. If from any cause any lands leased for the purpose of planting and cultivating artificial oyster beds, shall become unfit and valueless for that purpose, the lessee or his assigns, upon certifying such fact under oath to the commissioner of public lands, together with the fact that he has abandoned such land, shall be entitled to make application for other lands for that purpose.

Grant to  
U. S. of use  
of tide and  
shore lands.

SEC. 150. The use of any tide and shore lands belonging to the state, and adjoining and bordering on any tract, piece or parcel of land, which may have been reserved or acquired, or which may hereafter be reserved or acquired, by the government of the United States, for the purpose of erecting and maintaining thereon forts, magazines, arsenals, dock yards, navy yards, prisons, penitentiaries, light-houses, fog signal stations, aviation fields, or other aids to navigation, be and the same is hereby granted to the United States, so long as the upland adjoining such tide or shore lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: *Provided*, That this grant shall not extend to or include any lands covered by more than four fathoms of water at ordinary low tide; and shall not be construed to prevent any citizen of the state from using said lands for the taking of food fishes so long as such

The use  
limited.

fishing does not interfere with the public use of them by the United States.

SEC. 151. Whenever application is made to the commissioner of public lands by any department of the United States government for the use of any tide or shore lands belonging to the state and adjoining and bordering on any upland held by the United States for any of the purposes mentioned in the preceding section, upon proof being made to said commissioner of public lands that such uplands are so held by the United States for such purposes, he shall cause such fact to be entered in the records of his office and shall certify such fact to the governor and who shall execute a deed, in the name of the state attested by the secretary of state, conveying the use of such lands, for said purposes, to the United States, so long as it shall continue to hold for said public purposes the uplands adjoining said tide and shore lands.

Application  
by the U. S.  
to the land  
commis-  
sioner.

Deed by the  
Governor.

SEC. 152. Whenever application is made to the commissioner of public lands, by any department of the United States government, for the use of any tide or shore lands belonging to the state, for any public purpose, and said commissioner shall be satisfied that the United States requires or may require the use of such tide or shore lands for such public purpose, said commissioner may reserve such tide or shore lands from public sale and grant the use of them to the United States, so long as it may require the use of them for such public purposes; and the commissioner of public lands shall certify such fact to the governor, who shall thereupon execute an easement to the United States, which shall be attested by the secretary of state, granting the use of such tide or shore lands to the United States, so long as it shall require the use of them for said public purpose.

Grant of  
easement to  
the U. S. in  
tide and  
shore lands.

Reversion of grant or easement to the state.

SEC. 153. Whenever the United States shall cease to hold and use any uplands for the use and purpose mentioned in section 150 of this act or shall cease to use any tide or shore lands for the purpose mentioned in section 152 of this act, the grant or easement of such tide or shore lands shall be terminated thereby, and said tide or shore lands shall revert to the state without resort to any court or tribunal.

Land commissioner to manage all lands acquired by escheat, sale, gift, etc., to state.

SEC. 154. The commissioner of public lands shall have the power and it shall be his duty to manage and control all lands acquired by the state by escheat or operation of law and all lands acquired by the state by deed of sale or gift or by devise, except such lands as are conveyed or devised to the state to be used for a particular purpose and he shall cause such lands to be inspected, appraised, managed, leased or sold in the same manner as is prescribed in this act for the sale or lease of state lands, other than capitol building lands, and the proceeds of the lease or sale of all such lands shall be covered into the common school fund in the state treasury in the manner prescribed by law: *Provided*, That if the grantor in any such deed or the testator in case of a devise shall specify that the proceeds of the sale or lease of such lands shall be devoted to a particular purpose such proceeds shall be so applied: *And provided further*, That the commissioner of public lands is authorized to employ an agent or agents to rent any improved escheated, deeded or devised urban property for such rental and time and in such manner as the commissioner may direct, but no such property shall be rented by such agent for a longer period than one year and no such tenant shall be entitled to compensation for any improvement which he shall make on such property. Such agent or agents shall cause such repairs to be

To inspect, lease and sell as other lands.

Proceeds to common school fund.

Testator may otherwise direct.

May employ agent to rent such lands.

Rental conditions.



made to such property as the commissioner of public lands may direct, and shall deduct the cost thereof, together with such compensation and commission as the commissioner shall authorize, from the rentals of such property and the remainder which shall have been collected shall be transmitted monthly to the commissioner of public lands.

SEC. 155. The commissioner of public lands shall have the power to execute leases for prospecting for, and contracts for the mining of gold, silver, copper, lead, cinnebar or other valuable minerals, except coal, upon and from any state, tide or shore lands, or beds of navigable waters, belonging to the state, or which have been sold, or leased for other purposes, by the state, and the minerals thereon reserved by the state, to any citizen of the United States or corporation organized under the laws of any state or territory of the United States and authorized to do business in this state, in tracts of not to exceed eighty acres in legal subdivisions according to the United States government surveys: *Provided*, That no such prospecting lease or mining contract upon lands sold by the state and the minerals thereon reserved by the state shall be executed until full payment of all damages the owner of such lands may suffer shall have been made or tendered in the manner provided in this act.

Commis-  
sioner may  
lease mineral  
lands.

Damages  
payable to  
owner of  
lands before  
prospecting  
or mining  
contract  
executed.

SEC. 156. Any citizen of the United States or corporation organized under the laws of any state or territory of the United States finding valuable minerals, except coal, upon any lands described in the preceding section, and desiring to obtain a lease for mineral prospecting purposes thereon, shall file in the office of the commissioner of public lands an application therefor, upon a proper form, and shall pay to the commissioner of public lands to be accounted for as other moneys received

Application  
for mineral  
prospecting  
lease.

Fee. for leases of lands by the state, the sum of five dollars for each forty acres, or fraction thereof, of the lands applied for, together with the fee provided by law for the issuance of leases.

SEC. 157. In case the lands described in the application for a mineral prospecting lease, shall have been leased for any other purpose than mineral prospecting, and the minerals therein reserved by the state, the commissioner of public lands upon the filing of the application, shall fix a date for hearing the same, not less than thirty nor more than sixty days from the date of filing the application, and shall notify the applicant, and the lessee, of the lands, of the time and place of such hearing, by mail addressed to the last known place of residence respectively of such applicant, and lessee, and, before the date of hearing, shall cause a full investigation and report to be made as to the nature and location of the lands applied for, the probability of such lands containing mineral in sufficient quantities to warrant the extraction thereof, the feasibility of extracting minerals therefrom, and the estimated amount of damages that will accrue to such lands by reason of prospecting thereon, or extracting minerals therefrom.

Hearing. At such hearing the applicant, and the lessee, may offer such evidence in support of or against the application as they may desire, and if the applicant shall establish to the satisfaction of the commissioner of public lands that the lands applied for contain minerals in sufficient quantity, and so situated, as to warrant the extraction thereof, the commissioner of public lands shall determine the damages that will accrue to the lessee, of the lands applied for, by reason of the entering upon the lands and prospecting and removing ore therefrom for assaying and testing purposes, and upon the filing with

Prospecting contract on lands leased by state.

Hearing set.

Notice.

Investigation and report.

the commissioner of a receipt from the lessee, of the land, showing that the damages determined have been paid or satisfied, shall issue to the applicant the mineral prospecting lease applied for. In case it shall not be established to the satisfaction of the commissioner of public lands that the lands applied for contain minerals in sufficient quantities and so situated as to warrant their extraction, he shall reject the application.

Damages payable to lessee by applicant for prospector's contract.

SEC. 158. Leases for mineral prospecting purposes shall be for the term of not to exceed two years from the date of lease, and the lessee, or his assigns, shall have the right to cut and use such timber found on the leased premises belonging to the state, for fuel and for the construction of buildings, drains, tramways and supports, as is necessary for prospecting the leased premises and for no other purposes, and shall have the right to extract, and remove from the leased premises, not to exceed five tons of ore for assaying and testing purposes during the term of the prospecting lease unless he shall surrender said prospecting lease and enter into a contract with the state for the extraction of ore as hereinafter provided.

Period of prospecting leases.

Lessee's use of timber limited.

SEC. 159. The holder of any mineral prospecting lease, or his assigns, shall if he apply therefor to the commissioner of public lands within sixty days prior to the expiration of the original lease, have a preference right to a new lease of the premises described in the original lease, or any part thereof, upon the same terms as are hereinabove provided for original prospecting leases, and all applications for such new leases shall be made and heard in the manner provided for applications for original leases.

Preference right of holder of prospecting lease to new lease.

SEC. 160. The lessee of lands under a mineral prospecting lease, or his assigns, desiring to obtain

Application  
of mineral  
prospecting  
lessee for  
mining  
contract.

a contract for the mining of valuable minerals, except coal, from the lands described in his lease, or any part thereof, in legal subdivisions according to the United States government surveys, shall, at any time prior to the expiration of his prospecting lease, file in the office of the commissioner of public lands an application therefor upon a proper form together with the fee required by law for the issuance of contracts. The commissioner of public lands upon the receipt of any such application for a mining contract shall cause a full investigation and report to be made as to the nature and location of the lands applied for, whether such lands contain mineral in sufficient quantities to warrant the extraction thereof, the feasibility of extracting minerals therefrom, and the estimated amount of damages that will accrue to such lands by reason of extracting minerals therefrom, and in case the lands described in the application for a mining contract shall have been leased for any other purpose than mineral prospecting, and the minerals therein reserved, by the state, shall fix a date for hearing the application for a mining contract and give notice of, and hold such hearing in the same manner, as near as may be, as hereinabove provided for fixing times, giving notice and holding hearings, upon applications for mineral prospecting leases, and shall at such hearing, if it shall appear that the lands applied for contain minerals in sufficient quantities, and so situated, as to warrant the extraction thereof, determine the damages that will accrue to the lands applied for, or to the lessee of the lands applied for, by reason of entering upon the lands and mining and removing the ore or minerals therefrom, and the reasonable amount of rentals by way of royalty upon the minerals removed that should be paid to the state, and the conditions upon which the mining contract should issue and shall notify the applicant of his

Investigation  
by commis-  
sioner.

Terms.

Royalty to  
the state.

findings and the terms and conditions upon which the contract will be granted, and if within thirty days from the date of such notice the applicant shall file with the commissioner of public lands a receipt from the lessee of the lands, if any, showing that the damages have been paid or satisfied, and shall comply with all other conditions for the issuance of the contract contained in said notice, shall enter into and issue to the applicant a contract for the working and mining of the lands described in the application.

SEC. 161. Mining contracts referred to in the preceding section shall be in substantially the following form:

Mining contract.

“This indenture, made this....day of....., A. D., one thousand nine hundred and....., by and between the State of Washington, party of the first part, and..... whose post office address is....., state of..... party of the second part:

Form.

WITNESSETH, That the party of the first part in consideration of the sum of.....dollars to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, the same being the first annual payment to be made hereunder, and in further consideration of the covenants and conditions herein contained, to be kept and performed by the party of the second part, does hereby contract, lease and demise to the party of the second part, for the term of.....years (here shall be inserted the number of years asked for by the applicant.....not exceeding 20 years in all) from and after the.....day of....., one thousand nine hundred and....., the following described land situate in the county of....., State of Washington, viz.:....., which premises are leased to the party of the second part for the purpose of exploring for and

mining and taking out and removing therefrom the ore therein contained, containing gold, silver, copper, lead, cinnabar and other valuable minerals, except coal, which is or which hereafter may be found in, on or under said land, together with the right to construct all buildings, make all excavations, openings, ditches, drains, railroads, wagon roads, concentrators, power plants, smelters and other improvements upon said premises which are or may become necessary or suitable for the mining or removal of ore containing valuable minerals, except coal, from said premises, with the right, during the existence of this contract to cut and use the timber found upon said premises for fuel and so far also as may be necessary, for the construction of buildings required in the operation of any mine or mines on the premises hereby leased and also the timber necessary for drains, tramways and supports for such mine or mines, and for no other purpose: *Provided*, That the party of the second part shall have the right at any time to terminate this contract insofar as it requires the party of the second part to mine ore on said land or to pay a royalty, therefor, by giving written notice to the party of the first part which shall be served by leaving the same with the commissioner of public lands, who shall officially, in writing, acknowledge the receipt of such notice, and the foregoing contract shall terminate sixty (60) days thereafter and all arrears and the sums which may be due under the same up to the time of its termination as set forth in said notice shall be paid upon settlement and adjustment thereof. The party of the first part further agrees that the party of the second part shall have the right under this contract to contract with others to work such mine or mines or any part thereof or to sub-contract the same and the use of the said land or any part thereof

Terminate contract on notice to the state.

May sub-contract.

for the purpose of mining for ore with the same rights and privileges as are herein granted to the said party of the second part. The party of the second part agrees that he will in each year during the life of this contract perform work or make improvements upon the premises hereinbefore described to an amount of not less than one hundred dollars (\$100.00) for each twenty (20) acres included therein and will file with the commissioner of public lands an affidavit of the performance of said work, which affidavit shall give the nature and extent thereof. And it is further expressly agreed that if the party of the second part shall fail to perform said labor as hereinbefore provided that said contract shall then, at the option of the commissioner of public lands, be forfeited and the commissioner of public lands shall thereupon, if he shall elect to forfeit this contract, serve upon the party of the second part, or his assigns, if notice of assignment has been given to the commissioner of public lands, a notice that unless he performs such work within ninety (90) days after the giving of said notice, that this contract shall thereupon become forfeited, terminated and at an end, such ninety (90) day period to commence from the date said notice is mailed by the commissioner of public lands, all such notices to be given by registered mail and if the address of the holder of this contract is unknown then such notice shall be given by posting a copy thereof on said land at the point of any mining operations thereon, which notice shall thereupon be deemed sufficient."

Annual work and improvements requisite.

Forfeiture of contract.

SEC. 162. Mining contracts entered into as provided in the preceding sections shall in addition to the provisions contained in the form specified, provide for the payment to the state of a royalty of not less than one per cent, nor more than four per cent of all moneys received from the sale of minerals

Mining contracts.

Royalty to the state.

from the lands covered by the contract, after deducting therefrom the cost of transporting the ore or minerals from the mine or mines to market, or to any smelter, concentrating plant or other place of treatment, and the cost of treatment, and shall provide that the contract holder or his assigns, shall pay to the state in addition to such royalties, an annual rental of ten dollars for each forty acres, or fraction thereof, included in said contract, and such contracts shall contain such other and further terms and conditions for the occupation of, and conduct of mining operations upon, the lands described in the contract as shall be agreed upon by the commissioner of public lands and the applicant for the contract.

Annual rental.

SEC. 163. The commissioner of public lands is authorized to execute option contracts and leases for the mining and extraction of coal from any public lands of the state, or to which it may hereafter acquire title, or from any lands sold or leased by the state the minerals of which have been reserved by the state.

Option contracts for mining coal.

SEC. 164. Any citizen of the United States believing coal to exist upon any of the lands described in the preceding section may apply to the commissioner of public lands for an option contract for any amount not exceeding one section for prospecting purposes, such application to be made by legal subdivision according to the public land surveys. The applicant shall pay to the commissioner of public lands, at the time of filing his application, the sum of one dollar an acre for the lands applied for, but in no case less than fifty dollars. In case of the refusal of the commissioner to execute an option contract for the lands, any remainder of the sum so paid, after deducting the expense incurred by the commissioner in investigating the character of the land, shall be returned to the applicant.

Application for option contract for coal prospecting.

Fee.



SEC. 165. Upon the filing of any such application, the commissioner of public lands shall forthwith investigate the character of the lands applied for, and if, from such investigation, he deems it to the best interests of the state he shall enter into an option contract with the applicant.

Investigation of lands by commissioner.

The holder of any option contract shall be entitled, during the period of one year from the date thereof, to enter upon the lands and carry on such work of exploration, examination and prospecting for coal as may be necessary to determine the presence of coal upon the lands and the feasibility of mining the same. He shall have the right to use such timber found upon the lands and owned by the state as may be necessary for steam purposes and timbering in the examination and prospecting of such lands: *Provided*, That this provision shall not be construed to require the state to withhold any such timber from sale. No coal shall be removed from such lands during the period of such option contract except for samples and testing. At the expiration of the option contract, the applicant shall fill or cover in a substantial manner all prospect holes and shafts, or surround the same with substantial fences, and shall file with the commissioner of public lands a report showing in detail the result of his investigation and prospecting.

One-year contract for exploration.

Timber privileges.

May remove only samples of coal for testing.

Contract expired.

Applicant to cover prospect holes and file report of his investigation.

SEC. 166. In the case of lands which the state may have sold or leased and reserved the mineral rights therein, if the holder of any option contract or lease shall be unable to agree with the owner or prior lessee of the lands, he shall have a right of action in the superior court of the county in which the land is situated to ascertain and determine the amount of damages which will accrue to such owner or lessee of the land by reason of the entry thereon and prospecting for or mining coal, as the case may

Damages payable to prior purchaser or lessee of lands by option mining contract or leaseholder.

be. In the event of any such action, the term of the option contract or lease shall begin thirty days after the entry of the final judgment in such action.

During option may apply for coal mining lease.

Term, form and conditions of lease.

Royalty to state.

May graduate royalty for the different years.

SEC. 167. At any time during the life of the option contract, the holder thereof may apply to the commissioner of public lands for a coal mining lease of the lands included therein, or such portion thereof as he may specify, for the purpose of mining and extraction of coal therefrom. Such coal mining lease shall be for such term, not more than twenty years, and in such form as may be prescribed by the commissioner of public lands, shall entitle the lessee to mine and sell and dispose of all coal underlying said lands and to occupy and use so much of the surface thereof as may be necessary for bunkers and other outside works, and for railroads, buildings, appliances and appurtenances in connection with the mining operations. Such lease shall provide for the payment to the state of a royalty, according to the grade of coal, for each ton of two thousand two hundred and forty pounds of merchantable coal taken from the lands, as follows: For lignite coal of the class commonly found in Lewis and Thurston counties, not less than ten cents per ton; for sub-bituminous coal, not less than fifteen cents per ton; for high grade bituminous and coking coals, not less than twenty cents per ton; but such lease shall provide for the payment each year of a minimum royalty of not less than one nor more than ten dollars an acre for the lands covered thereby: *Provided*, That the commissioner of public lands may agree with the lessee that said minimum royalty shall be graduated for the different years of said lease so that a lower minimum royalty shall be paid during the earlier years of the term. The minimum royalty fixed in the lease shall be paid in advance each year, and the lessee, at stated periods during the term

of the lease, fixed by the commissioner, shall furnish to the commissioner of public lands a written report under oath showing the amount of merchantable coal taken from the land during the period covered by such report and shall remit therewith such sum in excess of the minimum royalty theretofore paid for the current year as may be payable as royalty for the period covered by such report.

Reports and remittances to commissioner.

Failure on the part of any lessee to comply with the foregoing provisions, or of his lease, shall work a forfeiture of the lease, and no such forfeiture may be waived. The commissioner shall incorporate in every lease such provisions and conditions not inconsistent with the provisions of this act and not inconsistent with good coal mining practice as he shall deem necessary and proper for the protection of the state, and, in addition thereto, the commissioner shall be empowered to prescribe such rules and regulations, not inconsistent with this act and not inconsistent with good mining practice, governing the manner and methods of mining as in his judgment are necessary and proper.

Forfeiture of lease for breach.

Mining rules.

SEC. 168. In the case of lands known to contain workable coal, the commissioner may, in his discretion, issue coal mining leases under the foregoing provisions although no option contract has been theretofore issued for such lands.

Option contract not condition precedent to lease.

SEC. 169. The commissioner of public lands or any person designated by him shall have the right at any time to enter upon the lands and inspect and examine the structures, works and mines situated thereon, and shall also have the right to examine such books, records and accounts of the lessee as are directly connected with the operation of the mine on the property under lease from the state; but it shall be unlawful for the commissioner or any person so appointed to disclose any information thus

Commissioner's right of entry and inspection.

Unlawful to disclose information.

obtained to any person other than the commissioner of public lands and his employes, except the attorney general and prosecuting attorneys of the state.

State may sell other valuable materials upon land during option period.

SEC. 170. The state shall have the right to sell or otherwise dispose of any timber, stone or other valuable materials, except coal, found upon the land during the period covered by any option contract, or lease issued under the foregoing provisions, with the right to enter upon such lands and cut and remove the same, and shall not be obliged to withhold from sale any timber for coal mining or prospecting purposes: *Provided*, That the lessee shall be permitted to use in his mining operations any timber found upon the land, first paying therefor to the commissioner of public lands the value thereof as fixed by said commissioner: *And provided further*, That any bill of sale for the removal of timber, stone or other material given subsequent to the coal lease shall contain provisions preventing any interference with the operations of the coal lease.

Payment for timber used.

Removal of stone, etc., not to interfere with coal lessee.

Suspension of mining operations.

SEC. 171. Should the lessee for any reason, except strikes or inability to mine or dispose of his output without loss, suspend mining operations upon the lands included in his lease, or upon any contiguous lands operated by him in connection therewith, for a period of six months, or should the lessee for any reason suspend mining operations upon the lands included in his lease or in such contiguous lands for a period of twelve months, the commissioner of public lands may, at his option, cancel the lease, first giving thirty days' notice in writing to the lessee.

Lease cancelled.

Lessee's right to terminate lease.

The lessee shall have the right to terminate the lease after thirty days' written notice to the commissioner of public lands and the payment of all royalties and rentals then due.

SEC. 172. Upon the termination of any lease issued under the foregoing provisions, the lessee shall

surrender the lands and premises and leave in good order and repair all shafts, slopes, airways, tunnels and watercourses then in use. Unless the coal therein is exhausted, he shall also, as far as it is reasonably practicable so to do, leave open to the face all main entries then in use so that the work of further development and operation may not be unnecessarily hampered. He shall also leave on the premises all buildings and other structures, but shall have the right to, without damage to such buildings and structures, remove all tracks, machinery and other personal property.

Lessee to leave land and premises in good order.

May remove personalty, but not fixtures.

SEC. 173. If at the expiration of any lease for the mining and extraction of coal or any renewal thereof the lessee desires to re-lease the lands covered thereby, he may make application to the commissioner of public lands for a re-lease. Such application shall be in writing and under oath, setting forth the extent, character and value of all improvements, development work and structures existing upon the land. The commissioner of public lands may on the filing of such application cause the lands to be inspected, and if he deems it for the best interests of the state to re-lease said lands, he shall fix the royalties for the ensuing term in accordance with the foregoing provisions relating to original leases, and issue to the applicant a renewal lease for a further term; such application for a re-lease when received from the lessee, or successor of any lessee, who has in good faith developed and improved the property in a substantial manner during his original lease to be given preference on equal terms against the application of any new applicant.

Application for re-lease for coal mining.

Procedure.

Preference against new applicant.

SEC. 174. It shall be unlawful for the holder of any coal mining option contract, or any lessee, to commit any waste upon the lands embraced therein, except as may be incident to his work of prospecting or mining.

Waste prohibited.

May issue  
petroleum  
and gas  
leases.

Conditions.

SEC. 175. The commissioner of public lands shall have the power to execute leases for the extraction of petroleum or natural gas from any state, tide or shore lands or the beds of navigable waters, belonging to the state or which have been sold and the materials thereon reserved by the state, subject to the conditions hereinafter provided, upon application being made therefor upon a proper form, by any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, or any corporation organized and existing under the laws of any state or territory of the United States and authorized to do business in this state: *Provided*, That no such lease for the extraction of petroleum or natural gas, of lands sold by the state and the minerals thereon reserved by the state, shall be executed until full payment of all damages that the owner of such lands may suffer shall have been made or tendered in the manner provided by law.

Terms of  
lease.

Acreage.

Time.

Royalty.

SEC. 176. No lease, or re-lease, of lands for the extraction of petroleum or natural gas shall be made for any larger area than six hundred and forty acres, or one section of land, nor for any term exceeding twenty years, nor for any sum less than fifteen cents per acre for the first year, thirty cents per acre for the second year, forty cents per acre for the third year, fifty cents per acre for the fourth year, and sixty cents per acre for the fifth year and each year thereafter, during the term of the lease, and in addition thereto said lease shall provide that the state shall be entitled to receive a sum not less than ten per cent of the gross value of all petroleum, and/or, natural gas extracted from the land described in the lease during the term of said lease, payable semi-annually during said term less the semi-annual rental due at the date of payment of the

royalty. The term "gross value" shall be construed to mean the value of the petroleum and/or gas at the well when produced, without deduction for expenses of production.

"Gross value" defined.

SEC. 177. The holder of any lease from the state for the extraction of petroleum and natural gas shall extract, keep, maintain, ship and sell all petroleum and/or natural gas extracted from the lands so leased, separate and distinct from all like products taken from other lands, and shall submit to the commissioner of public lands, at stated periods to be fixed by said commissioner, statements showing the total product taken from said leased lands, the total shipments of such products, and accounts showing the sales of all such products.

Accounting and reports by lessee.

SEC. 178. The commissioner of public lands is authorized to make and enforce all rules and regulations in relation to the leasing of lands for the extraction of petroleum and/or natural gas, necessary to protect the interests of the state, and all books and accounts of every lessee of lands from the state for that purpose, and the property leased, together with all buildings, machinery, storage tanks and appliances of every kind and nature whatsoever, shall be open to inspection by the commissioner of public lands, or such person as he may designate, at all times.

Rules and regulations by commissioner.

The commissioner of public lands shall have the power to incorporate in any lease of lands from the state for the purpose of extracting petroleum and/or natural gas such other and further provisions and conditions not inconsistent with the provisions and conditions contained in this act as may in his judgment be advantageous to the state.

SEC. 179. All reports required to be made by lessees of lands from the state for the purpose of extracting petroleum and/or natural gas required

Reports to be made under oath on prescribed forms.

by this act or by any rule or regulation of the commissioner of public lands shall be made under oath upon forms prescribed by the commissioner.

Forfeiture  
for breach  
of lease.

Failure on the part of the lessee of any lands from the state for the purpose of extracting petroleum and/or natural gas, to comply with any of the provisions of this act or the rules and regulations prescribed by the commissioner of public lands, or the terms of his lease, shall forthwith work a forfeiture of the lease and the commissioner of public lands is not authorized to waive any such forfeiture.

Work neces-  
sary to vali-  
date lease.

SEC. 180. All leases of lands from the state for the purpose of extracting petroleum and/or natural gas shall be deemed to be void and of no effect unless the lessee, or his assigns, shall commence work of drilling or boring for petroleum and/or natural gas within such period as may be designated by the commissioner of public lands, not exceeding five years from and after the date of the execution of the lease, and such work of development shall proceed continuously, and at no time cease for a greater period than ninety days.

Failure to  
operate after  
discovery of  
oil forfeits  
lease.

SEC. 181. Whenever petroleum or natural gas shall be discovered in paying quantities on any lands leased from the state for the purpose of extracting the same, no further work need be done under the terms of any lease than to proceed to extract, secure and store the same, but failure to operate after discovery of petroleum or natural gas in paying quantities for a period of ninety consecutive days shall work a forfeiture of the lease, unless such failure to operate shall be due to no fault or negligence of the lessee, or unless the commissioner of public lands for sufficient cause shown, such as market conditions, lack or failure of transportation, or other good and sufficient cause, shall deem it to the best interests



of the state to grant a permit or permits for suspension of operation and production.

SEC. 182. If, at the expiration of the term of any lease for the extraction of petroleum and/or natural gas, or any renewal thereof, the lessee desires to re-lease the lands covered by such lease he may make application to the commissioner of public lands in writing within thirty days after the expiration of his lease, which application shall be verified under oath by the applicant and shall set forth the character and value of all improvements existing on the land, the name and post office address of the owner thereof, the purpose for which he desires to re-lease the land, and such other information as the commissioner of public lands may require, and shall be accompanied by a deposit of ten dollars, which deposit, if the land be not leased, through failure or refusal of the applicant to accept the lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state, and by the commissioner paid into the state treasury and credited to the general fund.

Application  
for re-lease.

SEC. 183. The commissioner of public lands may, upon the filing of an application for re-lease of lands for the extraction of petroleum and/or natural gas, cause the lands to be inspected by a state land inspector, and if he deem it for the best interest of the state to re-lease said lands, he shall fix the rental value thereof as provided in this act, and, upon receipt of the first year's rental, together with the fees required by law, the commissioner of public lands shall issue to the applicant a renewal lease for any period not exceeding twenty years.

Lease  
renewed.

Terms.

SEC. 184. The commissioner of public lands, if he shall determine to re-lease any lands for the extraction of petroleum and/or natural gas, shall notify the applicant by mail, of the rental value

Applicant  
notified of  
re-lease.

Refusal to pay rental and fee within time.

Application rejected.

Removal of improvements.

Lease at public auction.

Payment to prior lessee for improvements.

Minimum price of lease.

Damages to agricultural lessee.

fixed, and if, within thirty days after the date of such notice, the applicant fails or refuses to pay to the commissioner of public lands the first year's rental, together with the statutory fee for issuing a lease, the application shall be rejected and the applicant thereunder permitted to remove such improvements from the land as may be removed without injury thereto, within ninety days from such rejection, and the commissioner of public lands may cause such of the improvements remaining on the land as in his judgment will add to the value of the land for leasing purposes, to be appraised in the same manner as in the case of the sale of state lands, and offer the land for lease at public auction to the highest bidder, for the extraction of petroleum and/or natural gas, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer making the sale the appraised value of the improvements.

The amount deposited as the appraised value of the improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands, and upon confirmation of the lease by the commissioner of public lands, the amount so deposited in payment for the improvement shall be disposed of by the commissioner in the same manner as in the case of the sale of state lands.

No bid for any lease of lands by the state for the purpose of extracting petroleum and/or natural gas shall be received for less than the minimum price fixed by the commissioner of public lands.

SEC. 185. If land is leased by the state for the extraction of petroleum and/or natural gas, upon which an existing lease for agricultural purposes is held by some person other than the lessee of the lands for the extraction of petroleum and/or natural

gas, the lessee for that purpose shall pay to the prior agricultural lessee reasonable compensation for any and all damages sustained by him to growing crops, or for the use of said premises during the development and operation of the extraction of petroleum and/or natural gas from such land, and no such lease for the extraction of petroleum or natural gas shall authorize entry upon the leased premises until the lessee shall have made a settlement with the prior lessee in the manner provided by law.

Payment.

SEC. 186. In all hearing pertaining to public lands of the state, except capitol building lands, as provided by this act, the board of state land commissioners, or the commissioner of public lands, as the case may be, shall, in its or his discretion have power to issue subpoenas and compel thereby the attendance of witnesses and the production of books and papers, at such time and place as may be fixed by the board, or the commissioner, to be stated in the subpoena and to conduct the examination thereof.

Board may issue subpoenas, etc.

Said subpoena may be served by the sheriff of any county, or by any officer authorized by law to serve process, or by any person over the age of twenty-one years, competent to be a witness, but who is not a party to the matter in which said subpoena is issued.

Service of subpoena.

Each witness subpoenaed by the board, or commissioner, as a witness on behalf of the state, shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund from the appropriation for the office of the commissioner of public lands.

Fees and mileage of witnesses.

Any person duly served with a subpoena, as herein provided, and who shall fail to obey the same, without legal excuse, shall be considered in contempt, and the board, or commissioner, shall certify

Punishment for contempt.

the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof, such witness shall suffer the same penalties as are now provided in like cases for contempt of court and the certificate of the board, or commissioner, shall be considered by the court as *prima facie* evidence of the guilt of the party charged with contempt.

Maps, etc.,  
filed with  
commis-  
sioner.

Record and  
index to be  
kept.

SEC. 187. All maps, plats and field notes of surveys, required to be made by this act shall, after approval by the board of state land commissioners, or the commissioner of public lands, as the case may be, be deposited and filed in the office of the commissioner of public lands, who shall keep a careful and complete record and index of all maps, plats and field notes of surveys in his possession, in well bound books, which shall at all times be open to public inspection.

Authentica-  
tion of  
notices, etc.

Seal.

SEC. 188. All notices, orders, contracts, certificates, rules and regulations, or other documents or papers made and issued by or on behalf of the board of state land commissioners, or the commissioner of public lands, as provided in this act, shall be authenticated by a seal whereon shall be the vignette of George Washington, with the words "Seal of the commissioner of public lands, State of Washington."

Exemption  
from tax sale  
of harbor  
area im-  
provements.

Lien for  
taxes not  
impaired.

SEC. 189. Whenever improvements have been made on tide lands or lands under water, in front of cities or towns, prior to the location of harbor lines in front of such cities or towns, and the reserved harbor area as located includes such improvements, no distraint or sale of such improvements for taxes shall be had until six months after said lands have been leased or offered for lease, but this section shall not affect or impair the lien for taxes on said improvements.

SEC. 190. The commissioner of public lands for services performed by him as such, may charge and collect the following fees: (1) for a copy of any record, document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, one dollar; (3) for each original contract of sale, lease, or bill of sale, two dollars; (4) for each deed, five dollars; (5) for issuance of each harbor area lease and approval of bond, five dollars; (6) for approval of each assignment of contract, lease or bill of sale, one dollar; (7) for subdivision and issuance of new contracts, after the original has been entered on the records, two dollars for each contract; (8) for each right of way certificate issued, two dollars.

Fees of land  
commis-  
sioner.

SEC. 191. The commissioner of public lands shall keep a fee book, in which shall be entered all fees received by him, with the date paid and the name of the person paying the same, and the nature of the services rendered for which the fee is charged, which book shall be verified monthly by his affidavit entered therein, and all fees collected by him shall be paid into the state treasury in the manner and at the time provided by law for the payment of moneys received by state officers, and the receipt of the state treasurer taken therefor and retained in the office of the commissioner of public lands as a voucher.

To keep fee  
book.

Disposition  
of fees.

SEC. 192. When any public land of the state as defined in this act shall have been assessed for local improvements, or for benefits, by any municipal corporation authorized by law to assess the same, and such assessments have been paid by the state, and such land is offered for sale, there shall be added to the value of such land, appraised as provided by this act, the amount of assessments paid by the state, which amount so added shall be paid by the purchaser, in case of sale, in equal annual installments

Local im-  
provement  
assessments  
added to sale  
price of state  
lands.

at the same time, and with the same rate of interest upon deferred payments, as the installments of the purchase price are paid, in addition to the amounts otherwise due to the state for said land, and no deed shall be executed until such assessments have been paid.

Land commissioner to represent the state.

SEC. 193. The commissioner of public lands is authorized and directed to appear before the United States land offices in all cases involving the validity of the selections of any lands granted to the state, and to summon witnesses and pay necessary witness fees and stenographer fees in such contested cases.

Duties of attorney general.

SEC. 194. It shall be the duty of the attorney general, to institute, or defend, any action or proceeding to which the state, or the commissioner of public lands, or the board of state land commissioners, is or may be a party, or in which the interests of the state are involved, in any court of this state, or any other state, or of the United States, or in any department of the United States, or before any board or tribunal, when requested so to do by the commissioner of public lands, or the board of state land commissioners, or upon his own initiative.

Land commissioner represents state except as to capitol building lands.

The commissioner of public lands is authorized to represent the state in any such action or proceeding relating to any public lands of the state, except capitol building lands.

Power of review of board.

SEC. 195. The board of state land commissioners, or the commissioner of public lands, may review and reconsider any of its, or his, official acts relating to the public lands of the state until such time as a lease, contract or deed shall have been made, executed and finally issued, and the commissioner of public lands may recall any lease, contract or deed issued for the purpose of correcting mistakes or errors, or supplying omissions.

SEC. 196. It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable.

Land law changes recommended by land commissioner.

SEC. 197. Every person who wilfully commits any trespass upon any public lands of the state and cuts down, destroys or injures any timber, or any tree standing or growing thereon, or takes, or removes, or causes to be taken, or removed, therefrom any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom any earth, soil, stone, mineral, clay, sand, gravel, or any valuable materials, shall be guilty of larceny.

Trespass.

Removal of wood, earth, mineral.

Larceny.

SEC. 198. Every person being in lawful possession of any public lands of the state, under and by virtue of any lease or contract of purchase from the state, cuts down, destroys or injures, or causes to be cut down, destroyed or injured, any timber standing or growing thereon, or takes or removes, or causes to be taken or removed, therefrom, any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom, any earth, soil, clay, sand, gravel, stone, mineral or other valuable material, or causes the same to be done, or otherwise injures, defaces or damages, or causes to be injured, defaced or damaged, any such lands unless expressly authorized so to do by the lease or contract under which he holds possession of such lands, or by the provisions of law under and by virtue of which such lease or contract was issued, shall be guilty of a misdemeanor.

Injuries to public lands.

Penalty.

SEC. 199. Every person who shall cut or remove, or cause to be cut or removed, any timber

Penalty for removing valuable materials.

growing or being upon any public lands of the state, or who shall manufacture the same into logs, bolts, shingles, lumber or other articles of use or commerce, unless expressly authorized so to do by a bill of sale from the state, or by a lease or contract from the state under which he holds possession of such lands, or by the provisions of law under and by virtue of which such bill of sale, lease or contract was issued, shall be liable to the state in treble the value of the timber or other articles so cut, removed or manufactured, to be recovered in a civil action, and shall forfeit to the state all interest in and to any article into which said timber is manufactured.

Investigation of trespasses.

SEC. 200. The commissioner of public lands is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of, the same, to be commenced as is provided by law.

Prosecutions.

Actions for damages.

SEC. 201. This act shall not be construed to affect any vested right of any person, firm or corporation, acquired under existing laws, in any public lands of the state, or any preference right to purchase or lease the same, or any findings, rulings or decisions of the commissioner of public lands, or the board of state land commissioners, under existing laws, or any cases now pending before the board of state land commissioners, or the commissioner of public lands, or in any court, but the same shall be continued and determined in the manner provided in existing laws and in this act.

Saving clause.

Passed the Senate March 8, 1927.

Passed the House March 5, 1927.

Approved by the Governor, with the exception of section 29, which is vetoed, March 21, 1927.



## CHAPTER 256.

[S. B. 78.]

## LIENS UPON CROPS.

AN ACT relating to liens upon crops, and repealing certain acts in relation thereto.

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

SECTION 1. Any person, who, as laborer, contractor or otherwise, shall, at the request of the owner, or the tenant, of any farm or land, do or cause to be done any work or labor upon any such farm or land, in tilling the same, or any part thereof, or in preparing the same or any part thereof for the growing of crops, or in sowing or planting any crop on the same, or in cultivating any crop growing thereon, or in cutting, digging, picking, pulling or otherwise harvesting any crop grown thereon, or in gathering, securing, or housing any crop grown thereon, or in threshing any grain grown thereon, shall have a lien upon any and all of the crops grown, during the calendar year in which such work or labor was done, upon all or any of the land belonging to or occupied by the person, firm or corporation at whose request the work or labor was done, for the contract price, or reasonable value, of such work and labor, and any person, who, as laborer, contractor or otherwise, shall, in any calendar year, at the request of the owner or tenant, of any farm or land, do or cause to be done any work or labor upon any such farm or land, in preparing the same, or any part thereof, for the sowing, planting, or growing of any crop, or in sowing or planting any crop thereon, to be grown and harvested in the following calendar year, shall have a lien on the crop so grown or harvested, for the contract price, or reasonable value, of such work or labor: *Provided,*

Lien of farm laborer or contractor.

Lien for preparation of ground for next year's crops.

No labor  
liens on crop  
of orchard.

That no lien on the crop grown on any orchard shall be allowed, under the provisions of this section, for work or labor done on such orchard or orchard lands, in pruning, spraying, cultivating, picking, gathering, sorting, housing or otherwise caring for, harvesting or securing, preparing for market or in delivering said crop, and nothing in this act shall be construed as repealing, amending or modifying any of the provisions of chapter 110 of the Laws of 1917, pages 410-411: *And provided further*, That the interest of any lessor in any portion of the crop raised on demised premises leased in consideration of a share of the crop raised, shall not be subject to the lien provided for in this section, where the work or labor is done at the request of the tenant.

See ch. 110,  
L. 1917.

Lessor's  
share of crop  
not subject  
to lien.

Landlord's  
lien.

SEC. 2. Every landlord shall have a lien upon the crops growing or grown upon demised premises in any year, for the faithful performance of the terms of the lease, and for the rent accruing or accrued for such year, whether such rent is to be paid wholly, or in part, in money, or in specific articles of property, or in the products of the premises, or in labor.

Priority of  
liens.

SEC. 3. The liens provided for in this act shall be of equal rank, and shall be preferred liens and prior to any other liens or encumbrances upon the crop or crops to which they attach. Any lien or right of lien created by this act, and the rights of action and recovery therefor, shall be assignable, so as to vest in the assignee all rights and remedies of the assignor, subject to all defenses thereto that might be made if such assignment had not been made.

Liens  
assignable.

Time for  
filing lien.

SEC. 4. Every person claiming a lien, under the provisions of this act, for work and labor done, and every landlord claiming a lien, under the provisions of this act, for rent, or the faithful performance of the lease, must within forty days, after the cessation

of the work or labor for which the lien is claimed, or within forty days after the expiration of the term of the lease, or after the expiration of each year of the lease, or after the failure of the faithful performance of the lease, as the case may be, file for record in the office of the county auditor of the county in which the crop upon which the lien is claimed is growing or was grown, a claim of lien, subscribed and verified under oath by the claimant, or some one in his behalf, to the effect that the affiant believes the claim to be just: *Provided*, That in case the lease under which the landlord claims a lien for rent has been recorded in the office of the county auditor of the county where the demised premises are situated, no other notice or claim of lien for rent during the leasehold period, need be filed or recorded, but any claim for damages, by a landlord, for failure of faithful performance of the lease, must be filed and recorded within the time, and in the manner hereinabove provided.

Filed with  
county  
auditor.

Lien for  
rent filed.

No other  
notice.

Filing of  
landlord's  
claim for  
damages.

SEC. 5. The verified claim of lien, provided for in the preceding section, must state the name of the claimant, and in case the claim has been assigned, the name of the assignee, the demand of the claimant and the amount thereof, after deducting all just credits and offsets, the name of the person, firm or corporation, by whom the claimant was employed, and whether the owner or tenant of the land upon which the crop upon which the lien is claimed is growing or was grown, the contract price of employment, if any, or in case there was no express contract, the reasonable worth of the work and labor performed, the kind and amount thereof, and the dates of beginning and completing the same, and must contain a description of the land upon which the work and labor was performed, a description of the crop to be charged with the lien, sufficient for

Claim of  
lien.

Recitals.

identification with reasonable certainty, giving the kind of crop, a description of the land upon which the crop is growing or was grown, and, if the crop has been harvested, the amount of the crop, as near as may be, and a description of the containers and the number thereof, if any: *Provided*, That if the lien is claimed for preparing the ground for, or planting or sowing, a crop to be harvested in the following calendar year, a description of the land upon which the crop is to be, or is planted or sown, and the nature of the crop, shall be sufficient. In case a lien is claimed for rent, or for damages for failure of faithful performance of the lease, the verified claim, if any is filed, shall contain a description of the demised premises, and state the terms and conditions of the lease, and the amount of the rent due or to become due, or, the nature of the failure of performance, and the amount of damages claimed, and a sufficient description of the crop upon which the lien is claimed as above provided. Any such claim of lien may be amended, in case action is brought to foreclose the same, by order of court, as pleadings may be amended: *Provided*, That the interest of third parties shall not be affected by any such amendment.

Recitals required in claim of lien for preparing ground for next year's crops.

Lien claimed for rent or damages.

Recitals.

Amendment of claim.

Interest of third parties not affected.

Recordation and indexing in lien book.

Period of lien limited.

SEC. 6. The county auditor must record any claim filed under the provisions of this act, in a book kept for that purpose, which record must be indexed, as deeds and other conveyances are required by law to be indexed, and for which he shall receive the same fees as are required by law for recording deeds and other instruments.

SEC. 7. No lien provided for in this act shall bind any crop for a longer period than eight calendar months after the claim as herein provided has been filed, unless a civil action be commenced in a proper court before that time, to enforce the same:

*Provided*, That in case the claim of lien is upon a crop to be grown and harvested in the following calendar year, after the work of preparing the ground, or planting or sowing the crop, is done, such lien shall bind the crop for a period of twelve calendar months, after the claim as herein provided has been filed, if a civil action is commenced within that time to enforce the same: *Provided, further*, That in case any such civil action to enforce any lien provided in this act so commenced, shall for any cause other than the merits, be nonsuited or dismissed, then the lien shall continue for a term of one calendar month, after said eight months, or twelve months, as the case may be, have expired, to permit the commencement of another action thereon, which shall be as effective in prolonging the lien as if it had been entered during the term of eight months, or twelve months, as the case may be, hereinbefore stated. In case action to enforce a lien as herein provided, is not prosecuted to judgment within two years after the commencement thereof, the court, in its discretion, may dismiss the same for want of prosecution, and the dismissal of such action, or the judgment that no lien exists rendered therein, shall constitute a cancellation of the lien.

Lien upon next year's crops continues for 12 months.

Action to enforce.

Nonsuit.

New action prolongs lien.

Dismissal of action if prosecution delayed.

SEC. 8. Any lien provided by this chapter, for which a claim has been filed, may be foreclosed and enforced by a civil action, in the superior court of the county wherein the lien was filed, and all laws and proceedings to secure property so as to hold it for the satisfaction of any lien which may be against it, shall apply to actions for the foreclosure of liens provided for in this act. In any such action brought to foreclose a lien, all persons who, prior to the commencement of such action, have legally filed claims for liens against the same property, or any part thereof, shall be joined as parties, either plaintiff

Lien foreclosed in county where filed.

Prior claimants joined as parties.

Action pending—other claimants made parties on request.

or defendant, and no person shall begin an action to foreclose a lien, upon any property, while a prior action, begun to foreclose another lien on the same property, is pending, but if not made a party plaintiff or defendant in such prior action, he may apply to the court to be joined as a party thereto, and his lien may be foreclosed in such action, and no action to foreclose a lien provided for in this act, shall be dismissed at the instance of an applicant therein, to the prejudice of any other party to the suit who claims a lien.

One claimant may not dismiss to prejudice of others.

Sheriff to act as receiver.

SEC. 9. The sheriff of the county wherein any action is brought under the provisions of this act shall be the receiver when any is appointed, and the superior court, upon a sufficient showing made, shall appoint such receiver without notice, who shall be allowed such fees as may seem just to the court, which fees shall be accounted for by such sheriff as other fees are collected by him in his official capacity: *Provided*, That when any property is in the custody of such sheriff, under the provisions of this section, any person claiming any interest therein, may deposit with the clerk of the court wherein such action is pending, a sum of money in an amount equal to the claim or claims sued upon, together with one hundred dollars (\$100), or such sum as may be fixed by the court in which such action is pending, to cover costs and interest, and shall have the right to demand and receive forthwith from such sheriff, the possession and custody of such property: *Provided, further*, That in no action brought under the provisions of this act shall costs be allowed to any lien claimant, unless a demand has been made for payment of his claim before the commencement of the suit, unless the court shall find that the claimant at the time of bringing action, had reasonable ground to believe that the owner or person having control

Conditions under which custody of property surrendered by sheriff.

When costs allowed lien claimant.

of the property upon which such lien is claimed, was attempting to eloin, injure, destroy, or render difficult, uncertain or impossible of identification, the property upon which the lien is claimed, or otherwise prevent the collection of the claim.

SEC. 10. If the defendant or defendants appear in the suit to enforce any lien provided by this act, he or they shall make their answer on the merits of the complaint, and any motion or demurrer against said complaint must be filed with the answer, and no motion shall be allowed to make the complaint more definite and certain, if it appear to the court that the defendant or defendants have or should have knowledge of the facts, or that it can be made more definite and certain by facts which will necessarily appear in the testimony, but the case, unless the court sustains the demurrer to the complaint, shall be heard on the merits as speedily as possible, and amendments to the pleadings and notice of claim of lien, if necessary, shall be liberally allowed.

Defendant's motions or demurrers must be filed with answer.

Case to be heard on the merits.

SEC. 11. No mistake or error in the claim of lien filed, shall invalidate the lien, unless the court finds that such mistake or error was made with intent to defraud, or the court shall find that an innocent third party, without notice, direct or constructive, has, since the claim was filed, become a *bona fide* owner of the property against which the claim of lien was filed, and that the notice of claim of lien was so deficient that it did not put such third party upon further inquiry in any manner.

Lien not invalidated through mistake in claim filed.

Protection of innocent third party.

SEC. 12. It shall be conclusively presumed by the court, in any action brought under the provisions of this act, that any one purchasing property subject to any lien under the provisions of this act, within the forty days given herein to claimants within which to file their liens, is not an innocent third party, and that he has not become a *bona fide* owner

Presumption not innocent third party

unless full  
value paid  
for property.

of the property, so purchased, unless it shall appear that he has paid full value for such property, and has required the purchase money of said property to be applied to the payment of such *bona fide* claimants as are entitled to liens upon said property under the provisions of this act.

Lien  
established.

Judgment.

What  
included  
in costs.

Order to sell  
property.

Apportion-  
ment of pro-  
ceeds among  
claimants.

Remainder  
to owner.

SEC. 13. In any action brought under the provisions of this act, judgment must be rendered in favor of each person establishing a lien for the amount due him with costs, and the court shall allow, as a part of the costs, the moneys paid for making, filing and recording the claim of lien, and a reasonable attorney's fee for each person establishing a lien, and the court shall order any property upon which any lien provided for by this act is established, to be sold by the sheriff of the proper county in the same manner that personal property is sold on execution, and the court shall apportion the proceeds of such sale to the payment of the several judgments rendered in the action, *pro rata*, according to the amounts of such judgments, and if any balance remain of such proceeds after the payment of such judgment, shall direct the payment of the same to the owner of the property sold.

Sale of liened  
property  
before judg-  
ment.

Proceeds  
paid into  
court.

SEC. 14. In any action begun under the provisions of this act, the court, upon a sufficient showing being made, may order any property upon which a lien is claimed under the provisions of this act, to be sold by the sheriff as personal property is sold on execution, before judgment is rendered, and that the proceeds of such sale shall be paid into court, to be applied as may be provided for by the judgment.

Eloignement,  
injury, etc.,  
of crops  
liened.

SEC. 15. Any person who shall eloin, injure, or destroy, or who shall render difficult, uncertain or impossible of identification, any crop or crops upon which there is a lien, as provided for in this act,



without the express consent of the lien holder, shall be liable to the lien holder for damages, to the amount secured by his lien, and the facts being shown to the court in the civil action to enforce said lien, it shall be the duty of the court to enter a personal judgment for the amount of such damages and costs, against said person, if he be a party to said action, or such damages may be recovered in a civil action against such person.

Liabile in damages to lien holder.

SEC. 16. Nothing contained in this act shall be construed to impair or affect the right of any person to whom any debt may be due for labor performed, or for rent or damages, under the provisions of this and preceding sections, to maintain a personal action to recover such debt against the person liable therefor.

Present rights not impaired.

SEC. 17. That sections 1975, 1976, and 1977, and section 1978, in so far as it relates to the provisions of said sections 1975, 1976 and 1977, of the Code of Washington Territory of 1881; an act entitled, "An Act to amend sections 1975 and 1977 of chapter 139 of the Code of Washington Territory, relating to liens," Laws of Washington Territory of 1885-6, pages 114-116; chapter LXXV (75) of the Laws of Washington Territory of 1887-8, page 130; chapter LXXV (75) of the Laws of 1891, pages 144-145; and chapter 176 of the Laws of 1919, are hereby repealed: *Provided*, That all rights acquired under any of said acts, and existing at the time of the taking effect of this act, are hereby preserved, and may be enforced as though said acts had not been repealed, and all actions pending under the provisions of said repealed acts, at the time this act takes effect, shall proceed as though said acts had not been repealed: *Provided, further*, That the repeal of any of said acts shall not be construed as

Statutes repealed.

Saving clause.

No revivor.

reviving any former law amended or repealed by any thereof.

Passed the Senate March 10, 1927.

Passed the House March 10, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 257.

[S. B. 238.]

MOTOR VEHICLE FUND—REAPPROPRIATION FOR STATE HIGHWAYS.

AN ACT reappropriating certain sums from the motor vehicle fund for the purpose of construction and maintenance of state highways, and declaring that this act shall take effect immediately.

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

SECTION 1. That the sum of three million, one hundred sixteen thousand, five hundred forty-four dollars and fifty-two cents (\$3,116,544.52) from the motor vehicle 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 on December 31, 1926, the said balance being reappropriated as follows:

Reappropriation for completion and maintenance of work.

See ch. 20, L. 1925.

STATE ROAD No. 1—	
Seattle-Blaine .....	\$166,556.79
Seattle-Vancouver .....	105,368.45
STATE ROAD No. 2—	
Seattle-Wenatchee .....	78,022.70
Wenatchee-Idaho State Line .....	29,291.29
STATE ROAD No. 3—	
Virden-Kennewick .....	100,857.90
Kennewick-Richland .....	10,145.11
Pasco-Walla Walla-Oregon State Line....	32,593.56

STATE ROAD No. 3—Continued:	
Walla Walla-Asotin .....	70,224.84
Dodge-Colfax .....	16,734.71
Colfax-Spokane .....	37,576.88
Spokane-Laurier .....	80,107.03
STATE ROAD No. 4—	
Wilbur-Tonasket .....	42,651.19
STATE ROAD No. 5—	
Tacoma-Rainier National Park.....	45,008.17
Seattle-Yakima .....	207,112.14
Lewis county .....	69,861.42
Auburn-Tacoma .....	111,778.68
NATIONAL PARK HIGHWAY.....	19,803.22
STATE ROAD No. 6.....	22,673.67
STATE ROAD No. 7—	
Vantage Ferry Bridge .....	208,448.37
Vantage Ferry-Davenport .....	40,191.11
STATE ROAD No. 8—	
Vancouver-Maryhill .....	232,071.91
Maryhill-Buena .....	77,856.31
STATE ROAD No. 9—	
Olympia-Port Townsend-Port Angeles ...	140,154.18
Woodman Gulch to Port Townsend for oil- ing purposes .....	15,000.00
Port Angeles-Hoh River .....	65,733.46
Perry Creek-Queets .....	228,162.27
Grand Mound-Elma .....	10,269.10
STATE ROAD No. 10—	
Okanogan County .....	69,293.72
STATE ROAD No. 11 .....	31,236.87
STATE ROAD No. 12—	
Chehalis-Astoria Ferry Landing.....	148,224.58
Kelso-Johnson Landing .....	342,864.44
STATE ROAD No. 13 .....	88,531.85
STATE ROAD No. 14 .....	57,046.45
STATE ROAD No. 21—	
Charleston-Kitsap Lake .....	11,006.88
STATE ROAD No. 22 .....	48,552.44
METHOW VALLEY HIGHWAY .....	7,617.62
CASCADE WAGON ROAD .....	47,915.21

*Provided, however, That the several amounts above stated, together with the amount expended, shall not exceed the original appropriations made in 1925 for said purposes.*

May not  
exceed 1925  
appropri-  
ations.

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 Senate March 10, 1927.

Passed the House March 10, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 258.

[S. B. 194.]

### GAME CODE.

AN ACT relating to and providing for the protection, propagation, restoration, domestication, introduction, purchase and disposition of wild animals, wild birds and game fish; providing for the licensing of and the regulation of hunting, trapping and guarding game farming and game fishing; fixing certain seasons when hunting, trapping and game fishing is prohibited; authorizing the closing, opening and shortening of hunting and fishing seasons; providing penalties for violation thereof, and amending sections 4, 7, 17, 26, 37, 38, 42, 44, 53, 55, 61, 63, 65, 67; 68, 69, 71, 78, 86, 98, 101, 102, 107, 113 and 118 of chapter 178 of the Laws of the Extraordinary Session of 1925, and adding thereto six new sections.

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

§ 4, ch. 178,  
L. Ex. Sess.  
1925.

SECTION 1. That section 4, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 495, be amended to read as follows:

“Game fish.” Section 4. The words “game fish” wherever used in this act, shall be held to mean and include any *Salmo clarkii*, commonly known as cut-throat trout, *Salmo irideus*, commonly known as rainbow trout, *Salvelinus fontinalis*, commonly known as eastern brook trout, *Oncorhynchus nerka kennerleyi*, commonly known as silver trout, *Christivomer namaycush*, commonly known as Mackinaw trout, *Micropterus dolomieu*, or *M. Salmoides*, commonly known as bass, *Coregonus Williamsoni*, commonly known as white fish, *Perca flavescens*, commonly

known as perch, *Salmo gairdneri*, commonly known as steelhead when the same are above a point established by the director of fisheries as the mouth of any river or stream, *Pomoxis annularis*, commonly known as crappie, and sunfish, bream, pike and catfish, and salmon taken with hook and line outside of, and towards the shore from, the boundaries established by the state fisheries board for commercial salmon fishing, except salmon taken with hook and line from tidal waters bordering upon counties of the 1st, 4th and 6-b classes.

Salmon taken with hook and line excepted.

SEC. 2. That section 7, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 497, be amended to read as follows:

§ 7, ch. 178, L. Ex. Sess. 1925.

Section 7. The words "to fish" and their derivatives, "fishing", "fished", etc., wherever used in this act, shall be held to mean and include catching, capturing, shooting, killing, trapping, injuring, gaffing, dip netting and crippling game fish and salmon taken with hook and line, and the pursuing, baiting and decoying of game fish with intent to catch, capture, shoot, kill, trap, injure, gaff, dip net or cripple the same, and every attempt to catch, capture, shoot, kill, trap, injure, gaff, dip net, cripple, pursue, bait or decoy any game fish.

"To fish,"  
"Fishing,"  
"Fished."

SEC. 3. That section 17, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 503-4, be amended to read as follows:

§ 17, ch. 178, L. Ex. Sess. 1925.

Section 17. The supervisor of game and game fish may issue permits limited as to number and duration, for the collection of wild birds, their nests, and eggs, game animals, fur bearing animals, or game fish, for scientific purposes only, at any place or places in the state designated in such permit and the county game commission by unanimous vote may issue such permits in their respective counties. Before any such permit is issued the applicant therefor

Permits for scientific purposes for collection of birds, eggs, etc.

Application.

shall procure a state hunting and fishing license for the current year and shall file an application in writing stating his name, age and place of residence, which application shall be accompanied by a certificate signed by the president or the curator of the museum of either the University of Washington, or the State College of Washington, certifying that the applicant is a person of good moral character and is possessed of sufficient scientific knowledge to warrant the issuance of such permit, and the applicant shall file a bond running to the State of Washington, with good and sufficient surety, to be approved by the supervisor of game and game fish, or the county game commission, in the penal sum of one thousand dollars, (\$1,000.00), and conditioned for the faithful compliance with all the provisions of such permit and of this section. The supervisor of game and game fish may issue permits without bonds to any accredited representative of any museum or institute of natural history of the United States or of any state or county presenting credentials under the seal of such museum or institute. All permits issued as hereinabove provided, shall be valid for the time limited in such permit, but in no instance for a period of more than one year from the first day of March in the year in which they are issued unless sooner revoked. It shall be unlawful for any person having a permit issued under the provisions of this section to sell or offer for sale any specimens collected, but the holder of any such permit may exchange such specimen with any state university or any museum or institute of natural history of the United States, or any state, or any country, or with any individual holding a similar permit from this state or the authorities of another state.

Bond.

Exchange of specimens.

Breach of conditions.

Every holder of such permit who shall violate any of the provisions of this section shall forfeit his

permit and the bond required for the issuance of the same and shall be prohibited from being issued a similar permit for a period of five years, and every holder of such permit who shall violate any provision of this act shall forfeit his permit and shall be prohibited from being issued a similar permit for a period of one year.

Forfeiture of permit and bond.

SEC. 4. That section 26, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 508-9, be amended to read as follows:

§ 26, ch. 178, L. Ex. Sess. 1925.

Section 26. The full membership of any county game commission with the consent and approval of the supervisor of game and game fish in writing, shall have the power to entirely close, or to shorten to such time as they deem advisable, in their respective counties, the open season fixed by statute for any of the game birds, game animals, fur-bearing animals or game fish, respectively, in their respective counties, and after such season has been closed or shortened as aforesaid, to reopen the same for all or any portion of the time fixed by statute which they may deem advisable, and shall have the authority to fix the daily, weekly, or season bag limit on any or all game animals, fur-bearing animals, game birds or game fish in their respective counties. The exercise of power herein granted to close seasons or fix bag limit shall be by resolution signed by the full membership of the commission, and the original and one copy of such resolution shall be filed with the supervisor of game and game fish at least sixty days prior to the date of the opening of the respective seasons as provided by statute, and such resolution shall become effective only when endorsed with the approval of the supervisor of game and game fish and filed in the office of the county auditor, and the season and bag limit fixed thereby shall remain effective until changed or re-

County game commission may close or shorten statutory season.

Fix bag limit. Copy of resolution fixing bag limits or changing season to supervisor.

When effective.

Reopening  
of season  
closed by  
resolution.

pealed by a like resolution of the game commission with the approval of the supervisor of game and game fish. The exercise of the power herein granted to reopen a season closed by resolution, in the same year, shall be by like resolution filed with the supervisor of game and game fish at least three days prior to the proposed date of reopening. *Provided*, That should any county game commission fail or neglect to apply for shortening of seasons or fixing of bag limits within the time designated, the supervisor of game and game fish shall fix the seasons and bag limits for that year on all game animals, game birds and game fish for that county.

Failure to  
fix bag  
limits or  
shorten  
season.

Duty of  
Supervisor.

Sec. 37, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 5. That section 37, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 514-15, be amended to read as follows:

Official  
bonds of  
appointees  
and em-  
ployees.

Section 37. All appointees and employees of the supervisor of game and game fish and of the county game commission shall give bond with good and sufficient surety in amounts to be approved by the commission, conditioned for the faithful discharge of their respective duties and to account for all funds and property coming into their possession, and shall take and subscribe an oath for the faithful performance of their duties. Said bonds and oaths shall be filed as follows: Those given to the supervisor of game and game fish with such supervisor; those given to the county game commission shall be filed with the county auditor.

Oath of  
office.

Sec. 38, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 6. That section 38, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 515-16, be amended to read as follows:

Licenses.

Section 38. It shall be unlawful for any person to hunt, trap or fish for game animals, fur bearing animals, game birds, or game fish, during the season when it is lawful to hunt, trap or fish for the same, or to practice taxidermy for profit, or to receive or



to purchase or resell raw furs for profit, or to act as a guide for hire to any person or persons in hunting, trapping or fishing, without first having procured and having in force and in his personal possession and on his person while so hunting, trapping, fishing, guiding or practicing taxidermy or dealing in furs a license so to do issued to him by the county auditor: *Provided, however,* That nothing in this act shall prevent any minor under the age of sixteen years, who is an actual resident of this state, from fishing at any time when it is otherwise lawful to fish, and nothing in this act shall be construed as requiring any land owner or lease holder of any land to obtain or have a license to hunt or trap predatory animals on the premises owned or leased by him and nothing in this act shall be construed as requiring any United States game warden, predatory animal hunter or forest ranger or any state deputy game warden, county game commission, county game warden or county deputy game warden to obtain or have a license to hunt or trap predatory animals at any place within the state at any time.

Issued by county auditor.

Minors exempt.

Who may hunt predatory animals without license.

The licenses herein provided for shall be issued by the county auditors of the respective counties, and each county auditor shall have authority upon receipt of the license fees therefor, or satisfactory indemnity, to place "books" of blank forms for applications and licenses for fishing, hunting and for hunting and fishing with any reputable citizen of his county to be issued to applicants for such licenses and shall have authority on or before the first day of December of each year to redeem from such citizens all unissued licenses. Each and every person, firm or corporation selling said licenses shall return stub book, filled out application blanks and statement of game taken the previous year by each

Licenses issued by county auditors.

Authority to others to issue licenses.

Failure to return stub book.

Penalty.

applicant, immediately upon the sale of the last license therein, and in any event prior to the first day of December of each year to the county auditor and failure so to do shall be a misdemeanor: *Provided, further,* That nothing in this act shall be construed to prevent any person from hunting or trapping jackrabbits, ground squirrels or pocket gophers without a license, east of the Cascade Mountains.

No license required to hunt certain animals east of the Cascades.

Sec. 38-a,  
ch. 178,  
L. Ex. Sess.  
1925.

SEC. 7. That chapter 178 of the Laws of the Extraordinary Session of 1925 be amended by adding thereto a new section to be known as section 38-a, to read as follows:

Report required of applicants for new license.

Section 38-a. Every license holder shall annually before purchasing a license for the current year deliver a report in writing to the person from whom he is purchasing a hunting and fishing license the approximate number, as accurately as he can remember if he does not have the exact number, of game birds, game fish, game animals, fur bearing animals, predatory animals and predatory birds killed or taken by him during the time for which said license was in force, which report shall be upon blanks furnished for such purpose, which blanks shall be signed by the party making the report, together with his address and the character and number of the license, if known, before he shall be entitled to receive a license for the current year. Every person selling a hunting and fishing license shall require every purchaser of a hunting and fishing license to make a report of his catch or kill, as above specified, for the previous year; which blanks when so filled out shall be weekly transmitted to the game commission at the county seat of such county wherein he resides.

Sec. 44,  
ch. 178,  
L. Ex. Sess.  
1925.

SEC. 8. That section 44, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 518, be amended to read as follows:

Section 44. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, and who is a non-resident of the State of Washington, or who has been a resident of this state for less than six months, may by paying to a county auditor the sum of twenty-five dollars (\$25.00) obtain a hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish in any county of the state up to and including the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county: *Provided*, That an applicant for such license who is a resident of any of the states bordering on the State of Washington shall secure such license for the same amount that a resident of the State of Washington may secure a similar license in the state of which the applicant is a resident.

County non-resident license.

Fee.

SEC. 9. That chapter 178 of the Laws of the Extraordinary Session of 1925 be amended by adding thereto four new sections to be known as section 52-a, section 52-b, section 52-c and section 52-d, to read as follows:

Secs. 52a to d, ch. 178, L. Ex. Sess. 1925

Section 52-a. Any person may, by paying annually to the county auditor the sum of five dollars (\$5.00), obtain a license authorizing him to practice taxidermy in any county of the state until the first day of March next following the date of its issuance.

Taxidermy license.

Fee.

Section 52-b. Any person may, by paying annually to the county auditor the sum of ten dollars (\$10.00), obtain a license which shall entitle the holder thereof to purchase, receive or resell raw furs for profit in any county of the state until the first day of March next following the date of its issuance.

License to deal in raw furs.

Section 52-c. All licensed taxidermists and fur dealers shall quarterly report to the supervisor of

Report required of taxidermists and fur dealers.

game and game fish a complete record of all mountings and furs purchased that were taken within the State of Washington, together with the names and addresses of the persons taking the same, and such other information as the supervisor of game and game fish may require.

State  
fishing  
license.

Section 52-d. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States and who is a resident or a non-resident of the State of Washington or who has been a resident of this state for less than six months may by paying to a county auditor the sum of five dollars (\$5.00) obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state when it would otherwise be lawful to fish in said county.

Sec. 53, ch.  
178. L. Ex.  
Sess. 1925.

SEC. 10. That section 53, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 520, be amended to read as follows:

Violations  
of act by  
licensee:

Section 53. Any person licensed under the provisions of this act, found guilty of violating any of the provisions of this act, shall, in addition to the penalty imposed by the law relating thereto, forfeit his license and shall not be entitled to be granted a new license in any county of the state until the first day of March next succeeding, and any professional licensed guide, predatory animal hunter, trapper, taxidermist or fur dealer found guilty of violating any of the provisions of this act, shall, in addition to the penalty imposed by the law relating thereto, forfeit his license, and no new license shall be issued to such person within a period of one year from the date of such forfeiture.

Penalty.

Sec. 55, ch.  
178. L. Ex.  
Sess. 1925.

SEC. 11. That section 55, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 521, be amended to read as follows:

Section 55. It shall be unlawful for any person to fire-hunt for game animals, game birds, non game

birds or game fish, or to trap, ensnare or set up any trap, swivel, pivot or spring gun, pitfall or other device for the purpose of trapping, ensnaring, or killing any game animal, game birds, non game birds or game fish.

Appliances prohibited.

SEC. 12. That section 63, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 524, be amended to read as follows :

Sec. 63, ch. 178, L. Ex. Sess. 1925.

Section 63. It shall be unlawful for any person to in any manner hunt or trap any beaver in this state, without the written consent of the supervisor of game and game fish except as otherwise provided in this act, or have in his possession alive or dead any beaver or part thereof that has been caught or killed in this state. Nothing in this section, however, shall be construed to prevent any person residing in this state from having in his possession or from buying, selling or handling skins of beaver lawfully caught or killed outside of this state.

Beaver.

Skins of beaver killed outside of state.

Whenever any beaver skins are shipped or brought into this state it shall be the duty of the consignee or person in whose possession the beaver skins are to forthwith notify the supervisor of game and game fish, or any county game commission, of the place where said skins are stored, and said supervisor of game and game fish, or county game commission, shall inspect said skins and if satisfied that they were not killed in the State of Washington shall, upon the payment of ten cents (10c) for each skin, stamp said skin with the words "killed outside the State of Washington" together with a *fac simile* signature of the supervisor of game and game fish. On said skins being so stamped, they may be offered for sale, and all fees so collected shall be paid into the state game fund.

Consignee of beaver skins to notify supervisor or commission.

Inspection fee.

Skins marked.

May sell.

SEC. 13. That section 65, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 524, be amended to read as follows :

Sec. 65, ch. 178, L. Ex. Sess. 1925.

Migratory  
birds.

Section 65. It shall be unlawful for any person to hunt or possess any migratory game birds between the first day of January and the thirtieth day of September in any year.

Sec. 67, ch.  
178, L. EX.  
Sess. 1925.

SEC. 14. That section 67, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 525, be amended to read as follows:

Migratory  
birds.

Section 67. It shall be unlawful for any person to hunt or drive migratory game birds in any of the waters of or within this state from any motor propelled boat, skiff, canoe, launch, aero-plane or hydro-plane; or to use in hunting migratory game birds, any battery, swivel or pivot gun, or any other gun other than one to be held in the hand or fired from the shoulder, or to, at any time between sunset and one-half hour before sunrise, fire any gun or build any fire, or flash any light, or burn any powder, or any other inflammable substance on any hunting grounds frequented by migratory game birds, with intent thereby to hunt or disturb the same.

Unlawful to  
hunt from  
boat or  
after sunset.

Sec. 68, ch.  
178, L. EX.  
Sess. 1925.

SEC. 15. That section 68, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 525, be amended to read as follows:

Migratory  
birds.

Section 68. It shall be unlawful to hunt any migratory game birds upon the Columbia or Snake rivers within this state or within one-fourth mile of the shores throughout the following named counties: Klickitat, Walla Walla, Franklin, Yakima, Kittitas, Douglas, Columbia, Garfield, Benton, Grant and Whitman counties; or to shoot, kill or take more than twenty (20) ducks, geese, brant or jack or Wilson snipe in any one week, or have in possession or under control more than thirty (30) ducks, geese, or brant at any time, it being the intention hereof to limit bags in any one week to twenty (20) of the above mentioned birds, no matter how many varie-

Unlawful to  
hunt upon  
Columbia or  
Snake rivers.

Bag limit  
for ducks,  
geese, brant,  
snipe.

ties of those birds are included in said bag. And for the purposes of this section, the week shall be deemed to begin at midnight on Saturday night.

SEC. 16. That section 69, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 526, be amended to read as follows:

Sec. 69, ch.  
178, L. Ex.  
Sess. 1925.

Section 69. Any person, firm or corporation, owning or leasing any lands used for hunting grounds of migratory game birds shall have the right to establish thereon a private migratory game preserve by filing on or before the first day of September in any year with the game commission of the county or counties in which such lands are situated, a notice describing the lands within such preserve by government subdivisions or by metes and bounds, and paying an annual license fee of ten dollars (\$10.00) therefor, and the county game commission of such county or counties shall have no authority to set aside land embraced within the boundaries thereof as a migratory game preserve, or to prohibit the feeding of migratory birds within the boundaries of such game preserve.

Establishing  
private bird  
preserve.

License fee.

Game com-  
missions  
may not  
regulate such  
preserve.

SEC. 17. That section 71 of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 526-27, be amended to read as follows:

Sec. 71, ch.  
178, L. Ex.  
Sess. 1925.

Section 71. It shall be unlawful for any person to hunt any game animal, fur bearing animal or game bird with any gun larger than a ten gauge or any other gun than one to be held in the hand or fired from the shoulder, or to at any time, between sunset and one-half hour before sunrise fire any gun or flash any light or burn any powder or other inflammable substance on any waters, game preserve or land frequented by game animals or game birds with the intent thereby to hunt or disturb the same.

Size of  
gun for  
hunting  
limited.

Artificial  
light  
prohibited.

Sec. 78, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 18. That section 78, chapter 178 of the Laws of the Extraordinary Session of 1925, page 529, be amended to read as follows:

Damaging  
or destroying  
traps or  
unlawfully  
taking  
animals  
therefrom.

Section 78. It shall be unlawful for any person at any time to take any fur-bearing or game animal from a trap not his own or to spring, pull up, throw away, mutilate or destroy any trap or traps of licensed trappers, game wardens or persons employed by any county game commission, state supervisor of game and game fish or any person authorized by the Federal government to catch fur-bearing or predatory animals: *Provided*, That all licensed trappers shall have attached to the chain of the trap an indestructible tag with the true name and address of the owner of the trap in English letters not less than one-quarter inch in height.

Licensed  
trappers to  
mark traps.

Sec. 86, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 19. That section 86, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 531-32, be amended to read as follows:

Artificial  
lights  
unlawful.

Section 86. It shall be unlawful for any person to hunt game animals, or game birds, or fish for game fish, with a jack light or other artificial light of any class, kind or description and to be found after sunset in any wooded section or other place where deer may reasonable be expected with any torch, lantern, electric, acetylene gas or other artificial light and any rifle, shotgun or other firearm used for hunting shall be *prima facie* evidence of unlawful hunting. Any person violating the provisions of this section shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) and imprisonment of thirty days in the county jail.

Penalty.

Sec. 98, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 20. That section 98 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 536, be amended to read as follows:



Section 98. It shall be unlawful for any person to destroy, tear down, shoot at, deface or erase any printed matter placed or posted by or under the direction of the supervisor of game and game fish or any county game commission, or any trespass or hunting notices posted on enclosed land by owner or lawful tenant.

Mutilation  
of trespass  
or other  
notices.

SEC. 21. That section 101, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 538, be amended to read as follows:

Sec. 101, ch.  
178, L. Ex.  
Sess. 1925.

Section 101. It shall be the duty of any person erecting, managing, controlling or owning any dam or other obstruction across any river, creek or stream, within the state or forming the boundary line in this state, to construct and maintain in good condition and repair in connection with such dam or other obstruction, durable fishways, in such shape and size that the free passage of all game fish inhabiting such waters will not be obstructed. In case any person erecting, managing, controlling or owning any such dam or other obstruction shall fail to comply with the provisions of this section within ten days after notice in writing served upon such person by any county game commissioner, county game warden or deputy county game warden, the county game commission may construct or repair such fishways and the cost thereof may be recovered from the owner or any person managing or controlling such dam or construction in a civil action brought in the name of the state. All moneys so recovered shall be credited to the county game fund. All fishways heretofore or hereafter erected in any dam or obstruction across any stream shall be at all times under the supervision of the supervisor of game and game fish and the county game commission of the county in which, or on the boundary of which, such fishway exists.

Owner of  
dam to  
provide  
fishways.

Construction  
and repair  
at owner's  
expense.

Supervision  
of fishways.

Sec. 102, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 22. That section 102, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 538-9, be amended to read as follows:

Fish  
hatcheries.

Taking fish  
within one  
mile of  
hatchery.

Devices to  
be used.

Section 102. It shall be lawful at all times for the director of fisheries and game, the supervisor of game and game fish, and his assistants and the county game commissions and wardens to take game fish by means of hook and line or nets, or otherwise, at any place within one mile down stream from any fish hatchery operated for the propagation of salmon or game fish and it shall be lawful for the superintendents and assistants of salmon hatcheries operated by the United States bureau of fisheries to take game fish by means of hook and line or nets or otherwise at any place within one mile down stream from any such hatchery operated by the United States bureau of fisheries.

Sec. 107, ch.  
178, L. Ex.  
Sess. 1925.

SEC. 23. That section 107, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 540, be amended to read as follows:

Game  
farmer may  
transport or  
sell.

Carcasses,  
plumage, etc.,  
may be  
shipped or  
sold if  
tagged.

When tags  
or seals may  
be removed.

Section 107. Any holder of a game farmer's license may possess, transport or sell any such wild animals, game fish or game birds so brought into this state or raised in captivity within this state as hereinafter set forth. The flesh, horns, skins or carcasses of any such animals, game fish and the carcasses or plumage of any such game birds may be possessed or transported at any time, or may be sold at any time, but only if tagged as directed by the supervisor of game and game fish with an indestructible tag or seal to be supplied by the supervisor of game and game fish to the licensee upon payment of the actual cost thereof. When such game is used for food, such tags or seals shall remain attached to the carcass or parts thereof as aforesaid until the same has been consumed. In other cases, such tags or seals shall remain attached

to such game or parts thereof until received by the purchaser thereof.

SEC. 24. That section 113, of chapter 178 of the Laws of the Extraordinary Session of 1925, page 542, be amended to read as follows:

Sec. 113, ch. 178, L. Ex. Sess. 1925.

Section 113. The keeper of a hotel, restaurant, boarding house or club, or any retail dealer in meats, may sell any carcass or parts thereof, purchased of the holder of a game farmer's license and tagged and sealed as in the preceding section provided.

Sale by meat dealers, hotels, etc.

SEC. 25. That chapter 178 of the Laws of the Extraordinary Session of 1925 be amended by adding thereto a new section to be known as section 116-a, to read as follows:

Sec. 116-a, ch. 178, L. Ex. Sess. 1925.

Section 116-a. It shall be unlawful for any person to carry firearms or traps within the limits of or take any dog upon a game reserve created by statute, the supervisor of game and game fish or any county game commission, except along public highways: *Provided*, That the supervisor of game and game fish or the county game commission by unanimous vote wherein such reserve is situated, may issue permits to persons holding fishing and hunting licenses for the current year to hunt predatory animals and predatory birds in such reserve at any season of the year, *And provided further*, That all *bona fide* residents therein may keep a dog or dogs as otherwise provided by law, *And provided further*, That permits may be issued for rifle ranges, gun clubs and shooting galleries which in their judgment will not injure or disturb the game therein.

May not carry fire-arms or traps or take dog upon game preserve.

Permits to hunt predatory animals in game preserve.

Permit to keep dog.

Permit for rifle ranges, etc.

SEC. 26. That section 118, of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 544-45, be amended to read as follows:

Sec. 118, ch. 178, L. Ex. Sess. 1925.

Section 118. Any person violating any of the provisions of this act for which no specific penalty is provided, shall be guilty of a misdemeanor, and

Violations.

Penalty.

shall be punished by a fine of not less than ten dollars (\$10.00), together with the cost of prosecution, or by imprisonment for not exceeding ninety days in the county jail, or both, at the discretion of the court, for each offense. The killing or taking of every single bird, animal or fish, protected by the laws of this state, shall constitute a separate offense, and it shall be the duty of the court before whom any person is found guilty of more than one such separate offense to impose at least the minimum punishment for each such offense. All fines collected under the provisions of this act and the fisheries code of Washington when the arrest was made by a game warden or his deputy, shall be turned over to the treasurer of the county in which such action is brought and by him placed in the county game fund.

Each bird, fish or animal taken a separate offense.

Duty of court.

Disposition of fines.

Justice and superior court jurisdiction concurrent.

Every justice of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in violation of the provisions of this act and to impose any punishment in this act provided for such offenses.

Passed the Senate March 10, 1927.

Passed the House March 10, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 259.

[H. B. 303.]

## REFUNDING OF IRRIGATION DISTRICT BONDS.

AN ACT relating to the refunding of irrigation district bonds and amending sections 2 and 5 of chapter 161 of the Laws of 1923 (the same being respectively sections 7434-2 and 7434-5 of Remington's Compiled Statutes, and sections 3274-16 and 3274-19 of Pierce's Code).

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

SECTION 1. That section 2 of chapter 161 of the Laws of 1923 (the same being section 7434-2 of Remington's Compiled Statutes and section 3274-16 of Pierce's Code) be amended to read as follows:

Section 2. Whenever the board of directors of any irrigation district shall deem it for the best interest 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. The director of conservation and development shall have power to exchange for such refunding bonds any bonds of the irrigation district held by the state, whether matured or not, and the power to purchase such refunding bonds with moneys appropriated for the purchase of bonds of irrigation districts, but he shall not purchase or take in exchange the refunding bonds of any district not heretofore aided by the

} Vetoed.

Vetoed.

state under chapter 158 of the laws of 1919, known as the "State Reclamation Act". The director of conservation and development shall have no authority however to repurchase any bonds heretofore or hereafter sold by the department for the purposes of refunding or otherwise, but in order to accomplish any such refunding process bonds of irrigation districts owned by persons, firms and corporations shall be surrendered by such owners and refunding bonds accepted in lieu thereof of equal par value at such time as the exchange of irrigation district bonds for refunding bonds shall be made by the department of conservation and development.

Statute amended.

SEC. 2. That section 5 of chapter 161 of the laws of 1923 (the same being section 7434-5 of Remington's Compiled Statutes and section 3274-19 of Pierce's Code) be amended to read as follows:

Bonds refunded in series.

Section 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: *Provided*, That with the consent of the holders of all outstanding bonds of an issue the directors may retire them before their maturity and issue refunding bonds for that purpose.

All outstanding bonds of an issue retired before maturity.

Passed the House March 10, 1927.

Passed the Senate March 10, 1927.

Approved by the Governor, with the exception of section 1, which is vetoed, March 21, 1927.

## CHAPTER 260.

[S. B. 244.]

## COLUMBIA BASIN IRRIGATION PROJECT.

AN ACT relating to the Columbia Basin Irrigation Project, defining the powers and duties of certain officers in relation thereto, making appropriations, and declaring that this act shall take effect immediately.

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

SECTION 1. It shall be the duty of the director of conservation and development during the year 1927, and with all convenient speed, for the purpose of furnishing the United States department of reclamation, the war department of the United States, the members of the Columbia Basin Allocation Commission, for the purposes of reaching an agreement between the states of Oregon, Idaho, Montana and Washington in the allocation of the waters of the Columbia River and its tributaries, to cause the investigations and reports hereinafter provided for, to be made.

Director of conservation to investigate Columbia Basin project.

SEC. 2. For investigations and reports upon possible power developments, their uses and control in connection with the Columbia Basin irrigation project, together with the control and regulation of stream flow as it affects navigation and irrigation in the states of Oregon, Idaho, Montana and Washington; and for the purpose of making surveys and estimates of damages to lands bordering on Clark's Fork of the Columbia River, Priest Lake, the Pend Oreille River and Lake Pend Oreille, in the state of Idaho, by the construction of a dam at Albany Falls in the state of Idaho, and the storing of waters at different elevations in Lake Pend Oreille and Priest Lake in the state of Idaho, and the working out of tentative plans for the protection of property bor-

Program of investigations and reports directed.

dering said stream and lakes in case of a change in the elevation of waters of said lakes by creating storage reservoirs for the Columbia Basin irrigation project, there is hereby re-appropriated from the reclamation revolving fund in the state treasury for the biennium ending March 31, 1929, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

Reappropriation from reclamation revolving fund.

Vetoed.

For the purpose of making investigations, outlining a plan and starting the formation of an irrigation district for the Columbia Basin irrigation project there is hereby appropriated from the reclamation revolving fund in the state treasury for the biennium ending March 31, 1929, the sum of five thousand dollars, or so much thereof as may be necessary.

Vetoed.

For the purpose of investigation of the seven reservoir and dam sites in the State of Washington which were suggested in the report of the Columbia Basin board of engineers, and such other sites as have come to the attention of the director of conservation and development, including drilling operations, to be used in connection with the Columbia Basin irrigation project, there is hereby appropriated from the reclamation revolving fund in the state treasury for the biennium ending March 31, 1929, the sum of thirty-five thousand dollars, or so much thereof as may be necessary.

Emergency.

SEC. 3. 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 24, 1927.

Passed the House March 8, 1927.

Vetoed.

Approved by the Governor, with the exception of the two items, which are vetoed, March 21, 1927.



## CHAPTER 261.

[H. B. 111.]

## REGULATION BY CITIES OF USE OF SIDEWALKS.

AN ACT authorizing cities of the several classes in this state to regulate the use of sidewalks and to permit a limited use thereof by abutting owners when such use does not impair the reasonable use of such sidewalks by the public.

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

SECTION 1. Cities of several classes in this state shall be empowered to regulate the use of sidewalks within their limits, and may in their discretion and under such terms and conditions as they may determine permit a use of the same by abutting owners, provided such use does not in their judgment unduly and unreasonably impair passage thereon, to and fro, by the public. Such permission shall not be considered as establishing a prescriptive right, and the right may be revoked at any time by the authorities of such cities.

Cities may permit use of sidewalks by abutting owners.

No prescriptive right.

City may revoke at will.

Passed the House January 27, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 262.

[H. B. 125.]

## TIDE LANDS RESERVED IN KITSAP COUNTY.

AN ACT relating to the reservation of certain tide lands from sale and lease.

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

SECTION 1. That all of the tide lands of the second class owned by the State of Washington situate in front of, and abutting upon lot 4, section 5, township 24 north, range 2 east W. M., in Kitsap county, are hereby reserved from sale and lease: *Provided, however,* That nothing in the foregoing reservation shall prevent the county of Kitsap from securing necessary easements for county road rights of way and wharf sites, on and over said tide lands.

Passed the House February 15, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

Reservation from sale and lease of second class tide lands in Kitsap county.

County may secure county road rights of way and wharf sites.

## CHAPTER 263.

[H. B. 133.]

## SALE BY COUNTIES OF PROPERTY ACQUIRED FOR TAXES.

AN ACT relating to the sale by counties of property acquired for taxes, and amending sections 133 and 134 of chapter 130 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 133 of chapter 130 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Section 133. Real property hereafter or heretofore acquired by the several counties of the State

Sec. 133, ch. 130, L. Ex. Sess. 1925.

Real property acquired by counties

of Washington for taxes shall be subject to sale by order of the board of county commissioners of the several counties of this state at any time after the counties shall have received a deed therefor, when in the judgment of the board of county commissioners they deem it for the best interests of the county to sell the same, and when the board of county commissioners desires to sell any property so acquired, they shall enter an order upon their records fixing a minimum price below which said property shall not be sold, and directing the county treasurer to sell such portions of such property as they may determine to sell from time to time, and it shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper printed and published in the county where the land is situated: *Provided*, That in counties where there is no newspaper published, the treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county having no resident newspaper, and the property to be sold shall be set forth and described in said notice, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at the front door of the county court house in the county in which the land is situated between the hours of nine o'clock a. m., and four o'clock p. m., and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this act may be adjourned from day to day by the county treasurer by public announcement made by the treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state

for taxes  
subject to  
sale.

Procedure  
for sale.

Notice.

Sale to  
highest and  
best bidder.

Cash sale or contract of purchase.

Contract bidder.

Terms of sale.

Interest on deferred payments.

Forfeiture for breach.

whether he will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said property. If the highest bidder is a contract bidder the purchaser shall be required to pay twenty per cent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1 and each year following the date of said sale and shall require said purchaser to pay six per cent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. Said contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest.

SEC. 2. That section 134 of chapter 130 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Sec. 134, ch. 130, L. Ex. Sess. 1925.

Section 134. The county treasurer shall upon payment to him of the purchase price for said property and any interest due, make and execute under his hand and seal, and issue to the purchaser, a deed in the following form for any lots or parcels of real property sold under the provisions of the preceding section.

Deed to purchaser.

State of Washington } ss.  
County of

This indenture, made this.....day of ....., 19...., between....., as treasurer of.....county, State of Washington, the party of the first part, and...., party of the second part.

WITNESSETH, That whereas, at a public sale of real property, held on the.....day of....., A. D. 19...., pursuant to an order of the board of county commissioners of the county of....., State of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale, and, whereas, in pursuance of said order of the said board of county commissioners, and of the laws of the State of Washington, and for and in consideration of the sum of.....dollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this day sold to.....the following described real property, and which said real property is the property of.....county, and which is particularly described as follows, to-wit:....., the said..... being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale;

Form.

*Now, therefore, Know ye that I,....., county treasurer of said county of....., State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases made and provided, do hereby grant and convey unto....., heirs and assigns, forever, the said real property hereinbefore described, as fully and completely as the said party of the first part can by virtue of the premises convey the same.*

Given under my hand and seal of office this..... day of....., A. D. 19.....

.....  
 County Treasurer.  
 By.....  
 Deputy.

Passed the House February 4, 1927.  
 Passed the Senate March 1, 1927.  
 Approved by the Governor March 19, 1927.

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CHAPTER 264.

[H. B. 145.]

VENUE OF CIVIL ACTIONS IN JUSTICE COURTS.

AN ACT relating to the venue of civil actions in justice courts.

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

SECTION 1. Should any civil action be filed or commenced in any justice court other than as provided in chapter 53 of the Laws of the Extraordinary Session of 1925, no jurisdiction over the defendant shall be acquired thereby, and no judgment shall be entered therein against such defendant; and if, the action having been commenced before a justice court not having jurisdiction over the defendant, the defendant appears either specially or generally and

Civil action in justice court.

See ch. 53, L. Ex. Sess. 1925.

No jurisdiction over defendant.

Appearance.

objects to the jurisdiction of the court, the justice of the peace shall dismiss the action and enter judgment against the plaintiff in favor of the defendant for an attorney's fee in the sum of ten dollars; and any such dismissal shall be a bar to any future action on the same cause of action, unless the justice of the peace shall be satisfied from the affidavit of the plaintiff duly filed therein that at the time the action was commenced he had reasonable cause to believe and did believe the defendant was not a resident of a city or town of more than fifteen hundred inhabitants.

Dismissal of  
action.

Costs to  
defendant.

Future  
action  
barred.

SEC. 2. All fees paid to any justice of the peace not having jurisdiction of the defendant in accordance with chapter 53 of the Laws of the Extraordinary Session of 1925 shall, by the justice of the peace receiving the same, be paid into the current expense fund of the county treasury of the county in which such justice court is located, as soon as it shall be ascertained that such justice is without jurisdiction of the defendant.

Disposition  
of fees.

Passed the House February 4, 1927.

Passed the Senate March 1, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 265.

[H. B. 148.]

## ARSON.

AN ACT relating to crimes and punishments and amending sections 2573 and 7104 of Remington's Compiled Statutes.

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

SECTION 1. That section 2573 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 2573. Every person who, under circumstances not amounting to arson in the first degree, shall wilfully burn or set on fire any building, or any structure or erection appurtenant to or adjoining any building, or any wharf, dock, threshing machine, threshing-engine, automobile or other motor vehicle, motor boat, steamboat, sailboat, aircraft, bridge or trestle, or any hay, grain, crop or timber, whether cut or standing, or any lumber, shingle or other timber products, or other property, shall be guilty of arson in the second degree, and shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 2. That section 7104 of Remington's Compiled Statutes be amended to read as follows:

Section 7104. Any person, who, with intent to defraud or prejudice the insurer thereof, wilfully burns, or in any manner injures or destroys property, which is insured at the time against loss or damage by fire or by any other casualty, under such circumstances not making the offense arson, is guilty of a felony.

Passed the House February 14, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

Sec. 8753.  
Pierce's  
Code.

Arson in  
the second  
degree.

Penalty.

Sec. 2967,  
Pierce's  
Code.

Injury or  
destruction  
of insured  
property.

Penalty.



CHAPTER 266.

[H. B. 156.]

COUNTY EXHIBITS AT THE STATE FAIR.

AN ACT relating to County Exhibits at the State Fair and authorizing the expenditure of county funds and creating a special fund therefor.

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

SECTION 1. Whenever one hundred (100) resident freeholders of any county of the State of Washington shall petition in writing to the county commissioners of the county in which they reside to provide funds to secure a county exhibit to be shown at the state fair, then the county commissioners so petitioned may appropriate from the general fund of said county not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), to be placed in a special fund to be known as the "county exhibit fund," and so much of this fund as may be necessary shall be used to defray the cost of gathering such exhibit, transportation and such other charges as may be deemed necessary.

County exhibit at State fair authorized.

Limit of appropriation

"County exhibit fund."

SEC. 2. Any premium earned by displaying such exhibit shall be placed in the "county exhibit fund."

Credits to fund.

SEC. 3. At no time shall the county commissioners appropriate from the county's general fund a sum greater than shall be necessary to create a balance of five hundred dollars (\$500.00) in the "county exhibit fund."

Expenditure limited.

SEC. 4. All moneys expended from the "county exhibit fund" shall be under the direction of the county commissioners.

Under direction of commissioners.

Passed the House February 18, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 267.

[H. B. 192.]

## GRANT OF LANDS TO THE CITY OF SEATTLE.

AN ACT granting certain lands to the city of Seattle for park and boulevard purposes and defining the powers and duties of certain officers.

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

Authority to convey tide lands to Seattle.

SECTION 1. That the commissioner of public lands of the State of Washington be and he is hereby authorized and directed to certify, in manner now provided by law in other cases, to the governor, for deed to the city of Seattle, in the State of Washington, all of the following described tide lands, to-wit:

Description.

All tide lands owned by the State of Washington, situate in front of, adjacent to or abutting upon that portion of the platted tide lands of the first class of Seattle, and the deeded tide lands of the second class, lying between the extension of the north-easterly line or Rhode Island street as platted over the tide lands and the northeasterly line of the Alki bathing beach.

Deed by Governor.

SEC. 2. The governor is hereby authorized and directed to execute, and the secretary of state to attest a deed conveying to the city of Seattle all of said tide lands.

May use for only park and boulevard purposes.

Reversion to state.

SEC. 3. That all of the tide lands described in section 1 of this act be and the same are hereby granted to the city of Seattle, in the county of King, State of Washington, to be used by said city for park and boulevard purposes and for no other purpose. In case the said city of Seattle should attempt to use, or permit the use of, said lands, or any portion thereof, for any other purpose, the same shall forthwith revert to the State of Washington without suit,

action or any proceeding whatsoever or the judgment of any court forfeiting the same.

Passed the House February 14, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 268.

[H. B. 229.]

### METROPOLITAN PARK DISTRICTS—LIMIT OF INDEBTEDNESS.

AN ACT relating to Metropolitan Park Districts, prescribing a limit of indebtedness therein and amending section 6725 Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 6725 of Remington's Compiled Statutes of Washington be amended to read as follows: Sec. 1155,  
Pierce's  
Code.

Section 6725. Each and every metropolitan park district heretofore or hereafter organized pursuant to this chapter is hereby authorized and empowered, by and through its board of commissioners, to contract indebtedness for park, boulevard, parkway, aviation landings and play ground purposes, and the extension and maintenance thereof, not exceeding one-fourth of one per cent of the taxable property in such metropolitan park district to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Indebtedness  
may  
contract.  
  
Limit.

Passed the House February 15, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 269.

[H. B. 246.]

TOWNSHIPS: POWERS OF ELECTORS AT TOWN MEETINGS.

AN Act relating to counties having township organization, defining the powers of such counties and of townships therein in relation to the construction of roads and bridges, defining the powers and duties of certain officers in relation thereto, and amending section 19, of chapter CLXXV, of the Laws of 1895.

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

Sec. 7100-19,  
Pierce's  
Code.

SECTION 1. That section 19, of chapter CLXXV, of the Laws of 1895, page 478, (section 11378 of Remington's Compiled Statutes) be amended to read as follows:

Electors'  
powers:

Section 19. The electors of each town have power, at their annual town meeting:

Locate  
pounds.

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

Select  
officers.

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

Institute  
and defend  
actions.

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

Raise funds  
therefor.

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

Rules  
governing  
fences and  
impounding  
animals.

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

Animals at  
large.

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

Penalties for  
violations.

Seventh: To impose such penalties on persons offending against any rules or regulations established by said town, except such as relate to the keep-

ing 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 conducive to the interests of the town.

Disposition  
of fines.

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.

Raise funds  
for roads,  
bridges, etc.

Disposition  
of poll and  
road tax.

Bridge con-  
struction  
and main-  
tenance  
limited.

In all counties having township form of government, the county shall, at its own cost, construct all bridges, the cost of construction of which is or will be more than three hundred dollars (\$300) and shall maintain and repair all bridges constructed by the county and all bridges heretofore constructed where the original cost of construction of such bridge was more than three hundred dollars (\$300), which bridges shall be known as county bridges.

Bridge  
construction  
and repair—

County  
bridges.

In all counties having township form of government, the township shall, at its own cost, construct

Township  
bridges.

all bridges within the township boundaries, the cost of which is or will be three hundred dollars (\$300) or less, and shall maintain and repair all bridges constructed by it, and all bridges heretofore constructed within its boundaries where the original cost of construction of such bridge was less than three hundred dollars (\$300), which bridges shall be known as township bridges.

Bridge  
classification  
by county  
engineer.

The county engineer, of each of such counties, shall determine what bridges heretofore constructed originally cost three hundred dollars (\$300) or more or less; and when any new bridge is to be constructed in such county, such engineer shall determine by estimate whether the cost of constructing such proposed bridge will be three hundred dollars (\$300) or more or less. The determination of such engineer as to cost of any such bridge shall be conclusive, and such bridge shall, in accordance with such determination, be classified as a county bridge or township bridge, as defined herein.

Cemeteries.

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.

Public  
welfare laws.

Licenses.

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.

Tax levy  
for river  
improvement.

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 townships, for the purpose of

creating a fund to be known as river improvement fund.

Passed the House February 15, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 270.

[H. B. 306.]

### DEDICATION OF CERTAIN LANDS TO THE CITY OF SEATTLE.

AN ACT dedicating to the city of Seattle certain lands lying within section 16, township 25 north, range 4 east W. M., for street and/or boulevard purposes.

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

SECTION 1. That the following described lands in King County, Washington, to-wit:

Beginning at a point on the east boundary line of section 16, township 25 north, range 4 east, W. M., said point being distant thirty-five (35) feet south from the northeast corner of said section; thence south  $0^{\circ} 52' 42''$  west along said east boundary line a distance of thirty-nine and two hundred eighty-three one-thousandths (39.283) feet; thence north  $87^{\circ} 54' 03''$  west a distance of five hundred fifty-four and sixty-nine one-thousandths (554.069) feet to a point on the easterly margin of Union Bay place as now established; thence northeasterly along the arc of a curve to the right having a uniform radius of sixty (60) feet (the radius of said curve bearing south  $47^{\circ} 14' 07''$  east from said point); a distance of forty-nine and four hundred ninety-eight one-thousandths (49.498) feet to a point of tangency; thence south  $89^{\circ} 58' 08''$  east along the tangent to said curve at said point a distance of five

Lands  
described.

Dedicated  
to Seattle  
for street  
and boule-  
vard  
purposes.

Reversion  
to state.

hundred ten and two hundred seventeen one-thousandths (510.217) feet to the point of beginning; be and the same are hereby dedicated to the City of Seattle, a municipal corporation, to be used for street and/or boulevard purposes, together with the right and authority in said city to extend the necessary slopes, fills, and cuts upon and over the property abutting thereon in the improvement and re-improvement of said street and/or boulevard; *Provided, however,* That if the said City of Seattle shall ever use, or permit the use of said land, for any purpose other than in this act provided, the same shall at once revert to the State of Washington, without any suit or action in any court and without any action on the part of the state whatsoever.

Passed the House February 25, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 271.

[H. B. 90.]

### COUNTY ROADS.

AN ACT providing for the establishment of a system of improved roads in counties, and providing for the manner of laying out, constructing and maintaining the same, and repealing certain acts in relation thereto.

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

County com-  
missioners  
may estab-  
lish, etc.

SECTION 1. The commissioners of any county may, at any regular or called session, cause to be established, located and constructed, improved, straightened, widened, altered or re-located any public road or highway as herein provided, when the same is conducive to the public convenience or welfare.



SEC. 2. The word "improvement" as used in this chapter shall mean a road as contemplated to be improved under this chapter. The word "road" shall be construed to mean a public highway or thoroughfare. The words "territory (or property) particularly benefited" as used in this chapter shall be construed to include, in addition to the lands lying within two miles of either side of the center line of the improvement, all road districts or townships which will be subject to assessment for the improvement. The words "improvement boundary" as used in this chapter shall be construed to mean lines on either side of the road, following the meanders thereof, and two miles distant from, or within a two mile radius of any point on, the center line of improvement connected at the respective termini thereof by lines drawn at such angles respectively as will avoid the overlapping of the boundary by a new district, should the improvement of the highway be extended, and at the same time include all property lying within the distance aforesaid of any point on the center line of one or the other of the improvements: *Provided*, That when the center line of the improvement intersects the corporate boundary of a city or town the line connecting the termini of the side boundary lines shall follow the meandering of the city boundary in so far as said boundary shall come within said two mile limit: *Provided*, That any road district may build, regrade, or otherwise improve, in any manner, regardless of the termini thereof, any road or part thereof, within the limits of such road district, under the provisions of this act. Words used in the singular in this act shall include the plural and the plural shall include the singular.

Terms defined:  
 Improvement.  
 Road.  
 Territory (or property) particularly benefited.

Improvement boundary.

Improvement regardless of termini.

SEC. 3. No road improvement shall be located or commenced under this act unless the same has

Construction  
limitation.

its beginning at the boundary limits of an incorporated city, or trade center located on a railroad or navigable body of water, or connected with a road or road system already improved under this act, or with a road which has been otherwise constructed of such a nature to permit of heavy freighting and rapid travel on the same at any time of the year.

Improved  
road.

Description.

Grade.

SEC. 4. An improved road contemplated under this act shall be constructed as near as practicable along the center line of an established highway, and shall be uniformly graded to a width of not less than sixteen feet; the grade thereof shall not at any point, exceed five per cent: *Provided*, That where by reason of physical conditions it is not feasible or practicable to obtain a grade of five per cent, a grade of not to exceed ten per cent may be used; proper drains, culverts and bridges shall be constructed to convey off all surface and seepage water, and when the road is located along a hillside or incline, the drainage of the surface of the road bed shall be toward the hillside or incline; a roadway shall be constructed upon the graded road in such manner and of such material as will permit of heavy freighting and rapid driving during any time of the year, and if such construction shall be of macadam, concrete, brick or other hard surface it shall not be less than sixteen feet wide.

Materials.

Width.

Costs borne  
by persons  
and property  
benefited.

SEC. 5. The costs and expenses of the improvements made under this act shall be apportioned as near as may be to the corporations, companies, persons and property benefited thereby.

Application  
for improve-  
ment.

Signatures  
required.

SEC. 6. 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 improvement 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.

SEC. 7. The petition shall be filed with the clerk of the board of county commissioners, and shall set forth the necessity of the improvement, and describe the route and termini thereof; and there shall be filed therewith a bond payable to the county with at least two good and sufficient sureties in not less than one thousand dollars, conditioned for the payment of all costs if the prayer of the petitioners be not granted, or be dismissed for any cause.

Petition filed with clerk of the board.

Bond.

SEC. 8. If the bond be approved by the clerk of the board of county commissioners, he shall immediately deliver a copy of the petition to the commissioners, who shall fix a time and place for the hearing and consideration of said petition, which time shall be not less than fifteen nor more than sixty days from the date of filing the petition, and shall cause a notice of said hearing, stating the subject matter of said petition and the place and time of the hearing, to be published in the official newspaper of the county for two weeks immediately preceding the hearing, and proof of such publication, verified by the affidavit of the owner or publisher of said newspaper, shall be filed with the clerk of the board of county commissioners on or before the date of hearing, and pending said hearing the board of county commissioners shall cause the county engineer to make a preliminary survey of said proposed improvement, and an estimate of the cost thereof, and the engineer shall attend said hearing and report the estimated cost of said improvement,

Bond approved.

Time and place of hearing on petition.

Notice.

Preliminary survey by county engineer.

Petition  
dismissed.

Petitioners  
to pay costs.

together with his recommendations as to the feasibility of said improvement, and his suggestions as to the nature and character thereof. If at the hearing the commissioners shall determine that the improvement asked for is not feasible, or that the cost thereof will be excessive, they shall dismiss the petition and the proceedings at the cost of the petitioners, and shall cause an itemized bill of costs to be made up by the clerk for their examination and approval, which shall include the per diem of the engineer, and all other costs necessarily incurred. If the commissioners find for the improvement they shall, by resolution entered in their journal, order said improvement.

Improvement  
ordered.

Engineer to  
supervise  
construction.

Compensa-  
tion.

SEC. 9. If the improvement is ordered by the board of county commissioners, the board may require the county engineer to perform all engineering in connection with, and to supervise the construction of, said improvement, or may, at the request of the petitioners, employ a construction engineer for that purpose and fix his compensation, and such compensation shall be paid by the county.

Improvement  
resolution  
certified to  
county  
engineer.

Survey,  
plans,  
etc.

Whenever the board of county commissioners shall pass a resolution ordering the improvement of a public highway under the provisions of this act, a certified copy thereof shall be transmitted to the county engineer, or construction engineer, appointed as aforesaid, who shall thereupon make the necessary surveys and prepare the profiles, maps, plans, specifications and an estimate of the cost of construction or improvement of the highway, or section thereof, described in the resolution, making such recommendations concerning deviations from existing lines as he shall deem of advantage to obtain a shorter and more direct route or to lessen gradients, or to otherwise improve such highway.

Upon the completion of such profiles, maps, plans, specifications and estimate, a copy thereof

shall be transmitted to the board of county commissioners, and upon the receipt of which, the board of county commissioners may pass a resolution adopting the same, subject to such changes, additions and modifications as may be made by the board after the hearing hereinafter provided for, and that such highway, or section thereof, shall be improved under the provisions of this act. The profiles, maps, plans, specifications and estimate as finally adopted by the board of county commissioners shall be filed in the office of the county engineer and shall become a permanent record of the county. The engineer shall also make and return a schedule and plat of all the lots and lands lying within the improvement boundary, which plat shall be drawn upon a scale sufficiently large to represent all the meanderings of the road proposed to be improved, and shall distinctly show the boundary lines of each lot or tract of land included in the improvement boundary, the name of the owner of each lot or tract of land as the same may appear upon the records in the office of the county auditor at the time, and an estimate of the total cost of the entire improvement proposed, which estimate shall include all fees and salaries estimated to be paid for locating, supervising and appraising, together with such other matters as the engineer may deem material. The profiles shall show the surface line, the grade line and the gradient fixed, and the engineer shall make and file with his report an itemized bill of all costs made in the discharge of his duty under this section, and shall file his report with the clerk of the board of county commissioners immediately after making the survey.

Adoption  
of plans.

Maps, plans,  
etc., perman-  
ent record  
filed with  
engineer.

Engineer's  
schedule  
and plat.

Estimate  
of cost.

Engineer's  
report filed  
with clerk  
of the board.

SEC. 10. 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 par-

Appointment  
of apprais-  
ers.

Make assess-  
ment of bene-  
fits and  
damages.

ticularly 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 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 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:

Oath filed.

Engineer's  
report, etc.,  
delivered to  
appraisers.

Duties.

Property  
valuation  
schedule:  
Benefits to  
county.

(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 road  
district or  
township.

(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 (1/4)

of the whole estimated cost of the improvement within the boundary of the road district, or township.

(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 lands within improvement boundary.

Natural outlet of lands not wholly or partially over said road.

Counties having township organization benefits assessed:

(a) The benefits assessed to the county for such improvement, shall be one-half (1/2) of the whole estimated cost thereof;

To the county.

(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 shall be twenty-five per cent of the whole estimated cost of the improvement within the boundary of the township.

To each township.

(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

Assessment of lands within improvement boundary.

Natural outlet not over the road.

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.

Listing of lands taken and damaged and contiguous lands on which is material available for improvement work.

(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.

Estimated value and damages.

Report by appraisers.

SEC. 11. The appraisers shall, within sixty days after the date of entering upon their duties, file a report of their findings, together with the engineer's report and all other papers to them delivered, with the clerk of the board of county commissioners, which report shall contain a schedule and estimate of all property that will be damaged, or benefited, or both damaged and benefited by the proposed improvement. Such schedule and estimate shall be arranged in parallel columns, with appropriate headings, and shall show the description of the property, and if land, give legal subdivisions, section, township and range and number of acres; and if platted, the name of the plat and the lot and block number; the name of the owner or owners or reputed owner



or owners; the estimated gross damages that will be sustained by reason of the proposed improvement; the estimated gross benefits 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;" and the appraisers shall make and file with their report an itemized bill of all costs made in the proper discharge of their duties under this act; and in such bill the appraisers shall not charge for services in excess of six dollars per day for each appraiser for the time actually employed, and no extra compensation shall be allowed for mileage; upon the filing of such report the clerk shall without delay fix a date for the hearing of the reports of the engineer and appraisers; which date shall be not less than fifteen nor more than thirty days from the date of filing said reports, and shall prepare a notice in writing, directed to all owners of land, road districts or townships, affected by the improvement, setting forth the pendency, substance and prayer of the petition, and enumerating the townships or road districts and the several sections of land, according to the United States survey, which shall lie wholly or partially within the proposed improvement district, and a tabular statement of the assessments of benefits and awards of damages as made by the appraisers in their report, and stating the time and place of the hearing thereon. Such notice shall be published in the official newspaper of the county for at least two consecutive weeks before the day set for the hearing, which publication shall be proved by the affidavit of the printer or publisher of such news-

Date fixed  
for hearing.

Notice to  
owners.

Publication  
of notice.

paper and filed with the clerk on or before the date of hearing.

Jurisdictional steps taken.

Proceed with hearing.

SEC. 12. On the date set for said hearing the board of county commissioners shall meet at the place designated in the notice, and shall first determine whether the required notice has been given. If they find that due notice has not been given, they shall continue the hearing to a day to be fixed by them and order the notice to be published as hereinabove provided. If it appear that due notice of such hearing has been given, the board of county commissioners shall proceed with the hearing on the report of the engineer and the appraisers, and any objections thereto, and may adjourn said hearing from time to time.

Hearing.

Amendment of reports of engineer and appraisers.

May employ another engineer.

Plans changed.

Engineer and appraisers prepare another schedule.

Notice to owners.

SEC. 13. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the improvement and the probable benefits to accrue therefrom, and may change, add to or modify, the plans for such improvement, and change the estimate of damages or benefits in any case, and may review, change and modify any of the findings and estimates of the engineer or the appraisers, 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 engineer and may adjourn said hearing and await such report. In case any change in the plans of the proposed improvements is made at said hearing, and such change will cause additional damages to any property, or will damage any property not damaged under the original plans, the engineer and appraisers shall prepare and file a schedule showing the estimated damages and benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected,

and settlement made as hereinafter provided, and shall then confirm the same by resolution.

SEC. 14. Any person, company or corporation party to the proceedings may file exceptions to the apportionment of benefits or compensation for damages at any time before the time set for the final hearing of the report and apportionment; the commissioners may hear testimony and examine witnesses upon all questions made by the exceptions and for that purpose may compel the attendance of witnesses by subpoena, which the clerk of the superior court shall issue on demand; and their decisions on the exceptions shall be entered on the journal, and if they sustain the exceptions, the cost of hearing thereon shall be paid out of the county treasury, and if they overrule the same, such costs shall be taxed against the person, company or corporation filing the exceptions.

Exceptions filed to apportionment.

Proceedings.

Decisions on exceptions.

Costs against persons excepting.

SEC. 15. In case any owner of property to be taken or damaged, or taken and damaged, by the proposed improvement shall agree to accept the damages estimated by the appraisers, or as fixed by the board of county commissioners, the board of county commissioners shall direct the clerk of the board to prepare a deed to be approved by the engineer and the prosecuting attorney, conveying to the county, for the benefit of the proposed district, the property to be taken, and the right to damage property not taken. If the damages agreed upon are equalled or exceeded by the agreed estimated benefits, the grantors in the deed shall execute and deliver the same without consideration other than the right to have the damages offset against the benefits in the apportionment of the cost of the improvement as hereinafter provided. If the damages agreed to are damages to property not benefited, or if such damages exceed the agreed benefits, the grantors in

Damages accepted.

Engineer and prosecuting attorney to approve deed.

Benefits equal or exceed benefits.

Damages exceed benefits.

Deed by  
owner to  
county.

the deed shall execute and deliver the same upon the receipt of a warrant drawn by the county auditor, under the direction of the board of county commissioners, upon the general road and bridge fund of the county, for the amount of damages, or the amount of excess of damages over benefits, as the case may be. No such deed shall be accepted, either with or without consideration, until the title conveyed thereby has been approved by the prosecuting attorney.

Approval  
of title.

Damages  
rejected.

SEC. 16. If at the conclusion of the hearing on the report of the engineer and appraisers, it shall appear to the board of county commissioners that the owner of any property to be taken or damaged by the proposed improvement, has not accepted and agreed to the damages estimated by the appraisers or fixed by the board, the board may, in its discretion, appoint an agent to secure acceptances and deeds from such owners, and shall, within a reasonable time, direct the prosecuting attorney of the county to institute proceedings in the superior court of the county in which the property, affected is located, for the determination of the damages to be sustained and the condemnation of any property the title to which or the right to damage which has not been acquired, and shall direct the clerk of the board to furnish the attorney with a certified copy of such proceedings of the board as he shall require.

Condemna-  
tion proceed-  
ings ordered.

Eminent  
domain  
by county  
authorized.

SEC. 17. For the purpose of taking or damaging property for the purposes of this chapter, counties shall have and exercise the power of eminent domain and the mode of procedure therefor shall be as provided by law for the condemnation of lands by counties for public highways.

Verdict  
determining  
damages.

SEC. 18. The jury in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the

jury, in determining the amount of damages, shall take into consideration the 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 benefits that will accrue. If it shall appear by the verdict of the jury that the gross damages exceed the gross benefits, judgment shall be entered against the county and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over the benefits, and for the costs of the proceedings, and upon payment of the judgment into the registry of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the county. If it shall appear by the verdict that the gross benefits as found by the jury equal or exceed the gross damages, judgment shall be entered against the county and in favor of the owner or owners for 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 county. The verdict and findings of the jury as to damages and benefits shall be binding upon the board of county commissioners, and the necessary amendments to comply therewith shall be made upon the schedule of damages and benefits prepared by the appraisers and filed with the board of county commissioners.

Jury to make findings as to benefits and damages.

Damages exceed benefits.

Payment of judgment.

Decree of appropriation.

Benefits equal or exceed damages.

Judgment to owner for costs.

Jury's determination binding upon commissioners.

SEC. 19. At any time after the expiration of five days from the entry of the resolution of the board of county commissioners ordering an improvement under the provisions of this act, the board of county commissioners may fix a time for the receiving and opening of sealed bids for the construction of the proposed improvement, and if

Improvement ordered.

Calls for bids.

May divide improvement into sections.

All construction by contract awarded.

Notice of awarding contracts.

Opening bids.

Notice for bids: contents.

Publication of notice.

Check to accompany bid.

in the opinion of the board of county commissioners the interests of the public will be advanced thereby, they may divide the improvement into sections of a more or less number of lineal feet, and call for bids on each of said sections, or they may call for bids for each kind of work to be done or material to be furnished, or any one or more of such kinds of labor and material, as they may believe to be advisable, but in every case all of the construction shall be performed by contract, duly awarded, as provided in this section. They shall cause notice to be given, as hereinafter provided, of the time and place of awarding contracts, and shall direct the engineer who made the survey and estimates, or other competent engineer, to attend at the time and place of opening bids. The board of county commissioners shall superintend and conduct the same, receive all bids for the construction of the improvement, and enter into agreements in the name of the county. The notice for bids shall state the location and general nature of the improvements to be done, and where the plans and specifications are filed for examination, and shall be signed by the clerk of the board of county commissioners by order of the board. The notice shall be published for at least two consecutive weeks previous to the date of receiving and opening bids, in one or more daily or weekly newspapers published and of general circulation in the county, and in such other manner as the board may see fit to direct.

SEC. 20. Every bid shall be accompanied by a certified check for at least one-tenth of the amount bid, in case the bid is for one thousand dollars (\$1,000.00) or less, and for not less than one-twentieth of the amount bid in case the bid exceeds one thousand dollars (\$1,000.00), payable to the county, which check shall be forfeited to the county

upon the failure of any successful bidder for a period of ten days after any contract is awarded to such bidder to execute a contract in writing to perform the work according to the plans and specifications, and furnish the bond required. No bid shall be received by the board of county commissioners unless the same was filed with the clerk of the board prior to the time fixed in the notice calling therefor, and at the time fixed all bids then received shall be immediately opened and publicly read. The board of county commissioners may reject any or all bids if in their judgment good cause exists therefor, or if the total amount of bids for the several items of construction for which bids were called for shall exceed the estimated cost of construction, but otherwise they shall award the contract or contracts to the lowest and best responsible bidder or bidders who shall give satisfactory evidence of ability to perform the contract or contracts. Bidders to whom contracts shall be awarded, shall execute for the benefit of the county, a surety bond to accompany each separate contract, conditioned for the faithful performance of the contract, in a sum equal to the full amount of the contract.

Forfeiture of check.

May reject bids.

Contractor's bond.

SEC. 21. When the amount of any contract is less than one thousand dollars (\$1,000.00) no payment shall be made thereon until the contract is fully completed to the satisfaction of the board. When partial payments are provided for in any contract, as each payment becomes due and before payment shall be made, the engineer in charge of the work shall file with the clerk of the board of county commissioners an estimate of the amount of work done or material furnished, and his certificate that such work has been done in all respects as required by the contract. If such estimate and certificate be approved by the board of county commissioners the

Payments on contracts.

Partial payments.

Engineer's estimates.

Approval.

Twenty  
per cent  
reserved.

Engineer's  
approval  
prerequisite  
to final pay-  
ment.

Engineer's  
certificate.

clerk of the board shall as county auditor draw a warrant on the county treasurer in favor of the contractors for the amount due: *Provided*, That no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done: *And provided further*, That before any final payment is made on any contract, the work shall first be examined by the engineer who prepared the estimate, or other competent engineer appointed by the board of county commissioners, and the engineer shall file his certificate with the clerk of the board of county commissioners that the work has been fully performed and completed in accordance with the contract. Upon the filing of such certificate of the engineer the board of county commissioners shall examine the work, and if the same is found to have been fully completed in accordance with the contract, shall by resolution entered in their minutes make final payment and direct the county auditor to draw his warrant on the county treasurer for the amount due.

Readvertis-  
ing for bids.

Re-let  
contract.

SEC. 22. If, at the time of letting, satisfactory bids are not received for the whole or any part of the improvement, a future time and place shall be fixed for again receiving bids, notice of which shall be given and the same conducted in every manner as hereinbefore provided; or, if any contractor shall fail to perform his work or complete the same, the contract shall be re-let in manner as hereinbefore provided.

Inspection of  
work by  
county  
engineer.

SEC. 23. It shall be the duty of the county engineer in charge of said work, if the county commissioners so direct, to inspect all work of construction from time to time and see that the same is being done according to contract.

Cost and  
expense of  
improve-

SEC. 24. There shall be included in the cost and expense of such improvement the estimated cost and



expense of all engineering and surveying necessary for said improvement, ascertaining the ownership of the lots, tracts or parcels of land included in the improvement district, the cost of publishing notices required to be published, accounting and clerical labor, books and blanks expended or used in connection with said improvement.

ment: what included.

When the appraiser's report shall be confirmed, the clerk of the board of county commissioners shall prepare, certify to and file with the county treasurer, an assessment roll for each such improvement on which the estimated cost of such improvement shall be entered against the persons and property as shown on the schedule of appraisement, first deducting from any assessment against a person, company or corporation to whom awards of damages have been made the amount of the same, and in case of any excess of damages over the assessment, a warrant shall be drawn on the county treasurer in favor of the person, company or corporation to whom such damage has been awarded for the balance due after deducting the assessment.

Appraiser's report confirmed.

Assessment roll to treasurer.

From and after the filing of such assessment roll with the county treasurer, the charge on the respective lots, tracts and parcels of land and other property for the purpose of special assessments on account of such improvement shall be a lien on the property assessed, paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created, except a lien for assessments for general taxes.

Priority of lien of assessments.

Each year when an installment is payable, the clerk of the board of county commissioners shall extend the amount of the same together with interest on the deferred payments at the bond rate upon such assessment roll.

Extension of annual installment upon assessment roll.

Special taxes shall be levied, become delinquent, and be collected as other general taxes sufficient to

Collection as other general taxes.

pay the next accruing portions of the cost and expense of any such improvement chargeable to the county and to the road districts, or townships, respectively, including interest thereon at the bond rate to the next annual installment payment date on such bonds. After delinquency the interest upon such special taxes shall be the same as upon general taxes.

Delinquency.  
Interest.

No segregation shall be made so that the unpaid principal against any segregated description shall be less than twenty-five dollars, except upon payment thereof.

Segregation.

SEC. 25. When the petition shall so request, the portion of the cost of the improvement chargeable to the improvement district shall be paid for in equal annual installments. The petition shall set forth "that the improvement be paid for on the .....years installment plan," and the number of years shall not be more than ten. When the improvement is done under the provisions of this section the board of county commissioners shall by resolution direct the county treasurer to open an account to be known as "The.....road improvement fund." The clerk of the board of county commissioners shall divide the total estimated cost of the improvement and apportion the same in accordance with the findings and report of the board of appraisers and those portions of the expense to be borne by the county, townships or road districts shall be levied and collected as other taxes, after the awarding of the contract for said improvement: *Provided*, That the board of county commissioners shall, if the petitioners so request, arrange that the portion of the expense to be borne by the road districts or townships be paid in not to exceed ten equal annual installments and the board may in its discretion provide that the portion of the expense

May pay improvement cost in annual installments.

Ten-year limit.

Road improvement fund account.

Apportionment of cost.

Levy.

to be borne by the county be paid in not to exceed ten equal annual installments, and shall divide that portion of the expense to be borne by the county, road districts, or townships, and also the lots and land lying within the proposed improvement boundaries and found to be specially benefited, into as many equal parts as there are installments. 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 or less, such assessment shall be paid in cash and the terms of this act relating to the payment of assessments in installments shall not apply to such assessments: *Provided further*, That the levy of such taxes against road districts or road and bridge funds for any improvement heretofore made shall not be affected by any limitation of law as to tax levies against such road districts or road and bridge funds.

When installment payments not permitted.

Tax levy limitation.

SEC. 26. That all moneys collected by levy and assessment for improvements made under the provisions of this act shall be paid into such "..... road improvement fund" and all payments made for costs of said improvements shall be paid by warrants drawn by the county auditor on said improvement fund upon presentation of proper vouchers, and such warrants shall bear interest at a rate not exceeding six per cent per annum.

Collections to road improvement fund.

Costs of improvements paid by warrants thereon.

SEC. 27. That whenever the board of county commissioners shall have provided for the payment of said assessment in installments, as aforesaid, it may, if it shall deem it necessary or proper, issue bonds of the county, payable from the said road improvement fund, not to exceed twelve years after the date of the issuance thereof, with such option to redeem as shall be advisable, in an amount not exceeding the cost of such improvement, and said

May issue bonds if installment payments for improvement.

To redeem within 12 years.

Interest on  
bonds.

Sell at par.

Payment of  
bonds from  
general fund.

Bond inter-  
est payable  
from im-  
provement  
funds.

New im-  
provement  
district  
overlaps  
old district.

How  
adjusted.

bonds shall bear interest at a rate not greater than seven per cent per annum, and shall be sold at not less than par, by the board of county commissioners in such manner as they shall deem advisable: *Provided*, That should there not be sufficient money in said improvement fund to make payment of any installment of interest, or the bonds when due, said interest or bonds may be paid out of the general road and bridge fund or the current expense fund of the county, as may be directed by the board of county commissioners, and such fund shall be reimbursed from said improvement fund from time to time as monies are paid therein. The county treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective improvement funds from which they are payable.

SEC. 28. That when a proposed road improvement shall intersect a road which has been completed or ordered constructed under any local improvement plan, that portion of the proposed new district overlapping the limits of the old improvement district shall be divided into four equal subdivisions parallel to the previously improved road, and numbered consecutively from the line of the previously improved road on either side thereof. The first subdivision shall be assessed one-fifteenth of the cost of the proposed new road improvement, the second, two-fifteenths of the cost of the proposed new road improvement, the third, three-fifteenths of the cost of the proposed new road improvement and the fourth, four-fifteenths of the cost of the proposed new road improvement, and the remainder of the cost of the improvement chargeable to said area shall be paid by the county out of the general road and bridge fund.

SEC. 29. That no assessments for road construction or improvements, under the terms of this act,

for which any county may be held liable, shall ever exceed four mills on the dollar of assessed value of property in the county, in any one year.

Limit of  
tax levy.

SEC. 30. The owner of any lot, tract or parcel of land or other property charged with any such assessments may redeem the same from all or any portion of the liability for the contract price of such improvement by paying the entire assessment or any portion thereof charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment. Assessments certified to the county treasurer for collection in due time therefor shall become due and payable during the thirty day period ending May 31st or November 30th respectively. Such notice shall be given by the county treasurer by publication in the official newspaper of the county in two consecutively weekly issues, that the assessment roll is in his hands for collection and that any assessment thereon or any portion thereof may be paid at any time without penalty, interest or costs during such payment period, and that any assessments in the sum of \$25.00 or less must be paid in cash. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. Whenever any assessment shall be payable in installments, each installment shall become due and payable annually thereafter, during like thirty day periods as in case of original payments upon such assessments. The owner of any such lot, tract or parcel of land may redeem the same from all liability for the unpaid amount of said assessment at any time after said thirty day period for original payment by paying the entire installments of said assessment remaining unpaid and charged against said lot, tract or parcel of land at the time

Payment of  
assessments.

May pay all  
or part with-  
out interest.

Notice by  
publication  
assessments  
payable.

When bonds  
may be  
issued.

When  
installment  
payments  
due.

When may  
pay all in-  
stallments.

of such payment with interest thereon to the end of the next thirty day payment period. Assessments or installments thereof not paid, within the time herein prescribed shall become delinquent. Assessments or installments thereof, when delinquent shall in addition to interest, have a penalty of five per cent (5%) upon both principal and interest and shall be collected as other general taxes are collected.

Delinquency.

Penalty.

When re-assessment permitted.

SEC. 31. In all cases of special assessments for local improvements, wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality or irregularity or non-conformance with the provisions of law, governing such assessments, or for insufficiency in the assessment, or that property specially benefited was omitted, in any county, the board of county commissioners of such county shall have power by resolution to re-assess such assessments and to enforce their collection in like manner as in original assessments.

Proceedings as to re-assessment same as original assessment.

All the provisions of this act relating to the filing of appraiser's reports, time and place of hearing thereon, notice of such hearing, the hearing thereon, and the confirmation thereof, the preparation, certification and filing of a re-assessment roll, the time when such assessments shall become a lien upon the property assessed, the method of collecting such assessments and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of re-assessments as in the case of an original assessment.

Resolutions by board of commissioners.

SEC. 32. The board of county commissioners shall pass such resolution or resolutions as may be necessary to carry out the provisions of this act. Thereafter all proceedings relating to such improvements shall be had and conducted in accordance with this act and such resolutions.

SEC. 33. Whenever the sinking fund for such improvements shall, over and above the amount necessary for the payment of interest on all unpaid bonds, be sufficient to pay the principal of one or more bonds, the county treasurer shall designate sufficient bonds, bearing the lowest numbers among those outstanding, to absorb the amount of said fund on hand, as near as may be, and he shall call such bonds by publishing a notice, giving the numbers of the bonds so called for payment, and fixing a day, not less than fifteen days after the first publication of the notice, when the bonds will be paid with accrued interest at the place of payment of said bonds, which notice shall be published in a daily newspaper published in the county seat once in each week for two consecutive weeks. And in case the bonds so called for payment are not presented on the day fixed therefor in such notice, interest thereon shall thereupon cease: *Provided*, That money for the payment thereof shall at all times thereafter be retained at the place of payment of the bonds, in readiness for payment of the same on presentation, until such bonds are presented for payment. All bonds and coupons received by the county treasurer under the provisions of this section shall be at once cancelled by him and filed as vouchers with the county auditor as *ex-officio* clerk of the board of county commissioners.

Sinking fund.

Payment of bonds therefrom.

Notice calling bonds.

Bonds not presented.

Interest ceases.

Cancellation and filing of bonds and coupons.

SEC. 34. If an engineer, clerk of the board of county commissioners, or appraiser, neglect or refuse to perform any duty imposed upon him by the provisions of this act, he shall forfeit and pay a fine of twenty-five dollars for every such neglect or refusal, to be recovered before any court having competent jurisdiction, in the name of the state, for the benefit of the common schools of the county, at the suit of any person aggrieved thereby.

Penalty for neglect or refusal of officers or employees to perform duties.

Correction  
by court  
of errors in  
proceedings.

Hearing.

Order of  
court.

SEC. 35. The court in which any proceeding is brought to recover any tax or assessment paid, or declare void the proceedings to locate or establish any road, or to enjoin any tax or assessment levied or ordered to be levied to pay for the labor and expense as aforesaid shall, if there is manifest error in the proceedings, allow the plaintiff in the action to show that he has been injured thereby, and may on application of either party, appoint such person or persons to examine the premises or to survey the same, or both as may be deemed necessary; the court in which any such proceedings are begun shall allow parol proof that such improvement is necessary and will be conducive to the public needs, convenience and welfare, and that any steps required by law for any improvement have been substantially complied with, notwithstanding any defects or omissions in the records required to be kept by any board or officer; and with or without finding error, the court may correct any gross injustice in the apportionment made by the commissioners; the court shall, on final hearing, make such order in the premises as shall be just and equitable, and may order that such tax and assessment remain on the duplicate assessment roll for collection, or the same to be levied, or may perpetually enjoin the same or any part thereof; or if the same has been paid under protest may order the whole or any part thereof as is just and equitable to be refunded, and the costs of such proceedings shall be apportioned among the parties or paid out of the county treasury as justice requires.

Petition for  
locating im-  
provements.

Commis-  
sioners to  
hear and  
determine.

SEC. 36. The county commissioners may hear and determine at the same time and under the same petition the necessity of locating any new improved road, or of a road already partly improved, or of widening, straightening, re-locating or altering any road previously improved, or in process of improve-



ment under this act, as the necessity of the case requires, and shall cause such entry to be made on their journal as in their judgment is required. All estimates shall be made in the manner provided in this act. No assessment shall be made to any land, person, or property upon any principle other than that of benefits derived and in proportion thereto.

SEC. 37. The board of county commissioners shall require each engineer and appraiser appointed by them under the provisions of this act to enter into a good and sufficient bond, with surety to be approved by them, conditioned for the faithful performance of his duties, in a sum to be fixed by the county commissioners, and an action may be brought on such bond by any person aggrieved by a failure of any such person so appointed to do his duty, in the name of such party, and recovery may be had for his benefit.

Bond of  
engineer and  
appraisers.

SEC. 38. Upon the completion of any improved road or any section thereof, for which final payment has been made, the charge and care thereof shall be assumed by the road district, or township, officers in each district or township in which the improvement is located, and it shall be the duty of such road officers to keep the improved roads in their respective districts or townships in constant and good repair, and any failure so to do shall justify the county commissioner in the commissioner's district in which the neglect occurs, to cause such repairs to be made at the expense of the road district or township in which the repairs are done.

Improve-  
ment com-  
pleted.

Officers to  
assume care  
of roads.

SEC. 39. The county commissioners may, on the proper petition and bond being filed, and the same notice being given as required in cases of the location of an improved road, declare any such road vacated and abandoned and its location and establishment to be held for naught, if in their judgment

When county  
commis-  
sioners may  
vacate road.

the same has ceased to be of public utility, and the public need, convenience and welfare no longer demand the maintenance thereof; but private rights of persons acquired by reason of the location and establishment of such road shall not be interfered with nor in any way impaired thereby unless due compensation be made therefor.

Private rights impaired.

Compensation.

State lands subject to assessments.

SEC. 40. Any state, county, school, school district or other lands shall be subject to the provisions of this act, and the proper authorities having charge of said lands may institute proceedings to enjoin assessment of benefits hereunder or for damages herefrom as in the case of private persons: *Provided*, That such public authorities shall not be required to give any bond in such proceedings.

Clerk of board to keep record of roads improved.

SEC. 41. The clerk of the board of county commissioners shall make, in a suitable book to be provided for that purpose, at the expense of the county, a complete record of each road in his county improved under the provisions of this act, which record shall include the petition and all bonds, reports of the engineer, appraisers and all journal entries made, together with all plats and other papers necessary to show a complete history of all that is done in each case up to and including the final order made by the board.

Keeping of road accounts.

SEC. 42. The commissioners of any county wherein a road improvement is ordered shall provide a suitable book in which to keep the improved road accounts of the county. The clerks shall open therein an account with each improvement in the name by which the same is known, and charge all assessments and credit all payments made in the case. The money collected on each improvement shall constitute a special fund unless the cost of the improvement shall have been advanced out of the general road and bridge fund, in which case the

money collected shall be credited to the general road fund.

SEC. 43. Fees for services of officers under this act shall be the same as for like services in civil cases, or as is or may be provided by law.

Fees for services of officers.

SEC. 44. In performing their duties under this act, the county commissioners shall be entitled to a per diem allowance equal to that allowed by law for other services.

Commissioners' per diem.

SEC. 45. It shall be the duty of the prosecuting attorney in each county to prepare suitable blanks for the use of the board of county commissioners, under this act.

Blanks for board.

SEC. 46. All fees under this act, when not otherwise provided for herein, shall be paid out of the current expense fund of the county as soon as the bills and items thereof are examined and allowed by the commissioners; and for all amounts so paid, except to the commissioners and clerk, the commissioners shall order the current expense fund to be reimbursed from the money raised for the respective improvements.

Reimbursement of current expense fund from improvement assessments.

SEC. 47. All balances remaining unexpended of any road improvement fund arising from excess of assessments made after the expenses thereof have been fully paid, shall be transferred to the general road and bridge fund of the county.

Transfer of unexpended balances.

SEC. 48. In cases where a road improvement under this act is desired but the proposed improvement is of such 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 act, under certain modifications of the procedure, rights and liabilities therein set forth, such

Seventy-five per cent of benefit of improvement accrue to lands in immediate vicinity.

How assessed.

changed and special procedure, rights and liabilities, being as follows:

What im-  
provement  
boundary  
shall include.

The "improvement boundary" of such special district need not include all lands lying within two miles from the proposed road improvement as required by section 2 of this act, 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.

Application  
for improve-  
ment.

Signatures  
required.

Recitals of  
petition.

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 lands 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 6 of this act shall be applicable to such petition.

Subscribers'  
agreement  
as to special  
benefits.

The petition for such improvement 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 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.

Apportion-  
ment of costs  
of improve-  
ment.

In case of such special improvement the appraisers in assessing the benefits for the same as specified in section 10 of this act, 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 districts or the townships traversed by said improvement and the county. Otherwise said assessment shall be as prescribed by said section 10.

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.

Bonds issued.

Payable only out of improvement fund.

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 districts 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.

All lands within district liable for costs of improvement.

Foreclosure of assessment against property.

Assessment insufficient.

Supplemental assessment to pay deficiency.

SEC. 49. That chapter CXXIII (123) of the Laws of 1893, pages 301-322; chapter CIV (104) of the Laws of 1899, pages 169-171; chapter 72 of the

Statutes repealed.

No revivor.

Pending  
proceedings  
and rights  
acquired not  
affected.

Laws of 1917, pages 238-254; chapter 95 of the Laws of 1919, pages 230-231; chapter 127 of the Laws of 1919, page 298; chapter 159 of the Laws of 1921, pages 635-646; chapter 147 of the Laws of 1923, pages 475-481; sections 6598 to 6646-1, both inclusive, of Remington's Compiled Statutes, and sections 6082 to 6125, both inclusive, of Pierce's 1919 Code, are hereby repealed: *Provided*, That the repeal of said acts or any of them shall not be construed as reviving any former act amended or repealed by any thereof: *And Provided further*, That nothing in this act shall be construed as affecting any proceedings instituted under any of said acts hereby repealed and pending at the time this act takes effect, nor as affecting any improvements already begun under any of said acts hereby repealed, nor as affecting any rights acquired or obligations incurred under any of said acts hereby repealed, but all such proceedings and improvements shall continue under the provisions of this act as though said former acts had not been repealed and all such rights and obligations shall be enforceable under the provisions of this act as though said former acts had not been repealed.

Passed the House February 11, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 272.

[H. B. 173.]

## BONDS IN CIVIL ACTIONS OR PROCEEDINGS.

AN ACT relating to bonds in civil actions or proceedings.

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

SECTION 1. Whenever by statute a bond or other security is required for any purpose in an action or other proceeding in a court of record and if the party shall apply therefor, the court shall have power to prescribe the amount of the bond or other security notwithstanding any requirement of the statute; and in every such case money in an amount prescribed by the court may be deposited with the clerk in lieu of a bond. After a bond or other security shall have been given, the court in its discretion may require additional security either on its own motion or upon motion of an interested party or person. The courts shall exercise care to require adequate though not excessive security in every instance.

Bond or security required by statute.

Court may prescribe amount.

Money accepted in lieu of bond.

May require additional security.

Passed the House February 4, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 273.

[H. B. 207.]

## LEVY OF TAXES FOR PARK PURPOSES IN CITIES OF THE SECOND, THIRD AND FOURTH CLASSES.

AN ACT relating to levy of taxes for park purposes in certain cities, and amending section 3, of chapter 228, of the Laws of 1907.

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

SECTION 1. That section 3, of chapter 228, of the Laws of 1907, pages 564-565, (section 9201 of Remington's Compiled Statutes; section 662 of Pierce's 1919 Code) be amended to read as follows:

Section 3. City councils of the cities of the second, third and fourth class are hereby authorized and empowered to levy a tax not to exceed one mill on all taxable property for the purpose of maintaining and improving any park or parks, or the purchase thereof for any such town or city: *Provided,* That in cities of the second class organized and existing under the commission form of government, as provided in chapter 116, of the Laws of 1911, having a population of 15,000 or over, as shown by the last United States census, such tax for park purposes may equal, but not exceed, one and one-half mills, on all taxable property. That the proceeds of such levy shall be paid into a special fund, to be known as the park fund, and the disbursement of such fund shall be provided for by ordinance.

Passed the House February 4, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

Statute amended.

Tax levy for park purposes.

Limit of levy by commission governed cities.

Paid into park fund.



## CHAPTER 274.

[H. B. 242.]

ADDITIONAL COMPENSATION TO COUNTY COMMISSIONER  
AS ROAD OVERSEER.

AN ACT relating to the construction and maintenance of county roads and bridges, imposing additional duties upon members of boards of county commissioners in certain counties, providing compensation for such additional duties, and declaring that this act shall take effect immediately.

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

SECTION 1. It shall be the duty of each member of the board of county commissioners, in counties in which the compensation of members of the board of county commissioners is paid per diem, in addition to his duties as a member of the board of county commissioners and as *ex-officio* road commissioner of the several road districts in his commissioner's district, to oversee the construction and maintenance of all county and district roads and bridges in his commissioner's district, and for time actually spent in the performance of such duties as overseer, he shall be entitled to the same compensation as is provided by law for his services as county commissioner: *Provided*, That such compensation for overseeing the construction and maintenance of roads and bridges in his commissioner's district he shall not receive more than one thousand dollars per annum: *Provided, further*, That in counties of classes 6B, 7, 8 and 9 each of such commissioners shall not receive more than five hundred dollars per annum. All claims for such compensation shall be approved by a majority of the board of county commissioners and the superior judge, as required by law.

County commissioners to be compensated for services as road overseer.

Maximum compensation.

Compensation in class 6B, 7, 8 and 9 counties.

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

Passed the House February 8, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 275.

[H. B. 255.]

### LOCAL IMPROVEMENTS—FORECLOSURE OF ASSESSMENTS.

AN ACT relating to local improvements and providing for the foreclosure of assessments therefor and sale of property acquired thereby, amending sections 9376, 9382, 9383, 9384 and 9386 of Remington's Compiled Statutes of Washington, and repealing sections 9377, 9378, 9379, 9381, 9385, 9389, 9391 and 9392 thereof.

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

SECTION 1. That section 9376 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1012,  
Pierce's  
Code.

When  
assessments  
to be paid.

Interest.

Delinquent.

Penalty.

Lien collec-  
tible by  
treasurer.

Section 9376. Any city or town shall prescribe by ordinance within what time such assessments, or installments thereof, shall be paid; and shall provide for the payment and collection of interest thereon, at a rate not to exceed eight per cent per annum. Assessments or installments thereof, when delinquent, in addition to such interest shall bear such penalty not less than five per cent as shall be by general ordinance prescribed. Interest and penalty shall be included in, and shall be a part of, the assessment lien. All local assessments becoming a lien upon any property in any city or town after this act shall become effective, shall be collected by the treasurer of such city or town, and all such liens shall be enforced in the manner herein prescribed.

SEC. 2. That section 9382 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1018,  
Pierce's  
Code.

Section 9382. Whenever before the sale of any property the amount of any assessment thereon, with interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid, with the date of payment thereof on the assessment roll.

Record on  
assessment  
roll of  
payment.

SEC. 3. That section 9383 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1019,  
Pierce's  
Code.

Section 9383. Whenever any property shall be bid in by any city or town or be stricken off to any city or town under and by virtue of any proceeding or proceedings provided in this act said property shall be held in trust by said city or town for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold; *Provided*, Such city or town may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust.

Property bid  
in by city  
held in trust  
for improve-  
ment district.

City may  
pay delin-  
quency and  
discharge  
trust.

SEC. 4. That section 9384 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1020,  
Pierce's  
Code.

Section 9384. Any city or town may at any time after deed is issued to it under and by virtue of any proceedings mentioned in this act lease or sell or convey any such property at public or private sale for such price and on such terms as may be determined by resolution of the city or town council or

City may  
lease or  
sell such  
property.

Distribution  
of proceeds  
of sale.

other legislative body, any provisions of law, charter or ordinance to the contrary notwithstanding, and all proceeds resulting from such sales shall ratably belong to and be paid into the fund or funds of the local improvement district or districts concerned after first reimbursing any fund or funds having advanced any moneys on account of said property.

§ 1022,  
Pierce's  
Code.

SEC. 5. That section 9386 of Remington's Compiled Statutes of Washington be amended to read as follows:

Delinquent  
local im-  
provement  
assessments.

Section 9386. Whenever in any city or town on the first day of January of any year two installments of any local improvement assessment shall be delinquent, or the final installment thereof shall have been delinquent for more than one year, such city or town shall, on or before the first day of March of such year or on or before such other date in such year as may be fixed by general ordinance of such city or town, proceed with the foreclosure of all such delinquent assessments or installment or installments thereof, as the case may be, by proceedings in court therefor in an action brought in its own name in the superior court in the county in which such city or town is situate. It shall not be necessary to bring a separate suit for each separate lot, tract or parcel of land or other property or for each separate local improvement district, but all or any part of the property so delinquent under any and all assessment rolls or local improvement districts in such city or town may be proceeded against in the same action and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installment or installments thereof may be foreclosed in such proceeding.

May fore-  
close.

Proceedings.

All joined  
as parties  
defendant.

Tried to the  
court.

Every such proceeding shall be tried before the court without a jury and shall be initiated by filing

with the clerk of the court a certificate of the treasurer of such city or town setting forth a description of each such separate lot, tract or parcel of land or other property upon which such assessment or installment or installments is delinquent, the date of the delinquency and the amount thereof including penalty and interest thereon, the name of the owner thereof or that such owner is unknown as appears upon the assessment roll, the number and the date of passage of the ordinance authorizing the improvement, the number and date of passage of the ordinance confirming such assessment roll, and the number of such local improvement district. All such lots, tracts or parcels of land or other property may be included in one certificate. Such certificate shall be *prima facie* evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon the defendants.

Procedure.

Certificate of treasurer as evidence of legality of proceedings.

Upon the filing of such certificate the treasurer of such city or town shall, with such legal assistance as the city council may provide, proceed with such foreclosure by summons served exclusively by publication in one general notice describing the property as the same is described upon the assessment rolls. Said summons shall be published once each week for four successive weeks in the official newspaper of such city or town, or if such city or town has no official newspaper in any weekly newspaper published in the county in which such city or town is situate, and shall require the defendants and each of them to appear and answer said summons within sixty days from the date of the first publication thereof. The publication of such summons shall be sufficient service thereof on all persons interested in the property described therein. The person or persons whose name or names appear on the rolls as the owner or owners of such property shall be considered and treated as the owner or owners thereof

Certificate filed.

Summons by publication.

for the purpose of said foreclosure, and if upon said assessment roll it appears that the owner or owners of said property are unknown, then said property shall be proceeded against as belonging to an unknown owner or owners, and all persons owning or claiming to own, having or claiming to have an interest therein, are hereby required to take notice of said proceeding and of any and all steps thereunder.

In any such proceeding where the owner or parties interested in any particular lot, tract or parcel of land or other property included therein shall suffer a default the court may enter judgment of foreclosure and sale as to such parties and properties so in default and order sale thereof, and the action may proceed as to the remaining defendants and property. The judgment shall specify separately the amount of the assessment or installment or installments thereof, including interest, penalty or costs, chargeable to the several lots, tracts or parcels of land or other property in such proceeding. Such judgment shall have the effect of a separate judgment as to each such lot, tract or parcel of land or other property described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment the court shall decree that such lots, tracts or parcels of land or other property be sold by the treasurer of such city or town to enforce such judgment. Judgment may be entered as to any one or more separate lots, tracts or parcels of land or other property involved in such proceeding, and the court shall retain jurisdiction of the proceedings as to the balance.

All sales shall be held at the front door of the city or town hall (or building in which the city treasurer's office is located) and shall be made on Saturday between the hours of nine o'clock in the

Default  
judgment.

Sale  
ordered.

Judgment  
specify  
separately  
assessments,  
interest, etc.,  
against  
properties.

May sell  
parts of  
tracts.

Public sale.

morning and four o'clock in the afternoon and shall continue from day to day (Sundays and holidays excepted) during the same hours until all lots, tracts or parcels of land or other property are sold. Notice containing a description of the property to be sold shall be given of the time and place where such sale is to take place by publication once each week for two successive weeks in the official newspaper of such city or town, or if such city or town has no official newspaper, in a weekly newspaper published in the county in which such city or town is situate. The date fixed for such sale shall be not less than ninety days after the first publication of said notice. Said notice shall be substantially in the following form:

Notice of sale.

**LOCAL IMPROVEMENT ASSESSMENT SALE.**

Public notice is hereby given that pursuant to local improvement assessment judgment of the superior court of the county of..... in the State of Washington, entered the.....day of ....., ....., in proceedings for foreclosure of local improvement assessment liens upon real property, as per provisions of law, that I shall on the.....day of ....., ....., at.....o'clock.....at the front door of the city or town hall (or building in which the city or town treasurer's office is located) in the city or town of .....in the county of....., State of Washington, sell the following described lots, tracts or parcels of land or other property to satisfy the full amount of local improvement assessments, interest, penalty and costs adjudged to be due thereon as follows, to-wit:

Form of notice.

(Description of property) (Amount due)

IN WITNESS WHEREOF, I have hereunto set my hand this.....day of.....

Treasurer of.....county  
of....., State of Washington.

At such sale each lot, tract or parcel of land or other property shall be sold to the person offering to pay therefor not less than the full amount of the assessments, interest, penalty and costs adjudged to be due thereon, and if no such offer is received shall be sold to the city for such amount. If any bidder to whom any property is stricken off at such sale does not pay the amount of his bid before ten o'clock a. m. on the day following the day of such sale, such property shall then be resold, or if the sale is closed, be deemed to have been sold to such city or town. Any amount received upon such sale in excess of the amount of such assessment, penalty, interest and costs, shall be paid by the treasurer of such city or town to the clerk of the court for the benefit of the owner or owners of such property.

Sale only to one offering full amount due, otherwise sold to city.

Bidder fails to pay.

Resale.

Proceeds exceeding costs payable to owner.

Purchaser takes subject to lien of taxes and assessments.

The purchaser of such property shall take the same subject to the lien of all unpaid general taxes and local improvement assessments other than the particular installment or installments thereof for which said lot, tract or parcel of land or other property was sold.

Deed by treasurer.

The treasurer of such city or town shall execute to the purchaser of any such lot, tract or parcel of land or other property a local improvement assessment deed. All property conveyed to any such city or town may be included in one deed. Such deed shall be *prima facie* evidence that the property therein described was assessed according to and as required by law, that the assessment was not paid, that the property was sold as required by law, that it was not redeemed, that the person executing the deed was the proper officer, and shall be conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execu-



tion of the deed, and shall be recorded in the same manner as other conveyances of real property and shall vest in the grantee, his heirs and assigns, the fee simple title to the property therein described without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

LOCAL IMPROVEMENT ASSESSMENT DEED.

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

Form of deed.

THIS INDENTURE, Made this.....day of.....  
....., ..... between.....as  
treasurer of the city (or town) of.....,  
.....county, State of Washing-  
ton, party of the first part, and.....,  
party of the second part.

WITNESSETH, That, whereas, at a public sale of  
real property held on the.....day of.....,  
....., pursuant to a real property local improve-  
ment assessment judgment entered in superior court  
in the county of....., on the.....  
day of....., in proceedings to  
foreclose local improvement assessment liens upon  
real property, the party of the second part duly pur-  
chased in compliance with the laws of the State of  
Washington the real property hereinafter described,  
and that said party of the second part has complied  
with the laws of the State of Washington to entitle  
him to a deed to said real property.

NOW, THEREFORE, KNOW YE, That the party of the  
first part, in consideration of the premises and by  
virtue of the statutes of the State of Washington in  
such cases provided, does hereby grant and convey  
unto the party of the second part, his heirs and  
assigns forever, the following described real prop-  
erty in the county of....., State of  
Washington, to-wit:

(Here insert description of real property conveyed).

This deed is subject to the lien of all unpaid general taxes and local improvement assessments, other than the particular installment or installments thereof for which the judgment aforesaid was entered.

Given under my hand this.....day of....., .....

.....  
Treasurer of.....  
county, State of Washington.

All proceedings supplemental to judgment, including appeal and period of redemption shall be had and conducted as near as may be in accordance with the law now or hereafter in force relating to property sold under or upon foreclosure of general tax liens.

Proceedings supplemental to judgment.

SEC. 6. Actions to set aside or cancel any deed heretofore or hereafter issued after and upon the sale of property for local improvement assessments or for the recovery of property sold for delinquent local improvement assessments must be brought within three years from and after date of the issuance of such deed; *Provided*, That this section shall not apply to actions not otherwise barred on deeds heretofore issued or property heretofore sold if the same be commenced within one year after the passage of this act.

Limitation of action to set aside or cancel deed.

SEC. 7. That sections 9377, 9378, 9379, 9381, 9385, 9389, 9391 and 9392 of Remington's Compiled Statutes of Washington are hereby repealed.

§§ 1013-1015, 1017, 1021, 1024, 1026, 1027, Pierce's Code.

SEC. 8. All local improvement initiated or proceedings commenced by any city or town before the taking effect of this act, relating to the making of any local improvement, or the collection and foreclosure of local improvement assessments, and the

Present rights not affected.

sale of property therefor, shall proceed without being in any manner affected by the passage of this act; *Provided*, That any city or town may at its option foreclose in the manner provided in this act the lien of any local improvement assessment created prior to the effective date of this act, and cause deed to issue, but as to any such property purchased by such city or town at such foreclosure the same shall be held and sold by such city or town under and pursuant to the provisions of law in force and effect prior to the taking effect of this act.

Option as to  
foreclosure  
under this  
act.

SEC. 9. If any section or part of this act shall be held or adjudged to be void or unconstitutional, such holding or adjudication shall not affect any other section or part not held or adjudged to be void or unconstitutional.

Partial  
invalidity.

Passed the House February 21, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 276.

[H. B. 136.]

### ADMISSION TO SOLDIERS' HOME AND COLONY.

AN ACT relating to the State Soldiers' Home, the Washington Veterans' Home and the Colony of the State Soldiers' Home, and amending sections 3 and 4 of Chapter 106 of the Laws of 1915.

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

SECTION 1. That section 3 of chapter 106 of the Laws of 1915, page 306, (section 10731 of Remington's Compiled Statutes; section 6236 of Pierce's 1919 Code) be amended to read as follows:

Statute  
amended.

Section 3. The members of the colony established in the preceding section shall, to all intents and purposes, be members of the state soldiers'

Rules and regulations for colony members.

home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director of business control, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding seven dollars per month in value and clothing and not exceeding twenty-five dollars per year in value.

Statute amended.

SEC. 2. That section 4 of chapter 106 of the Laws of 1915, pages 306-307, (section 10732 of Remington's Compiled Statutes; section 6237 of Pierce's 1919 Code) be amended to read as follows:

Who may be admitted to Veterans' Home.

Section 4. All of the following persons who have been actual *bona fide* residents of this state for a period of three years at the time of their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home at Port Orchard under such rules and regulations as may be adopted by the state board of control:

Soldiers, sailors, marines, and militiamen and wives.

1. All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, and the wives of such soldiers, sailors and marines and members of the state militia: *Provided*, That such wives were married to and living with their husbands on or before three years prior to said application, or, if married to them since said date, were themselves members of a soldiers' home or colony in this state or entitled to admission thereto.

Widow admissible.

2. The widows of all soldiers, sailors and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and widows of all such

soldiers, sailors and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their husbands on or before three years prior to said application, and have not been married since the decease of their said husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

Age of  
widows, etc.

Passed the House February 17, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 277.

[H. B. 284.]

### DIKING DISTRICTS—ASSESSMENTS FOR BENEFITS.

AN ACT relating to diking districts and providing for assessments for benefits, repair and maintenance of diking systems therein against lands belonging to municipal corporations, and amending section 4289 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 4289 of Remington's Compiled Statutes of the State of Washington be amended to read as follows:

§ 1946-53,  
Pierce's  
Code.

Section 4289. In case lands belonging to the state, county, school district or other public corporations are benefited by any improvement instituted under the provisions of this chapter, all benefits shall be assessed against such lands, and the same shall

State lands  
benefited by  
improvement  
to be  
assessed.

Costs of  
repair and  
maintenance  
of diking  
system.

be paid by the proper authorities of such public corporations at the times and in the same manner as assessments are called and paid in case of private persons out of any general fund of such corporation; and also all costs of repair and maintenance of such diking system shall be levied against and apportioned to such lands of such public corporations, whether owned at the time of the original improvement or subsequently acquired either by deed through delinquent tax foreclosure or otherwise, in the same manner as such costs of repair and maintenance are levied against and apportioned to lands belonging to private persons, and the same shall also be paid out of any general fund of such corporation.

Passed the House February 18, 1927.

Passed the Senate March 7, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 278.

[H. B. 143.]

### RECORDING OF REAL PROPERTY INSTRUMENTS.

AN ACT relating to the recording of instruments concerning real property and repealing section 10596 of Remington's Compiled Statutes of Washington.

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

Terms  
defined:

Real  
property.

Purchaser.

SECTION 1. (1) The term "real property" as used in this act includes lands, tenements and hereditaments and chattels real and mortgage liens thereon except a leasehold for a term not exceeding two years.

(2) The term "purchaser" includes every person to whom any estate or interest in real property is conveyed for a valuable consideration and every

assignee of a mortgage, lease or other conditional estate.

(3) The term "conveyance" includes every written instrument by which any estate or interest in real property is created, transferred, mortgaged or assigned or by which the title to any real property may be affected, including an instrument in execution of a power, although the power be one of revocation only, and an instrument releasing in whole or in part, postponing or subordinating a mortgage or other lien; except a will, a lease for a term of not exceeding two years, an executory contract for the sale or purchase of lands, and an instrument granting a power to convey real property as the agent or attorney for the owner of the property. "To convey" is to execute a "conveyance" as defined in this subdivision.

Conveyance.

To convey.

(4) The term "recording officer" means the county auditor of the county.

Recording officer.

SEC. 2. A conveyance of real property, when acknowledged by the person executing the same (the acknowledgment being certified as required by law), may be recorded in the office of the recording officer of the county where the property is situated. Every such conveyance not so recorded is void as against any subsequent purchaser or mortgagee in good faith and for a valuable consideration from the same vendor, his heirs or devisees, of the same real property or any portion thereof whose conveyance is first duly recorded. An instrument is deemed recorded the minute it is filed for record.

Real property conveyance may be recorded.

Effect.

Recorded when filed.

SEC. 3. An executory contract for the sale or purchase of real property or an instrument granting a power to convey real property as the agent or attorney for the owner of the property, when acknowledged (with the acknowledgment certified) in the manner to entitle a conveyance to be recorded, may

Recording executory contract for sale of real property, or power to convey real property.

Effect. be recorded in the office of the recording officer of any county in which any of the real property to which it relates is situated, and when so recorded shall be notice to all persons of the rights of the vendee under the contract.

Recordation of U. S. letters patent. Effect. SEC. 4. Letters patent from the United States or the State of Washington granting real property may be recorded in the office of the recording officer of the county where such property is situated in the same manner and with like effect as a conveyance that is entitled to be recorded.

Instrument affecting real property filed in state or land departments. SEC. 5. A copy of a conveyance of or other instrument affecting real property recorded or filed in the office of the secretary of state or the commission of public lands, or of the record thereof, when certified in the manner required to entitle the same to be read in evidence, may be recorded with the certificate in the office of any recording officer of the state.

Certified copy of record may be filed. Effect. Copy of record of conveyance affecting lands in more than one county may be recorded. SEC. 6. A copy of a record, when certified or authenticated to entitle it to be read in evidence, may be recorded in any office where the original instrument would be entitled to be recorded. Such record has the same effect as if the original were so recorded. A copy of the record of a conveyance of or other instrument affecting separate parcels of real property situated in more than one county, when certified or authenticated to entitle it to be read in evidence may be recorded in the office of the recording officer of any county in which any such parcel is situated with the same effect as though the original instrument were so recorded.

Recording of assignment of mortgage. Effect. SEC. 7. The recording of an assignment of a mortgage is not in itself notice to the mortgagor, his heirs, assigns or personal representatives, to invalidate a payment made by any of them to a prior holder of the mortgage.



SEC. 8. A power of attorney or other instrument recorded pursuant to this act is not deemed revoked by any act of the party by whom it was executed unless the instrument of revocation is also recorded in the same office in which the instrument granting the power was recorded.

Power of attorney.

Revocation to be filed.

SEC. 9. A recording officer is not liable for recording an instrument in a wrong book, volume or set of records if the instrument is properly indexed with a reference to the volume and page where the instrument is actually of record.

Recording in wrong book.

Liability.

SEC. 10. A recording officer, upon payment or tender to him of the lawful fees therefor, shall record in his office any instrument authorized or permitted by this act to be so recorded.

Instruments recorded upon payment of fees.

SEC. 11. Sec. 10596 of Remington's Compiled Statutes of Washington is hereby repealed.

§ 1914. Pierce's Code.

Passed the House February 11, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 279.

[H. B. 191.]

### ELECTIONS IN OTHER THAN CLASS A AND FIRST CLASS COUNTIES.

AN ACT relating to elections and amending sections 1 and 3 of Chapter 170 of the Laws of 1921, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter 170 of the Laws of 1921, page 665, section 5150 of Remington's Compiled Statutes be amended to read as follows:

§ 2120-3. Pierce's Code.

Section 1. All city, school district and port district elections, other than in class A and first class

Time of holding elections.

Elections excluded.

Special election in emergency.

May unite or divide precincts.

Notice.

Special elections in certain school districts excluded.

counties, whether general or special, and whether for the election of officers, or for the submission to the voters of such city, port district or school district, of any question for their adoption and approval or rejection, in any port district, containing a school district of the first class, shall be held on the first Saturday in December 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 any city or district officers or primary election or special bond election or any election held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter: *Provided further*, That whenever in the judgment of the election board, hereinafter created, an emergency exists, and such board is requested so to do by a resolution of the governing board of any such municipality or district, it may call a special election at any time in such municipality or district, and at any such special election said election 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: *Provided further*, That this act shall not apply to general or special elections for any purpose in second or third class school districts, but all such elections of second and third class school districts in other than class A or first class counties, in any port district containing a school district of the first class, shall be held and the school district officers of such districts shall be elected and qualified, for the term, at the time and in the manner provided for school districts of the same class by chapters XX, XXI, XXXIII, XXXVII, and XXXVIII, of Title

XXVIII, Remington's Compiled Statutes. Any officer of any such school district elected under laws in effect at the time this act takes effect, shall serve the term of office for which he was elected, and his successor shall be elected at the regular annual election next preceding the date of the expiration of said term, and the term of office of said successor shall begin at the expiration of such term.

School district officer to serve term for which elected.

When successor's term begins.

SEC. 2. That section 3 of chapter 170 of the Laws of 1921, page 666, section 5152 of Remington's Compiled Statutes shall be amended to read as follows:

§ 2120-10, Pierce's Code.

Section 3. The chairman of the board of county commissioners, the county auditor and the prosecuting attorney of the respective counties in which city, town and district elections are held under the provisions of this act, shall constitute an election board for all such elections, and it shall be the duty of such board, to provide places for holding elections under the provisions of this act, to appoint the election officers, to provide for their compensation, to provide ballot-boxes, ballot or voting machines, poll-books and tally-sheets, and deliver them to the election officers at the polling places, to publish and post notices of calling such elections in the manner provided by law, and to apportion to each city, town or district its share of the expense of such election.

Election officers.

Place of holding election, etc.

SEC. 3. This act shall not repeal, amend or modify the provision of chapter 113, Laws of the Extraordinary Session of 1925.

Ch. 113, L. Ex. Sess. 1925.

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

Emergency.

Passed the House February 1, 1927.

Passed the Senate March 2, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 280.

[H. B. 273.]

TAX COMMISSION.

AN ACT relating to revenue and taxation and the administration of the state government, prescribing and limiting the powers and duties of certain state and county officers, creating and establishing certain offices and departments, ratifying and confirming all previous acts of the tax commission of Washington created by chapter 18, Laws of 1925, and other state and county officers, and declaring that this act shall take effect immediately.

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

Tax commission established.

SECTION 1. There is hereby created and established a state commission, to be known and designated as the "tax commission of the State of Washington" and in this act referred to as the tax commission.

Appointment and removal.

The tax commission shall be composed of three members possessing special knowledge of the subject of taxation, who shall be appointed by the governor with the consent of the Senate and be subject to removal in the manner provided by sections 10988-10989-10990 Remington's Compiled Statutes.

Term.

The members of the first commission to be appointed after the taking effect of this act, shall be appointed for the terms beginning April 1, 1925, and expiring as follows: One commissioner for the term expiring January 31, 1927; one commissioner for the term expiring January 31, 1929; and one commissioner for the term expiring January 31, 1931. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified.

Vacancy.

Upon the expiration of the terms of the three commissioners first to be appointed as aforesaid, each succeeding commissioner shall be appointed and hold office for the term of six years and until his successor

shall have been appointed and qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. The office of the commission shall be at the state capital. Office.

SEC. 2. Each commissioner shall devote his entire time to the duties of his office and no commissioner shall hold any other public office. Before entering upon the duties of his office, each of said commissioners shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the State of Washington, to be approved by the governor, in the penal sum of five thousand dollars (\$5,000.00), conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. Each member of the tax commission shall receive a salary of six thousand (\$6,000.00) dollars per annum, payable monthly. May not hold other public office.  
Bond.  
Oath.  
Salary.

SEC. 3. The first members of the tax commission appointed under this act, after having qualified, shall within thirty days meet at the state capital and organize. The governor shall designate the chairman of the commission. A majority of the members of said commission shall constitute a quorum. The commission may hold sessions or conduct hearings and investigations at other places in the state than the capital when deemed necessary. The commission may by order refer to one of its members or its employees the duty of making investigations and/or taking testimony and of reporting thereon to the commission, but no determination shall be made except by a majority vote of the tax commission. First meeting.  
Chairman.  
Quorum.  
Meetings away from capital.  
Investigations.

The tax commission shall keep full and correct minutes of its transactions and proceedings, which Records.

Seal.

Records certified.

May administer oaths.

shall at all times be open to public inspection. The tax commission shall adopt and procure a seal and all process or certificates issued by it shall be attested under such seal. Copies of the records of said commission shall be certified by the secretary and attested with the seal of said commission. Any member of the tax commission, or any employee thereof, officially designated by said commission, shall have the power to administer oaths in all matters pertaining to or concerning the proceedings or the official duties of the tax commission.

Employees.

SEC. 4. The tax commission shall have power to appoint, discharge, and fix the compensation of a secretary and such other assistants and employees as may be necessary to perform the duties required of it by law, and to incur such expense and make such expenditures as may be necessary for the performance of its duties, all within the limits of the appropriations for the commission.

Powers and duties.

SEC. 5. The tax commission shall have the power and it shall be its duty from the time hereinafter specified:

First—To exercise all powers and perform all duties now vested in and required to be performed by the director of taxation and examination, except those relating to banking and savings and loan associations and those required by chapter XIII, title XVI, Remington's Compiled Statutes and the division of municipal corporations.

Second—To secure, tabulate, and keep records of valuations of all classes of property throughout the state, and for that purpose, to have access to all records and files of state offices and departments and county and municipal offices and to require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of property of public service corporations for rate making

purposes to file reports with the commission, giving such information as to such valuation and the source thereof.

Third—To exercise general supervision and control over the administration of the assessment and tax laws of the state, over township and county assessors, and county and township boards of equalization, and over boards of county commissioners, in the performance of their duties relating to taxation and to do and perform any act or give any order or direction to any county or township board of equalization or to any county or township assessor as to the valuation of any property, or class or classes of property in any county, township, city or town, which, in the commission's judgment may seem just and necessary, to the end that all taxable property in this state shall be listed upon the assessment rolls and valued and assessed according to the provisions of law, and equalized between persons, firms, companies and corporations, and between the different counties of this state, and between the different taxing units and townships, so that equality of taxation shall be secured according to the provisions of law.

Fourth—To examine and test the work of county and township assessors at any time, and to have and possess all rights and powers of such assessors for the examination of persons, and property, and for the discovery of property subject to taxation, and if it shall ascertain that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county or township in writing, and if such assessor shall neglect or refuse to comply with the request of the tax commission to place such property on the assessment list, or to correct such incorrect assessment or valuation the tax commission shall have the power

to prepare a supplement to such assessment list, which supplement shall include all property required by the tax commission to be placed on the assessment list and all corrections required to be made. Such supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith, and shall be submitted therewith to the county board of equalization.

Fifth—The tax commission shall have power to direct and to order any county or township board of equalization to raise or lower the valuation of any taxable property and to add such property to the assessment list. The tax commission may require any such board of equalization to reconvene after its adjournment for the purpose of performing any order or requirement made by the tax commission and may make such orders as it shall determine to be just and necessary. If such board of equalization shall fail or refuse forthwith to comply with any such order or requirement of the tax commission, the tax commission shall have power to make such correction or change in the assessment list, and such corrections and changes shall be a part of the record of the proceedings of the said board of equalization. *Provided*, That in all cases where the tax commission shall raise the valuation of any property or add property to the assessment list, it shall give notice for the same time and in the same manner as is now required in like cases of county boards of equalization.

Sixth—To investigate the tax laws of this and other states, and the possible taxable resources of this state for the purpose of recommending to the legislature methods by which a more just and equitable system of taxation may be developed.



Seventh—To make such rules and regulations as may be necessary to carry out the powers herein granted, and for conducting hearings and other proceedings before it.

SEC. 6. Any taxpayer or taxing unit feeling aggrieved by the action of any county or township board of equalization may appeal to the tax commission by filing with the county auditor a notice of appeal in duplicate within ten days after the action of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the tax commission. The tax commission shall require the board appealed from to certify the minutes of its proceedings resulting in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Appeals to  
commission  
from county  
board of  
equalization.

Transcript.

SEC. 7. Any party or parties feeling aggrieved by any order of the tax commission shall have a right of appeal to the superior court of the county in which any property affected is located, or at the election of the appellant, to the superior court of Thurston county, Washington. Such appeal shall be informal and summary. Notice thereof shall be filed with the clerk of the superior court to which such appeal is taken, and a copy thereof shall be served by registered mail or personally upon some member of the tax commission or the secretary thereof within twenty (20) days after the decision appealed from, and the appellant shall file an appeal bond in the sum of two hundred (\$200.00) dollars signed by one or more sureties, conditioned that the appellant will pay all taxable costs in the event of the affirmance of the decision appealed from. Said bond shall be filed with the clerk of the superior court to which said appeal is taken within five (5) days

Appeal from  
commission  
to superior  
court.

Notice.

Bond.

after the filing of notice of appeal, and shall be approved by him.

Appeal to  
tax commis-  
sion from  
levy.

Bond.

File com-  
plaint with  
county  
auditor.

Complaint  
and budget  
certified to  
commission.

Hearing.

SEC. 8. Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the people of the district may appeal therefrom to the tax commission as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the State of Washington, in the penal sum of two hundred dollars (\$200.00) and conditioned that if the petitioner shall fail in his appeal for a reduction of said levy or levies he will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting forth in such form and detail as the tax commission shall by general rule prescribe, his objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the tax commission shall by rule require, to the tax commission. The tax commission shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be heard and the tax commission shall receive all competent evidence. After

such hearing, the tax commission shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the tax commission with respect to such levy or levies shall be final and conclusive.

Decision.

Finality.

SEC. 9. This act shall not affect any right accrued or established, or any action or proceeding had or commenced in any civil or criminal cause, before this act takes effect, but such actions or proceedings may be prosecuted and continued by the tax commission or the department of efficiency, as the case may be, having jurisdiction of the subject matter to which such litigation or such proceedings pertain.

No present right of action affected.

SEC. 10. All books, papers, maps, charts, plans, records, data, files, and all other equipment and property belonging to the state equalization committee and the department of taxation and examination in the possession of any officers or employees thereof, or any other state officers or employees, together with pending business in any way pertaining to the powers and duties of such department or board, except those having to do with banks and savings and loan associations and the division of municipal corporations which shall be delivered to the state auditor, and those required by chapter XIII, title XVI, of Remington's Compiled Statutes, shall be delivered, transferred and surrendered to the tax commission upon its organization.

Transfer of equipment.

SEC. 11. From and after the date of the formal organization of the tax commission as hereinbefore provided, and as evidenced by the filing by said commission with the governor, of a written notice of such organization, the department of taxation and examination and the state equalization com-

Department of taxation and examination and state equalization committee abolished.

mittee shall be and hereby are abolished, and all powers and duties of said department of taxation and examination, except those relating to banking and savings and loan associations, and those required by chapter XIII, title XVI, of Remington's Compiled Statutes and the division of municipal corporations shall be, and hereby are, vested in and required to be performed by said tax commission, and the powers and duties of the said department of taxation and examination relating to banking and savings and loan associations and those required by chapter XIII, title XVI, of Remington's Compiled Statutes, shall be, and hereby are, vested in and required to be performed by the department of efficiency and the division of municipal corporations which shall be vested in and required to be performed by the state auditor and all the powers and duties of the state equalization committee shall be, and hereby are, vested in and required to be performed by a state board of equalization, to consist of the members of the tax commission.

Public officers and employees must obey orders of commission.

Procedure to compel compliance.

SEC. 12. It shall be the duty of every public officer to comply with any lawful order, rule or regulation of the tax commission made under the provisions of this act and whenever it shall appear to the tax commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation has failed to comply with the provisions of this act or with any other law relating to such duties or the rules of the commission made in pursuance thereof, the commission after a hearing on the facts may issue its order directing such public officer or employee to comply with such provisions of law or of its rules, and if such public officer or employee for a period of ten days after service on him of the commission's order shall neglect or refuse to comply therewith, the commission may apply to a judge of

the superior court or court commissioner of the county in which said public officer or employee holds office for an order returnable within five days from the date thereof to compel such public officer or employee to comply with such provisions of law or of the commission's order, or to show cause why he should not be compelled so to do, and any order issued by the judge pursuant thereto shall be final. The remedy herein provided shall be cumulative and shall not exclude the tax commission from exercising any power or rights herein granted.

Cumulative  
act.

SEC. 13. This act is intended, and shall be construed, to be a continuation and reenactment of each and every provision of said chapter 18 of the Laws of 1925. Each and all of the acts of the tax commission of the State of Washington, appointed under and by virtue of chapter 18 of the Laws of 1925, and of all other state and county officers, heretofore performed, or attempted to be performed, under and by virtue of said chapter 18, Laws of 1925, and all acts of said tax commission performed, or attempted to be performed, by virtue of any other laws of the State of Washington, are hereby validated, ratified and confirmed as fully, and to the same extent as though this act had been in full force, effect, and operation since February 16, 1925.

Re-enact-  
ment of ch.  
18, L. of 1925.

SEC. 14. If any section or provision of this act 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.

Partial  
invalidity.

SEC. 15. 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 17, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 281.

[H. B. 127.]

## REGULATING PRACTICE OF HAIR-DRESSING AND BEAUTY CULTURE.

AN ACT to regulate the practice of hair-dressing and beauty culture, authorizing schools for the teaching of the art of hair-dressing and beauty culture, licensing of persons to carry on such practices, and prescribing penalties for the violation thereof.

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

Practice of  
hairdressing  
or beauty  
culture.

Registration  
and license.

Present  
operators  
exempted  
from  
examination.

SECTION 1. It shall be unlawful for any person, firm or corporation in this state to engage in, follow, or carry on, or to attempt to engage in, follow, supply itinerant service, solicit or perform work or teach at home, or carry on the practice of hair-dressing or beauty culture, or to conduct or manage a hair-dressing or beauty culture establishment or school, unless he or she shall have first obtained registration and been licensed as provided herein. *Provided, however,* That all persons who have been engaged in such business as operator, owner or manager, for a period of two years prior to the taking effect of this act, shall, upon proof made to the satisfaction of the director of licenses, be licensed upon payment of the fees prescribed herein, without examination as herein, or by law, required.

"Hair-  
dresser"  
defined.

SEC. 2. A "hair-dresser," within the meaning of this act, is any person who, with hands or by the use of any method or mechanical application or appliance, engages for compensation or hire, in any one or more, or any one, or any combination, of any of the following practices, to-wit: Arranging, dressing, curling, waving, permanently waving, cleansing, singeing, bleaching, coloring, or similar work, upon the hair of any female person or child, or the cutting

or trimming of hair upon a male person for the purpose of fitting any wig or toupee.

SEC. 3. A "beauty culturist," within the meaning of this act, is any person who, with hands, mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, or creams, or similar preparations or compounds, engages for the compensation or hire in any one, or any combination of the following practices about the face or body of any female person or child, to-wit: Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, or bust, or upper part of the body; manicuring the nails, or removing superfluous hair by the use of electricity or otherwise.

"Beauty culturist."

SEC. 4. (a) An "apprentice" is any person over the age of sixteen years who is not an owner, manager or operator and who is engaged in learning or acquiring the art and practice of hair-dressing or beauty culture under the direction or supervision of a licensed owner, manager, or operator, or who is a student in any registered and licensed school of hair-dressing and beauty culture. Apprentices, or students in any registered school, shall be of the age of sixteen years or over, possessed of good moral character and shall be able to read and write intelligently the English language.

"Apprentice."

(b) An "operator" is any person over the age of sixteen years who is not an owner, manager, or apprentice, and who practices any of the occupations classified herein, as an employee, or under the direction and supervision of a registered manager or owner, or who is an instructor in a registered school teaching any of the said classified occupations.

"Operator."

(c) A "manager" is an operator over the age of twenty-one years who manages, or conducts a

"Manager."

hair-dressing or beauty culture establishment, or a registered school teaching any of the occupations classified herein.

"Owner."

(d) An "owner" is any person, firm, co-partnership or corporation who owns, or owns and conducts a hair-dressing or beauty culture establishment, or a registered and licensed school teaching any of the classifications herein.

"Hair-dressing or beauty culture establishment."

(e) A "hair-dressing or beauty culture establishment" is any building, or any part thereof, wherein any of the herein classified occupations are practiced for hire or compensation.

Application for license for school.

SEC. 5. Any person, firm, co-partnership or corporation may file with the state treasurer an application for a certificate of registration and license to conduct, establish, or continue, a school for the teaching of the art and practice of hair-dressing and beauty culture. Said application shall be accompanied by a fee of one hundred and fifty (\$150.00) dollars and said application shall be transmitted to the department of licenses with duplicate receipt for fee in the manner provided in Remington's Compiled Statutes, section 10, 858, and acts amendatory thereof. The annual license fee, if license be issued, for conducting such school shall be one hundred and fifty (\$150.00) dollars, payable upon issuance, and annually thereafter. *Provided, however,* That instruction in every such school shall be at all times in charge of and under the supervision of a licensed manager, as herein defined; *And provided further,* That no such license shall be granted unless it is made to appear that said school does, or will, maintain a term of instruction of at least six consecutive months requiring eight hours per day, exclusive of Sundays, for practice and instruction, and will teach the art of practice of hair-dressing and beauty culture by practical demonstration and by written and

Fee.

Annual license fee.

Licensed manager to supervise instruction.

Term of instruction.



oral tests, with practical instruction in sanitation, sterilization and the use of antiseptics as applicable to the occupations herein classified.

Nothing contained in this section shall prohibit any manager or owner, as defined herein, from teaching any of the arts and practices of hair-dressing and beauty culture in their regular course of business; *Provided*, Said manager or owner does not hold themselves out as conducting a school, and do not hire or employ, or teach regularly, at any one and the same time, more than one apprentice to ten, or less, operators regularly employed in their business.

Manager or owner may teach in regular course of business.

Number may teach.

SEC. 6. To procure a license to practice hair-dressing or beauty culture, as an "operator" 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, his experience or training, or the time of attendance in any registered school, if the applicant is a graduate of any such school. Said application shall be signed by the applicant, sworn to before some officer authorized to administer oaths, and shall be accompanied by proofs of the applicant's moral character, and if he be a graduate of a registered school, proof of attendance and graduation. In addition to the foregoing requirements each applicant shall file with his application a certificate signed by a reputable physician stating that after a physical examination he has found the applicant free of any infectious or contagious disease.

Operator's license.

Requirements.

SEC. 7. Any person of good moral character to be attested by testimonials as in section 6 provided, and a certificate that he has practiced hair-dressing or beauty culture as a business or profession within the State of Washington for a period of two years

Application for license without examination.

prior to the time when this act takes effect, may apply for a license under section 6 of this act; and thereupon such applicant shall be entitled to all the right and privileges accorded to those found to be qualified after examination as hereinafter, or as may be provided by law.

Application  
for exami-  
nation and  
license.

Require-  
ments.

SEC. 8. Any person not qualified as provided in section 7 of this act may be registered, apply for examination, and if competent, be licensed to practice, conduct or carry on any or all of the practice defined in this act; *Provided*, They are of good moral character, and shall be able to read and write intelligently the English language, and shall have served at least one year as an apprentice under the supervision of a licensed owner or manager of a licensed hair-dressing or beauty culture establishment, or holds a certificate of graduation showing instruction within a period of six or more months from a registered and licensed school of hair-dressing and beauty culture, as provided in section 5 of this act.

Fees.

SEC. 9. Each application for registration and license as operator, manager or owner shall be accompanied by an application fee as follows:

For license as operator, two (\$2.00) dollars; for license as manager, five (\$5.00) dollars; for license as owner, ten (\$10.00) dollars.

Annual  
license fees.

SEC. 10. Every operator, manager or owner registered or licensed under this act shall pay an annual license renewal fee on or before the first day of July next following the issuance of such registration certificate or license and annually thereafter. Said annual renewal fee shall be in the case of operators, one (\$1.00) dollar; managers, two (\$2.00) dollars, and owners (other than a registered school), five (\$5.00) dollars; *Provided*, That any owner or manager of any establishment herein defined who is

also a licensed and active operator therein, shall be required to pay only such amount as will total the amount herein required of an owner or manager.

SEC. 11. All examinations for licenses shall be conducted by or under the direction of the director of licenses in the manner and as provided in title LXXV, chapter 1, Remington's Compiled Statutes of Washington, and all acts amendatory thereof; *Provided, however,* That no member of an examining committee shall be an owner or manager of, or instructor in, any registered and licensed school of hair-dressing or beauty culture; *Provided, further,* That in the interests of economy, qualified examiners may be recruited in the city where such examination is to be held.

Director of licenses to conduct examinations.

The director of licenses, with the aid and assistance of the first examining committee appointed hereunder, and from time to time thereafter, shall have full power and authority to define and classify all subjects for examination within the intent and purpose of this act, and to fix passing grades therein. Such grades shall be based upon a standard of one hundred (100) per cent, and no applicant shall be licensed who fails to receive an average grade of not less than seventy-five (75) per cent. Such examinations shall consist of written questions and answers and practical tests. Written examinations shall consist of questions and answers and practical tests. Written examinations shall consist of questions in each subject for examination to be answered in writing. Practical tests shall consist of actual demonstration in hair-dressing or beauty culture under the direction and supervision of the examining committee, or some one member thereof. The director of licenses shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent.

Grades.

Written examinations.

Practical tests.

Certificate as operator.

SEC. 12. If an applicant for license as an "operator" is qualified under section 2 and section 7 of this act, or passes a satisfactory examination in any one or any combination of the practices of either, or all of the classifications within this act, to the satisfaction of the examining committee, and has paid the application fee required, and has complied with the laws and rules of the department of licenses, the director of licenses shall issue a certificate to that effect. Such certificate shall be evidence that the person to whom it is issued is entitled to practice hair-dressing or beauty culture within the State of Washington until the first day of July next after the issuance of such certificate. Such certificate shall be conspicuously displayed by the operator in his place of business or employment. In the event that any applicant for examination shall fail to pass such examination he may, upon notice to the director of licenses, present himself at any time within six months thereafter for examination without the payment of another application fee, and shall be entitled to additional examinations upon the payment of the regular examination fee.

To display license.

Fail to pass.

Re-examination.

Temporary license to practice if licensed in another state.

Fee.

SEC. 13. Any person, duly licensed to practice as hair-dresser or beauty culturist under the laws of another state, territory, District of Columbia or a foreign country, having requirements for registration and license substantially equal to the requirements in force in this state shall, upon showing that he is a resident of this state, and upon filing of his license with testimonials of good moral character, and an affidavit that his license has not expired, or been revoked, and the payment of the application fee as herein required, be granted a temporary license to practice until the next ensuing examination for licenses. If the applicant presents himself for examination at the next ensuing time set for

examination, he shall be examined without payment of another application fee; *Provided, however,* That any person who has been duly licensed under the laws of another state, territory, District of Columbia or a foreign country as hereinbefore provided, may upon proof that he has practiced as licensed operator continuously for two years or more, and further compliance with the provisions of this act as hereinbefore set forth, shall be licensed without examination.

Examination.

When examination not required.

SEC. 14. The director of licenses shall have power to revoke any certificate of registration or license granted under this act for (a) conviction of crime; (b) habitual drunkenness; (c) conviction for a violation of any of the criminal laws of the State of Washington; (d) doing work in an unsanitary or filthy manner; (e) unfair or fraudulent advertising, or (f) any violation of the specific provisions of this act; *Provided,* That before any certificate or license shall be revoked the holder thereof shall have written notice of the charge or charges against him and shall at a date specified in said notice, which shall be at least ten days after the service thereof, be given a public hearing and full opportunity to produce testimony in his behalf, and to confront and cross-examine the witnesses or inspect the evidence upon which the charge is founded. A notice in writing signed by the department of licenses and deposited in the post office at the last known business address of the licensee shall be a sufficient notice of the time and place of any such hearing. Any person whose certificate has been so revoked may, after the expiration of ninety days and upon application, have the same re-issued to him without examination, upon satisfactory showing that his disqualification has ceased.

Director may revoke license for certain causes.

Notice of charges.

Hearing.

Revocation.

Re-issuance.

Conducting  
school or  
practicing  
without  
license.

Penalty.

SEC. 15. Any person, firm or corporation who, after the first day of July shall conduct a school of hair-dressing, or beauty culture and any person who shall practice or attempt to practice the occupation of hair-dressing or beauty culture, or who shall hold himself out as practicing such occupation without having at the time of so doing a valid, unrevoked license, and after the first year a valid unexpired license, shall be guilty of misdemeanor. Each act of practicing or attempting to practice hair-dressing or beauty culture in violation of the provisions of this act, shall be deemed a separate offense within the meaning of this act.

Licensed  
barbers not  
affected.

Manicurists.

SEC. 16. Nothing in this act shall be construed as prohibiting or limiting the service or practice of barbers in lawfully carrying on their particular profession or business, nor to prevent licensed barbers from cutting the hair, shampooing or applying tonics to the scalp of any female person, nor to manicurists working under a licensed barber.

SEC. 17. 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.

No repeal of  
other acts.

SEC. 18. This act is not intended as a repeal of any existing law of the State of Washington, and is not to be construed as in derogation thereof; and should any provision of this act be adjudged to be invalid, such adjudication shall not affect the validity of the act as a whole or any part thereof.

Not applic-  
able to  
students.

SEC. 19. Nothing in this act shall be construed so as to apply to *bona fide* students who are practicing the art of beauty culture on or in the vicinity

of the campus of such educational institutions in which they may be registered.

Passed the House February 24, 1927.

Passed the Senate March 7, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 282.

[H. B. 300.]

### TAXATION—LISTING BY MANUFACTURER—EXEMPTION OF GOODS IN TRANSIT.

AN ACT relating to revenue and taxation, and amending section 26 of chapter 130 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 26 of chapter 130 of the Laws of the Extraordinary Session of 1925, pages 241-242, be amended to read as follows:

§ 26, ch. 130,  
L. Ex. Sess.  
1925.

Section 26. Every person who purchases, receives or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials with the view of making gain or profit by so doing shall be held to be a manufacturer, and he shall, when required to, make and deliver to the assessor a statement of the amount of his other personal property subject to taxes, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used in whole or in part in any process or processes of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind and every manufacturer shall list as part of his manufacturer's stock the value of all engines and machinery of

Manu-  
facturer  
defined.

Listing of  
personalty.

Fixtures,  
tools, etc.,  
exempted.

Ore in  
process of  
reduction  
nontaxable.

Goods in  
transit—  
when  
exempt.

every description used or designed to be used in any process of refining or manufacturing except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind, used or designed to be used for the first aforesaid purpose: *Provided, however,* That all ore or metal shipped from without this state to any smelter or refining works within this state while in process of reduction or refinement and for thirty days after the completion of said reduction or refinement, shall be considered and held to be property in transit and nontaxable: *And provided further,* That goods, wares and merchandise manufactured or produced in any of the territories or possessions of the United States situated outside the boundaries thereof and brought into the state for the sole purpose of transportation through and to points without the state, while being so transported, or while held in storage in a public or private warehouse awaiting such transportation, for a period not exceeding six months from the time of entry into the state, shall be considered and held to be property in transit and nontaxable.

Passed the House February 25, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 21, 1927.



## CHAPTER 283.

[H. B. 131.]

SEATTLE AND KING COUNTY AUTHORIZED TO GRANT A  
FRANCHISE FOR CONSTRUCTION OF A TOLL BRIDGE.

AN ACT granting authority to the City Council of any city having a population of over 300,000 and to the County Commissioners of the county in which the city is located to grant a franchise for the construction of a toll bridge over a body of water forming the boundary between the said city and county.

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

SECTION 1. The power and authority is hereby given to the city council of any city having a population of over 300,000, and to the county commissioners of the county in which said city is located, acting concurrently but separately, to grant a franchise to any person, firm or corporation for the construction, maintenance and operation of a toll bridge over a lake between the city and any part of the county not located in the city, or between said city and an island in a lake, when said lake forms a boundary line between said city and county.

Seattle and King county authorized to grant toll bridge franchise.

SEC. 2. The said city council or other governing body of said city of the first class, and the said county commissioners, acting concurrently but separately, may grant such franchise for a period of not exceeding fifty years and may fix the tolls that may be charged by the grantee of the franchise and such franchise shall contain such additional terms, provisions and requirements as shall, in the judgment of the said city council and county commissioners be equitable and in the interests of the public. Tolls so fixed in said franchise shall not be changed except by such department of the State of Washington as has power to fix rates of public utility corporations.

Franchise not exceed 50 years.

May fix tolls.

Changing tolls.

City and county acquire bridge when franchise expires.

SEC. 3. At the expiration of any such franchise, any bridge which may be constructed thereunder shall become the property of the said city and county, free of all indebtedness.

Passed the House February 18, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 284.

[H. B. 175.]

### VEHICLES TO STOP AT INTERSECTING HEAVILY TRAVELED ROADS AND HIGHWAYS.

AN ACT relating to county and township roads intersecting heavily traveled state highways or county roads, providing for the stopping of vehicles traveling thereon, and providing penalty for violation.

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

County or township road intersecting state highway.

Vehicle on county road to stop at intersection.

Commissioners to post notices.

SECTION 1. Whenever any county or township road intersects any heavily traveled state highway or heavily traveled county road, it shall be the duty of all persons driving or operating any vehicle on the intersecting county or township road to bring such vehicle to a complete stop at the point of intersection. The boards of county commissioners of the respective counties shall determine the particular county or township roads of their counties upon which stops shall be made in accordance with the provisions of this act; and upon such determination the said boards shall cause to be posted and maintained on such intersecting county or township road, at a point actually or approximately three hundred feet distant from such heavily traveled state highway or county road, a printed or painted notice, which shall be plainly visible from such intersecting road, to the effect that such heavily traveled state

highway or county road is three hundred feet distant; and shall also cause to be posted and maintained on said intersecting county or township road at the point of intersection, a sign, plainly visible from said intersecting county or township road, upon which shall be printed or painted the word "Stop". All such signs shall be uniform as adopted by the state highway department.

"Stop" signs uniform.

SEC. 2. Any person driving or operating any vehicle upon any county or township road upon which has been posted the "Stop" notice herein provided for, who shall fail to bring the vehicle so driven or operated to a complete stop at the point where such county or township road intersects such heavily traveled state highway or county road, shall be guilty of a misdemeanor.

Failure to stop.

Penalty.

Passed the House February 21, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 285.

[H. B. 197.]

### AGRICULTURAL MARKETING ASSOCIATION.

AN ACT relating to associations for marketing agricultural products and amending section 17, chapter 115, of the Laws of 1921.

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

SECTION 1. That section 17, chapter 115, of the Laws of 1921 be amended to read as follows:

§ 17, ch. 115, L. 1921.

Section 17. Each association formed under this act shall prepare and file in the office of the director of agriculture, an annual report on forms furnished by the director of agriculture, containing the name of the association, its principal place of business and

Annual report to director.

a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock association; the total expenses of operation; the amount of indebtedness or liability, a copy of the current annual audit, which shall be made annually by a competent accountant, and its balance sheets. One copy each of such report shall be filed with the director of agriculture and with the association. In the event such association fails to file copies of such report, as herein provided, or upon demand of one-tenth of the members of an association organized under this act, the director of efficiency is hereby authorized, empowered, and directed to cause an examination and audit to be made of the affairs and books of such association, and to compile the report as in this section provided. When such examination and audit is made by the department of efficiency, a charge of not more than \$15.00 per day and expenses for each examiner shall be made to the association to pay the actual expense of making such examination and audit. One copy each of the examination, audit and report made by the director of efficiency shall be filed with the director of agriculture, department of efficiency and the association.

Failure to file.

Examination and audit by director of efficiency.

Costs of examination.

Passed the House February 8, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 286.

[H. B. 198.]

CONSOLIDATED JOINT SCHOOL DISTRICTS: APPORTIONMENT OF FUNDS.

AN ACT relating to consolidated joint school districts, and amending Sections 8 and 11, of Chapter 77, of the Laws of Extraordinary Session of 1925.

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

SECTION 1. That section 8 of chapter 77 of the Laws of Extraordinary Session of 1925 be amended to read as follows: § 8, ch. 77,  
L. Ex. Sess.  
1925.

Section 8. It shall be the duty of the assessor of each county, a portion of which is included within a joint consolidated district, to annually certify to the board of county commissioners of the county, the aggregate assessed value of all the taxable property in such county situated in such school district as appears from the last assessment roll of his county. Duty of  
county  
assessor.  
  
Taxable  
property  
certification.

SEC. 2. That section 11, of chapter 77, of the Laws of the Extraordinary Session of 1925, be amended to read as follows: § 11, ch. 77,  
L. Ex. Sess.  
1925.

Section 11. Each of said consolidated joint school districts shall be apportioned and receive from the current state school funds, through the county in which the largest school of such district is located, funds upon the same basis, at the same time and in the same manner as is provided by law for consolidated school districts and for the purpose of taking record of attendance, issuing of warrants, approval of building plans, segregation of estimates and other matters of administration, the consolidated joint district shall be considered as belonging to the county in which the largest school is situated. In the apportionment of county funds the joint Apportionment of state  
school funds.  
  
Basis.  
  
Apportionment of  
county  
funds.

Attendance  
credit.

Basis.

Classifying  
schools of  
district.

"Unit  
school."

"Joint  
school."

Teachers'  
apportion-  
ment credit.

consolidated districts shall draw its regular attendance credit from each county on the basis of pupils residing therein, which attendance credit shall be determined upon the same basis as is provided by law for consolidated school districts. In determining the number of teachers to be allotted to each county for purposes of apportionment of county funds the schools of the district shall be classified as joint schools and unit schools. A unit school shall be one wherein all the pupils are resident of the county in which such school is located, and a joint school shall be one in which there are pupils from more than one county. The teachers of each unit school shall draw apportionment credit from the county in which such school is located. The total number of teachers of joint schools shall be divided by the number representing the proportion of pupils in average daily attendance in joint schools from each county to the total number of pupils in average daily attendance in all joint schools of the district. The number of teachers of joint schools for purposes of apportionment in each county shall be the nearest integral number to the result so obtained; *Provided*, That if the joint district shall employ only one teacher such teacher shall, for the purposes of county apportionment, be allotted to the county to which the district belongs for apportionment of state funds.

Passed the House February 8, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 287.

[H. B. 201.]

GARNISHMENT: EXEMPTIONS.

AN ACT relating to the exemption of wages or salary, for personal services, from garnishment, amending Section 23 of Chapter LVI of the Laws of 1893, and repealing certain acts.

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

SECTION 1. That section 23 of chapter LVI (56) of the Laws of 1893, page 102, (section 703 of Remington's Compiled Statutes; section 8022 of Pierce's 1919 Code) be amended to read as follows:

Statute amended.

Section 23. Twenty dollars out of each week's wages or salary for personal services, rendered by any person having a family dependent upon him for support, shall be exempt from garnishment, whether such wages or salary are paid, or to be paid, weekly, biweekly, monthly, or at other intervals, and whether there be due the defendant wages for one week or a longer period: *Provided*, That no money due or earned as wages or salary shall be exempt from garnishment in lieu of any other property.

Wages exempt from garnishment.

SEC. 2. That chapter XXIV (24) of the Laws of 1897, page 24; chapter CXXXIX (139) of the Laws of 1901, pages 294-295, and chapter 210 of the Laws of 1907, page 477, are hereby repealed.

Passed the House March 9, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 288.

[H. B. 202.]

## STATE FORESTS—REFORESTATION.

AN ACT relating to and providing for the acquiring, seeding, reforestation and administration of lands for state forests, creating a state forest board, defining its powers and duties, providing penalties and amending Sections 1 and 2, of Chapter 154, of the Laws of 1923, and by adding thereto two new sections to be known as sections 3-a and 3-b.

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

SECTION 1. That section 1, of chapter 154 of the Laws of 1923 be amended to read as follows:

Section 1. There is hereby created a state forest board to consist of the governor, commissioner of public lands, dean of forestry of the University of Washington, all *ex-officio* members, and four electors of the State of Washington, one of whom shall reside west of, and one east of the Cascade range of mountains and two of whom shall be recommended for appointment by the dean of the college of agriculture of the Washington state college and the Washington forest fire association, respectively. The member recommended by the dean of the college of agriculture of the Washington state college shall be an elector engaged in agricultural pursuits and the one recommended by the Washington forest fire association shall be a member of said association.

Vetoed.

All members of said board, except the *ex-officio* members shall be appointed by the governor for a term of four years, and until their successors are appointed and accept the appointment. Names of persons recommended by the dean of the college of agriculture of the Washington state college and the Washington forest fire association shall be accep-



table to the governor who, in his discretion, may reject any such name or names and request additional recommendations before making appointment.

The first appointment of the member recommended by the dean of the college of agriculture, of the Washington state college and the Washington forest fire association as above provided shall be made within thirty days after this act becomes effective, and shall be for a term expiring January 31, 1928, and the first appointment of the other appointed members of the board shall be for terms expiring January 31, 1930.

In the absence of recommendations as above provided from the dean of the college of agriculture of the Washington state college and/or the Washington forest fire association, the governor shall appoint any other qualified person or persons. In event a vacancy occurs in any appointive membership in said board such vacancy shall be filled by appointment by the governor for the unexpired term, *Provided* That in case of a vacancy in the position held by the person recommended by the dean of the college of agriculture of the Washington state college or in the position held by a member of the Washington forest fire association, the secretary of the board shall forthwith notify the said dean or the association and either the said dean or the said association shall within thirty days recommend a person, satisfactory to the governor and qualified under this act to fill the vacancy, and the governor shall appoint such person to such vacancy. If no name is submitted to the governor within said thirty day period, the governor shall name any person qualified under this act to fill such vacancy. The first appointments to said board shall be made by the governor within sixty days after this act takes effect and the first meeting of said board shall be called by the secretary and be held at the state

Vetoed.

Vetoed. { capitol within ninety days after this act takes effect. The governor shall be chairman 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. The supervisor of forestry of the State of Washington shall be secretary of said board. 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.

§ 2, ch. 154,  
L. 1923.

SEC. 2. That section 2, of chapter 154 of the Laws of 1923, be amended to read as follows:

First  
meeting.

Section 2. Within ninety (90) days after the taking effect of this act, the supervisor of forestry of the State of Washington, 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.

Special  
meetings.

§§ 3a, 3b,  
ch. 154,  
L. 1923.

SEC. 3. That chapter 154 of the Laws of 1923 be amended by adding thereto two sections to be known as sections 3-a and 3-b as follows:

Natural re-  
forestation  
of lands  
acquired  
by state.

Section 3-a. Any lands acquired by the state under the provisions of chapter 154, Laws of 1923, or any amendments thereto, shall be logged, protected and cared for in such manner as to insure natural reforestation of such lands, and to that end the state forest board shall have power, and it shall be its duty to make rules and regulations, and amendments thereto, governing logging operations on such areas, and to embody in any contract for the sale of timber on such areas, such conditions as it shall deem advisable, with respect to methods of logging, disposition of slashings, and debris, and pro-

Logging  
operations.

Slashings.

tection and promotion of new forests. All such rules and regulations, or amendments thereto, shall be adopted by majority vote of the state forest board by resolution and recorded in the minutes of the board, and shall be promulgated by publication in one issue of a newspaper of general circulation published at the state capitol, and shall take effect and be in force at the time specified therein. Any violation of any such rules and regulations shall be a gross misdemeanor.

Board adopt rules.

Publication.

Penalty for violating rules.

Section 3-b. Any lands heretofore acquired, or which may hereafter be acquired, by any county through foreclosure of tax liens, or otherwise, may be offered by such county to the State of Washington for forest lands, and if such lands come within the classification of lands described in section 3 of chapter 154, Laws of 1923, the state forest board may select any or all of the lands so offered to become a part of state forest lands; and upon such selection by the state forest board the board of county commissioners is authorized to deed such lands to the State of Washington for state forest lands; and upon such deed being made the commissioner of public lands shall be notified and enter and note upon the records of his office such lands in accordance with the provisions of section 9 of chapter 154, Laws of 1923.

Lands acquired by county.

Deeded to state for state forest lands.

Recorded in land office.

Such lands shall be held in trust and administered and protected by the said board under the provisions of chapter 154, Laws of 1923, or any amendments thereto. Any monies derived from the lease of such lands or from the sale of forest products, oils, gases, coal, minerals or fossils therefrom, shall be distributed as follows:

Lands held in trust by board.

Disposition of proceeds from such lands.

(a) The expense incurred by the state for administration, reforestation and protection, shall be returned to the general fund of the state treasury.

Return to general fund for expenses.

Forest  
development  
fund.

(b) Ten per centum thereof shall be placed in the forest development fund of the state treasury.

Balance to  
county.

(c) Any balance remaining shall be paid to the county in which the lands are located to be paid, distributed and pro-rated to the various funds in the same manner as general taxes are paid and distributed during the year of such payment.

Passed the House March 9, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor, with the exception of section 1, which is vetoed, March 21, 1927.

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## CHAPTER 289.

[H. B. 205.]

### POWERS AND DUTIES OF DIRECTORS OF SCHOOL DISTRICTS OF THE SECOND AND THIRD CLASS.

AN ACT relating to powers and duties of directors of school districts of the second and third class in relation to buildings, and amending section 4819 of Remington's Compiled Statutes.

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

SECTION 1. That section 4819 of Remington's Compiled Statutes be amended to read as follows:

Section 4819. The board shall build or remove schoolhouses and teachers' cottages, purchase or sell lots or other real estate when directed by a vote of the district to do so and where the district shall possess a schoolhouse upon a site owned by such district the board may by unanimous vote of all the members thereof purchase or lease additional real estate adjacent to such site; *Provided*, That a schoolhouse, or other building, already built on a site which has been selected by a majority vote of the legal school electors of a district shall not be removed to a new site without a two-thirds vote of the school electors voting at an annual or special elec-

§ 5023,  
Pierce's  
Code.

Schoolhouses  
and teach-  
ers' cottages.

May build  
or remove.

Purchase  
and lease  
real estate.

Change of  
school site.

tion; nor shall a schoolhouse site that has been selected by a majority vote of the legal school electors, but upon which no schoolhouse has been built, be changed except by a two-thirds vote of the legal school electors voting at an annual or special election as hereinbefore provided.

SEC. 2. That section 4835 of Remington's Compiled Statutes be amended to read as follows:

§ 5039,  
Pierce's  
Code.

Section 4835. The board shall build or remove schoolhouses and teachers' cottages, purchase or sell lots or other real estate, when directed by a vote of the district to do so; *Provided*, That a schoolhouse, or other building, already built on a site which has been selected by a majority vote of the legal school electors of a district shall not be removed to a new site without a two-thirds vote of the school electors voting at an annual or special election; nor shall a schoolhouse site that has been selected by a majority vote of the legal school electors, but upon which no schoolhouse has been built, be changed except by a two-thirds vote of the legal school electors voting at an annual or special election as hereinbefore provided.

Build and  
remove  
schoolhouses  
and teachers'  
cottages; purchase  
and  
sell realty.

Election to  
change site  
or remove  
schoolhouse.

Passed the House February 17, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 290.

[H. B. 223.]

RE-ASSESSMENT AND RE-TAXATION WHERE TAX  
ADJUDGED VOID.

AN ACT providing for the re-assessment and re-taxation of property where any tax or portion of tax thereon, has been adjudged void, repealing Section 108, Chapter 130, Laws Extraordinary Session of 1925, relating to assessment, levy and collection of taxes, and declaring that this act shall take effect immediately.

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

SECTION 1. If any tax or portion of any tax heretofore or hereafter levied on any property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous proceeding connected with either the assessment, listing, equalization, levying or collection thereof, or failure of any taxing, assessing or equalizing officer or board to give notice of any hearing or proceeding connected therewith, or, if any such tax or any portion of any such tax heretofore or hereafter levied has heretofore or is hereafter recovered back after payment by reason of any such erroneous proceedings, the amount of such tax or portion of such tax which should have been paid upon such property except for such erroneous proceeding, shall be added to the tax levied on such property for the year next succeeding the entry of final judgment adjudging such tax or portion of tax to have been void. If any tax or portion of a tax levied against any property for any year has been, or is hereafter adjudged void because of any such erroneous proceeding as hereinbefore set forth, the county and state officers authorized to levy and assess taxes on said property shall proceed, in the year next succeeding, to relist and re-assess said property and to re-equalize such as-

Failure to collect tax.

Tax recovered back because of erroneous proceedings.

To be added to tax levy of following year.

Tax void because of error.

Relisting of property.

assessment, and to re-levy and collect the taxes thereon as of the year that said void tax or portion of tax was levied, in the same manner, and with the same effect as though no part of said void tax had ever been levied or assessed upon said property: *Provided*, That such tax as re-assessed and re-levied shall be figured and determined at the same tax-rate as such erroneous tax was or should have been figured and determined, and in paying the tax so re-assessed and re-levied the tax payer shall be credited with the amount of any taxes paid upon property re-taxed for the year or years for which the re-assessment is made.

Re-levy and collection following year.

Re-assessment and re-levy computed at same tax rate as erroneous tax.

Credit for taxes paid.

SEC. 2. That section 108, chapter 130, Laws Extraordinary Session of 1925, is hereby repealed.

§108. ch. 130,  
L. Ex. Sess.  
1925.

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 House February 7, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 291.

[S. H. B. 225.]

### GAME CODE: LICENSE TO KILL ELK.

AN ACT relating to game animals, providing for the issuance of special licenses for the killing of elk in certain localities and the disposition of license fees.

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

SECTION 1. It shall be lawful for any citizen of the State of Washington having first procured a special annual license therefor, issued by the game commission, of any county lying east of the summit of the Cascade mountains and north and west of the

Special annual license to kill elk.

See § 57.  
ch. 178, L.  
Ex. Sess.  
1925.

Columbia river, and south of the Wenatchee range of mountains, and paying therefor a fee of five dollars, to kill one elk in such counties, and in any county lying south of the Snake river, one antlered male elk, between the 20th day of October and the first day of November, in the years 1927 and 1928.

Disposition  
of license  
fees.

One-half of the fees collected under the provisions of this act shall be paid into the county game fund of the county in which the license is issued, and the other one-half into the state game fund.

Passed the House March 3, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 292.

[H. B. 239.]

### PROTECTION OF TREES, PLANTS, ETC.

AN ACT to protect forest, agricultural, horticultural, ornamental and floral trees, shrubs and plants, and the products thereof in the State of Washington, from the ravages of diseases and insects and animal or weed pests injurious thereto or destructive thereof; to prevent the introduction into this state or the spread within this state of such diseases and insect and animal or weed pests; and providing penalties for violation thereof, and repealing Chapter 105 of the Session Laws of 1921.

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

Authority  
for protec-  
tion.

SECTION 1. The forest, agricultural, horticultural, ornamental and floral trees, shrubs, and plants in the State of Washington, and the products thereof shall be preserved and protected from the ravages of diseases, insects, and animal and weed pests injurious thereto and destructive thereof.

SEC. 2. The director of agriculture by and with the approval of the governor may after investigation establish, maintain and enforce such obligatory



quarantine regulations as may be deemed necessary to protect the forest, agricultural, horticultural, ornamental and floral trees, shrubs and plants, and the products thereof in the State of Washington, against contagion or infestation by injurious plant disease insects, or animal or weed pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, any and all such obligatory rules and regulations as may be deemed necessary to prevent any infected or infested forest, agricultural, horticultural, ornamental and floral trees, shrubs, and plants, and the products thereof in the State of Washington from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such director or by horticultural or other inspectors thereto appointed, and he and the inspectors so conducting such inspection shall not permit any such article to pass over such quarantine line during such quarantine, except upon a certificate of inspection, signed by such director or in his name by such inspector who has made such inspection. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said director before such approval shall take effect.

Quarantine regulations.

SEC. 3. Upon information received by such director of the existence of any infectious plant disease, insect or other animal or weed pest, dangerous to any plant or commodity or to the interests of the plant industry of this state, or that there is a probability of the introduction of any such infectious plant disease, insect or other animal or weed pests into

Investigation.

Enforcement  
of quaran-  
tine.

this state or across the boundaries thereof, he shall proceed to thoroughly investigate same and may establish, maintain and enforce quarantine as hereinbefore provided, and may make and enforce such regulations as are in his opinion, necessary to circumscribe and exterminate such infectious plant diseases, insect or other animal or weed pests and prevent the spread thereof. Such director may disinfect, or take such other action with reference to any trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or any crops or crop products, and any containers thereof, and any packing material used therewith infested or infected with, or which, in his opinion may have been exposed to infection or infestation by, any such infectious plant diseases, insect or other animal or weed pests, as in his discretion shall seem necessary to carry out and give effect to the provisions of this act. Such director, his deputies and inspectors are hereby authorized to enter upon any ground or premises to inspect the same or to inspect any tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seed, vegetable, or other article of horticulture or implement thereof or box or package or packing material pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business all acts and things necessary to carry out the provisions of this act. The said director shall at once notify the governor of all quarantine lines established under or pursuant to this act, and if the governor approve or shall have approved of the same or any portion thereof, the same shall be in effect and the Governor may issue his proclamation proclaiming the boundaries of such quarantine and the nature thereof, and the order, rules or reg-

Inspection.

Quarantine  
proclamation  
by governor.

ulations prescribed for the maintenance and enforcement of the same, and may publish said proclamation in such manner as he may deem expedient to give proper notice thereof.

All orders, rules and regulations issued by the director of agriculture pursuant to this act shall have the force and effect of law.

Rules of  
director as  
law.

SEC. 4. Each carload, case, box, package, crate, bale or bundle of trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, or fruit or vegetables or seed, imported or brought into this state, shall have plainly and legibly marked thereon in a conspicuous manner and place the name and address of the shipper, owner or owners or person forwarding or shipping the same, and also the name of the person, firm, or corporation to whom the same is forwarded or shipped, or his or its responsible agents, also the name of the country, state or territory where the contents were grown, and a statement of the contents therein.

Importation  
regulations.

SEC. 5. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, fruit, fruit-pits, vegetables, or seed, or any other horticultural or agricultural product passing through any portion of the State of Washington in transit, is infested or infected with any species of injurious insects, their eggs, larvae, pupae or animal or plant disease, or weed pest, which would cause damage, or be liable to cause damage to the forests, orchards, vineyards, gardens, or farms of the State of Washington, or which would be, or liable to be, detrimental thereto or to any portion of said state, or to any of the forests, orchards, vineyards, gardens or farms within said state, and there exists danger of dissemination of such insects or disease or weed pest while such shipment is in transit in the State of Washington, then such shipment shall be placed

Regulations  
on intra-  
state ship-  
ments.

within sealed containers, composed of metallic or other material, so that the same cannot be broken or opened, or be liable to be broken, or opened, so as to permit any of the said shipment, insects, their eggs, larvae, or pupae or animal or plant disease to escape from such sealed containers and the said containers shall not be opened while within the State of Washington.

Shipments  
in transit.

Inspection  
regulations.

Notice by  
carrier.

SEC. 6. Whenever the director of agriculture declares, promulgates and issues quarantine measures, orders or regulations against any part or portion of this state or any other state or country or section thereof, for the protection of any forest, agricultural, horticultural, ornamental or floral trees, shrubs, or plants, and there shall be received in this state, any forest, agricultural, horticultural, ornamental or floral trees, shrubs, or plants, or the raw products thereof, from any part or portion of this state, or any other state or country or section thereof, against which the quarantine has been issued as to such commodity, it shall be the duty of the person, or the official of the carrier having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state, showing that the same was inspected and approved at the initial point of shipment, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the name of the consignor and consignee and stating that such shipment is ready for inspection and delivery. Said notification shall be either by telephone or telegraph, and confirmed by written notice delivered personally to said inspector or to some person of suitable age and discretion at his residence or office, or by mail addressed to said inspector at his place of residence or at his

office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any other person until the same shall have been inspected by a horticultural inspector; *Provided, however,* That such agent shall not be required to hold such shipment more than forty-eight hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event, such shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for delivery of mail to the address of the inspector. Upon the delivery to the consignee of a shipment accompanied by a certificate of inspection as aforesaid, the agent or person making the delivery shall retain the certificate of inspection showing his authority for releasing the same.

Period  
shipment  
may be  
held.

Certificate of  
inspection to  
consignee.

SEC. 7. Every person who shall violate or fail to comply with any rule or regulation adopted and promulgated by the director of agriculture in accordance with and under the provision of this act shall be guilty of a misdemeanor, and for a second and each subsequent violation or failure to comply with the same rule or regulation, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than \$100.00, or more than \$1,000.00 or both such fine and imprisonment.

Depart-  
mental rules  
violated.

Penalty.

SEC. 8. This act shall not be construed as repealing or limiting any of the provisions of existing laws relating to the establishment and enforcement of quarantines within the state, but shall be deemed to be supplemental thereto.

Saving  
clause.

Quarantines.

SEC. 9. That chapter 105 of the Laws of 1921, pages 308-313, is hereby repealed.

Statute  
repealed.

Passed the House February 9, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 293.

[S. H. B. 245.]

## CONSOLIDATION OF CERTAIN MUNICIPAL CORPORATIONS.

AN ACT relating to the consolidation of certain cities and amending Sections 8909 and 8910 of Remington's Compiled Statutes of Washington and declaring an emergency.

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

SECTION 1. That section 8909 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 8909. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this chapter. The council or other legislative body, of either of such corporations, shall upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, within ninety days after receiving such petition, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other of such corporations which notice shall designate the name of a proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper, printed and published in such corporations, for a period of four weeks prior to such election. Such

Sec. 647,  
Pierce's  
Code.

Procedure  
for con-  
solidation of  
municipal  
corporations.

Petition.

Election.

Publication  
notice.

notice shall distinctly state the proposition to be submitted, the names of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For consolidation," or "Against consolidation," or words equivalent thereto. In case either or both of such corporations are operating under the commission form of government there shall also be submitted at such election the question of the form of government under which the new corporation shall be organized and operated, and the electors shall be invited to vote upon such proposition by placing upon their ballots the words, "For commission form of government," or the words, "For councilmanic form of government," or words equivalent thereto.

Ballots.

Commission  
or council-  
manic  
government.

SEC. 2. That section 8910 of Remington's Compiled Statutes of Washington be amended to read as follows:

Sec. 647  
Pierce's  
Code.

Section 8910. The legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population, as shown by the last state census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention was held, to make a certified abstract of such vote, which abstract shall

Votes  
canvassed.Abstract  
of vote.

show the whole number of electors voting at such election in each of such corporations the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. In case the question of form of government has been submitted to the electors the votes on said proposition shall be canvassed in like manner as to the vote in each of said corporations and the result of such canvass shall be included in the said certified abstract. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations, and immediately upon the record thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk of each of such legislative bodies, to transmit to the secretary of state a certified copy of such abstract. Immediately after such filing the legislative body of that one of such corporations having the greatest population, as shown by the last state or national census shall call a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class and form of government to which such new corporation shall belong; which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof and cause the same to be entered upon their journal. Provided that if the next regular election of officers in cities of the class and form of government of such new corporation will be held within one year and not less than two months from the date of said consolidation election then the officers of such new corporation shall be elected at the said next regular election.

Abstract  
filed.

Special  
election for  
officers.

When officers  
not elected  
until next  
general  
election.



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

Passed the House March 3, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 294.

[H. B. 260.]

### SALE OF CONVICT-MADE GOODS.

AN ACT relating to the sale and exposure and display for sale of convict-made goods, wares and merchandise.

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

SECTION 1. No person, firm or corporation shall within this state, sell or offer, keep, expose, or display for sale any goods, wares or merchandise, made wholly or in part by convict labor in any penitentiary, prison, reformatory or other establishment outside the State of Washington in which convict labor is employed, unless such commodity has first in accordance with the rules and regulations of the state department of health, been properly disinfected and unless such convict-made goods, wares or merchandise offered, kept, exposed or displayed for sale are permanently, plainly and legibly labeled with the words, "These goods are convict-made" in plain, bold letters, followed by the name of the penitentiary, prison, reformatory or other establishment in which the goods, wares or merchandise were made; *Provided*, That when advertised in any periodical or publication the wording herein required shall appear in type and/or letters conforming in size and shape to those used in the general text of said periodical or publication.

May not sell convict-made goods until disinfected and labeled.

Advertising to disclose goods convict-made.

Violation.      SEC. 2. Any person, firm or corporation who shall sell or keep, offer, expose or display for sale any convict-made goods, wares or merchandise which shall not have been first disinfected as in this act required, or without exhibiting the label in this act required in the manner provided herein, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty.      SEC. 3. Adjudication of invalidity of any of the sections of this act or any part of any section thereof, shall not affect or impair the validity of any other of said sections or remaining part of any of said sections.

Partial  
invalidity.

Passed the House March 9, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 295.

[H. B. 264.]

### EXTERMINATION OF PREDATORY ANIMALS—BOUNTIES— ACCREDITED HUNTERS.

AN ACT relating to, and providing for the extermination of predatory animals, defining the powers and duties of certain officers in relation thereto, making appropriations, and repealing certain acts.

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

Authority to  
appoint  
"accredited  
hunters" to  
exterminate  
predatory  
animals.

SECTION 1. The director of agriculture is authorized and directed to, from time to time, appoint and employ such number of persons skilled in hunting, trapping and killing predatory animals as he shall deem advisable, to be known as "accredited

hunters," to, in cooperation with the United States bureau of biological survey, carry on the work of exterminating predatory animals in this state, and fix their compensation, not to exceed one hundred twenty-five dollars (\$125) per month, and bonuses for predatory animals killed as follows: For coyotes, bobcats and for other predatory animals such sums as may be approved by the director of agriculture and the officers of the United States bureau of biological survey having charge of the extermination of predatory animals in this state.

Cooperate with U. S.

Compensation and bonuses.

SEC. 2. All hides or pelts of predatory animals killed by accredited hunters, shall be turned over to the director of agriculture who shall, from time to time, sell and dispose of the same, either at public auction, or at private sale, for their reasonable market value, and all sums received from such sale shall be paid into the state treasury, and credited to a special fund to be known as "the predatory animal fund," to be used exclusively for the extermination of predatory animals as provided in this act.

Sale of hides or pelts by agriculture director.

Proceeds to predatory animal fund.

SEC. 3. For the purpose of carrying out the provisions of this act, including salaries and wages of accredited hunters, and clerical assistance, and all expenses necessary for supplies and materials, including traps and poisons, there is hereby appropriated from the general fund in the state treasury the sum of fifty thousand dollars (\$50,000.00), or as much thereof as may be necessary, and there is hereby appropriated from the predatory animal fund in the state treasury the sum of twenty-five thousand dollars (\$25,000), not however, to exceed collections.

Appropriation from general fund.

From predatory animal fund.

Passed the House March 4, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 296.

[H. B. 266.]

NEGOTIABLE INSTRUMENTS MADE OR INDORSED BY  
AGENTS—NOTICE.

AN ACT relating to bank checks and other negotiable instruments drawn, made or endorsed by agents and amending Chapter 54 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That chapter 54 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Section 1. Where a check or other negotiable instrument is drawn, made or endorsed in the name of or for a corporation, firm, association, estate or person hereinafter called principal by an officer, trustee, attorney or other agent or fiduciary, hereinafter called agent, to the personal order of such agent as payee or endorsee or to the order of a bank in which such agent keeps a personal account or to the order of any third person neither the fact that such check or other negotiable instrument is so drawn or endorsed, or is paid by the drawee, or is deposited in the personal account of such agent or is given by him or its proceeds used in payment of his private debt to the bank in which deposited or to any other person or is negotiated by him in any personal transaction shall singly or collectively be sufficient to put the depositary or drawee bank or any other person, bank, firm or corporation upon inquiry as to the authority of such agent or constitute notice of an infirmity in the check or other negotiable instrument or defect in the title of the agent, in the absence of actual knowledge upon the part of such bank or person that such check or other negotiable

Ch. 54, L.  
Ex. Sess.  
1925.

Drawn in  
name of  
principal  
by agent to  
order of  
agent.

Notice to  
bank.

instrument was drawn, endorsed, negotiated, deposited or paid without the authority of the principal.

Passed the House March 1, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 297.

[H. B. 270.]

### FAMILY DESERTION.

AN ACT relating to family desertion and amending Section 6909 of Remington's Compiled Statutes.

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

SECTION 1. That section 6909 of Remington's  
Compiled Statutes be amended to read as follows:

Sec. 8829,  
Pierce's  
Code.

Section 6909. In any case enumerated in the previous section, the court may render one of the following orders:

Desertion of  
family.

1st: Should a fine be imposed it may be directed by the court to be paid in whole or in part to the wife, or to the guardian, or to the custodian of the child or children, or to an individual appointed by the court as trustee.

Fine  
payable to  
family.

2nd. The court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power, either before or after trial, conviction, or sentence, to make an order, with the consent of the defendant, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the court may direct, to the wife or to the guardian, or custodian of the minor child or children, or to an individual appointed by the court, and to release the defendant from custody or probation during such time as the court may direct.

Order of  
court for  
weekly pay-  
ments to  
family  
during  
suspension  
of sentence.

Bond for  
payment.

upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance to be such that if the defendant shall make his or her appearance in court whenever ordered to do so, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise to remain in full force and effect.

Violation  
of order.

Original  
sentence  
enforced.

Bond  
forfeited  
and paid  
to family.

If the court be satisfied that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, information or complaint, or sentence, or under the original conviction, or enforce the original sentence as the case may be, in addition to declaring a forfeiture of the defendant's recognizance. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children upon such terms or conditions as may to the court be just and proper.

Defendant  
employed  
upon public  
work of  
county.

Payment to  
family for  
work per-  
formed by  
defendant.

3rd. Where conviction is had and sentence to imprisonment in the county jail is imposed, the court may direct that the person so convicted shall be compelled to work upon the public roads or highways or any other public work, in the county where such conviction is had, during the time of such sentence. And it shall be the duty of the board of county commissioners of the county where such conviction and sentence is had, and where such work is performed by persons under sentence to the county jail, to allow and order the payment, out of the current fund, to the wife, or to the guardian, or the custodian of the child or children, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such wife, child, or chil-

dren, ward or wards, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

4th. Whenever, during the pendency of such proceedings, it shall appear to the court that any moneys are due the defendant from any person, firm, or corporation, or that any person, firm, or corporation has funds or property of the defendant in his or its possession, the court may, upon application of the prosecuting attorney, enter an order requiring such person, firm, or corporation, to appear and answer, under oath, as to such moneys or property and if it appear at such hearing that such moneys or property should be applied to the support of said defendant's family, the court may enter judgment against the said person, firm, or corporation for the amount he or it was indebted to said defendant at the time of service of said order. If it appears that said person, firm, or corporation is not indebted to the defendant but at the time of service of said order upon it or at the time of judgment he or it has or had personal effects of the defendant in his or its possession, the court may make an order requiring said person, firm, or corporation to deliver up to the sheriff on demand such personal property or effects or so much as may be required for the support of the defendant's said family or dependants and said property and effects shall thereupon be sold by the sheriff as other chattels on execution and the proceeds of said sale applied to the support of the said dependants of said defendant. The provisions of this subdivision shall be ancillary to and may be invoked in addition to the remedies provided in subdivisions one (1), two (2) and three (3) of this section.

Proceedings pending.

Money due defendant or property delivered to sheriff for family.

Sale of personalty for family's support.

Passed the House February 28, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 298.

[H. B. 281.]

## REGULATION OF TAKING OF CRABS.

AN ACT regulating the taking of crabs and amending Section 5755, Remington's Compiled Statutes.

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

SECTION 1. That section 5755 of Remington's Compiled Statutes, be amended to read as follows:

Section 5755. It shall be unlawful for any person, firm or corporation to take or have in their possession for the purpose of selling or canning any female crab whatsoever or any male crab measuring less than six and one-quarter inches across its back immediately in front of the points or to take or fish from any of the waters of the state or have in its possession after the same has been taken, for the purpose of selling or canning any crab, during the months of June, July, August and September of each year: *Provided*, That any such person who has a crab in his possession caught during the month of May may retain the same in his possession lawfully until the fifth day of June thereafter: *Provided*, That nothing in this section shall prevent the taking of crabs for the consumption of the taker or his family or guests, at all times without a license, and it shall be unlawful for any person, firm or corporation to take or catch any crabs with beam trawl or drag seine: *Provided*, That it shall be unlawful for any person taking crabs for the consumption of himself or his family or guests to take or have in his possession more than twenty-four crabs in any one day: *And provided further*, That any such person taking crabs for the consumption of himself or his family or guests shall be subject to the above restric-

Sec. 2510,  
Pierce's  
Code.

Taking or  
fishing for  
crabs during  
closed  
season un-  
lawful.

May take  
for family  
consump-  
tion.

Number  
limited.

Restriction  
as to sex and  
size of crabs.



tions with respect to sex and minimum length of crabs.

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

Prohibited devices.

Passed the House February 21, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 299.

[H. B. 282.]

### FOOD AND SHELL FISH—POLLUTION OF WATERS.

AN ACT relating to the preservation, protection and perpetuation of food fishes and shellfish, prohibiting the pollution of waters, defining the duties of certain state officers in connection therewith and amending Section 5734, Remington's Compiled Statutes, as amended by Section 7, Chapter 90, Laws of 1923.

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

SECTION 1. That section 5734 of Remington's Compiled Statutes, as amended by section 7, chapter 90, Laws of 1923, be amended to read as follows:

Sec. 2490  
Pierce's  
Code.

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, coculus indicus, or any chemical substance, except coal mine waste or drainage, in quantities sufficient in the judgment of the state fisheries board and the state board of health to injuriously affect, destroy or diminish the growth of the plankton, benthos or algae or the fish and shellfish inhabiting such waters or impair the

Polluting  
waters  
unlawful.

Investigation and report by health department.

May promulgate regulations.

Publication of rules.

Construction of regulations plead by title and number.

Permit for sawing of logs in waters.

supply thereof. It shall also 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 refuse or waste material, substance or matter at any time whatsoever which may be determined by the state board of fisheries to be deleterious to fish or shellfish. The state board of health shall cooperate with the state fisheries board in the making of its said determination. The state fisheries board shall have the right to call upon the department of health for such investigation and report as may be necessary from time to time concerning the effect upon aquatic life of various kinds of refuse and waste materials, substances or matters to the end that it may from time to time, as warranted by conditions, promulgate rules and regulations prohibiting the deposit in the waters of the state, either fresh or salt, of such refuse or waste materials, substances or matters as may be deleterious in their effect upon fish and shellfish. The rules and regulations shall be promulgated and published in the manner now or hereafter prescribed for the promulgation and publication of its rules and regulations relating to the taking of food fish and they shall constitute *prima facie* evidence that the refuse or waste materials, substances, or materials therein declared to be deleterious are in fact deleterious to fish and shellfish inhabiting the waters. In any action or proceeding involving the validity or construction of any such rule or regulation it shall be competent to plead the same by title and number and to prove the same by the introduction of a true and correct copy thereof, duly certified by the secretary of the state fisheries board. The director of fisheries and game, through the supervisor of fisheries, with the approval of the state fisheries board, 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 fish and shellfish. Before any industrial or manufacturing concern the construction and operation of whose plant will necessitate the dumping of refuse or waste materials, substances or matters into any waters of this state, either fresh or salt, shall proceed with construction and operation, it shall submit for the approval of the director of fisheries and game, through the supervisor of fisheries, and the director of health, detailed plans for the disposal of its refuse or waste materials, substances or matters, and if such plans do not in the judgment of the supervisor of fisheries and director of health make adequate and effective provision for safeguarding fish and shellfish in such waters, the said supervisor of fisheries and director of health shall disapprove the same and it shall be unlawful for the person, firm or corporation to proceed with the operation of its said plant until the plans are revised in such manner as to meet the objections of the supervisor of fisheries and director of health. Any person, firm or corporation feeling himself or itself aggrieved by any order or ruling of the supervisor of fisheries and the director of health disapproving the detailed plans for disposal of refuse or waste materials, substances or matters submitted by an industrial or manufacturing concern as above provided, shall have the right of appeal from such order or ruling to the superior court of the county in which the plant of such industrial or manufacturing concern is situated, in the manner provided by law for taking appeals from justices courts, and upon such appeal being taken and perfected, the same shall be set for hearing and heard by the judge of said court, *de novo* without a jury and at the conclusion of the hearing the judge shall enter an order approving the plans submitted, or modifying and approving such plans, or disapproving the same, as

Permit for  
manufac-  
tories to  
dump waste  
materials  
into waters.

Appeal  
from order.

Hearing.

may to the judge seem necessary for the protection of the public health and the fish and shellfish inhabiting the waters of this state.

Passed the House February 24, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 300.

[H. B. 292.]

### INSURANCE CODE—GROUP LIFE INSURANCE.

AN ACT relating to insurance and amending Article III, Title XLV, of Remington's Compiled Statutes, by adding five new sections 7242-1, 7242-2, 7242-3, 7242-4 and 7242-5.

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

SECTION 1. That article III, title XLV of Remington's Compiled Statutes be amended by adding thereto five new sections to be known as sections 7242-1, 7242-2, 7242-3, 7242-4 and 7242-5.

Section 7242-1. Group life insurance is hereby declared to be that form of life insurance covering not less than twenty-five employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and the employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than employer: *Provided, however,* That when the premium is to be paid by the employer and employees jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured.

Secs. 3131-1,  
3131-2,  
3131-3,  
3131-4,  
3131-5  
Pierce's  
Code.

Group life  
insurance on  
employees.

Premium  
payable by  
employer and  
employees.

Minimum  
must insure.

Section 7242-2. No policy of group life insurance shall be issued or delivered in this state unless and until a copy of the form thereof has been filed with the state insurance commissioner and formally approved by him; nor shall such policy be so issued or delivered unless it contains in substance the following provisions:

Approval by insurance commissioner.

Provisions of policy :

(1) A provision that the policy shall be incontestable after two years from its date of issue, except for non-payment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

Incontestable.

(2) A provision that the policy, the application of the employer and the individual applicants, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application.

Statements deemed representations.

(3) A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

Misstatement as to age—adjustment.

(4) A provision that the company will issue to the employer for delivery to the employee, whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provisions to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability, and upon application made to the company within thirty-one days after such termination,

Individual policy of insurance to employee when employment terminated.

and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the the time of such termination.

(5) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class. Except as provided in this act it shall be unlawful to make a contract of life insurance covering a group in this state.

Policies of group life insurance when issued in this state by any company not organized under the laws of this state, may contain, when issued, any provision required by the laws of the state, or territory, or district of the United States under which the company is organized; and policies issued in other states or countries by companies organized in this state, may contain any provision required by the laws of the state, territory, district or country, in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in this state which in the opinion of the state insurance commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required.

Section 7242-3. No domestic life insurance company shall issue any policy of group life insurance, the premium for which shall be less than the net premium based on the American Men Ultimate Table of Mortality, with interest at three and one-half per centum per annum, plus a loading, the formula for

New employees added to group.

Policy to contain provisions required by state where company organized.

Domestic life insurance company.

Premium required.

the computation of which shall be approved by the insurance commissioner. A foreign life insurance company which shall not conduct its business in accordance with this requirement shall not be permitted to do business in this state. Any such policy may, however, anything in this act to the contrary notwithstanding, provide for a readjustment of the rate based on experience at the end of the first or any subsequent year of insurance, which readjustment may be made retroactive for such policy year only.

Foreign life insurance company premium requirement.

Readjustment of premium rate

Section 7242-4. The legal minimum standard for the valuation of group term insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be the American Men Ultimate Table or [of] Mortality with interest at three and one-half per centum per annum.

Minimum standard for premium rates.

Section 7242-5. In every group policy issued by a domestic life insurance company, the employer shall be deemed to be the policy-holder for all purposes within the meaning of this act, and, if entitled to vote at meetings of the company, shall be entitled to one vote thereat.

Employer deemed policy-holder.

Passed the House February 28, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 301.

[H. B. 336.]

## COUNTY BUDGET.

AN ACT relating to county budgets, tax levies and expenditures, and amending Section 5 of Chapter 164, Laws of Washington, 1923, and declaring that this act shall take effect immediately.

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

Sec. 5, ch.  
164, L. 1923.

SECTION 1. That section 5, chapter 164, Laws of Washington, 1923, be and the same is hereby amended to read as follows:

Itemized,  
classified  
estimates of  
expenditures  
constitute  
appropriations.

Section 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 and/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 further*, That no salary item shall be increased above the amount appropriated therefor. Transfers between the general classes provided in section 2 hereof shall not be permitted, except that in the case of appropriations for the county road and bridge fund, the road district funds and the permanent highway maintenance fund any transfer between and/or among the general classes of (1) salaries and wages, (2) maintenance and operation, and (3) capital outlay may be made.

Transfers  
within  
classes.

Salary item  
may not be  
increased.

No transfers  
between  
general  
classes.

Exception.



In addition to the above limitations neither the county commissioners nor any other county official shall make any expenditure and/or incur any liability, except for emergencies of the kind and in the manner provided in the second paragraph of section 6 hereof, for any of the purposes for which road and bridge or road district funds may be properly expended, for any amount in excess of eighty (80) per centum of the amount of the taxes levied for collection during the current fiscal year for either the county road and bridge fund or any of the road district funds until the cash receipts from taxation or otherwise during such current fiscal year paid into such fund against which liabilities are sought to be incurred shall exceed such eighty (80) per centum of said tax levy by an amount not less than the amount of expenditure and/or liabilities in excess of said eighty (80) per centum of said tax levy sought to be made and/or incurred.

Emergency expenditures limited.

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 expenditure shall be made or incurred until such bonds have been duly authorized.

Money borrowed.

For what purpose may use.

No expenditure until bonds authorized.

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

Expenditure exceeding budget void.

Penalty.

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 bond.

Passed the House March 1, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 302.

[H. B. 343.]

### DIKING IMPROVEMENT DISTRICT BONDS.

AN ACT relating to and regulating the issuance and terms of payment of diking improvement district bonds, and amending Section 17 of Chapter 176 of the Laws of 1913.

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

Sec. 1945-74  
Pierce's  
Code.

SECTION 1. That section 17 of chapter 176 of the Laws of 1913, pages 620-622, as amended by section 7 of chapter 46 of the Laws of 1923, pages 114-117, (section 4422 of Remington's Compiled Statutes) be amended to read as follows:

How cost  
of improve-  
ment 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:

Warrants—  
limit of  
installments.

Bonds.

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%

Installments.

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

Fifteen-year  
bonds.

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%

*Provided,* That if at any time before the bonds of the district, or any thereof, are sold it shall appear to the board that it will be for the best interests of the district that the bonds of the district to be paid

Installments may commence sixth year.

in fifteen annual installments, shall be paid in annual installments beginning after the expiration of five years from the date of the bonds, the board shall be authorized to provide, by resolution entered in its minutes, that such bonds shall be paid in fifteen annual installments and shall become due and collectible as follows:

Schedule of installments.

For the 6th year .....	5%
For the 7th year .....	5%
For the 8th year .....	5%
For the 9th year .....	5%
For the 10th year .....	6%
For the 11th year .....	6%
For the 12th year .....	6%
For the 13th year .....	6%
For each succeeding year.....	8%

Bonds to include first four years' interest.

And, provided further: That the board may by resolution to that effect provide that the bonds sold shall include a sum sufficient to pay the first four years' interest or less, to accrue on said bonds.

Warrant installment payments.

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.

When assessments payable.

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

Denomination of bonds.

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

When interest payable.

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 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 redemp-  
 tion fund of the district against which they are  
 issued, over and above that necessary for the pay-  
 ment 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 fol-  
 lowing bond redemption schedule:

When bonds payable.

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

Schedule of 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%

And in case the assessment is payable commencing five years after the issue of said bonds the pro-

portionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule :

For the 6th year .....	10%
For the 7th year .....	6%
For the 8th year .....	6%
For the 9th year .....	6%
For the 10th year .....	6%
For the 11th year .....	5%
For the 12th year .....	5%
For the 13th year .....	10%
For the 14th year .....	10%
For the 15th year .....	10%
For the 16th year .....	10%
For the 17th year .....	10%

Call for payment.

Recitals in bonds.

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 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 cannot 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 *fac simile* 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.

Passed the House March 3, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 303.

[H. B. 346.]

### COUNTY ROAD AND BRIDGE TAXES.

AN ACT relating to county road and bridge taxes, and amending Section 77, of Chapter 130, of the Laws of the Extraordinary Session of 1925; and amending Section 5, of Chapter 184, of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 77, of chapter 130, of the Laws of the Extraordinary Session of 1925, pages 277-278, be amended to read as follows:

§ 77, ch. 130,  
L. Ex. Sess.  
1925.

Section 77. For the purpose of raising revenue for state, county and other taxing district purposes, the board of county commissioners of each county at its October session, and all other officials or

Tax levy shall be sufficient.

State tax levy fixed by state board of equalization.

Rates for indebtedness.

Current expenses, school tax, etc.

Port district.

Metropolitan park district.

Water district.

Non-high school district.

boards authorized by law to levy taxes for taxing district purposes, shall levy taxes on all the taxable property in the county or district, as the case may be, sufficient for such purposes; *Provided*, That unless and until otherwise provided by law, the state tax shall not exceed the amount levied by the state board of equalization; the tax for the payment of county indebtedness shall not exceed five mills on the dollar of assessed valuation of the property of the county; the tax for county current expense shall not exceed eight mills; the county school tax shall not exceed five mills; the county road and bridge tax shall not exceed four mills, except that in counties having township organization the county road and bridge tax shall not exceed five mills; the county river improvement tax shall not exceed one mill; the inter-county river improvement tax shall not exceed one mill; the county soldiers' relief tax shall be not less than one-twentieth of one mill and shall not exceed two-fifths of one mill; no county road district tax shall exceed ten mills; no school district tax, exclusive of interest and/or sinking fund debt or bond redemption and/or non-high school taxes, shall exceed ten mills, unless an excess be authorized by a vote of the people of the district and in no event shall exceed twenty mills; no port district tax, except for the payment of the principal and interest of general bonded indebtedness, shall exceed two mills, unless an excess, for dredging purposes only, is authorized by a vote of the people of port districts having a population of not less than 45,000 nor more than 80,000 and such excess shall not exceed two mills; no metropolitan park district tax, including tax for interest and/or sinking fund for debt or bond redemption, shall exceed one and one-half mills; no water district tax, except for interest and/or sinking fund debt or bond redemption, shall exceed two mills; no non-high school district tax



shall exceed four mills; and no tax not herein enumerated shall exceed the limit allowed by law.

SEC. 2. That section 5, of chapter 184, of the Laws of the Extraordinary Session of 1925, pages 558-559, be amended to read as follows:

§ 5. ch. 184,  
L. Ex. Sess.  
1925.

Section 5. For the purpose of raising revenue for the construction, maintenance and repair of county roads, bridges and wharves the board of county commissioners shall annually at the time of making the levy for general county purposes make additional levies as follows: (a) A tax of not more than four mills on the dollar on all taxable property in the county, except that in counties having township organization such tax shall not exceed five mills, which tax shall be kept in a separate and distinct fund known as the "General Road and Bridge Fund": *Provided*, That the county treasurer shall remit to the city or town treasurer of each city or town within such county fifteen per cent of all money collected for such fund in such city or town, and said moneys so remitted shall be expended by the corporate authorities of such city or town on roads and bridges within said city or town connecting with main county roads. (b) A tax of not more than ten mills on the dollar on all taxable property in each road district, which tax shall be kept in a separate and distinct fund known as "Road District No..... Fund."

Additional  
tax levies  
for roads  
and bridges.

For general  
road and  
bridge fund.

Apportion-  
ment to  
cities and  
towns of  
collections.

Road district  
fund tax.

All such taxes shall be levied, collected and disbursed by the same officers and in the same manner as taxes for the county current expense fund.

Tax laws  
applicable.

Passed the House March 1, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 304.

[H. B. 351.]

## STATE DEPOSITARIES.

AN ACT to provide for state depositaries and regulate the deposits of state moneys therein, and amending Section 1 of Chapter 37 of the Laws of 1907.

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

SECTION 1. That section 1 of chapter 37 of the Laws of 1907, page 50 (section 5548 of Remington's Compiled Statutes; section 6723 of Pierce's Code), be amended to read as follows:

Section 1. Any national or state banking corporation, or other incorporated bank duly authorized to do business within the State of Washington, which shall be approved by the state board of finance, may, upon filing a bond, or depositing the security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depositary; and no state funds shall be deposited in any institution other than a state depositary. The record of the proceedings of said board shall be kept by the state auditor, and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceeding in any court of this state.

Passed the House March 1, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

Statute amended.

State depositary.

Bank approved by state board of finance.

Bond.

Auditor to keep proceedings of board.

Admissible as evidence.

## CHAPTER 305.

[H. B. 355.]

## STATE PENITENTIARY—PAYMENT OF PRISONERS.

AN ACT relating to the Washington State Penitentiary, providing for the management thereof, making appropriation for the payment of prisoners therein, and repealing all acts and parts of acts in conflict herewith.

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

SECTION 1. Every prisoner in the Washington state penitentiary shall be required to work in such manner as may be prescribed by the director of business control, provided that prisoners shall not be employed in what is known as the contract system of prison labor.

State prisoners required to work.

No contract system.

SEC. 2. The director of business control shall have power to make rules and regulations for the discipline, employment, instruction, education and compensation of prisoners in the Washington state penitentiary.

Director of business control to make rules for discipline, compensation, etc.

SEC. 3. Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the director of business control is authorized to credit the prisoner with such amount of his earnings as the director may deem just and equitable, but in no case more than 20 per cent of his earnings shall be paid to him or his family. Upon release, or discharge, from the penitentiary, an additional sum, not exceeding 25 per cent of the moneys thus earned, may be paid to the person discharged or released.

Prisoner credited with earnings.

Portion payable to him or family.

Payment when discharged.

SEC. 4. There is hereby appropriated from the penitentiary revolving fund the sum of \$25,000.00, or so much thereof as may be necessary, in compensating prisoners as in this act provided.

Appropriation for payment.

Payments  
upon  
vouchers.

SEC. 5. Payments to prisoners, or their families, as in this act provided, shall be upon vouchers approved by the director of business control.

Conflicting  
acts re-  
pealed.

SEC. 6. All acts or parts of acts in conflict herewith are hereby repealed.

Passed the House March 3, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 306.

[H. B. 364.]

### COAL MINING CODE.

AN ACT relating to and regulating the operation of coal mines, prescribing the qualifications and duties and fixing the salaries of certain officers, prescribing the qualifications and duties of certain employes in coal mines, amending Sections 2, 3, 4, 6, 7, 10, 12, 15, 16 and repealing Section 17 of Chapter 36 of the Laws of 1917, amending said Chapter 36 of the Laws of 1917 by adding thereto new sections to be known as Sections 222, 223, 224, 225, 226, 227 and 228, repealing Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 28, 29, 30, 31, 32 and 33 of Chapter 130 of the Laws of 1919, and making an appropriation.

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

Statute  
amended.

SECTION 1. That section 2 of chapter 36 of the Laws of 1917, page 112 (section 8637 of Remington's Compiled Statutes; section 3829 of Pierce's Code), be amended to read as follows:

Division of  
mining  
safety  
personnel.

Section 2. There shall be in the department of labor and industries a division to be known as the "division of mining safety", which shall consist of the state mining board, the chief state mine inspector, such deputy state mine inspectors, not to exceed two, and such clerical assistants as may be necessary to carry on the work of the division. The director of labor and industries shall have the power:

Powers of  
director of  
labor and  
industries.

(1) To appoint the chief state mine inspector, who shall have charge and supervision of the division of mining safety, and who shall have the qualifications provided by law for the office of chief state mine inspector;

Appoint  
chief state  
mine  
inspector.

(2) To appoint the state mining board, the members of which shall have the qualifications provided by law.

Appoint  
state mining  
board.

The chief state mine inspector, with the approval of the director of labor and industries, shall have the power to appoint deputy state mine inspectors, who shall have the qualifications provided by law, and to appoint and employ such clerical assistants as may be necessary to carry on the work of mining safety.

Deputy state  
mine inspec-  
tors and  
other em-  
ployees.

SEC. 2. That section 3, of chapter 36, of the Laws of 1917, pages 112-113, (section 8638 of Remington's Compiled Statutes; section 3830 of Pierce's Code) be amended to read as follows:

Statute  
amended.

Section 3. The director of labor and industries shall appoint a state mining board to pass upon the qualifications of applicants for the positions of chief state mine inspector and of deputy state mine inspector. This board shall consist of one practical coal miner, one mine manager or superintendent, and one practical coal mining engineer, actively engaged in the practice of his profession. All members of the aforesaid board shall be citizens of the United States and of the State of Washington, and shall have had at least three years' practical experience in or about the coal mines of this state.

State mining  
board.

Personnel.

Shall be  
citizens and  
have mining  
experience.

The appointments of the state mining board heretofore made under this act, shall expire on April 1, 1929, and a new board shall be appointed by the director of labor and industries on that date, and every four years thereafter. Nothing in this act shall be construed to prevent the reappointment

Term  
of office.

of any member of the board for any number of consecutive terms.

Removal.

Any member may be removed by the director of labor and industries at any time for cause. Each vacancy on the board shall be filled by the director of labor and industries within two months after the occurrence of such vacancy.

Filling vacancy.

Oath prescribed.

The state mining board provided for in this act shall take the following oath of office before some person duly authorized to administer an oath:

“We do solemnly swear (or affirm) that we are citizens of the United States and of the State of Washington and that we will perform the duties devolving on us to the best of our ability, and that in giving or refusing certificates of competency as mine inspector of the State of Washington, mine foreman, assistant mine foreman or fire boss, we will be governed entirely by the evidence of fitness of the applicant, as defined in the state mining laws; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the law, to the best of our knowledge and judgment.”

Per diem and expenses.

The state mining board shall receive ten dollars (\$10.00) per diem, and their actual and necessary traveling expenses for the time actually engaged in the performance of the duties imposed upon them in this act. Such compensation and expenses to be paid out of the general fund of the state in the manner provided by law. The expenses for stenographic work and printing of the board shall be paid in like manner.

Stenographic work and printing.

Office supplies.

The chief state mine inspector shall furnish, from his office maintenance fund, such blanks, blank books, stationery and similar supplies as are needed by the board.

SEC. 3. That section 4, of chapter 36, of the Laws of 1917, pages 113-115, (section 8639 of Remington's Compiled Statutes; section 3831 of Pierce's Code) be amended to read as follows:

Statute amended.

Section 4. It shall be the duty of the state mining board to examine into the qualifications of all applicants for appointment to the positions of chief state mine inspector, or deputy state mine inspector, of the State of Washington, by conducting a thorough examination as to the knowledge of laws applying to mines in the State of Washington, on mine working, ventilation, gases, machinery, first aid and mine rescue work, educational standards for coal mines and coal mining, and actual experience in underground mining and to acquaint themselves with the person, character, habits and general worthiness of each applicant. The general examination shall be in writing, and the manuscripts and other papers of all applicants, together with the tally sheets solution of each question as given by the board, shall be filed with the secretary of state as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, mine fires, mine rescue appliances, educational standards for coal mines and coal mining, and general mining subjects, including the laws of the state applying to coal mines. The board shall confine the examination of applicants to questions as designated in this act. All candidates shall be allowed the use of such text books as the board may deem proper during the examination. No person shall be certified as competent whose average per cent shall be less than seventy-five (75), and certificates shall show what per cent the applicant has obtained, and such certificates shall be valid only when signed by the board. The board shall, immediately after the examination, furnish to each person who came before it to be examined, a copy of all questions, whether oral or

Examination for inspectors.

Scope of examination.

Grades.

written, which were given at the examination, each question to be marked: "Solved right"; "Imperfect;" or "Wrong," as the case may be.

Certificate of competency.

Each candidate shall receive a certificate of competency if he makes an average of seventy-five (75) per cent on the examination credits to be given as follows:

- Practical experience, worthiness and general fitness ..... 40 points
- Written examination ..... 40 points
- Oral examination ..... 20 points

Names of certificate holders filed.

The board shall file with the director of labor and industries and with the chief state mine inspector names of all persons given certificates of competency as mine inspectors; *Provided*, That any one who has satisfactorily served as state coal mine inspector in the State of Washington, for one full term of four years, upon making written application to the board setting forth these facts, shall be certified to the director of labor and industries and chief state mine inspector as properly qualified for appointment.

Who certified without examination.

Statute amended.

SEC. 4. That section 6 of chapter 36 of the Laws of 1917, pages 115-116, (section 8641 of Remington's Compiled Statutes; section 3833 of Pierce's Code) be amended to read as follows:

When examinations held.

Section 6. At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty (30) days before such examination.

Notices.

Appointment of chief mine inspector.

The director of labor and industries shall appoint as chief state mine inspector a man who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this act. The chief state mine inspector shall hold his office for



four (4) years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties. Term.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors men who are citizens of the United States and of the State of Washington, and who have had five (5) years' practical experience in and about the mines of the United States and three (3) years' practical experience in and about the mines in the State of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause. Appointment of deputy mine inspectors.

The persons who, at the time this act goes into effect, are acting as inspector, or deputy inspector, of mines shall continue to act in the same manner as if they had been appointed under this act and until the term for which they were appointed has expired. Term.

Nothing in this act shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act. Present inspectors to hold over.

SEC. 5. That section 7 of chapter 36 of the Laws of 1917, pages 116-117, as amended by section 1 of chapter 201 of the Laws of 1919, pages 703-704, (section 8642 of Remington's Compiled Statutes; section 3834 of Pierce's Code) be amended to read as follows: May reappoint inspectors.

Section 7. The salary of chief state mine inspector shall be four thousand two hundred dollars (\$4,200.00) per annum, and the salary of each deputy Statute amended.

inspector shall be four thousand two hundred dollars (\$4,200.00) per annum, and the salary of each deputy Salaries and expenses of chief and deputy inspectors.

state mine inspector shall be such sum as shall be fixed by the director of labor and industries, not to exceed three thousand six hundred dollars (\$3,600.00) per annum. The chief inspector and his deputies shall be allowed their necessary expenses for office maintenance, stenographic services, and for equipment and instruments, as well as for actual and necessary traveling expenses while in the performance of their duties, under the provisions of this act. The state auditor is hereby authorized and directed to draw his warrant on the state treasurer in favor of the chief state mine inspector and his deputies for the amounts due them for their salaries monthly, and also for their expenses, upon proper vouchers, to be paid out of any moneys in the state treasury appropriated for that purpose.

To devote  
whole time  
to duties.

The chief state mine inspector and his deputies shall devote their entire time to the duties of their respective offices; they shall have no financial interest, direct or indirect, in any mine under the supervision of the division of mining safety.

Oath.

The chief state mine inspector and his deputies shall, before entering upon the discharge of their duties, each take an oath to discharge their duties impartially and with fidelity and to the best of their knowledge and ability.

Duty to  
enforce act.

It shall be the duty of the chief state mine inspector and his deputies to enforce the provisions of this act, for the regulation of mines, and the educational standards for coal mines and coal mining, unless enforcement is otherwise especially provided for.

Statute  
amended.

SEC. 6. That section 10 of chapter 36 of the Laws of 1917, page 120, (section 8645 of Remington's Compiled Statutes; section 3837 of Pierce's Code) be amended to read as follows:

Section 10. It shall be the duty of the chief state mine inspector to transmit an annual report of the

division of mining safety for the previous calendar year to the director of labor and industries, on or before the first day of March in each year.

Annual reports.

It shall be the duty of the director of labor and industries to see that the report of the division of mining safety is placed in the hands of the state printer for publication and that at least two thousand copies thereof be printed, before the first day of April of each year.

Printing reports.

SEC. 7. That section 11 of chapter 36 of the Laws of 1917, page 120, (section 8646 of Remington's Compiled Statutes; section 3838 of Pierce's Code) is hereby repealed.

Statute repealed.

SEC. 8. That section 12 of chapter 36 of the Laws of 1917, page 120, (section 8647 of Remington's Compiled Statutes; section 3839 of Pierce's Code) be amended to read as follows:

Statute amended.

Section 12. The state mining board with the addition of the chief state mine inspector, shall conduct the examination of applicants for first and second class certificates, and issue the same under the provisions of this act.

Examination for first and second class certificates.

SEC. 9. That section 15 of chapter 36 of the Laws of 1917, pages 121-122, (section 8650 of Remington's Compiled Statutes; section 3842 of Pierce's Code) be amended to read as follows:

Statute amended.

Section 15. Examinations for first class certificates shall cover the following subjects: Laws applying to mines in the State of Washington; methods of mine working and ventilation; mine fires; mine rescue work and appliances; first aid to the injured and actual experience in underground mining; methods of timbering, bratticing and blasting and educational standards for coal mines and coal mining. The general examination shall be in writing, and the manuscripts and other papers of all applicants, together with the tally sheets and the

Scope of examination for first class certificate.

solution of each question as given by the examining board, shall be filed with the mine inspector as public documents. The papers may be destroyed one year from date of examination. In addition to the written examination, the applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, first aid to the injured, mine rescue appliances and general mining subjects. All candidates shall be allowed the use of such text books as the board may deem proper during the examination.

Certificate of competency.

Each candidate shall receive a certificate of competency if he makes an average of seventy-five (75) per cent on the examination, credits to be given as follows:

Practical experience, worthiness and general fitness .....	40 points
Oral examination .....	40 points
Written examination .....	20 points

Statute amended.

SEC. 10. That section 16 of chapter 36 of the Laws of 1917, page 122, (section 8651 of Remington's Compiled Statutes; section 3843 of Pierce's Code) be amended to read as follows:

What covered in examination for second class certificate.

Section 16. Examinations for second class certificates shall cover the following subjects: The sections of the law of the State of Washington applying to the duties of men with second class certificates; mine ventilation and similar subjects; questions in regard to mine rescue work and appliances; first aid to the injured; methods of timbering, bratticing, and blasting and educational standards for coal mines and coal mining.

The general examination shall be in writing and the manuscripts and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board shall be filed with the mine inspector as public documents. These papers may be destroyed one year from date of examination.

In addition to the written examination the applicant shall undergo an oral examination. The examination shall include the use and care of safety lamps; work in timbering; bratticing, charging and firing blasts; work in first aid to the injured, and, wherever possible, in the use of mine rescue apparatus, and other work which men with second grade certificates may be called upon to do in pursuance of their duties. An average percentage of seventy-five (75) on the whole examination shall be required for qualification. Credits to be given as follows:

Grade required.

Practical experience, worthiness and general fitness .....	50 points
Oral examination .....	30 points
Written examination .....	20 points

SEC. 11. That section 17 of chapter 36 of the Laws of 1917, pages 122-123, (section 8652 of Remington's Compiled Statutes; section 3844 of Pierce's Code) is hereby repealed.

Statute repealed.

SEC. 12. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 222, to read as follows:

Sec. 222, ch. 36, L. 1917.

Section 222. In every mine a general safety committee shall be selected, composed of the mine superintendent or manager of mines, one man selected by the employes or any association of employes in or around said mine, and a third member selected by these two.

General safety committee : personnel.

The general safety committee shall elect one of the members to act as chairman and one to act as secretary. The duties of the chairman shall be to preside at all meetings of the general safety committee, enforce its rules and regulations and see that its business is conducted in a prompt and business-like manner. The secretary shall keep an accurate written record of the proceedings of all meetings, conduct its correspondence and post notices of reg-

Chairman, secretary.

Duties.

ular and special meetings and other matters pertaining to safety.

Investigation of accidents.  
Inspection of mines.  
Reports and recommendations.

The duties of the general safety committee shall be to investigate all serious and fatal accidents; make bi-monthly examination of the mine, their findings and recommendations to be made in writing, one copy to be sent to the chief state mine inspector. They shall co-ordinate with the management in the work of supervision of bulletin board service, and the outline and conduct of safety educational activities, arrange the programs for all safety meetings, pass on all safety controversial matters referred to them by sub-safety committees. They shall meet with all other safety committees as often as possible, but not less often than once each month, and discuss safety measures, violations of safety rules and practices, and take up any other safety subject that will tend to eliminate accidents and pass on all safety suggestions referred to them by any employer or employe.

Meetings, etc.

Should there be any disagreement among the members of the general safety committee relating to any safety matter brought or referred to them for disposition, either side may appeal to the chief state mine inspector, who shall in this case pass on controversial safety matters. His decision will be final and binding on both parties.

Controversial safety matters.

The written records of the general safety committee shall be open for inspection at all times by the chief state mine inspector, or his deputies or any state official connected with accident or safety work.

Records open to inspection.

SEC. 13. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 223, to read as follows:

Sec. 223, ch. 36, L. 1917.

Section 223. At mines employing more than twenty-five men there shall be a sub-safety committee at each level or entry, consisting of a mine fore-

Sub-safety committee.

man, assistant mine foreman, or fireboss, and one employe selected by the men working on such level or entry.

The members of this committee shall have had six months' experience in this mine or at mines where similar conditions exist. Workmen serving on safety committee may be changed every two months.

Qualifications of members.

Where workman finds dangerous conditions that he cannot correct himself, he shall report it to the official in charge of that section of the mine. If the condition is not corrected in a reasonable time he shall then call the other member of the safety committee to make an investigation. If the sub-safety committee shall fail to agree they shall report to the general safety committee.

Duties.

All level or entry safety committees shall attend and report at all meetings of the general safety committee.

The workmen's representative on the sub-safety committee shall not visit or inspect any part of the mine except when accompanied by the other member of the sub-safety committee. If for any reason either member of the committee fails to act on any complaint it shall be referred to the general safety committee. At all mines employing less than twenty-five men the general safety committee shall have general supervision over all safety matters.

SEC. 14. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 224, to read as follows:

Sec. 224,  
ch. 36,  
L. 1917.

Section 224. At each mine employing more than twenty-five men there shall be an outside committee consisting of the outside foreman, master mechanic and two employes selected by the men working on the outside. Workmen serving on outside safety committee may be changed every two months.

Outside committee.

## Duties.

Where workman finds dangerous or unsafe conditions that he cannot correct himself, he shall report it to the outside foreman. If the condition is not corrected in a reasonable time, he shall report it to one of the workmen's representatives on the safety committee, who shall then call the other members of the safety committee to make an investigation. If the outside safety committee shall fail to agree they shall report it to the general safety committee. The workmen's representatives shall not visit or inspect any part of the outside workings except when accompanied by the outside foreman or master mechanic. If for any reason any member of the committee fails to act upon any complaint called to his attention, it shall be referred to the general safety committees. It shall be understood that all safety committees shall confine themselves to safety measures and accident prevention alone, the sole purpose of their organization being to preserve the life and limb of workmen in and around the mines.

Objective  
of safety  
committees.

Sec. 225,  
ch. 36,  
L. 1917.

SEC. 15 That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 225, to read as follows:

Safety  
bulletin  
board  
service.

Section 225. It shall be the duty of the mine operators of each mine to establish and maintain a safety bulletin board service, to provide at least one standard bulletin board located in such place as to attract the attention of the greatest number of mine employes, and to post upon such board, all bulletins and such other matters as will be valuable in the educational development of the prevention of accidents.

Number of  
bulletin  
boards.

The number of bulletin boards required and the frequency of displaying new bulletins, or shifting bulletins from board to board, shall be determined by the operator or by the operator and the chief state mine inspector, or by the chief state mine inspector.



Whenever a lesson of value to the mine is determined as the result of an investigation of an accident occurring within such mine, which will be of value in preventing the recurrence of future accidents of similar nature, the same can be given the greatest accident prevention value by being made the subject of a typewritten or other form of bulletin descriptive of the accident, giving the cause of, and recommendations covering measures adopted to prevent accidents of like or similar nature or cause.

Illustration of educational value of board.

The safety bulletin board shall be open to the services of bulletins on mine safety measures only; to the mine safety committee, the state mining board, chief state mine inspector and the employer's report of accidents occurring at the mine during the previous calendar month.

Bulletin board use limited.

SEC. 16. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 226, to read as follows:

Sec. 226, ch. 36, L. 1917.

Section 226. At all mines using the gangway and counter system, a rule shall be enforced to compel the loaders to keep the coal in the chutes above the bulkhead, thereby preventing a short circuit of the air that may create a dangerous condition in some of the working places further inside.

Loaders to keep coal in chutes above bulkhead.

Adequate signs approved by the chief state mine inspector shall be placed at intervals on the gangway calling attention to the foregoing danger.

To post warning signs.

SEC. 17. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 227, to read as follows:

Sec. 227, ch. 36, L. 1917.

Section 227. Whenever any workman in or about any mine shall observe any violation of the safety rules and regulations governing the mine, or unsafe conditions or unsafe practice, it shall be his duty to report the same to a member of the safety committee.

Workmen to report violations of safety rules.

Sec. 228,  
ch. 36,  
L. 1917.

SEC. 18. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 228, to read as follows:

Development  
of first aid  
education.

Section 228. There shall be developed at each mine a requirement of first aid education that will result in the practical and intensive education in first aid administration of a minimum of ten per cent of the employment of said mine.

Record of  
employees  
completing  
course.

The operating company shall keep a record of all employes who have completed the course of required training in first aid, and a complete copy of such record shall be furnished the chief state mine inspector.

Employees  
to report  
and receive  
first aid  
treatment  
for all  
injuries.

All employes shall be educated to report and receive first aid treatment of all injuries, no matter how trivial they shall be. This rule is made to obviate frequent infections that develop from wounds that are trivial in character. This first aid treatment of wounds of trivial character shall be in the hands of a trained first aid man, if more convenient than the mine surgeon, but the first aid attendant shall promptly refer any accident to the mine surgeon when he deems it of sufficiently severe character.

Statutes  
repealed.

SEC. 19. That sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 28, 29, 30, 31, 32 and 33, of chapter 130 of the Laws of 1919, pages 313-316 and 319-320, (sections 7735-7745 and 7754-7759 of Remington's Compiled Statutes; sections 3515-9 to 3515-19 and 3515-28 to 3515-33 of Pierce's Code) are hereby repealed.

Pamphlet  
copies of  
laws to be  
published.

SEC. 20. For the purpose of printing and distributing to coal mine operators and employes, and other persons interested, pamphlet copies of the laws relating to and regulating the operation of coal mines, chapter 36 of the Laws of 1917, as heretofore amended, and as amended by this act, there is

hereby appropriated from the general fund in the state treasury, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Appropriation.

Passed the House March 4, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 15, 1927.

## CHAPTER 307.

[H. B. 362.]

### EMPLOYEES SICKNESS, ACCIDENT OR DEATH FUND— LIENS AGAINST.

AN ACT relating to moneys collected by employers from employes for necessary services contingent upon sickness, accident or death, declaring the same to be trust funds, creating liens in favor of persons furnishing such service and providing for the filing and foreclosure thereof.

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

SECTION 1. All moneys collected by any employer from his or its employes for furnishing, either directly, or through contract, or arrangement with a hospital association, corporation, firm or individual, of medicine, medical or surgical treatment, nursing, hospital service, ambulance service, dental service, burial service, or any or all of the above enumerated services, or any other necessary service, contingent upon sickness, accident or death, are hereby declared to be a trust fund for the purposes for which the same are collected.

Collections by employer for medical aid to or payment to beneficiary of employes'.

Trust fund.

SEC. 2. In case any employer collecting moneys from his employes for any or all of the purposes specified in the preceding section, shall enter into a contract or arrangement with any hospital association, corporation, firm or individual, to furnish any such service to its employes, the association, corporation, firm or individual contracting to furnish

Contracting hospital or surgeon has prior lien upon fund for services.

When lien  
attaches.

such services, shall have a lien upon such trust fund prior to all other liens except taxes. The lien hereby created shall attach from the date of the arrangement or contract to furnish such services and may be foreclosed in the manner provided by law for the foreclosure of other liens on personal property.

Passed the House March 5, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 308.

[S. H. B. 377.]

### DISPOSITION OF MONEYS OF PERMANENT HIGHWAY FUND.

AN ACT relating to revenue and taxation for the construction, improvement and maintenance of highways, providing for the disposition, transfer, distribution and expenditure of certain funds, amending Section 2 of Chapter 21 of the Laws of 1925, making appropriations and declaring that this act shall take effect immediately.

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

Sec. 2,  
ch. 21,  
L. 1925.

SECTION 1. That section 2 of chapter 21 of the Laws of 1925, be amended to read as follows:

Transfer  
from motor  
vehicle fund  
to permanent  
highway  
fund.

SECTION 2. It shall be the duty of the state auditor annually on the first day of October to certify to the state treasurer the total assessed valuation of all property in each county of the state and the total assessed valuation of all property in the state; and it shall be the duty of the state treasurer on the first day of April and on the first day of August in the calendar year 1927 and in each calendar year thereafter, to transfer from the motor vehicle fund in the state treasury to the permanent highway fund such funds as may be available until there shall have been so transferred during each calendar year a

sum equal to fifteen one-hundredths (15/100) of one per cent of the total assessed valuation of all property in the state as shown by the last preceding certificate of the state auditor, and to credit the funds so transferred to the several counties in proportion to the assessed valuation of the property in such counties, respectively, as shown by the last preceding certificate of the state auditor, and such funds so transferred as may be appropriated from the permanent highway fund by the legislature shall be distributed and expended for the construction, improvement and maintenance of permanent highways in the several counties in the manner provided by law.

SEC. 2. For the construction, improvement and maintenance of permanent highways in the several counties there is hereby appropriated from the permanent highway fund in the state treasury for the year 1927, the sum of one million, eight hundred eleven thousand, four hundred thirty-two and 47/100 (\$1,811,432.47) dollars, and for the year 1928 the sum of one million, eight hundred eleven thousand, four hundred thirty-two and 47/100 (\$1,811,432.47) dollars, as follows:

Apportionment to counties of highway appropriation.

<i>Counties</i>	<i>1927</i>	<i>1928</i>
Adams .....	\$31,848.82	\$31,848.82
Asotin .....	9,104.83	9,104.83
Benton .....	21,718.58	21,718.58
Chelan .....	34,050.09	34,050.09
Clallam .....	24,193.19	24,193.19
Clark .....	31,482.50	31,482.50
Columbia .....	17,621.84	17,621.84
Cowlitz .....	38,895.78	38,895.78
Douglas .....	16,975.25	16,975.25
Ferry .....	4,644.51	4,644.51
Franklin .....	16,596.83	16,596.83
Garfield .....	11,276.45	11,276.45
Grant .....	18,098.98	18,098.98
Grays Harbor .....	69,039.06	69,039.06
Island .....	3,974.59	3,974.59
Jefferson .....	9,986.78	9,986.78
King .....	455,461.66	455,461.66
Kitsap .....	16,742.45	16,742.45

<i>Counties</i>	<i>1927</i>	<i>1928</i>
Kittitas .....	33,140.65	33,140.65
Klickitat .....	23,035.14	23,035.14
Lewis .....	44,791.40	44,791.40
Lincoln .....	43,423.62	43,423.62
Mason .....	10,560.44	10,560.44
Okanogan .....	14,863.00	14,863.00
Pacific .....	21,253.02	21,253.02
Pend Oreille .....	11,539.66	11,539.66
Pierce .....	148,042.19	148,042.19
San Juan .....	2,617.38	2,617.38
Skagit .....	43,763.21	43,763.21
Skamania .....	7,636.04	7,636.04
Snohomish .....	75,786.15	75,786.15
Spokane .....	186,054.51	186,054.51
Stevens .....	21,045.77	21,045.77
Thurston .....	29,577.52	29,577.52
Wahkiakum .....	3,678.61	3,678.61
Walla Walla .....	55,522.70	55,522.70
Whatcom .....	50,767.79	50,767.79
Whitman .....	76,019.91	76,019.91
Yakima .....	76,601.57	76,601.57

Emergency.

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

Passed the House March 9, 1927.

Passed the Senate March 9, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 309.

[S. H. B. 137.]

MOTOR VEHICLES: REGULATION OF OPERATION.

AN ACT relating to vehicles and regulating the operation thereof upon the highways of this state; providing for traffic signals and control thereof; providing for the proper equipment and devices to be used thereon, and for the inspection thereof; prescribing the powers and duties of certain officers, the collection, distribution and expenditure of fees; defining offenses and fixing penalties; making appropriations and repealing conflicting act and parts of acts.

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

SECTION 1. This act shall be known and cited as the regulation vehicle operation act of the State of Washington. Name of act.

SEC. 2. The words and phrases herein used shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning. Definitions.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks. Vehicle.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled. Motor vehicle.

(c) "Motorcycle." A motor vehicle of two or three wheels intended for the carrying of one, two or three persons, or operated by one person for the carrying of parcels or packages. Motorcycle.

(d) "Motor Truck." Every motor vehicle designed or used (1) for the transportation of commodities, merchandise, produce, freight or animals; (2) for drawing or pulling one or more independent vehicles or trailers in the transportation of com- Motor truck.

modities, merchandise, produce, freight or animals upon a public highway.

Trailer.

(e) "Trailer." Any vehicle without motive power which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle.

Semi-trailer.

(f) "Semi-Trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Public highway.

(g) "Public Highway." Every way or place of whatever nature open as a matter of right to the use of the public for the purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons.

Highway.

Private highway, road, etc.

(h) "Private highway, road, street, way or driveway." Every road or driveway not open to the use of the public for purposes of vehicular travel.

State highways.

(i) "State Highways." All primary roads and all hard-surfaced secondary roads in the state highway system, as defined by the 1913 legislature of this state, and subsequently amended.

Intersection.

(j) "Intersection." The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

Director of traffic.

(k) "Director of Traffic." For the purposes of this act the chief of the state highway patrol shall be designated as the director of traffic.

Peace officer.

(l) "Peace Officer." Any officer 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 this state.



(m) "Residence District." The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business. Residence district.

(n) "Business District." The territory contiguous to a highway when fifty per cent or more of the frontage thereon, for a distance of three hundred feet or more is occupied by buildings in use for business. Business district.

(o) "Pneumatic Tires." All tires inflated with compressed air. Pneumatic tires.

(p) "Solid Rubber Tires." All tires made of rubber other than pneumatic tires. Solid rubber tires.

(q) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly metal or other hard, non-resilient material. Metal tires.

(r) "Owner." A person who holds the legal title of a vehicle or in the event of a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right to purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act. Also including any person, firm, corporation or association renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days. Owner.

(s) "Person." Every natural person, firm, copartnership, association or corporation. Person.

(t) 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 Axle.

line, or in the same or approximately the same plane normal to the frame of the vehicle.

Wheel base.

(u) The words "wheel base" when used in this act shall be held to mean the horizontal distance between any two axles.

Six-wheel motor trucks.

(v) The words "six-wheel motor trucks" when used in this act shall be held to mean a motor truck equipped with six wheels which are directly or indirectly attached to the frame of the vehicle.

Local authorities.

(w) "Local Authorities." Includes the officers of counties, cities, or towns or other municipal subdivisions of the state having control, power or authority over any of the subject matter embraced in this act.

Gender, etc., of words—construction.

(x) Words herein used in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

Care in driving.

SEC. 3. (a) Every person operating or driving a vehicle of any character upon a public highway of this state shall drive the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead, and so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of the street or highway and in no event at a speed greater than forty miles an hour.

Maximum speed of 40 miles.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

1. Fifteen miles an hour in traversing a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in both directions from such crossing: *Provided*, That all vehicles transporting passengers for hire or transporting school children over the public highway shall stop before traversing such grade crossing. Whenever any person driving a vehicle approaches an interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing;

Rate of speed at crossings.

Carriers for hire and of school children to stop at crossings.

Unlawful to cross before stopping in face of warning signal.

2. Fifteen miles an hour in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of three hundred feet from such intersection;

Speed at highway intersections.

3. Fifteen miles an hour in traversing or going around curves or corners of a highway when the driver's view is obstructed within a distance of two hundred feet along such highway in the direction in which he is proceeding;

Speed on curves or at corners of highways.

4. Fifteen miles an hour when passing a school house, on school days, between 8 a. m. and 5 p. m. It shall be the duty of every person operating or

Speed when passing school house.

driving any motor vehicle upon any highway of this state to come to a full stop before passing any bus or stage loading or discharging school children;

Speed within city or town.

5. Twenty-five miles an hour within the limits of any incorporated city or town.

Speed in excess of limit prima facie evidence of violation of act.

(c) In all charges for violation of this section, speeds in excess of those set forth in subdivision (b) of this section shall be taken as *prima facie* but not as conclusive evidence of a violation of this section, and every notice to appear and every complaint charging a violation of this section shall specify approximately the speed at which the defendant is alleged to have driven and exactly the lawful speed at the time and place of the alleged offense.

Recitals in complaint.

Local authorities authorized to increase speed.

(d) Local authorities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be *prima facie* lawful upon highways at the entrance to which vehicles are by ordinance of such local authorities required to stop before entering or crossing such highways. Local authorities shall place and maintain upon all highways upon which the permissible speed is increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any said highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

Warning signs by local authorities.

Speed of motor trucks equipped with pneumatic tires.

SEC. 4. It shall be unlawful to operate any motor truck having a gross weight, including load, exceeding three thousand pounds, 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 or partially equipped with

solid rubber tires, at a greater rate of speed than the following:

4,000 pounds and under.....	25 miles per hour
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 equipped or partially equipped with solid rubber tires of a gross weight, including load, as hereinafter provided at a greater rate of speed than that stated in the following tables for the class and gross weight, including load, of vehicle or combination of vehicles stated:

Speed schedule of solid rubber tired vehicles.

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 pro-

vided 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.

Rate of speed on bridge.

*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.

Passenger carrier limited to 40 miles on unpaved highway.

It shall be unlawful to operate or drive any motor vehicle used for carrying passengers for hire and having a capacity for more than ten passengers at a speed faster than forty miles per hour on and over any unpaved highway.

Metal tired 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 :

Speed schedule.

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

Coasting on down grade.

It shall be unlawful to operate any motor truck or combination of vehicles on a descending grade by throwing out the clutch and coasting.

Powers of city or town to regulate speed on curves.

SEC. 5. No city council or other governing authorities of any city or town shall have the power to pass or enforce any ordinance, rule or regulation requiring a slower rate of speed than that specified in this act at which vehicles may be operated along and over the public highways of such city or town or regulating the use of roads, streets and highways thereof contrary to or inconsistent with the provisions of this act; and all such ordinances, rules and regulations now in force are hereby declared to be void and of no effect: *Provided, however*, That on any portion of any road, street or highway where

on account of sharp curvature, highway construction or repairs, excessive traffic, or other permanent or temporary cause, it is deemed inadvisable for vehicles to operate at the maximum speed allowed by this act, the governing authorities of such city or town, or the county commissioners on county highways outside cities and towns, may regulate such speed by order, rule or regulation hereafter adopted: *Provided*, Such order, rule or regulation shall not limit the speed in any one case to less than ten miles per hour, and the governing authorities or the board of county commissioners shall cause to be posted at either end of such portion of said highways, signs of sufficient size to be easily read, setting forth the speed allowed and stating by whose order said regulations are made, and thereafter it shall be unlawful for any person to violate any such order, rule or regulation.

Post signs.

SEC. 6. The state highway committee may regulate the speed of motor vehicles on any part of the state highway where a speed less than the maximum speed allowed by this act is determined advisable on account of sharp curvature, excessive traffic or other permanent cause. The state highway engineer may regulate the speed of motor vehicles on any part of the state highway where a speed less than the maximum speed allowed by this act is determined advisable on account of highway construction or repairs, excessive traffic or other temporary cause. The state highway engineer shall cause to be posted at either end of any part of the state highway where the speed is regulated, signs of sufficient size to be easily read, setting forth the speed allowed and stating by whose order said regulations are made and thereafter it shall be unlawful for any person to violate any such order, rule or regulation.

Highway committee may regulate speed on account of curves, traffic, etc.

Speed regulation account of highway construction, etc.

Highway engineer to post signs.

Speed traps  
prohibited

SEC. 7. No evidence as to the speed of a vehicle operated on a highway by any person arrested for violation of the provisions of this act or a city or town ordinance or regulation shall be admitted in evidence in any court at the subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap. A "speed trap" within the meaning of this section is a particular section of or distance on any highway the length of which has been or is measured off or otherwise designated or determined and the limits of which are within the vision of an officer or officers who calculate the speed of a vehicle passing through such speed trap by using the elapsed time during which such vehicle travels between the entrance and exit of such speed trap.

Speed trap  
defined.

Weight  
limit.

SEC. 8. 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 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:

Solid  
rubber tires.

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 or 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.

Six wheel  
motor truck  
weight limit.

SEC. 9. It shall be unlawful for any person, firm, or corporation to operate any six wheel motor truck over and along the roads in this state whose gross weight, including load, is more than 27,500 pounds or having a greater weight, including load, than 11,000 pounds on one axle, or having a combined weight, including load, of over 800 pounds per inch width of tire upon any wheel (said width of tire in the case of solid rubber tires to be measured between the flanges of the rim), or any six wheel motor truck or any combination of vehicles which includes a six wheel motor truck whose gross weight, including load, is in excess of the following or whose wheel base or wheel bases are less than the following:

The wheel base between the front axle and the second axle shall be not less than twelve feet.

The wheel base between the second and third axles shall be not less than three feet six inches.

The wheel base between the rear axle of a six wheel motor truck and the axle of a trailer having one axle shall be not less than twelve feet and the

gross weight of the trailer on the trailer axle, including load, shall not be greater than 18,500 pounds.

The wheel base between the rear axle of a six wheel motor truck and the front axle of a trailer having two axles shall not be less than six feet six inches, and the wheel base of the trailer shall be not less than twelve feet, and the gross weight including load on the trailer shall not exceed 20,000 pounds nor 10,000 pounds on either axle.

Six wheel trucks shall be constructed so that the load distribution on any one wheel shall not exceed the average load for all wheels by more than 15% when one wheel is approximately 3 inches above or below the plane passing through the points of contact of the other three wheels with the surface of the road.

Distribution  
of weight  
prescribed.

SEC. 10. 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 shall have a chain or steel cable connection to the motor vehicle, 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, or where overhanging loads are necessary, or vehicles whose over all width and length are in excess of the maximum herein prescribed, or special equipment may operate over a definite route under special written permits, which must be first obtained and under such terms and conditions as to time, route, equipment, speed and otherwise as shall be determined by: The state high-

Trailers.

Vehicles  
not within  
classification,  
overhanging  
loads, etc.—  
special  
permits.

Permit does not relieve from liability.	way engineer if it is desired to use a state highway; the county commissioners if it is desired to use a county road; and the city or town council if it is desired to use a city or town street; from which officer or officers such permit shall be obtained in the respective cases. <i>Provided</i> , That such permit or permits shall in no way relieve the person, firm or corporation of full liability for any damages to the highway or any damages to any person or property incurred by reason of the operation under the terms of the permit or permits. <i>Provided</i> , That no motor truck or trailer shall be driven over or on a public highway with a load exceeding the licensed capacity, except as provided in this section.
No overload on truck or trailer without permit.	No vehicle whose width over all, including load, exceeds eight feet shall be driven over or on a public highway (farm machinery moving from one farm or section of farm to another not included). No vehicle designed for the carrying of passengers shall be operated upon any public highway having any luggage, package, trunk, crate, box or any other load carried thereon extending beyond the line of the hub caps on the left side of such vehicle nor extending more than six inches beyond the line of the hub caps on the right side thereof; and no vehicle having two axles and having a length of more than thirty-five feet shall be driven over or on a public highway; 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: <i>Provided, further</i> , Upon the conviction of any person, firm or corporation for the violation of the provisions of sections 4, 8, 9 or of this section or any part thereof, a fine shall be imposed of not less than twenty-five dollars (\$25): <i>Provided, further</i> ,
Width.	
Luggage carrier, boxes, etc., on left side prohibited.	
Length.	
Violation.	
Penalty.	

Upon the conviction of any person, firm or corporation for a second violation of the provisions of sections 4, 8, 9 or of this section or any part thereof, the court or judge before whom such conviction is had may in its or his discretion impose a fine of not to exceed fifty dollars (\$50) and shall in addition to any fine imposed suspend the certificate of registration covering the vehicle involved in such violation for a period of thirty days, and upon a third conviction, the court or judge may in its or his discretion impose a fine of not to exceed one hundred dollars (\$100) and shall in addition to any fine imposed suspend certificate of registration covering the vehicle involved in such violation for a period of three months.

Fines.

Suspension of registration certificate.

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.

Load limit.

Metal tired vehicle.

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:

Load limits for solid rubber tires.

(a) When the gross weight, including load, on any one wheel is less than 6,000 pounds, one and one-quarter inches.

Schedule.

(b) When the gross weight, including load, on any one wheel is 6,000 pounds or more, one and one half inches.

Anti-skid  
chains.

It shall be unlawful for any person, firm, or corporation to operate over and along any paved public highway or bridge any motor truck equipped with solid tires and anti-skid chains whose strands are more than six inches apart or equipped with any other device that will produce serious impact or otherwise damage the pavement.

Mirror to  
give driver  
view of rear.

SEC. 11. Every owner or operator of any vehicle so constructed or loaded as to prevent an unobstructed view directly to the rear, used on the public highways of this state, shall equip such vehicle with a mirror or other device to enable the driver thereof to have such clear and unobstructed view of the rear as will enable him to obey the "rules of the road" and traffic regulations when overtaken by any other vehicle.

Posters,  
cards, etc., on  
windshield  
prohibited.

SEC. 12. It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, card, sticker or other non-transparent material upon the front windshield, side wings, side or rear windows of such motor vehicle other than a certificate or other device required to be so displayed by law.

Windshield  
swipe  
required.

Every windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from an exterior portion of the windshield sufficient to afford the operator clear vision ahead, which device shall be controlled or operated by the driver of the motor vehicle.

Signaling  
device  
required.

SEC. 13. Every motor vehicle shall be provided with a suitable bell or horn or other signaling device which shall be rung or blown as a signal or warning to any person or whenever there is danger of collision or accident. It shall be unlawful for any person to use on any motor vehicle any gong or siren whistle unless such vehicle is used as an ambulance or is operated by a police department, fire

Siren  
forbidden  
on other  
than  
ambulances,  
etc.

department, sheriff, state highway patrolman, or patrol wagons, ambulances, fire patrols, fire engines, and fire apparatus which shall, in all cases, with due regard to the safety of the public, have the right of way, all provisions of this act to the contrary notwithstanding, but such right of way shall not protect the driver of any such vehicle from the consequences of the arbitrary exercise of such right or from liability for injuries wilfully inflicted. Any gong or siren whistle attached to any motor vehicle, except as permitted in this section shall be *prima facie* evidence of the unlawful use of such gong or siren whistle.

Fire engines, etc., have right of way.

SEC. 14. All equipment required by this act to be examined and approved shall be so examined and approved by a commission, to be known as the "commission on equipment," which shall consist of the director of licenses, the director of traffic, and the state highway engineer.

Equipment to be examined by "commission on equipment."

The commission before approving any equipment may require a certificate of approval from the bureau of standards of the department of commerce of the United States, (if the said equipment is such that can be submitted to the said bureau of standards for inspection) and such other tests as said commission may deem necessary.

May require certificate from U. S. bureau of standards.

The commission is hereby authorized to adopt, apply and enforce such reasonable rules and regulations as will expedite the enforcement of the provisions of this act relating to the inspection and approval of equipment. The commission is hereby authorized to adopt, apply and enforce such reasonable rules and regulations governing, and to fix and demand payment of such fees for, vehicles not otherwise provided for in this act.

To adopt regulations on inspection and approval of equipment.

Fix fees.

The commission shall have authority to license adjusters and designate adjusting stations and prescribe reasonable rules and regulations for their

License adjusters.

Regulate charges of adjusters.

operation and for the charges to be made for such adjusting and to revoke such license for failure, refusal or neglect to comply with such rules and regulations.

Unauthorized designation as testing or adjusting station unlawful.

It shall be unlawful for any person to display any sign or other advertisement that purports to designate said person as conducting a testing or adjusting station for automotive equipment unless so authorized by the commission.

Mechanical hand and arm signals.

SEC. 15. It shall be unlawful for any person to operate a vehicle upon the public highways of this state having thereon any mechanical or electric device intended or used for the purpose of indicating, and as a substitute for, hand and arm signals in right and left turns and stopping, unless the same shall have been approved by the commission on equipment. Any person, firm or corporation may submit a mechanical or electric signal device to the commission on equipment for its inspection and approval. Application for such inspection and approval shall be filed with the state treasurer, accompanied by a fee of \$50.00. Upon receipt of such application and fee the state treasurer shall endorse thereon his duplicate receipt for such fee, and transmit such application to the director of licenses. All such fees shall be paid into the state treasury and deposited in a special fund to be known as the "signal device testing fund" which fund is hereby created in the state treasury. The commission on equipment shall not approve any stop signal device unless such device when used upon a vehicle shall give a signal plainly visible for a distance of at least 100 feet to the rear of such vehicle nor any device intended to give a signal that the vehicle upon which it is used is about to turn unless such device when used upon a vehicle clearly indicates the direction in which such vehicle is to be turned, which signal shall be plainly visible at least 100

Application for inspection and approval.

Fee.

Signal device testing fund.



feet to the rear of the vehicle upon which the same is used. Whenever the said commission shall approve a signal device as meeting the requirements of this section it shall give to the applicant a certificate of approval.

Certificate  
of approval.

SEC. 16. Every motor vehicle or combination of vehicles operated or driven upon the public highways of this state, shall be equipped with brakes as follows:

Brakes  
required.

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, hydraulic, oil or electric brakes; either brake on the wheels of the second axle when operated in connection with the brakes 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 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.

All brake equipment shall be subject to the approval of the commission on equipment.

SEC. 17. Every motor vehicle using an internal combustion engine shall use an exhaust muffler, and

Use of  
muffler.

the same shall not be cut out or disconnected. For the purposes of this section a muffler shall be defined as follows:

Muffler defined.

“Muffler.” “A series of pipes or chambers properly proportioned to allow the exhaust gases of an internal combustion motor to expand and cool to a degree of noiseless expulsion.”

Safety chains fastening loads.

SEC. 18. It shall be unlawful to operate any power driven motor truck upon the highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The director of traffic is hereby authorized to promulgate and adopt reasonable rules and regulations as to what shall constitute adequate and safe chains or other device or their method of attachment or application.

Light equipment requirements.

SEC. 19. Every vehicle when upon any public highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible a person, vehicle or other substantial object on the highway at a distance of two hundred feet ahead shall be equipped with lighted lamps and/or lighted headlights as herein respectively provided for this class of vehicles and subject to such exceptions as are set forth in this act.

Headlights.

Headlights and side lights—candle power, etc.

SEC. 20. (a) Every motor vehicle other than a motorcycle or farm tractor and except as otherwise provided herein shall be equipped with two headlights of approximately equal candle power at the front of and on opposite sides of such vehicle. Such headlights shall be so attached to such motor vehicle that the centers thereof shall be not more than 50 inches above the level surface upon which the vehicle stands.

(b) The term "headlight" as used herein shall denote a light located upon the front or other portion of a vehicle the rays of which are projected forward other than a "side light" or "spot light."

"Headlight,"  
"side light,"  
"spot light."

(c) Motor vehicles may also be equipped with two "side lights" but no more or less. The term "side light" shall include any lights upon a motor vehicle other than headlight lights or spot lights the rays of which project forward, or such other signal light of such color and design as the Washington department of public works may by rule require or permit on public carriers. No electric lamps or bulbs shall be used in any "side light" which exceeds four candle power.

Side light  
equipment.

Side light  
defined.

SEC. 21. The headlights of motor vehicles shall be so constructed, arranged and adjusted that they will at all times mentioned in this act and under normal atmospheric conditions produce ample driving light for the use of the operator of such vehicle but will not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach. Headlights shall be presumed to comply with the provisions of this section:

Headlights—  
requirements  
as to  
construction,  
etc.

(a) When the vehicle upon which they are affixed is fully loaded;

(b) When such headlights are affixed to such vehicle in the manner required by this act;

(c) When they are of a type or are equipped with lens reflectors or control device upon which certificate of approval has been issued by the commission on equipment as provided in this act;

(d) When used in accordance with the instructions contained in or accompanying such certificate;

(e) And when the light projected by such headlights shall be as follows:

(1) In the median vertical plane, parallel to the lamps on a level with the centers of the lamps,

not less than one thousand eight hundred nor more than six thousand apparent candle power.

(2) In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than seven thousand two hundred apparent candle power and there shall not be less than seven thousand two hundred apparent candle power anywhere on the horizontal line through this point one degree to the left or to the right of this point.

(3) In the median vertical plane, one degree of arc above the level of the center of the lamps, not more than two thousand four hundred nor less than eight hundred apparent candle power.

(4) Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps not more than eight hundred apparent candle power.

(5) One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right respectively of the median vertical plane not less than five thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

(6) Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right, respectively, of the median vertical plane not less than two thousand apparent candle power nor less than this amount anywhere on the line connecting those two points.

Tests of  
depressible  
beam  
headlights.

SEC. 22. (a) Depressible beam headlights shall be tested in pairs and the main or upper beams of such headlights shall meet the requirements as to light intensity and distribution provided in the foregoing specifications for fixed beam headlights. (The depressed or lower beams shall meet the requirements as to light intensity and distribution provided in (b) of this section for auxiliary driving lights.)

(b) The term "auxiliary driving light" as used herein shall denote a light located upon the front or other portion of a vehicle, the rays of which are projected forward, other than a side light or spot light. Auxiliary driving lights shall be tested singly or in pairs as designed to be used and shall meet the following requirements as to light intensity and distribution:

Auxiliary  
driving  
light  
defined.

Test  
requirements.

1. In the median vertical plane, one degree of arc above the level of the centers of the lights, not more than eight hundred nor less than three hundred apparent candle power.

2. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the centers of the lights, not more than four hundred apparent candle power.

3. Three degrees of arc to the left and to the right, respectively, of the median vertical plane and one and one-half degrees of arc below the level of the centers of the lights, not more than two thousand nor less than eight hundred apparent candle power.

4. Six degrees of arc to the left and to the right, respectively, of the median vertical plane and three degrees of arc below the level of the centers of the lights, not less than two thousand apparent candle power, nor less than this amount anywhere on the line connecting these two points.

5. In no direction shall there be more than twenty-five thousand apparent candle power. In the case of both headlights and auxiliary driving lights the commission on equipment shall, in determining whether a device is likely in practice to prove unsafe or impracticable, inspect for defects such as:

Unnecessary loss of light in the device due to absorption or diffusion; abnormal or unduly complicated adjustment; unstable or bad mechanical construction; unduly bright or dark areas or exces-

sive contrast in the illuminated field; indefinite pattern at top of beam making aiming uncertain.

Signal  
lights—  
requirements.

(c) Signal lights shall be tested singly and shall meet the following requirements as to light intensity and distribution:

1. On a line perpendicular to the center of the light face a minimum average brightness of two candle power per square inch over a minimum illuminated area of three and one-half square inches.

2. At all points at an angle of thirty degrees to the perpendicular through the center of the light face a minimum average brightness of fifteen hundredths candle power per square inch over a minimum illuminated area of three and one-half square inches.

3. In no direction shall there be more than twenty-five apparent candle power.

Tail or  
rear lights—  
requirements.

(d) Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles at the times and under the conditions specified herein, shall display at the rear a red light plainly visible under normal atmospheric conditions for a distance of 500 feet toward the rear.

(e) Rear lights shall be tested singly and shall meet the following requirements as to construction, light intensity and distribution:

1. Rear lights shall emit a red light which on a line perpendicular to the center of the light face shall be not less than one-tenth apparent candle power, and which in all directions at thirty degrees to the perpendicular through the center of the light face shall be not less than five-hundredths apparent candle power. In no direction shall there be more than five apparent candle power.

2. The rear light shall have an opening covered with colorless glass sufficiently large to permit light to cover the entire surface of the registration number plate, which for the purpose of the test shall be

represented by a plane surface sixteen inches long by six and one-half inches wide in the case of a device for motor vehicles and ten inches long by five inches wide in the case of a device for motorcycles.

3. The registration plate holder shall be an integral part of the light and constructed in such a manner that the major portion of the light incident at any point on the registration plate shall make an angle of not less than eight degrees with the plane of the plate.

4. The light shall be weather and dust proof and so constructed as to withstand the shock and vibration to which it is ordinarily subjected in use.

5. When tested with a bulb of two spherical candle power the illumination as measured on white blotting paper placed in the location of the registration plate shall not be less than five-tenths foot-candles at any point and the ratio of maximum to minimum shall not exceed thirty.

6. In the case of rear lights the commission will, in determining whether a device is likely in practice to prove unsafe or impracticable, inspect for defects such as: unstable or bad mechanical construction; unduly dark or bright areas or excessive contrast in the illumination on the registration number plate; shut-off of illumination within one and one-half inches of the plate measured perpendicular to the plane of the plate at the edge farthest from the lamp.

SEC. 23. When any headlight lens, reflector, or headlight control device intended to enable a headlight to comply with the provisions of this act, shall be used or intended or proposed for use upon any motor vehicle or for sale for such use or purpose, such headlight lens, reflector, or headlight control device shall be submitted to the commission on equipment for approval or disapproval as herein provided.

Headlight control devices to be submitted to commission for approval.

Application. To obtain such approval, application, upon a form to be prepared and furnished by the director of licenses, shall be filed with the state treasurer and shall be accompanied by a draft, money order or certified bank check for the sum of \$10 and when tests are to be made such additional amount as such test costs, and two pairs of such headlight lens, reflector, or headlight control devices. Upon receipt of any such application, the state treasurer shall endorse thereon his duplicate receipt for the fee and transmit the application and the two pairs of such headlight lens, reflector, or headlight control device to the director of licenses. The commission shall make or cause to be made such tests as it may deem necessary to determine whether such headlight lens, reflector, or headlight control device complies with the requirements of this act. In making or causing to be made such tests, the commission may designate in writing such testing agencies, either within or without the State of Washington, for that purpose and the tests made by such agencies may be used and considered by the commission in granting or refusing such certificates of approval. The commission shall within thirty days from the date of any application report its findings in writing to the applicant. In the event it shall find the headlight lens, reflector, or headlight control device complies with the requirements of this act, the commission shall issue to the applicant a certificate of approval. If it shall find that the headlight lens, reflector, or headlight control device submitted does not comply with the requirements of this act, the commission shall so notify the applicant in writing by registered mail. All headlight lenses, reflectors, or headlight control devices so examined shall remain in the office of the director of licenses, properly labeled, and a complete record of the investigation and findings shall be filed in said office.

Costs of tests.

Tests.

Testing agencies.

Report of Commission.

Certificate of approval.

Retention of devices examined.



The director of licenses shall transmit a copy of every certificate of approval of headlight lens, reflector or headlight control device issued by the commission together with a copy of the instructions accompanying the same and in connection therewith, to the county clerk of every county within the State of Washington, who shall file the same, and to every city or town police department, the sheriff of each county and the director of traffic.

Copy of certificate to county and city officers.

Whenever the director of licenses shall receive one or more complaints in writing that any headlight lens, reflector or headlight control device sold commercially which may hereafter or which has heretofore been approved by the commission does not under ordinary conditions of use comply with requirements of this act the commission in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector or headlight control device shall be retested to determine whether or not such headlight lens, reflector or headlight control device meets with the requirements of this act. If the same is approved the director of licenses shall issue without further fee a new certificate of approval. From and after December 31, 1927, it shall be unlawful to sell or offer for sale any headlight lens, reflector or headlight control device unless it is of a type which shall be approved by the commission on equipment under the provisions of this act and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candle power limitations of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act. Such instructions shall be printed with photograph of (a) lens or control device, (b) pattern of light from one headlight both with and without the device, showing the relation of the pat-

Complaint approved device not meeting requirements.

Retest.

New certificate of approval.

Unlawful to sell lens, reflector, or headlight control device of unapproved type.

tern of light as projected in each case at a height equal to the height of the center of such headlight, and with the headlight adjusted for tilt and focus exactly as required to conform with the requirements of this act.

Sale of vehicle unlawful if headlights not comply with law.

It shall be unlawful from and after December 31, 1927, to sell or offer for sale any new motor vehicle with headlights which do not comply with the provisions of this act.

Unlawful to sell headlight devices.

After December 31, 1927, it shall be unlawful to use on any highway in this state any headlight lens, lamp, reflector or headlight control device which shall not have been approved by the commission on equipment as in this act provided.

Use of equipment previously approved.

*Provided,* Nothing in this act shall be construed as preventing the use on a motor vehicle of any headlight, device or equipment heretofore approved by the said commission and until December 31, 1927, unless such approval is revoked in accordance with the provisions hereof.

Motorcycle headlight.

SEC. 24. Every motorcycle at the times and under the conditions specified herein shall be equipped with at least one lighted headlight and not more than two which shall conform to the provisions of this act relating to headlights for automobiles.

Acetylene headlights.

SEC. 25. Any motor vehicle equipped with acetylene headlights shall be deemed to have complied with the provisions of this act, concerning headlights, anything to the contrary notwithstanding, when such vehicle has two acetylene lamps at the front portion thereof, of approximately equal candle power which shall be lighted at the times and under the conditions specified in this act and are fitted with clear plane glass fronts, bright six inch spherical mirrors and standard acetylene five-eighths foot burners, not more and not less, and which must throw sufficient light ahead to make clearly visible

Regulation of use.

all vehicles, persons or substantial objects upon the roadway within a distance of two hundred (200) feet but must not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach.

Any motorcycle equipped with an acetylene headlight shall be deemed to have complied with the provisions of this act, anything to the contrary notwithstanding, when such motorcycle has one acetylene lamp at the front thereof, which shall be lighted at the times and under the conditions specified in this act, and is fitted with a clear plane glass front, bright, six-inch spherical mirror and a standard acetylene one-half or five-eighths foot burner, and which must throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of one hundred fifteen feet but must not project a glaring or dazzling light to persons approaching such light or to persons whom such headlight may approach.

SEC. 26. Every bicycle at the times and under the conditions stated in this act shall be equipped with a light visible under normal atmospheric conditions at least three hundred feet in the direction toward which such bicycle is facing, and shall also carry at the rear of such bicycle a reflex mirror or a lamp exhibiting a red light plainly visible under normal atmospheric conditions for a distance of at least two hundred feet toward the rear.

Bicycles—  
Light and  
mirror  
equipment.

SEC. 27. Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles at the times and under the conditions specified herein shall carry at the rear a lighted lamp exhibiting a red light plainly visible under normal atmospheric conditions for a distance of 500 feet toward the rear and so constructed and placed that the number plate carried on the rear of such

Trailers—  
Rear lights.

To illuminate number plate.

motor vehicle or trailer shall be illuminated by a white light in such manner that the number plate thereon can be plainly distinguished under normal atmospheric conditions at a distance of not less than 50 feet towards the rear. The lens of such rear light shall not be less than one and three-fourths inches in diameter, and each such rear light shall be equipped with a lamp bulb producing not less than 2 nor more than 4 candle power of light.

Side lights on long vehicles.

SEC. 28. Side lights on long vehicles or combinations of vehicles having gross or overall lengths in excess of 20 feet, shall at the time and under the conditions specified herein carry at the left side and near the rear thereof a lighted lamp exhibiting a red light towards the rear and a white light towards the front; both of which lights shall be plainly visible under normal atmospheric conditions for a distance of 500 feet. Except in cases of vehicles disabled between the corporate limits of cities and/or towns and being removed directly from the place where the same were disabled, all vehicles being towed shall exhibit the side lights as required in this section.

Towed vehicles.

Front lights for vehicles not enumerated.

SEC. 29. All vehicles not hereinbefore required to be equipped with lights shall at the times and under the conditions specified in this act carry at the front thereof one or more lighted lamps or lanterns exhibiting a white light so arranged that said lamps or lanterns shall be plainly visible under normal atmospheric conditions for a distance of not less than 500 feet from in front of such vehicle and each such vehicle shall carry at the rear a red light which shall be plainly visible under like conditions for a distance of not less than 500 feet from the rear of such vehicle.

Spotlight defined.

SEC. 30. The term "spotlight" as used herein shall denote any light on a motor vehicle the rays

of which are projected forward except headlights and side lights.

All spotlights used on motor vehicles, other than motor trucks shall be affixed to such vehicle in such manner that the centers thereof shall not be less than 24 inches nor more than sixty inches above the level surface upon which the vehicle stands and shall be so constructed and arranged that no portion of the main substantially parallel beam of light shall rise to higher than a parallel position with the level surface of the highway upon which the vehicle stands and directly ahead of such vehicle. Such main substantially parallel beam of light shall at all times while such vehicle is upon the paved or main traveled portion of the highway be directed downward and to the right so as to illuminate the right side of the highway or pavement directly in front of such vehicle. The provisions of this section shall not apply to police or fire department vehicles.

Spotlights—  
requirements  
as to use.

The provisions of this section shall apply to motor trucks in all respects except that spotlights thereon may be affixed in such manner that the centers thereof shall not be more than 72 inches above the level surface upon which the vehicle stands.

Motor truck  
spotlights.

Not more than one spot light shall be placed, secured or used upon any motor vehicle at one time: *Provided, however,* That it shall be permissible to have attached to any motor vehicle one fog light. The term "fog light" when used with respect to motor vehicles shall mean a light fixed to the motor vehicle no higher than 36 inches nor lower than 12 inches above the level surface upon which the vehicle stands and which said light is stationary and not subject to control from the driver's seat, and which said light shall be so fixed that the main substantially parallel beam of light shall at all times be directed downward and to the right so as to illuminate the right side of the paving or main traveled por-

Fog light  
defined.

How used.

tion of the highway for a distance of not more than 125 feet directly in front of such vehicle.

Business or residence district—  
Lights not required when car not moving.

SEC. 31. Whenever there is sufficient light within the lateral boundaries of the public highway within a business or residence district as herein defined to reveal all persons, vehicles or substantial objects within said boundaries for a distance of two hundred feet, no lights shall be required to be displayed on any vehicle upon a public highway while the same is not in motion: *Provided*, That a right hand wheel of such standing vehicle is located within twelve inches of the right hand curb.

Car not moving—  
when lights displayed.

Outside of a business or residence district as herein defined and during the times specified in this act wherein lights are required, a rear light and dimmed headlights or side lights must be displayed.

Load extending beyond rear of vehicle.

SEC. 32. (a) Whenever any vehicle shall be loaded with any material in such a manner that any portion of such load extends toward the rear three feet or more beyond the rear of the body or bed of such vehicle there shall be displayed at the extreme rear end of the load at the times and under the conditions specified in this act in addition to the ordinary rear light hereinbefore required to be displayed, a red light of not less than three inches in diameter plainly visible under normal atmospheric conditions at least 200 feet from the rear and at all other times while such vehicle is upon the public highway and a red flag or cloth not less than 16 inches square shall be displayed at the extreme rear of said load as a warning signal to persons operating vehicles approaching from the rear.

Display warning signal.

Overhanging load.

(b) Whenever any vehicle shall be loaded with any article, implement of husbandry or any material in such a manner that any portion of such load or of such vehicle extends more than one foot beyond the front hub cap on the left side of such vehicle as pro-

vided herein there shall be displayed at the extreme left side of such vehicle or such load at the times and under the conditions specified in this act a lighted lantern or other light plainly visible under normal atmospheric conditions for at least two hundred feet from in front and for a like distance from the rear of such vehicle. No such light shall project a light greater than four apparent candle power.

Must display light.

SEC. 33. It shall be unlawful for any person driving or having the immediate control of any vehicle to drive the same upon any public highway with any red light visible directly in front thereof. This section shall not apply to police or fire department vehicles.

Front red light unlawful.

SEC. 34. Every vehicle, drawn or propelled by horses, mules or other animal power shall, when driven on any public highway within this state during the hours of darkness, have fixed or carried thereon in some conspicuous place on the left side of said vehicle at least one light so fixed or carried that the light therefrom may be seen both from the front and rear of said vehicle.

Animal drawn vehicles.

Light required.

SEC. 35. It shall be unlawful for any person, firm or corporation to sell, offer for sale or have in his or its possession with intention to sell for use on motor vehicles any lamp bulb having a candle power in excess of 32 candle power.

Lamp bulbs unlawful to sell.

SEC. 36. It shall be the duty of every person operating or driving any motor or other vehicle or any animal upon any public highway where any peace officer displaying his star or badge is at the time discharging the duty of regulating and directing traffic in his locality, to obey all signals of such officer directing such driver to take a certain direction or to stop or to otherwise proceed for the safety of the public, and to comply with all lawful orders of such officer.

To obey traffic officers.

Appointment  
of highway  
patrolmen.

SEC. 37. The director of traffic shall appoint a sufficient number of competent persons to act as highway patrolmen, may remove them for cause, determine their compensation and define their duties. Each of said highway patrolmen shall, during the period he is actually engaged in the performance of his duty, have and exercise all the powers of peace officers for the purpose of enforcing all motor vehicle laws, rules and regulations, and for any violation or attempted violation thereof by any person in his presence, may arrest such person without warrant and may serve any process lawfully issued by the courts, order of the director of traffic, the director of licenses, the highway committee and the department of public works, in enforcing the provisions of the motor vehicle laws, rules and regulations of the state.

Powers.

Director of  
traffic to  
investigate  
motor  
vehicle  
accidents.

The director of traffic may investigate the cause of any accident in which any motor vehicle is involved and for this purpose may send one or more highway patrolmen, not in uniform, into other states. With the permission and consent of the sheriff of any county or the chief of police of any city or town, the director of traffic is hereby authorized to employ temporarily and deputize any deputy sheriff or police officer to investigate any auto theft matters or other violations of this act and any such officer or officers so employed or deputized shall have the authority of a highway patrolman, and are hereby required to use reasonable diligence in ascertaining whether the owners and operators of motor vehicles are complying with the provisions of this act.

Deputize  
police officers  
in auto theft  
investiga-  
tions.

Refusal to  
give name to  
peace officer  
or to stop.

SEC. 38. Any person who while operating or in charge of a motor vehicle shall refuse when requested by a peace officer to give his name and address and the name and address of the owner of such motor vehicle, or who shall give a false name and address or who shall refuse or neglect to stop when



signaled to stop by any peace officer who is in uniform and who displays his badge conspicuously on the outside of his outer garment, or who refuses on demand of such officer to produce his license to operate such vehicle on demand of such officer or his certificate of registration or to permit such officer to take the license or certificate in hand for the purpose of examination or who refuses on demand of a peace officer, without a reasonable excuse, to deliver his license to operate motor vehicles or the certificate of registration of any motor vehicle operated or owned by him or the number plates furnished by the director of licenses for said motor vehicle, or who refuses or neglects to produce his license when requested by a court, shall be punished by a fine of not less than \$25.00 or more than \$100.00.

When signaled, etc.

Penalty.

SEC. 39. It shall be the duty of every person operating or driving any motor or other vehicle along or over the narrow way in any park, pass or defile, to fully comply with all regulations requiring vehicles to proceed in one direction only as the signboards and regulations upon such narrow ways, passes and defiles shall indicate. The direction in which all vehicles shall so proceed may be determined by the park commissioners in parks and by the county commissioners or other legally constituted authorities with respect to narrow passes and defiles within their respective jurisdictions, and when so declared shall be so conspicuously marked with signs as to indicate the rules and regulations in regard thereto and the direction in which all vehicles shall so travel.

Observance of regulations requiring vehicles to proceed in one direction over narrow way in park, etc.

Signs marking way.

SEC. 40. The operator of any motor vehicle entering upon an arterial main traveled highway, from a public or private highway, road, street, way or driveway, shall yield the right of way to vehicles on such arterial highway and shall come to a full stop thereat when and where signs, posts or other markers so direct or indicate. It is hereby made the duty

Vehicles on arterial highway have right of way.

Vehicles entering to come to stop. Signs to be placed.

of the state highway engineer, the county commissioners of the various counties and the governing authorities of the various cities, towns and townships in the State of Washington, on or before July 1, 1927, officially to designate and file with the state director of traffic and the county auditor, or city, town or township clerk of their respective county, city, town or township, a map or maps plainly showing the highways, roads, streets and avenues which shall be considered for the purpose of this act as arterial main traveled highways. All state highways shall be considered arterial main traveled highways.

Maps to be filed of arterial highways.

Rules of the road.

SEC. 41. It shall be the duty of every person using the highways of this state to observe the "rules of the road" as hereinafter prescribed:

Pass to the right in opposite directions.

(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.

Pass to the left going in the same direction.

(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.

Clear view ahead.

Speed of vehicles passing each other.

(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.

Signal to pass.

(4) The signal of an intention to pass shall be

given by one blast or stroke of the horn or other signaling device.

(5) Should the 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) Pedestrians on the public highways shall travel on and along the left side of said highway, and the pedestrians upon meeting an oncoming vehicle shall step off the paved or main traveled portion of the highway.

Pedestrians  
on left side.

(7) 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 feet cannot be had, to hold such vehicle under control and to give signals with frequent blasts or strokes of a horn or other signaling device, and to keep to the extreme inside of all curves to the right and to the extreme outside of all curves to the left.

Approaching  
curves.

(8) 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 off of the pavement or gravel or crushed rock surface except for the purpose of stopping off the pavement or gravel or crushed rock surface.

All wheels  
on pavement  
when in  
motion.

(9) Whenever any persons driving any vehicle shall meet on any public highway in this state, the persons so meeting shall seasonably turn their vehicles to the right of the center of the road, to permit each vehicle to pass without interfering with or interrupting the other.

Meeting  
vehicle, turn  
to right.

(10) It shall be the duty of every person operating or driving any motor or other vehicle or riding

Approaching intersections,

keep to right.

Signals explained.

or driving any animal along or over any public highway and approaching any intersection of a street, road or highway, with the intention of turning thereat to the right, to keep to the extreme right, and with the intention of turning thereat to the left to proceed to any point beyond the center of the intersection before turning. And it shall be the duty of every such person about to turn from a standstill or while in motion to give a timely signal from the left side of such motor vehicle, indicating the direction in which he intends to turn as follows: If he intends to turn to the left he shall extend his arm in a horizontal position from the left side of such motor vehicle for a reasonable length of time; if he intends to turn to the right he shall extend his arm with the forearm raised at right angles from the left side of such motor vehicle for a reasonable length of time and every such signal shall commence at a point not less than fifty feet before the turn is made. And it shall be the duty of every person operating or driving any vehicle along or over any public highway and intending to stop, to extend his arm from the left side of the motor vehicle or other vehicle or animal and extend downward for a reasonable length of time before stopping.

Use of mechanical signaling devices.

Mechanical devices capable of producing signals as to the intention of the driver to stop or turn such vehicle and approved by the commission on equipment may be used.

(11) All vehicles operated on the highways of this state which are so constructed that hand and arm signals given by the driver are not visible at the rear of said vehicle, must be equipped with a suitable mechanical or electrical device approved by the commission on equipment capable of displaying unmistakable signals as to the intention of the driver to stop or turn such vehicle.

(12) It shall be the duty of any person in charge

of any vehicle or animal moving along and upon any public highway to keep such vehicle or animal as closely as practicable to the right hand boundary of such highway to allow more swiftly moving vehicles reasonably free passage to the left. And it shall be the duty of every person operating a motor vehicle upon any such highway, on receiving a signal given by raising the hand from a person riding, leading or driving in the opposite direction any animal or animals to bring such motor vehicle immediately to a stop and remain stationary so long as may be reasonable, to allow such animal or animals to pass; and if traveling in the same direction as any such animal or animals to use reasonable caution in passing same; and in case any such animal appears to be badly frightened, or the person operating such motor vehicle is signaled so to do, he shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accidents and insure the safety of others.

Keep close to right hand boundary of highway.

Passing animals.

No person owning or in control of any live stock shall voluntarily or negligently permit any such live stock to stray upon or remain unaccompanied by a person in charge or control thereof upon a public highway.

Straying live stock.

No person shall feed, pasture or camp with any such live stock upon, over or across any public highway without keeping a sufficient number of herders on continual duty to keep open the road to permit at all times the ready passage of vehicles.

Camping with live stock upon highway.

Live stock being driven to market or from one place to another over or along any public highway in this state shall have the right of way over any motor vehicle, but any person in charge of such live stock shall use reasonable diligence to open the road for traffic.

Driving stock to market.

It shall be unlawful to transport any living animal on the running board, fenders, hood or other

Living animal on running board.

outside part of any vehicle unless suitable harness, cage, carrier or guard rail be provided and so attached as to reasonably protect such animal from falling or being thrown therefrom.

Freight carrier and trailer—distance behind another carrier.

(13) It shall be unlawful for the driver of any motor vehicle designed, used or maintained primarily for the purpose of transporting property when such motor vehicle is drawing a trailer to follow another such motor vehicle and trailer so closely that the second motor vehicle or any portion thereof is closer than 100 feet to the first vehicle and its trailer or any portion of either of them when upon any public highway outside of a business or residence district.

Approaching highway intersections.

(14) Drivers, when approaching public highway intersections, shall look out for and give right of way to vehicles on their right, simultaneously approaching a given point within the intersection, and whether such vehicles first enter and reach the intersection or not: *Provided*, This paragraph shall not apply to drivers on arterial highways.

Passing schoolhouse.

SEC. 42. Failure upon the part of the operator of any motor vehicle to exercise due care and caution in compliance with all traffic laws and requirements in passing a schoolhouse, on school days, between 8:00 a. m. and 5:00 p. m., shall be *prima facie* evidence of reckless driving.

Reckless driving.

Public vehicles to be conspicuously marked.

SEC. 43. It shall be the duty of every public officer and department having charge of any automobile or other motor vehicle owned by the State of Washington or any county, city, town or other public body in this state and used in the public business, except automobiles used by the highway patrol, the sheriff's office, police department, constable, fire marshals and game-wardens, to cause to be painted upon such automobile or other motor vehicle, in letters of contrasting colors, in a conspicuous place on the left side of the car, not less than two by two

and one-half inches in size, the words "State of Washington" or the name of such county, city, town or other public body, together with the name of the department or office upon the business of which said automobile or other motor vehicle is used.

SEC. 44. Any state, county, city, town or other public officer, either elective or appointed, being the officer or head of a department in a public office and having the direction, control and supervision of the use, operation and marking of a publicly owned car or cars, as defined in this act, who shall direct, authorize, or permit any vehicle under his control, direction or supervision, to be used, driven or operated without being marked as in this act provided, shall be guilty of a misdemeanor.

Permitting use of public car without being marked.

Penalty.

SEC. 45. 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 state in such manner as to endanger or inconvenience unnecessarily other users of such highway.

Reckless driving.

SEC. 46. It shall be unlawful for any person to drive, propel, draw, move, convey or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported over, upon, along or across any public street, road, or highway, without the corporate limits of any city of the first class, any vehicle or object which, with or without its load, shall be of such weight, or which shall have any wheel or tires so made, constructed, formed or shaped, placed, or so equipped with spikes, cleats, lugs or other attachments or projections as to destroy or permanently injure such street, road or highway, or the surface, foundation or other part thereof, and it shall be unlawful for any person to drive, propel,

Overloaded vehicle, or one so equipped as to injure highway—use unlawful.

draw, move, convey, or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported, over, upon, along or across any public street, road, or highway without the corporate limits of cities of the first class, any automobile, auto truck, or motor propelled vehicle which with or without its load shall weigh more than twenty-four thousand pounds. All road supervisors, county and municipal officers and their deputies are hereby vested with the powers and duties of sheriffs in preventing violations of this section and in making arrests therefor.

Vehicle standing or parked on highway.

SEC. 47. No person shall park or leave standing any vehicle whether attended or unattended upon the paved or improved or main traveled portion of any public highway when it is practicable to park or leave such vehicle standing off of the road or improved or main traveled portion of such highway; *Provided*, In no event shall any person park or leave standing any vehicle whether attended or unattended upon any public highway unless a clear and unobstructed width of not less than 16 feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for the free passage of other vehicles thereon. Whenever any peace officer shall find a vehicle standing upon a public highway in violation of the provisions of this act he is hereby authorized to move such vehicle to a position permitted in this section. The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of the public highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

Clearance required.

Disabled vehicles.

It shall be unlawful for any person to leave any disabled vehicle standing on any traveled portion of any highway of this state at any time between one-half hour after sunset and one-half hour before sun-



rise without having a red light displayed on the rear end of such vehicle at the side thereof nearest the center of the highway. It shall be unlawful for any person to stop or park a vehicle on any curve upon any portion of the paved, improved or main traveled portion of any public highway unless such vehicle is so mechanically disabled as to be impossible of being removed from such position by the driver, or operator or the passengers in such vehicle.

Must display rear light.

Stop or park on curve.

SEC. 48. 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, fruits, merchandise, produce or commodities of any character, unless a permit is first obtained from the state highway engineer, if a state highway is involved, and/or the county commissioners, if a county highway is involved. The state highway engineer and the county commissioners of each county are hereby authorized to adopt, amend and enforce all rules and regulations necessary to carry out the provisions of this section.

Platform, etc., along side highway.

Unlawful without permit.

Rules to govern.

SEC. 49. It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of the car. Any person violating the provisions of this section shall be deemed guilty of reckless driving and shall be punished accordingly as in this act provided.

"One arm driving."

Embracing if prevents free operation of car unlawful.

SEC. 50. Every person operating or driving any motor or other vehicle or riding or driving any animal upon the public highway and coming in contact with any pedestrian, vehicle or other object on such

One causing accident or injury to render aid and make report.

highway, shall stop and render such aid and assistance as may be required, and in case of injury to any person or damage to any vehicle or property, the driver of any vehicle so involved, or any occupant thereof shall, if requested, furnish the driver of any other vehicle involved or any occupant of such vehicle or any witness to the accident, or in case of an injured pedestrian, to such pedestrian or witness, the certificate of registration, the plate number of his vehicle, the true name and address of the owner, the name and address and the operator's license number of the driver, and the name and address of each occupant of such vehicle; and it shall likewise be the duty of any witness of any such accident to furnish to the driver or occupant of any such vehicle or to any other person concerned in said accident upon request, his name and address; and it shall be unlawful for either party to a collision, whether resulting from a mistake in judgment or arising from accident, to move away from the place of such collision or accident without complying with the provisions of this section. None of the information required by this section to be given shall be construed as fixing liability or fault or negligence of either party, but shall be the means of identification of the facts and circumstances only.

Non-compliance unlawful.

Duty to render assistance to injured.

Violation.

Penalty.

It shall also be the duty of such operator or driver to render to any such persons all necessary assistance, including the carrying of such person or persons to a physician or surgeon for medical or surgical treatment if such treatment is required or if such carrying is requested by the person struck or any occupant of such vehicle collided with. Any person violating any of the provisions of this section is punishable by imprisonment in the state penitentiary not exceeding five years or in the county jail not exceeding one year or by fine not exceeding \$5,000.00 or by both fine and imprisonment.

SEC. 51. It shall be unlawful for any person to operate a motor vehicle upon the highways of this state while under the influence of intoxicating liquor or of any narcotic drug. Upon a first conviction for violation of the provisions of this section, the court shall impose a fine of not less than fifty dollars (\$50.00) or thirty days in jail, or both, nor more than five hundred dollars (\$500.00) or six months in jail, or both. Upon a second conviction for a violation of the provisions of this section, it shall be the duty of the court to impose a fine of not more than one thousand dollars (\$1,000.00) or the imprisonment of the defendant in the county jail for not more than one year or by both such fine and imprisonment.

Operating car while under influence of intoxicants or narcotics.

Penalty.

SEC. 52. It shall be unlawful for a manufacturer, dealer, distributor, or any person, firm or corporation, to publish or advertise, to offer for publication or advertisement, or to consent or be a party to the publication or advertisement of the time consumed or speed attained by a motor vehicle between given points or over given or designated distances, upon public highways of this state, when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over given or designated distances in excess of the maximum rate provided in this act. Conviction for a violation of any of the provisions of this section shall be *prima facie* evidence of a violation of the provisions of this act relating to reckless driving and exceeding the speed limits and shall subject the person, firm or corporation to the penalties in such cases provided.

Unlawful to publish or advertise time consumed by car over certain distance if indicate average speed rate exceeding maximum.

Penalty.

SEC. 53. (a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

Penalties for violations.

(b) Unless another penalty is in this act pro-

vided, every person convicted of a misdemeanor for violation of any provision of this act shall be punished accordingly, either by fine or imprisonment or both such fine and imprisonment.

Suspending  
operator's  
license.

The judge may in his discretion, in addition to the penalties prescribed for misdemeanor, suspend or revoke the operator's license for a period of not to exceed six months.

Disposition  
of fines.

SEC. 54. Twenty-five per cent. of all fines and forfeitures collected for violation of the provisions of this act shall be paid into the permanent highway maintenance fund of the county wherein collected and the balance thereof shall be paid into the state parks and parkway fund.

Saving  
section.

SEC. 55. 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 or its respective provisions take effect, but such actions or proceedings may be prosecuted and continued with the same effect and under the provisions of law effective at the time the act was done, ratified or confirmed, or the right accrued or established, or the action or proceeding had, are commenced.

See ch. 96,  
L. 1921;  
ch. 181,  
L. 1923.

SEC. 56. All acts or parts of acts in conflict with the provisions hereof are hereby repealed as of the date upon which the respective provisions hereof shall as herein provided or by operation of law become effective.

Partial  
validity.

SEC. 57. If any section or provision or part thereof 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.

Passed the House March 10, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

## CHAPTER 310.

[S. H. B. 230.]

COMPENSATION AND MEDICAL CARE OF INJURED  
WORKMEN.

AN ACT relating to the compensation and medical and surgical care of workmen injured, and the safety of workmen engaged in extra-hazardous employments, and amending Sections 7674, 7675, 7676, 7679, 7680, 7686, 7697, 7724 and 7784 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 1 of chapter 182 of the Laws of 1921, page 719 (section 7674 of Remington's Compiled Statutes) be amended to read as follows:

§ 3469,  
Pierce's  
Code.

Section 1. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extra-hazardous" wherever used in this act, to-wit:

"Extra-hazardous" employments.

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, water works, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering and ship-building operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads, general

What included.

warehouse and storage; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extra hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 4: *Provided, however,* the following operations shall not be deemed extra-hazardous within the meaning, or be included in the enumeration, of this section, to-wit: using power driven coffee grinders in wholesale or retail grocery stores; using power driven washing machines in establishments selling washing machines at retail; using power driven machinery in shoe repair shops; using computing machines in offices; using power driven taffy pullers in retail candy stores; using power driven milk shakers in establishments operating soda fountains; the duties of employees in restaurants; using power driven hair cutters in barber shops; using power driven machinery in beauty parlors; using power driven machinery in optical stores; driving automobiles, exclusive of trucks mentioned in class 11-1 of section 7676 of Remington's Compiled Statutes.

Operations excluded from extra-hazardous classification.

Director to declare occupation extra-hazardous.

Notice of hearing.

The director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion, or upon the application of any party interested, to declare any occupation or work to be extra-hazardous and to be under this act. The director of labor and industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the first class

of this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director of labor and industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the director of labor and industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 8 of this act, and not otherwise.

Review  
of finding.

SEC. 2. That section 2 of chapter 182 of the Laws of 1921, page 720 (section 7675 of Remington's Compiled Statutes) be amended to read as follows:

§ 3470,  
Pierce's  
Code.

Section 2. In the sense of this act words employed mean as here stated, to-wit:

Definitions.

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern, except when otherwise expressly stated.

Factories.

Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control, except when otherwise expressly stated.

Workshop.

Mill means any plant, premises, room or place wherein machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers, except when otherwise expressly stated.

Mills.

Mine.

Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.

Quarry.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes.

Engineering work.

Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used, except when otherwise expressly stated.

Employer.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this state in any extra-hazardous work or who contracts with another to engage in extra-hazardous work.

Workman.

Workman means every person in this state, who is engaged in the employment of any employer coming under this act whether by way of manual labor or otherwise, in the course of his employment: *Provided, however,* That if the injury to a workman is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident

Election of dependents to take under act.

Subrogation.



fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the state may be prosecuted or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Compromise.

Deficiency payable from accident fund.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances, and subject to the same obligations, as a workman: *Provided*, That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the director of labor and industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for a compensation are made.

Injured employer may come under act.

Notice to director employer under act.

Dependent means any of the following named relatives of a workman whose death results from any injury and who leave surviving no widow, widower, or child under the age of sixteen years, viz: Invalid child over the age of eighteen years, daughter between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman. Except

Dependent.

Invalid child.

Aliens, if not parents, excluded.

where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident are not included. A dependent shall at all times furnish to the director of labor and industries proof satisfactory to the director of labor and industries of the nature, amount and extent of the contribution made by such deceased workman.

Proof of dependency.

Beneficiary.

Beneficiary means a husband, wife, child or dependent of a workman in whom shall vest a right to receive payment under this act.

Invalid.

Invalid means one who is physically or mentally incapacitated from earning.

Child.

The word "child" as used in this act, includes a posthumous child, a stepchild, a child legally adopted prior to the injury and an illegitimate child legitimated prior to the injury.

Injury.

The word "injury" as used in this act means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom.

Hernia.

The word "hernia" means a real traumatic hernia resulting from the application of force which either punctures or tears the abdominal wall, as distinguished from all others which are either congenital or of slow development and not included within the meaning of the word "hernia".

Educational standard.

The term "educational standard" shall mean such standards as the supervisor of safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards.

§ 3471,  
Pierce's  
Code.

SEC. 3. That section 3 of chapter 131 of the Laws of 1919, page 345, as amended by section 1 of chapter 136 of the Laws of 1923, page 373, (section 7676

of Remington's Compiled Statutes) be amended to read as follows:

Section 3. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to the fifteenth day of each month hereafter, pay into the state treasury for the accident fund, a sum equal to a percentage of his total payroll for the preceding calendar month, and for the medical aid fund a certain number of cents for each day worked by workmen in extra-hazardous employment during the preceding calendar month, 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, as nearly as may be practicable, the balance in the accident fund of any class, on the first day of each calendar month, together with the estimated payments to be made on or before the fifteenth day of each respective calendar month, shall not exceed one hundred and twenty-five per cent of the estimated amount required to carry such class for such month, 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 on the first of such calendar month.

Accident fund payments.

Medical aid fund payments.

How computed.

INDUSTRIES.

CLASS 1:	Industrial Insurance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
1-1 Ditches and canals (not otherwise specified)	1¾%	3	Class 1
Canals other than irrigation.....	1¾%	3	
Excavations (not otherwise specified).....	1¾%	3	
Pipe laying (not otherwise specified).....	2%	6	
Grading (not otherwise specified).....	1¾%	3	
Diking .....	1¾%	3	
1-2 Drilling wells .....	2%	3	
1-3 Shaft sinking (not otherwise specified).....	8%	10	
Digging wells .....	8%	10	

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
1-4 Sewers (including all operations incidental to sewer construction, pipe laying, back filling, etc.) .....	2%	6
Back filling (incidental to pipe laying).....	2%	6
Side Sewers .....	2%	6
Conduit Construction .....	2%	6
Water main construction (includes all operations incidental to water main construction; back filling, pipe laying, etc.)....	2%	6
Tunnel work in connection with sewer and water main construction.....	2%	6
Trenches, ditches, excavations where depth is greater than width.....	2%	6
1-5 Tunnels (not otherwise specified includes lining of tunnels).....	3%	5
(Includes all labor in connection with and incidental to tunnel construction.)		
1-6 Tunnels, railroad (includes lining of tunnels) .....	2½%	4
1-7 Land clearing (includes clearing by all methods) .....	4½%	5
Clearing rights of way for roads and railroads .....	4½%	5
Clearing rights of way (not otherwise specified) .....	4½%	5
Grubbing stumps (includes grubbing stumps by all methods) .....	3%	3
1-8 Railroad construction (not otherwise specified) .....	3¼%	6
(Excludes all bridge and trestle work)		
Class 2. Railroad grading .....	2½%	3
CLASS 2:		
2-1 Bridges and bridge work.....	2½%	6
Steel bridges .....	2½%	6
Concrete bridges .....	2½%	6
Wooden bridges .....	2½%	6
Concrete or other types of culverts with span greater than 12 feet.....	2½%	6
Bridge foundations .....	2½%	6
Sub-aqueous work .....	2½%	6
Trestles, framed or pile.....	2½%	6
Wharf and pier construction.....	2½%	6
Pile driving .....	2½%	6
Bulkhead construction .....	2½%	6
Breakwaters and jetties.....	2½%	6
Railroads, steam (bridge and trestle work). .....	2½%	6
Marine railways .....	2½%	6

CLASS 5:		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	Class 5.
5-1	Window washing (excludes domestic servants regularly employed for other purposes..	2½%	4	
	Washing or cleaning buildings.....	2½%	4	
5-2	Brick work .....	1½%	2	
	Stone work .....	1½%	2	
	Marble, tile, terra cotta.....	1½%	2	
	Chimneys, (brick) .....	1½%	2	
	Slate work .....	1½%	2	
5-3	Plumbing .....	1%	2	
	Installation of heating and ventilation sys- tems .....	1%	2	
	Furnaces (installation in buildings).....	1%	2	
5-4	Painting of buildings or structures.....	2%	2½	
	Painting (inside or outside work).....	2%	2½	
	Sign painting .....	2%	2½	
	Frescoing .....	2%	2½	
	Whitewashing .....	2%	2½	
	Kalsomining .....	2%	2½	
5-5	Carpenter work (not otherwise specified)...	2%	3½	
	Hot house building .....	2%	3½	
	Wooden stair building.....	2%	3½	
	Lathing .....	2%	3½	
	Grain elevators (wood).....	2%	3½	
	House wrecking and moving store or bank fixtures installations .....	2%	3½	
	Advertising signs (wood).....	2%	3½	
	Elevators, freight or passenger (installation)	2%	3½	
	Roof work .....	2%	3½	
	Ornamental metal work.....	2%	3½	
	Glass setting (not otherwise specified).....	2%	3½	
	Galvanized iron and tin work.....	2%	3½	
	Fireproof doors and shutters.....	2%	3½	
	Demolishing structures .....	2%	3½	
	Safes and vaults (installation).....	2%	3½	
	Metal ceiling work.....	2%	3½	
5-6	Concrete construction (not otherwise speci- fied) .....	2%	3½	
	Concrete culverts (less than 12 ft. span)....	2%	3½	
	Concrete, plain or reinforced (not otherwise specified) .....	2%	3½	
	Concrete floors and foundations.....	2%	3½	
	Chimneys (concrete) .....	2%	3½	
	Erection and tearing down of forms in con- nection with concrete work.....	2%	3½	
5-7	Plastering .....	½%	1½	
	Paper hanging .....	½%	1½	

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Floor compositions (hot or cold).....	½%	1½
Mantel setting .....	½%	1½
Tile setting in floors.....	½%	1½
5-8 Iron and steel structures (not otherwise specified) .....	8%	8
Tanks, wood or metal (erection).....	8%	8
Chimneys, metal (erection).....	8%	8
Metal smoke stacks or chimneys.....	8%	8
Windmills, wood or metal (erection).....	8%	8
Water towers, metal or wood (erection)....	8%	8
Fire escapes .....	8%	8
5-9 Hardwood floors (laying).....	½%	1
5-10 General construction (includes all operations by temporary employers in building con- struction) .....	2%	4
CLASS 6:		
6-1 Electric apparatus (installation in build- ings) .....	¾%	2½
Electric wiring (inside).....	¾%	2½
Automatic sprinklers (installation).....	¾%	2½
Conduit work (excludes construction of con- duit) .....	¾%	2½
Fire alarm systems (installation).....	¾%	2½
6-2 Electric railway construction.....	1½%	4
Street railway construction (including cable) (excludes grading and bridge work) .....	1½%	4
Street railway grading.....	1½%	4
Telegraph and telephone construction.....	1½%	4
Transmission lines (construction).....	1½%	4
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
Moving machinery, boilers, etc.....	1½%	2
6-4 Junk dealers .....	1%	1½
8-1 Street and highway paving (construction)	1½%	3
Asphalt paving .....	1½%	3
Brick paving (construction and repair)....	1½%	3
Block paving (wood, stone).....	1½%	3
Concrete paving.....	1½%	3
Bituminous pavements (all types).....	1½%	3

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
Asphalt mixing .....	1½%	3	
Concrete sidewalks .....	1½%	3	
Plank sidewalks .....	1½%	3	
Road and highway pavements (not otherwise specified) .....	1½%	3	
Plank road and street construction.....	1½%	3	
8-2 Road and street grading.....	2%	3	
8-3 Road and street maintenance.....	2%	2	
Road and street employees.....	2%	2	
Irrigation ditches (maintenance).....	2%	2	
Ditches (not otherwise specified) (main- tenance) .....	2%	2	
Engineers and surveyors (includes city, county or state engineers engaged in field work) .....	2%	2	
8-4 Gravel bunkers (operation).....	2½%	3	
Gravel pits (operated in connection with road work) .....	2½%	2	
Sand bunkers (operation).....	2½%	3	
CLASS 9:			Class 9.
9-1 Ship or boat building (steel hulls).....	1¾%	2	
Repair work on steel vessels (includes all operations incidental to this industry within ship yard) .....	1¾%	4	
9-2 Ship or boat building (wooden hulls).....	1¾%	4	
Repair work on wooden vessels (includes all operations within shipyard) .....	1¾%	4	
9-3 Ship or boat building (concrete hulls).....	1¾%	4	
Repair work on concrete vessels (includes all operations within shipyard).....	1¾%	4	
9-4 Steamboats, tugs, ferries (operation).....	1¾%	3	
CLASS 10:			Class 10.
10-2 Saw mills .....	1¾%	3	
Wood saws in fuel yards.....	1¾%	3	
Planing mills (independent) .....	1¾%	3	
Tie mills .....	1¾%	3	
Planing mills (not otherwise specified)....	1¾%	3	
Lath mills .....	1¾%	3	
Masts (with or without machinery).....	1¾%	3	
Spars (with or without machinery).....	1¾%	3	
10-3 Shingle mills .....	1¾%	3½	
10-6 Creosote works .....	3%	6	
Pile treating works .....	3%	6	
10-7 Lumber inspectors .....	½%	2	

		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Class 11.	CLASS 11:		
	11-1 Team and truck driving (includes all ware- houses operated by transfer companies) . . . . .	1¼%	2½
	Safe moving (in connection with transfer, drayage, etc.) . . . . .	1¼%	2½
	11-2 Retail lumber yards . . . . .	1¾%	3
	Trucking (contract) . . . . .	3%	4
	Retail fuel yards (includes wood saws and all employees in fuel yards) . . . . .	1¾%	3
	General hauling (N. O. S.) and contract trucking . . . . .	3%	4
	11-3 Lumber yards (retail) (without power driven machinery) . . . . .	1½%	1½
	11-4 Auto freight transportation . . . . .	2%	2
Class 12.	CLASS 12:		
	12-1 Dredging (operation) . . . . .	1¾%	3
Class 13.	CLASS 13:		
	13-1 Electric light and power plants (operation) . . . . .	1¾%	2
	Electric systems (not otherwise specified) . . . . .	1¾%	2
	Bridge tenders electrically operated . . . . .	1¾%	2
	13-2 Steam heat and power plants . . . . .	2%	1½
	13-3 Telephone and telegraph (operation and maintenance) (excludes telephone and telegraph operators) . . . . .	2%	3
Class 14.	CLASS 14:		
	14-1 Street railways (operation) . . . . .	¾%	1½
	14-2 Interurban railways (operation) . . . . .	1%	3
	14-3 Steam railroad operations (excludes logging railroads) . . . . .	2½%	2½
Class 16.	CLASS 16:		
	16-1 Coal mines (includes shaft sinking and all tunnelling in connection with coal mines) . . . . .	3%	8
	Coke ovens (operation) (excludes office force only) . . . . .	3%	8
Class 17.	CLASS 17:		
	17-1 Gravel pits . . . . .	1%	4
	17-2 Mines (other than coal) (includes all shaft sinking and tunnelling in connection with mines other than coal) . . . . .	1½%	4
	Ore reduction (by wet or dry process at the mine) . . . . .	1½%	4
	17-3 Quarries . . . . .	2¾%	4
	Stone cutting (quarry hazard) . . . . .	2¾%	4
	17-4 Stone crushing . . . . .	1½%	4



	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
<b>CLASS 18:</b>			
18-1 Blast furnaces (operation).....	¾%	2½	Class 18.
Rolling mills (operation).....	¾%	2½	
Steel and iron making.....	¾%	2½	
Open hearth furnaces (operation).....	¾%	2½	
18-2 Smelters (operation) .....	½%	4	
Copper, lead, zinc, etc., smelting.....	½%	4	
<b>CLASS 19:</b>			
19-1 Gas works (operation) (excludes meter readers, complaint men, solicitors, and store room employees).....	1%	1	Class 19.
<b>CLASS 21:</b>			
21-1 Chop, feed, and flour mills (operation)....	¾%	1½	Class 21.
Seed cleaning .....	¾%	1½	
21-2 Grain warehouse and elevators (operation)	¾%	1½	
21-3 General warehouse and storage (operation)	½%	1	
(Excludes operations in connection with Class 11.)			
21-4 Fruit warehouses .....	¾%	1	
<b>CLASS 22:</b>			
22-1 Laundries (operation) .....	35%	1	Class 22.
Dye works and cleaners.....	35%	1	
<b>CLASS 23:</b>			
23-1 Water works (operation).....	¾%	1½	Class 23.
<b>CLASS 24:</b>			
24-1 Paper mills (operation).....	1%	2	Class 24.
Pulp mills (operation).....	1%	2	
<b>CLASS 29:</b>			
29-1 Cooperage (manufacturing) .....	1%	2½	Class 29.
Staves, barrel, tub (manufacturing).....	1%	2½	
Barrels, kegs, pails (manufacturing).....	1%	2½	
Basket manufacturing .....	1%	2½	
29-2 Sash, door, blinds, etc.....	1%	2½	
Planing mill (in connection with sash and door factory) .....	1%	2½	
Glazing and beveling glass (in connection with sash and door).....	1%	2½	
29-3 Excelsior (manufacturing) .....	1¼%	2	
Veneering (manufacturing) .....	1¼%	2	
Cabinet works .....	1¼%	2	
Furniture (manufacturing) .....	1¼%	2	
Boxes and packing cases (manufacturing)..	1¼%	2	
Wooden and fibre ware (manufacturing)..	1¼%	2	
Wood working (not otherwise specified)...	1¼%	2	
Kindling wood .....	1¼%	2	
Wood pipe (manufacturing).....	1¼%	2	
Pattern shops (independent).....	1¼%	2	

		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Class 31.	CLASS 31:		
	31-1 Building material (manufacturing) (not otherwise specified) .....	1%	2
	Concrete blocks and files (independent of concrete construction) .....	1%	2
	Cement staves (independent of concrete con- struction) .....	1%	2
	Lime (manufacturing) .....	1%	2
	Paint and oils (manufacturing) .....	$\frac{3}{4}\%$	2
	31-2 Cement (manufacturing) .....	$\frac{3}{4}\%$	2½
	31-3 Stone handling and cutting (not quarry hazard) .....	1%	1½
	Paving blocks (cutting) .....	1%	1½
Class 33.	CLASS 33:		
	33-1 Fish canneries (operation) .....	1¾%	2
	33-2 Fish oil (manufacturing) .....	½%	1
	Fish products (not otherwise specified) .....	½%	1
Class 34.	CLASS 34:		
	34-1 Auto repair shops (operation) .....	½%	2
	Auto garages (operation) .....	½%	2
	Vulcanizing tires and tubes .....	½%	2
	Automobile painting .....	½%	2
	34-2 Machine shops (operation) .....	$\frac{3}{4}\%$	2
	Blacksmith shops (operation) .....	$\frac{3}{4}\%$	2
	Boiler works (operation) .....	$\frac{3}{4}\%$	2
	Foundries (operation) .....	$\frac{3}{4}\%$	2
	Wood working (incidental to car and ma- chine building) .....	$\frac{3}{4}\%$	2
	Welding (not otherwise specified) .....	$\frac{3}{4}\%$	2
	34-4 Metal working trades (not otherwise speci- fied) .....	1%	2
	Sheet metal (manufacturing) .....	1%	2
	Metal stamping .....	1%	2
	Tin stamping .....	1%	2
	Hardware (manufacturing) .....	1%	2
	Galvanized iron works .....	1%	2
	Cans, (manufacturing) .....	1%	2
	34-5 Aeroplane pilots and instructors .....	2½%	3
	34-6 Gas service stations .....	¼%	2
	Oil service stations .....	¼%	2
Class 35.	CLASS 35:		
	35-1 Brick and tile (manufacturing) .....	1¼%	2
	Earthenware (manufacturing) .....	1¼%	2
	Porcelain (manufacturing) .....	1¼%	2
	Fireclay (manufacturing) .....	1¼%	2
	Terra cotta .....	1¼%	2
	Pottery (manufacturing) .....	1¼%	2

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
35-2 Briquettes (manufacturing) .....	1%	1	
Peat fuel (manufacturing).....	1%	1	
Charcoal (manufacturing) .....	1%	1	
35-3 Glass (manufacturing) .....	½%	1	
CLASS 37:			Class 37.
37-1 Alcohol, ammonia, nitrogen, oxygen (manu- facturing) .....	1%	2½	
37-2 Bottling works (operation).....	¾%	2	
Breweries (operation) .....	¾%	2	
CLASS 38:			Class 38.
38-1 Brooms and brushes (manufacturing).....	½%	1	
38-2 Textile (manufacturing) .....	¼%	1	
Wool (working in).....	¼%	1	
Cloth (working in).....	¼%	1	
38-3 Cordage (manufacturing) .....	½%	1	
38-4 Leather (working in).....	½%	1	
Rubber (working in).....	½%	1	
Vulcanizing (excludes work in garages)....	½%	2	
Asbestos products (manufacturing) .....	½%	1	
38-5 Paper products (manufacturing).....	½%	1	
Paper (working in).....	½%	1	
CLASS 39:			Class 39.
39-1 Bakeries, candy and crackers (manufactur- ing) .....	¼%	1	
Maccaroni (making) .....	¼%	1	
39-2 Foodstuffs (not otherwise specified).....	¾%	2	
Fruits and vegetables (working in) (in- cludes canning, preserving, pickling)...	¾%	2	
Oils (working in edible oils).....	¾%	2	
39-3 Sugar refineries (operation).....	4%	5	
CLASS 40:			Class 40.
40-1 Condensed milk (operation).....	1¼%	1½	
40-2 Creameries (operation) .....	⅓%	1½	
Ice cream (manufacturing).....	⅓%	1½	
Cheese making .....	⅓%	1½	
CLASS 41:			Class 41.
41-1 Electrotyping .....	¼%	1	
Engraving, photo .....	¼%	1	
Photoengraving .....	¼%	1	
Lithographing .....	¼%	1	
41-2 Printing .....	¼%	½	
Linotype (includes all employes in room with machinery and shafting).....	¼%	½	
41-3 Jewelry manufacturing .....	¼%	½	
Jewelry engraving .....	¼%	½	

		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Class 42.	CLASS 42:		
	42-1 Wharf operations .....	½%	2
	Longshoring .....	2%	4
Class 43.	CLASS 43:		
	43-1 Packing houses (operation).....	1¼%	3
	Sausage making .....	1¼%	3
	Slaughtering .....	1¼%	3
	Soap and tallow making.....	1¼%	3
	Lard making .....	1¼%	3
	Tallow (making) .....	1¼%	3
	Fertilizer manufacturing .....	1¼%	3
	Stock yards (operation).....	1¼%	3
	Tanneries (operation) .....	1¼%	3
	Meat products, canneries .....	1¼%	3
	43-2 Garbage works (operation).....	3%	8
	Incinerators (operation) .....	3%	8
	43-3 Meat markets (retail) (with power machin- ery) .....	½%	1½
Class 44.	CLASS 44:		
	44-1 Cold storage (operation).....	1%	2
	Artificial ice, manufacturing and delivery. 1%		2
	44-2 Natural ice, producing and handling.....	10%	8
Class 45.	CLASS 45:		
	45-1 Theatre stage employees.....	1/10%	½
	Moving picture operators.....	1/10%	½
Class 46.	CLASS 46:		
	46-1 Powder works (manufacturing).....	2¾%	3
	46-2 Fire works (manufacturing).....	1%	1
Class 48.	CLASS 48:		
	Elective adoption for non-hazardous indus- tries .....	1%	2
	Elective adoption (subclasses)		
	48-1 Office employees, clerks, janitors, care- takers and N. O. S.....	½%	1
	48-2 Automobile and truck drivers (where gen- eral occupation is not extra-hazardous) .	¾%	2
	48-3 Agricultural workers .....	2%	3
	48-5 Inside occupations (not otherwise specified)	¾%	1½
	48-6 Outside occupations (not otherwise speci- fied) .....	¾%	1½
Class 49.	CLASS 49:		
	49-1 Guards, penitentiary and other state institu- tions .....	2%	2
	Highway patrol .....	2%	3
	Marshals and other salaried peace officers..	2%	2
	Peace officers on salary.....	2%	2

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Policemen .....	2%	2
Sheriffs and their salaried deputies.....	2%	2
Wardens, fish and game, on salary.....	2%	2
49-2 Foresters (rangers having police power)...	1%	2
 CLASS 50:		
50-1 Logging (includes all operations in connec- tion with and incidental to logging)....	3¼%	6
Logging railroad operations.....	3¼%	6
Logging railroad grading.....	3¼%	6
Logging railroad construction (includes bridge and trestle work on logging rail- roads) .....	3½%	6
Cutting wood and bolts.....	3½%	6
Booming and driving logs (not otherwise specified) .....	3½%	6
Tie cutting .....	3½%	6
50-2 Booming logs (this sub-class exclusively for independent boom companies. All boom- ing and driving done by logging com- panies must be classified as 50-1).....	1½%	2

Class 50.

The application of this act as between employers and workmen shall date from and include the first day of July, 1927: *Provided*, That this section shall not be effective until the first day of October, 1927. At least once each year an adjustment of accounts shall be made upon the basis of the actual payroll, whereupon class rates shall be adjusted accordingly. 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 calendar month 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 such estimated payroll. Every such employer

Act to date  
from July 1,  
1927.

Commencing  
or resuming  
operations.

shall be liable for a premium of at least one dollar irrespective of the amount of his payroll.

True  
payroll.

Every employer within the provisions of this act shall on or before the fifteenth day of each month hereafter 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 preceding calendar month, the total amount paid to such workmen during such preceding calendar month, and a segregation of employment in the different classes provided 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.

Names of  
partners or  
others  
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 person 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.

Notice to  
department.

Penalty for  
failure to  
keep record.

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.

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 fifty 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 rules 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. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to furnish the department with an estimated payroll or with monthly reports of his payroll as required under section 7676 of Remington's Compiled Statutes, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman,

Failure to furnish estimated payroll.

Penalty.

Director may waive penalty.

Injury to workmen during default.

Employer's liability.

Defenses not available to employer.

that the negligence of the injured workman, other than his wilful act committed for the purpose of sustaining the injury, contributed to the accident, or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the state for the benefit of the accident fund.

Take under act. Proceeds from action revert to state.

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.

Payroll misrepresentation.

Penalty.

Collection of 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 plant or works.

Failure to report.

Penalty.

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 thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

Industry classification.

Class liability.

"Accident fund."



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 sub-class of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and sub-classes and determining the correctness of the medical aid rates charged such classes and sub-classes.

How medical aid fund kept.

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.

Accident fund to be self-supporting.

Increase or decrease in hazard.

Adjustment.

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 inaccuracy 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

Unlawful to deduct premium from workmen's earnings.

Penalty.

Corrections of classifications.

Appeal from  
classification.

by the administrative code upon notice to the interested parties, and in the manner provided in section 8 hereof, a review by the courts.

Establishment comprising different classes of occupations.

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.

Rate of premium.

How payroll computed.

Attorney of department of labor.

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.

§ 3472,  
Pierce's  
Code.

SEC. 4. That section 4 of chapter 131 of the Laws of 1919, page 355, as amended by section 2 of chapter 136 of the Laws of 1923, page 387 (section 7679 of Remington's Compiled Statutes) be amended to read as follows:

Workman injured.

Compensation.

Section 4. Each workman who shall be injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

## COMPENSATION SCHEDULE.

(a) Where death results from the injury the expenses of burial not to exceed one hundred dollars (\$100.00) in any case where the deceased was an unmarried man, or one hundred and fifty dollars (\$150.00) in any case where the deceased left a widow or an orphan child or children shall be paid to the undertaker conducting the funeral: *Provided*, That no sum shall be paid an undertaker for the burial expenses where the deceased left a widow or an orphan child or children unless the undertaker shall make and file with the department an affidavit that no part of the burial expenses have been either directly or indirectly paid by or charged to the widow or orphan child or children.

Compensation schedule.

Burial fee.

Undertaker's affidavit.

(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).

Widow or invalid widower.

Children.

Additional payment to widow.

Upon remarriage of a widow she shall receive once and for all, a lump sum of two hundred forty dollars (\$240.00), but the monthly payments for the child or children shall continue as before.

Widow remarries.

(2) If the workman leave no wife or husband, but an orphan child or children under the age of sixteen years, a monthly payment of twenty-five

Children under 16 years.

dollars (\$25.00) shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed seventy-five dollars (\$75.00) and any deficit shall be deducted proportionately among the beneficiaries.

Dependents.

(3) If the workman leaves no widow, widower or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed twenty dollars (\$20.00) per month. If any dependent is under the age of sixteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Workman  
under age  
of 21 years.

Payments  
to parents.

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.

Surviving  
spouse dies  
leaving  
children.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of sixteen years, such child or children shall receive each the sum of twenty-five dollars (\$25.00) per month until arriving at the age of sixteen years, but the total monthly payment shall not exceed seventy-five dollars (\$75.00) and any deficit shall be deducted proportionately among the beneficiaries.

(b) Permanent total disability means loss of both legs, or arms, of one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

Permanent total disability defined.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of thirty-five dollars (\$35.00).

Schedule of compensation. Workman unmarried.

(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).

Workman with wife or invalid husband.

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.

Husband not an invalid.

(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.

Workman has wife or husband and minor children.

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of a constant attendant, the monthly payment to such workman shall be increased twenty-five dollars (\$25.00) per month as long as such requirement shall continue, but such increase shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 7712 to 7725, inclusive, of Remington's Compiled Statutes.

Services of constant attendant required.

Death during  
disability  
period.

(c) If the injured workman die, during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower or child under the age of sixteen years, the surviving widow or invalid widower shall receive thirty-five dollars (\$35.00) per month until death or remarriage, to be increased per month for each child of the deceased under the age of sixteen years at the time any monthly payment is due, as follows: for the youngest or only child twelve dollars and fifty cents (\$12.50), for the next or second youngest child seven dollars and fifty cents (\$7.50), and for each additional child five dollars (\$5.00); but if such child is or shall be without father or mother, such child shall receive twenty-five dollars (\$25.00) per month until arriving at the age of sixteen years. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Invalid  
child in state  
institution.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this act. If an injured workman, or the surviving spouse of an injured workman, shall not have the custody of a minor child for, or on account of, whom payments are required to be made under this section, such payment or payments shall be made to the person having the lawful custody of such minor child.

Payments to  
one having  
legal custody  
of minor  
children.

(d) (1) When the total disability is only temporary, the schedule of payments contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply, so long as the total disability shall continue, (2) but if the injured workman have a wife or husband and have no child or have a wife or husband, or being a widow or widower, with one or more children under the age of sixteen years, the compensation for the case during the first six months or such lesser period of time as the total tem-

Temporary  
total  
disability.

porary disability shall continue, shall be per month as follows, to-wit: Injured workman whose husband is not an invalid, twenty-two dollars and fifty cents (\$22.50); injured workman having one child, whose husband is not an invalid, thirty dollars (\$30.00); injured workman having two children whose husband is not an invalid, thirty-seven dollars and fifty cents (\$37.50); injured workman having three children, whose husband is not an invalid, forty-five dollars (\$45.00); injured workman having four or more children, whose husband is not an invalid, fifty-two dollars and fifty cents (\$52.50); injured workman with wife or invalid husband and no child, forty-two dollars and fifty cents (\$42.50); injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, fifty-two dollars and fifty cents (\$52.50); injured workman with a wife or invalid husband and two children, or being a widow or widower and having two children, sixty dollars (\$60.00), and five dollars (\$5.00) for each additional child.

Should a workman suffer a temporary total disability, and should his employer, at the time of his injury, continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in paragraph (d) subdivision (1) from the accident fund during the period his employer shall so pay such wages.

If wages paid during disability, no payments under act.

(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.

Temporary total disability for more than six months.

(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

Partially or wholly recovered.

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.

Loss of earning power basis of payment.

No payment for natural and as step-child.

No payment shall be made to or for a natural child of a deceased workman, and at the same time, as the step-child of a deceased workman.

Reserve fund created.

(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.

Death or total disability.

Annuities.

How computed.

Investment of reserve.

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 capital building bonds issued to take up capitol building warrants now outstanding, or in the



class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on October 1st of each year, apportion the interest or other earnings of the reserve fund as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1st of each year, beginning in the year 1927, the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of October 1st, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than December 31st, following. If the report shows that there was on said October 1st, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The state treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to the reserve fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

Insurance  
commission  
to expert  
reserve fund.

Reserve fund  
surplus.

Deficiency.

State  
treasurer to  
keep reserve  
fund  
accounts.

Permanent  
partial  
disability  
defined.

Schedule of  
compensation.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Major  
permanent  
partial  
disability.

SPECIFIC MAJOR PERMANENT PARTIAL DISABILITY  
INJURIES.

Loss of one leg amputated so near the hip that an artificial limb cannot be worn.....	\$3,000 00
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 one arm so near the shoulder that an artificial arm cannot be worn.....	3,000 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

Minor  
permanent  
partial  
disability.

SPECIFIC MINOR PERMANENT PARTIAL DISABILITY  
INJURIES.

Loss of one thigh at upper third.....	\$2,280 00
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 (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 hereinbefore 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.

Maximum compensation.

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.

Workman under age and unmarried.

Payment to parents.

(g) Should a further accident occur to a workman who has been previously the recipient of a lump

Further accident to workman.

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.

Further accident to workman not resulting in permanent total disability.

Should a workman receive an injury to a member or part of his body already from whatever cause permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such permanent partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Further accident causing permanent total disability.

Should such further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

Aggravation, diminution or termination of disability.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director of labor and industries, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within three years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, Any such applicant whose compensation has heretofore been established or terminated shall have three years from the taking effect of this act within which to apply for such readjustment.

Application for readjustment.

Time limit.

No act done or ordered to be done by the director of labor and industries, or the department of industrial insurance, prior to the signing and filing in the matter of a written order for such readjustment, shall be ground for such readjustment; *Provided, however,* That if within the time limited for taking an appeal from an order closing a claim, the department shall order the submission of further evidence or the investigation of any further fact, the time for appeal from such order closing the claim shall be extended until the applicant shall have been advised in writing of the final order of the department in the matter.

Extension of time for appeal from order closing claim.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for her support or maintenance, shall be deemed living in a state of abandonment.

Husband or wife 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 four thousand dollars (\$4,000.00).

Non-resident beneficiary.

(k) No workman injured after June 30th, 1923, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

No compensation for portion of time of injury.

SEC. 5. That section 5 of chapter 131 of the Laws of 1919, page 364 (section 7680 of Remington's Compiled Statutes) be amended to read as follows:

Injuries self-inflicted.

Section 5. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is engaged in the attempt to commit, or the commission of, a crime, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death result to a workman from the deliberate intention of his employer to produce such injury, or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act, and also have cause of action against the employer, as if this act had not been enacted, for any excess of damages over the amount received or receivable under this act.

Intentional injury by employer.

Minors.

A minor working at an age legally permitted under the laws of this state shall be deemed *sui juris* for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump sum payment becoming due under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors; *Provided*, That in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this act, the director of labor and industries may allow from the accident fund, toward the expenses of such guardianship, not to exceed the sum of twenty-five dollars (\$25.00) in any one case: *Provided, further*, That in case any such minor shall be awarded a lump sum payment of the sum of two hundred fifty dollars (\$250.00), or less, the director of labor and industries shall have power, in his dis-

Guardianship expenses.

cretion, to make payment direct to such minor without the necessity of the appointment of a guardian.

SEC. 6. That section 7 of chapter 182 of the Laws of 1921, page 727 (section 7686 of Remington's Compiled Statutes) be amended to read as follows:

§ 3480,  
Pierce's  
Code.

Section 7. (a) Where a workman is entitled to compensation under this act he shall file with the department, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

Application  
for compen-  
sation by  
workman.

(b) Where death results from injury the parties entitled to compensation under this act, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such proof as required by the rules of the department.

In case of  
death.

(c) If change of circumstances warrants an increase or re-arrangement of compensation, like application shall be made therefor. No increase or re-arrangement shall be operative for any period prior to application therefor.

Application  
for readjust-  
ment of com-  
pensation.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued.

Application  
barred;  
when.

(e) Any physician who fails, neglects or refuses to file a report with the director of labor and industries as required by this act within ten days of the date of treatment, showing the condition of the in-

Physician to  
file report.

jured workman at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman as required in this act, shall be guilty of a misdemeanor.

§ 3475,  
Pierce's  
Code.

SEC. 6a. That section 22 of the Laws of 1917, page 97 (section 7681 of Remington's Compiled Statutes) be amended to read as follows:

Conversion  
into lump  
sum pay-  
ment.

Section 22. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump sum payment (not in any case to exceed four thousand dollars (\$4,000.00)), equal or proportionate as the case may be to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversions may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children, the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the department and the beneficiary. In the event any payment shall be due to an alien residing in a foreign country, the department may settle the same by making a lump sum payment in such amount as may be agreed to by such alien, not to exceed 50% of the value of the annuity then remaining.

Allen.

§ 3478,  
Pierce's  
Code.

SEC. 7. That section 6 of chapter 182 of the Laws of 1921, page 726, as amended by section 4 of chapter 136 of the Laws of 1923, page 399 (section 7684 of Remington's Compiled Statutes) be amended to read as follows:



Section 6. No money paid or payable under this act out of the accident fund shall, prior to the 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, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall 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 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.

Payments from fund cannot be assigned or garnished.

Death of workman from cause other than accident.

Award due payable to widow and children.

Widow a non-resident.

Except as otherwise provided by treaty, whenever under the provisions of this act, compensation

Non-resident  
alien bene-  
ficiary.

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. No payment shall be made to any beneficiary or dependent residing in any country with which the United States does not maintain diplomatic relations, when such payment is due.

Proof of  
dependency  
of non-  
resident.

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 beneficiary or dependent through the nearest United States consul or consular agent.

§ 3491,  
Pierce's  
Code.

SEC. 8. That section 20 of chapter 74 of the Laws of 1911, page 368 (section 7697 of Remington's Compiled Statutes) be amended to read as follows:

Claimant or  
employer  
served with  
copy of  
decision of  
department.

Section 20. Whenever the department of labor and industries has made any order, decision or award, it shall promptly serve the claimant, employer or other person affected thereby, with a copy thereof by mail, which shall be addressed to such claimant, employer or person at his last known address as shown by the records of the department.

Application  
for rehear-  
ing before  
appeal to  
courts.

Any claimant, employer or other person aggrieved by any such order, decision or award must, before he appeals to the courts, serve upon the director of labor and industries, by mail or personally, within

sixty days from the day on which such copy of such order, decision or award was communicated to the applicant, an application for rehearing before the joint board of said department, consisting of the director of labor and industries, the supervisor of industrial insurance and the supervisor of safety. Such application shall set forth in full detail the grounds upon which the applicant considers such order, decision or award is unjust or unlawful, and shall include every issue to be considered by the joint board, and it must contain a detailed statement of facts upon which such claimant, employer or other person relies in support thereof. The claimant, employer or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such rehearing is sought other than those specifically set forth in such application for rehearing, or appearing in the records of the department. If the joint board, in its opinion, considers that the department has previously considered fully all matters raised by such application it may, without further hearing, deny the same and confirm the previous decision or award, or if the evidence on file with the joint board sustains the applicant's contention, it may, without further hearing, allow the relief asked in such application; otherwise, it shall order a rehearing to decide the issues raised. If a rehearing be granted it shall be heard in the county of the residence of the applicant, at a place designated by the joint board, but the hearing thereof may be adjourned from time to time and from place to place within said county, as the convenience of witnesses may require. Such rehearing shall be *de novo* and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the stat-

Recitals of application for rehearing.

Rehearing.

utes relating to superior courts of this state. The joint board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed the same, with all depositions, shall be filed in, and remain a part of, the record on the rehearing. Such rehearing may be conducted by one or more of the members of the joint board, but the record on rehearing shall be considered by all of the members of said joint board, and the decision of a majority of said joint board shall be the decision of said joint board, and upon such decision being rendered all parties to said rehearing shall be given written notice thereof by the joint board.

An application for rehearing shall be deemed to have been denied by the joint board unless it shall have been acted upon within thirty days from the date of service: *Provided, however,* That the joint board may in its discretion, extend the time within which it may act upon such application, not exceeding thirty days.

Each of the members of the joint board shall have power to administer oaths; to preserve and enforce order during such rehearing; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the joint board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to

Denied if  
no action  
within 30  
days.

Power to  
compel  
attendance  
of witnesses,  
etc.

Obstructing  
hearing.

appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having taken the oath refuses to be examined according to law, the joint board or any member thereof shall certify the facts to the superior court having jurisdiction in the place in which said joint board or member thereof is sitting; it shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

Certified  
to superior  
court for  
contempt  
proceedings.

Within thirty days after the final order of the joint board upon such application for rehearing has been communicated to such applicant, or within thirty days after rehearing is deemed denied as herein provided, such applicant may appeal to the superior court of the county of his residence, but upon such appeal may raise only such issues of law or fact as were properly included in his application for rehearing, or in the complete record in the department. On such appeal the hearing shall be *de novo*, but the appellant shall not be permitted to offer, and the court shall not receive, in support of such appeal, evidence or testimony other than, or in addition to, that offered before the joint board or included in the record filed by the department: *Provided*, That the right of cross examination shall not be limited by the testimony before the joint board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director

Appeal  
to superior  
court.

Extent of  
hearing.

Notice  
of appeal.

Bond.

of labor and industries. The department of labor and industries shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the supreme court, except that an appeal by the employer from a decision of the department under section 7683 of Remington's Compiled Statutes shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court, except that in cases arising under sections 7683 and 7690 of Remington's Compiled Statutes, either party shall be entitled to a jury trial upon demand.

Copy of record filed with court.

The department of labor and industries shall serve upon the appellant and file with the clerk of the court before trial, a certified copy of its complete record on the claim, which shall, upon being so filed, become a part of the record in such case.

Affirmance, reversal or modification.

If the court shall determine that the department has acted within its power and has correctly construed the law and found the facts, the decision of the department shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the superior court shall refer the same to the department of labor and industries with an order directing it to proceed in accordance with the findings of the court: *Provided*, That any award shall be in accordance with the schedule of compensation set forth in this act.

Attorney's fee.

It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and if the decision of the joint board

shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administration fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal advisor of the joint board and shall represent it in all proceedings. In all court proceedings under or pursuant to this act the decision of the department shall be *prima facie* correct, and the burden of proof shall be upon the party attacking the same.

Appeal to  
supreme  
court.

Attorney  
general legal  
advisor.

This act shall not affect any appeal pending, or right to appeal existing, at the time this act shall take effect.

Pending  
appeals.

SEC. 9. That section 12 of chapter 182 of the Laws of 1921, page 735 (section 7724 of Remington's Compiled Statutes) be amended to read as follows:

§ 3513,  
Pierce's  
Code.

Section 12. Any contract made in violation of this act shall be invalid, except that any employer engaged in extra-hazardous work may, with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment, by, and under the control and administration of, and at the direct expense of the employer and his workmen. Such a contract shall not be assignable or transferable by operation of law or otherwise except with the consent of the supervisor of industrial insurance endorsed thereon. Before any such contract shall go into effect it shall be submitted to the supervisor of industrial insurance, and may be disapproved by the supervisor of industrial insurance when found not to provide for such care of injured

Contracts  
for medical  
aid in lieu  
of state  
medical aid.

Contract to  
be approved  
by industrial  
insurance  
supervisor

workmen as is contemplated by the provisions of section 6604-36, and if a contract so submitted be with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association shall not be such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. Otherwise it shall be approved, and take and continue in effect for any period of time specified therein, not exceeding three years from the date of such approval: *Provided, however,* That the director of labor and industries, through the division of industrial insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employees, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the contract shall (except as in this section otherwise specified) be outside of, and not affected by, the provisions of sections 6604-33 to 6604-44, inclusive, and section 6604-46, other than the provisions of section 6604-35 relating to artificial substitutes and lenses and the basis of compensation when lenses are supplied, and to transportation of injured workmen, and to educational standards of safety, and other than the provisions of section 6606-40 relating to the analyses and reports of accidents, and the employer shall pay monthly

Bond of  
contracting  
physician,  
etc.

Expenses  
borne by  
employer  
and em-  
ployees.



into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each, and in addition thereto, each such employer shall, when required by the director of labor and industries through, and by means of, the division of industrial insurance, pay into the surplus fund, hereby created, a sum not exceeding one per cent of the amount he would have been required to pay into the medical aid fund, had such contract not been made, and the employer shall collect such one per cent from the party agreeing to furnish such medical aid and hospital service. Such surplus fund shall be maintained as nearly as practicable at the sum of five thousand dollars (\$5,000.00) and shall be used by the director of labor and industries for the purpose of furnishing necessary medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration of such contract. Disbursements from said surplus fund shall be made by warrants drawn against the same by the state auditor upon certificate thereof, or requisition therefor, by the director of labor and industries through, and by means of, the division of industrial insurance. Payment of such one per cent shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do. During the operation of any such contract the supervisor of industrial insurance or any interested person may file a complaint with the supervisor of industrial insurance alleging that the service and care actually rendered thereunder are not up to the standard provided in section 6604-36, and, upon a hearing had upon notice to the employer and workmen interested thereunder, the supervisor of indus-

Contribution to medical aid fund by employer and employees.

Payments into surplus fund.

Proper service and care under contract not rendered.

Notice.

Hearing.

trial insurance may make an order that the contract shall terminate unless the defect or deficiency complained of shall be remedied to his satisfaction within a period to be fixed in such order, or he may at such hearing sustain the complaint and make an order that the contract shall terminate forthwith.

Contract terminated.

Appeal.

Notice to the workmen may be effected in the manner provided in section 6604-33. The employer or any interested workman may appeal from such decision in the manner provided in section 8 hereof. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the supervisor of industrial insurance is reversed. If during the operation of any such contract, any injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment, the supervisor of industrial insurance may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emergency treatment shall not exceed the rates specified in the fee bill provided by section 6604-36. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party.

Prompt service not rendered under contract.

Emergency treatment by state medical aid.

Prior medical care contracts.

No contract for medical, surgical, or hospital care of injured workmen entered into prior to the time this act shall go into effect shall be invalidated by anything in this act contained.

§ 3515-61, Pierce's Code.

SEC. 10. That section 15 of chapter 182 of the Laws of 1921, page 739, as amended by section 18, chapter 136 of the Laws of 1923, page 409 (section

7784 of Remington's Compiled Statutes) be amended to read as follows:

Section 15. 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. All establishments or plants in which extra-hazardous industry is engaged, which are operated separately from, and independently of, each other shall, for all purposes of this act, be treated as separate and distinct from each other, even though of the same class or class subdivision and of common ownership, control or management.

Non-compliance with safety standards.

Penalty.

Plants operated separately of same class and ownership.

SEC. 11. 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.

Partial invalidity.

Passed the House February 28, 1927.

Passed the Senate March 7, 1927.

Approved by the Governor March 15, 1927.

CHAPTER 311.

[H. B. 240.]

HORTICULTURE.

AN ACT relating to horticulture and amending Sections 1, 2, 4, 10, 11, 14, 16, 17, 20, 21, 23, 24, 25, and 27, of Chapter 166 of the Laws of 1915.

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

§ 2707,  
Pierce's  
Code.

SECTION 1. That section 1 of chapter 166 of the Laws of 1915, pages 494-499, as amended by section 1 of chapter 141 of the Laws of 1921, pages 507-508, (section 2839 of Remington's Compiled Statutes) be amended to read as follows:

Terms  
defined:

Director.

Assistant  
director.

Assistant.

Horti-  
cultural  
inspector.

Inspector.

Nursery  
stock.

Infect.

Infection.

Section 1. That the term "director" whenever used in this act shall be held and construed to mean the director of agriculture of the State of Washington, and the term "assistant director" and "assistant" shall be held and construed to mean the assistant director of agriculture for the division of horticulture; the term "horticultural inspector" and the term "inspector" wherever used in this act shall be held and construed to mean an inspector of the department of agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose stock, forest and ornamental trees and shrubs (both deciduous and evergreen), bulbs, florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs, and all other fruit bearing plants and parts thereof and plant products for propagation or planting; the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act shall be held and construed to mean and include being affected by or infested

with the diseases or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; the term "disinfect" and its derivatives shall be held and construed to mean and include the cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act, or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the director of agriculture, and the term "person" wherever used in this act, shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations.

Disinfect.

Person.

SEC. 2. That section 2 of chapter 166 of the Laws of 1915, pages 495-498, as amended by section 2 of chapter 141 of the Laws of 1921, pages 509-512, (section 2840 of Remington's Compiled Statutes) be amended to read as follows:

§ 2708.  
Pierce's  
Code.

Section 2. The director of agriculture shall have the power and it shall be his duty:

Powers and  
duties of  
director of  
agriculture.

(a) To exercise a general supervisory and directory control over the horticultural interests of the state.

(b) To arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for the demonstration of methods of preventing diseases of and pests injurious to horticultural plants, fruits and vegetables, and of curing and removing the same.

Educational  
meetings.

(c) To publish and distribute circulars and reports upon horticultural subjects, the pests affecting and the diseases of fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables and nursery stock, and the means

Distribute  
publications.

and methods of controlling, curing, removing, eradicating, and disinfecting for such diseases and pests.

Licenses. (d) To issue licenses to nurserymen and dealers in nursery stock and their agents, salesmen and solicitors and revoke the same for violation of or failure to comply with this act, and to keep in his office a record of all licenses issued, showing the character of the license, name and address of the holder, the date of issue and the date of expiration or revocation.

Annual estimate of expenses. (e) To furnish to the board of county commissioners of each county, annually, on or before September 1, an estimate of the expenses for the ensuing year of inspecting and disinfecting orchards, vineyards, berry farms, vegetable farms and nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruit, fruit products, vegetables, and packing houses, warehouses, dry-houses, storerooms, depots, docks and other places where fruits, vegetables or nursery stock are grown, packed, stored, shipped or held for shipment or delivery or offered for sale within said county.

Appoint inspectors. (f) To appoint inspectors to enforce and carry out the provisions of this act, which inspectors may be of two classes, inspectors-at-large and local inspectors; *Provided*, That not more than twenty inspectors-at-large shall be appointed.

Appoint local fruit protective member as inspector. (g) The director may also in his discretion appoint any officer or member of any local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and shall not be required to take the regular examination required of inspector-at-large and local inspectors.

Rules for grading, size, etc., of containers. (h) To make, adopt, issue and publish from time to time, and enforce general rules and regulations governing the grading, packing, and the size

and dimensions of commercial containers of fruits, vegetables and nursery stock.

(i) To formulate, promulgate and enforce regulations fixing commercial grades of fruits, vegetables and nursery stock and providing for the inspection of the same for either market or seed purposes, and furnishing of certificates of inspection. Fix grades.

(j) To declare, promulgate and enforce quarantine measures for the protection of any agricultural crop, forest trees, forest products or other products not otherwise protected by law against the ravages of destructive or injurious insects or diseases. To adopt, promulgate and enforce rules and regulations for the inspection, grading and certification of growing crops of agricultural or vegetable seed grown in this state and to inspect, grade and certify the same at the request of the grower and to fix and collect fees for such inspection, grading and certification and to pay the fees so collected into the state treasury. Quarantine.  
Inspection.

The director of agriculture, and under his direction and control, the assistant director and the horticultural inspectors, shall have the power and it shall be their duty: Powers and duties of agriculture director and others.

(a) To enforce the provisions of this act and all laws relating to horticultural interests. Enforce act.

(b) To inspect orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines, or bushes, ornamental trees, or shrubbery, horticultural plants, fruits, vegetables, nursery stock and horticultural supplies, and packing houses, dry-houses, warehouses, storerooms, depots, docks, cars, vessels, and other places where fruits, vegetables, or nursery stock are packed, stored, shipped, or held for shipment or delivery or offered for sale, and other property liable to be infected with any disease or pest injurious to horticulture, and to require the disinfection of all such property and premises found Inspect orchards, etc.

to be infected and for that purpose shall have free access to such property and premises at all times.

Inspection.

(c) To inspect and examine orchards, vineyards, nurseries, berry farms, vegetable farms, fruits, vegetables, nursery stock and all other horticultural plants and products, at the request of the owner thereof for the purpose of discovering the existence of any disease or pest, and to report to the applicant the result of such investigation and prescribe proper remedies.

Disinfection.

(d) To disinfect orchards, vineyards, berry farms, nurseries, fruit trees, vines and bushes, ornamental trees and shrubbery, horticultural plants, fruits, vegetables and nursery stock and packing houses, dry-houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where nursery stock, fruits, or vegetables are packed, stored or shipped or held for shipment or delivery, or offered for sale, in case the owner or person having the same in charge shall neglect or refuse so to do, after notice; and in case any infected fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables or nursery stock, cannot be successfully disinfected to condemn and destroy the same or cause the same to be destroyed.

Condemn  
and destroy.

(e) To require all partially infected fruit, vegetable and nursery stock shipments to be sorted and repacked and, in case the owner or person having charge of the same shall neglect or refuse so to do after notice, to condemn and destroy the same, together with all dead nursery stock. *Provided*, That no inspector shall destroy more than ten per cent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines or shrubs without five days' notice to the shipper, during which time the owner or shipper shall have the right to apply to the chief officer of the division of horticulture.



(f) To issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved. Certificates of inspection.

SEC. 3. That section 4 of chapter 166 of the Laws of 1915, page 499, as amended by section 2 of chapter 37 of the Laws of 1923, pages 86-87, (section 2842 of Remington's Compiled Statutes) be amended to read as follows: § 2710,  
Pierce's  
Code.

Section 4. It shall be the duty of every person owning, leasing or occupying any land or premises on which there is or shall be growing, grown or situate any nursery stock, fruit trees, vines, or bushes, shade trees, ornamental trees, or shrubbery, or any horticultural plants or horticultural plant pests or diseases, and of the owner or leasee 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 plant pests and diseases to which such premises, nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables may be subject, and to keep the same free from horticultural plant disease and pests, and, in event it is found that any such premises, nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables are infected with any plant disease or pest, to promptly take and use effective means to control, cure, remove, eradicate and disinfect for the same, and in case such premises, nursery stock, trees, fruit trees, vines, bushes, shrub- Nursery stock.

Prevention of infection by pests and diseases.

Cure and removal.

Spraying.

berry, 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, or other vegetation or horticultural plant pests, to thoroughly spray the same with a proper solution or emulsion or otherwise disinfect the same for the control, cure or removal of such infection, 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 at any time found growing, to forthwith destroy such bushes.

§ 2717,  
Pierce's  
Code.

SEC. 4. That section 11 of chapter 166 of the Laws of 1915, pages 506-507, (section 2849, of Remington's Compiled Statutes), be amended to read as follows:

Disinfection  
or destruc-  
tion by  
inspector.

Section 11. In case the owner or person in charge of any premises or property required to be disinfected or destroyed as in the previous section provided, shall fail or neglect to comply with the notice within the time specified therein, the officer giving the notice shall have the right and it shall be his duty to enter upon the premises to be disinfected or where the personal property required to be disinfected or destroyed is situated and perform the acts required in such notice, or cause the same to be performed at the cost and expense of the owner of such premises or property as the case may be. The officer shall keep an accurate account of such cost and expense and the same shall be a lien upon the premises or personal property so disinfected, which lien may be enforced by the methods hereinafter provided. The liens in this section provided for shall in the case of personal property have precedence over all other liens: *Provided*, That where infected property

Owner to  
pay costs.Expense  
a lien.

has not been sprayed for two years or which has been sprayed by the county or city for two years for which they have not collected the costs, such property may be declared a public nuisance as provided by law and treated as such.

Property declared a public nuisance.

SEC. 5. That section 14 of chapter 166 of the Laws of 1915, pages 510-513, as amended by section 5 of chapter 141 of the Laws of 1921, pages 515-519, (section 2852 of Remington's Compiled Statutes) be amended to read as follows:

§ 2720, Pierce's Code.

Section 14. The cost and expense of disinfecting any nursery, orchard, berry farm, vineyard or vegetable farm, or any nursery stock, fruit trees, vines or bushes, shade trees, ornamental trees or shrubbery or horticultural plants growing on any premises or any packing houses, warehouse, dry-houses, store-rooms, depots, or other premises where nursery stock, fruits, vegetables, or horticultural products are stored, situated or being prepared or packed for shipment or offered for sale or held for the purpose of delivery upon any shipment or sale, may be recovered as in this section provided. The officer disinfecting any premises or property growing upon any premises or causing the same to be disinfected as in this act provided shall make and keep a full and detailed record of all acts done by him with reference to such property or premises, stating the legal description of premises upon which property disinfected was growing, the name of the owner or reputed owner, the date of inspection, the facts found upon inspection, the date and manner of giving of notice to disinfect the failure of the owner or person in charge to disinfect, the disinfection by or under the direction of the officer, and the cost and expense thereof in detail, which record shall be signed by the officer making the same. In case the cost and expense of disinfecting any premises, or the property growing thereon, are not paid within five days after

Recovery of expenses of disinfection.

Filing of  
lien claim  
for disinfection  
costs.

Hearing  
date fixed.

Notice.

the completion of the work of disinfecting, the officer making such record shall make and file with the county auditor of the county where such premises are situated two verified copies of the record of his acts with reference to such premises and the charge against the same, and shall also file a claim of lien against said premises for the amount of such charges and expenses which said claim shall refer to said record. Upon the filing of such verified record and claim of lien the county auditor shall record the said claim of lien as other lien claims are recorded. The county auditor shall also at the time when said record and claim are filed, forthwith issue proper warrants in payment for labor or men employed in the work and fix a day for a hearing upon the report before the board of county commissioners which date shall not be less than twenty days from the date of said filing and shall prepare a notice of the filing of such record and claim and of the date of hearing upon the same and in all proceedings the county shall be deemed substituted to all the rights of laborers paid as herein provided. Said notice shall be directed to the owner, or reputed owner, and shall give notice of the filing of said record and claim and of the amount thereof and shall also give notice of the time and place when and where the board of county commissioners will hear and determine the same. The county auditor shall deliver said notice, together with a copy thereof, to the sheriff of the county in which said claim is filed and the sheriff shall make service thereof in like manner and with like effect as herein provided for the service of notice to disinfect and shall make return of such service upon the original notice and file the same with the county auditor before the time of hearing of the same, and he shall also certify with said return the amount of his fees for such service, which shall be the same as is provided for service of summons in civil proceed-

ings. In case the amount of said claim, together with the amount of the sheriff's fees and auditor's fees which shall be the same as is charged for the filing and recording of other liens, is paid to the county treasurer on or before the date of said hearing before said board of county commissioners, the auditor shall, upon the presentation to him of a duplicate receipt of said treasurer for the amount above specified cancel the said lien in the records of his office and notify the board of county commissioners of his action in the premises. The county treasurer shall disburse the fund received by him as above provided to the parties entitled to receive the same according to the record as shown in the office of the county auditor. In case the amount of said claim together with costs as above provided, is not paid at or before the time of the hearing before the board of county commissioners the county auditor shall present a verified copy of said claim and record to the said board, which shall proceed with the hearing upon the same and shall, if offered, hear sworn testimony concerning the matter set forth in said record and claim. The record required to be kept by the officer disinfecting, as hereinabove provided, and the verified copy thereof filed with the county auditor, shall be *prima facie* proof of the facts therein stated in any proceedings before the board of county commissioners and in any court in any action or proceedings where proof of such facts is competent or the validity of such charges or any tax levied therefor is questioned. After the hearing as herein provided for, the county commissioners, shall make an order fixing the amount of such claim and costs and shall order the amount so fixed paid out of the current expense fund of said county, and the auditor shall draw warrants for the payments of such claim as fixed by the county commissioners. The said order of said board fixing the amount of

Record of disinfecting officer *prima facie* proof.

Payment of claim.

said claim and costs shall be recorded by the county auditor as are other lien claims and shall stand as a lien in favor of said county against the premises therein described until cancelled as herein provided. In case the amount of said lien, together with the interest hereon at the rate of six per cent per annum from the date of said order of said board of county commissioners, is paid to the county treasurer of said county, on or before the first Monday in October following the date of said order and a duplicate receipt thereof of said treasurer is presented to said county auditor, the county auditor shall cancel said claim of lien in the records of his office. Payment to the county treasurer as above set forth shall be made by presenting to said treasurer a statement over the signature of the county auditor of the amount due upon said claim together with the amount of money shown by said statement to be due. Upon said payment being so made the treasurer shall stamp said statement as paid, showing the date of said payment, and shall file said statement so stamped in the records of his office; he shall also issue a duplicate receipt for said payment and shall deliver one of said receipts to the party making payment and immediately transmit one of said receipts to the county auditor. In case the amount of said claim and costs, together with interest at the rate of six per cent per annum from the date of said order of said board of county commissioners, is not paid as hereinabove provided, on or before the first Monday in October following the date of said order, the board of county commissioners shall, at the regular meeting for the levy of taxes in the month of October following the date of said order, make an order that the amount of such claim costs and interest, together with a penalty of six per cent thereon, shall be a tax on the premises described in said claim and collected as other taxes are collected and

Owner fails  
to pay.

Unpaid lien  
claim to be  
charged  
as tax.

said last named amount shall be added to the amount of taxes levied against said premises for current expenses. Upon the making of said order the county auditor shall mark the recorded order of said board fixing the amount of said claim of lien "cancelled and amount hereof charged as taxes against the property." Upon the collection of said tax by the county treasurer the same shall be credited to the current expense fund of the county, to be used as a revolving fund for the expenses of horticultural inspection and disinfection and it shall be lawful for such county and its duly authorized officers to expend the same for expenses of horticultural inspection and disinfection without regard to the fact that such expenditure may not have been included in the estimate made in the current county budget.

Collections paid into revolving fund for inspection expenses not governed by budget act.

SEC. 6. That section 16 of chapter 166 of the Laws of 1915, pages 514-515, as amended by section 1 of chapter 176 of the Extraordinary Session of 1925, pages 491-493, (section 2854 of Remington's Compiled Statutes), be amended to read as follows:

Sec. 2722, Pierce's Code.

Section 16. It shall be unlawful for any person growing or packing and selling, offering for sale or shipping in closed boxes or packages, any fruit or vegetables grown in this state, or offered or exposed for sale in the State of Washington, to sell, offer for sale or ship said fruit or vegetables in closed boxes or packages without plainly marking 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, peaches, cantaloupes or grapes, the net weight or the number contained in the package, and the grade of apples, pears, cantaloupes

Packing and shipping fruits and vegetables.

How containers shall be marked.

Misbranding  
unlawful.

Re-marking

When  
possession  
unlawful.

Grade to  
be marked  
upon  
package.

Registered  
brands.

False  
marking  
unlawful.

or grapes, and it shall be unlawful for any person to make or place upon such package the name of any other place or locality than the place where such fruit was grown, except the place to which shipped, or to falsely mark any such package as to variety, name of grower, association or organization or place where grown, or to obliterate or change the original marks on any such package or to re-mark the same with the name of any other grower or of any other place than that by or in which the contents were grown, or in case such package is marked with the name of an association or organization of growers to re-mark the same with the name of any other association or organization, and it shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit grown in this state and shipped in closed package, to repack the same in the boxes or packages of any other grower or shipper or from any other place or to sell or offer for sale in closed packages, or to pack in or offer for sale in marked box or package any fruit other than that originally contained or shipped therein.

In addition to the marks required to be placed upon any closed box or package of fruit, vegetable or nursery stock grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same shall mark upon the outside of such package the grade of the fruit, vegetable or nursery stock contained therein, specifying the grades and markings according to the obligatory grading rules and regulations, issued, published, and adopted by the director of agriculture, or a special or private grade or brand duly registered and approved by the director of agriculture as provided by law, and it shall be unlawful for any person to 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 this section shall be construed to apply to canned or dried fruit.

Canned or dried fruit excluded.

SEC. 7. That section 17 of chapter 166 of the Laws of 1915, pages 515-516, as amended by section 7 of chapter 141 of the Laws of 1921, pages 521-523, as amended by section 6 of chapter 37 of the Laws of 1923, pages 92-94, as amended by chapter 175 of the Extraordinary Session of 1925, pages 487-490, (section 2855, of Remington's Compiled Statutes), be amended to read as follows:

Sec. 2723, Pierce's Code.

Section 17. It shall be unlawful for any grower thereof or association or organization of growers packing apples, or other fruits, vegetables or nursery stock, 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 fruits, vegetables or nursery stock, 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.

Unlawful marking of packages of fruits, vegetables or nursery stock.

To comply with established grade standards.

In case an inspector making an inspection finds that apples, or other fruits, vegetables or nursery stock do not meet the standards as established by the obligatory rules and regulations, he shall condemn and serve notice upon such owner or person having possession of such apples, or other fruits,

Inspection. Fruits etc., below established standards condemned.

May not  
sell without  
inspector's  
permit.

Evidence of  
non-com-  
pliance with  
order  
condemning.

False  
marking  
or labeling.

Unlawful  
to possess if  
misbranded.

When  
may sell  
ungraded  
vegetables,  
etc.

vegetables or nursery stock and the owner or person having possession of apples, or other fruits, vegetables or nursery stock shall not sell or dispose of the condemned apples, or other fruits, vegetables or nursery stock without written permission from the inspector so to do. It will be *prima facie* evidence that the owner or person who has possession of such apples, or other fruits, vegetables or nursery stock has violated the provisions of this act unless he show the fruit, vegetables or nursery stock in possession or a release in writing signed by an inspector that he has complied with the provisions of the condemnation.

It shall be unlawful (1) to mark or place upon any package of fruit, vegetables or nursery stock 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 fruit, vegetables or nursery stock were grown in any locality other than that in which they were actually grown, or by any other person than the person by which they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any fruit, vegetables or nursery stock 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 fruit, vegetables or nursery stock 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 fruit, vegetables or nursery stock thus misbranded.

But it shall not be unlawful to sell vegetables, fruit or nursery stock 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 unless obligatory grades, rules and regulations have been adopted as in this section provided.

The general obligatory rules and regulations shall be based on the official hearing held as in this section provided, 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, vegetables or nursery stock 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, vegetables or nursery stock for which changes in the rules and regulations are suggested or the director of agriculture may call a public hearing upon a reasonable showing of such a necessity by the industry 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, vegetables or nursery stock and establishing and defining the grades thereof, and in adopting the same the director is authorized to consult and advise with fruit, vegetables or nursery growers, the officers of associations or organizations of apple, other fruit, vegetable or nursery growers or distributors or dealers in apples, other fruits, vegetables or nursery stock. 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

Regulations.

Hearing  
on proposed  
changes in  
rules.

Petition.

Hearing  
called.Advice of  
experts.Rules for  
hearing.

Legal effect  
of rules  
when  
established.

agriculture shall base them on the necessities and properties as shown in said hearing, taking into consideration the tonnage of commercial fruit, vegetables or nursery stock 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.

Sec. 2726,  
Pierce's  
Code.

SEC. 8. That section 20 of chapter 166 of the Laws of 1915, pages 517-518, as amended by section 7 of chapter 37 of the Laws of 1923, pages 94-95 (section 2858 of Remington's Compiled Statutes), be amended to read as follows:

Nursery  
stock.

Dealer's  
license.

Fee.

Section 20. 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 berry 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, as in this act required. The license fee shall be five dollars for nurserymen who grow all the stock they sell and fifteen dollars for other nurserymen, dealers, brokers, landscape architects or other persons deriving financial benefit from the sale of 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 pur-

pose for which issued, the name and location of the nursery or place of business of the nurseryman or dealer licensed or represented by the agent, salesman or solicitor licensed, and no license shall be issued, to any agent, salesman or solicitor unless the nurseryman or dealer represented shall be licensed. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue: *Provided*, That all licenses in force at the time of the taking effect of this act shall continue in force during the term for which they were issued, unless sooner revoked, and any holder of such license applying for a license under this act prior to the first day of July next following the expiration of his former license, shall be required to pay therefor only the proportional part of the fee required for an annual license for the remaining portion of the year until the first day of July next following. All fees, collections and revenues derived hereunder shall be used exclusively for the purpose of carrying out the work and performing the functions to be performed by the department of agriculture, division of horticulture. The state auditor may anticipate the receipts and issue warrants to cover the same to the amount not exceeding three thousand (\$3,000.00) dollars.

Date and expiration.

Licenses now in force.

Disposition of fees.

Warrants may issue anticipating receipts.

SEC. 9. That section 21 of chapter 166 of the Laws of 1915, page 518 (section 2859, of Remington's Compiled Statutes), is hereby repealed.

Sec. 2727, Pierce's Code.

Section 21. Every nurseryman or dealer in nursery stock, applying for a license under this act shall make, execute and file with the commissioner of agriculture a bond running to the State of Washington, in the sum of one thousand dollars with surety or sureties to be approved by the commissioner, conditioned for the faithful compliance by the applicant with all of the provisions of this act and the laws of

Nursery stock.

Dealer's bond.

the State of Washington relating to the sale, disposition, delivery, inspection and disinfection of nursery stock grown, dealt in, imported, sold, handled or delivered by him during the term of the license applied for and the term or terms of any renewal of the same, and conditioned further that all nursery stock sold or delivered by him during said term or terms shall be true to name, age, and variety as represented, and free from the diseases and pests required to be guarded against by this act.

Renewal  
of license.

Fee.

Every licensed nurseryman or dealer in nursery stock who shall have complied with the provisions of this section shall be entitled, upon the expiration of his license or any renewal thereof, by the payment of the fee of five dollars on or before the date of the expiration of his license or any renewal thereof, to have his license renewed for the ensuing year ending July 1st, by the giving of a bond as herein specified.

Suspension  
of license.

The cancellation or revocation of, or the withdrawal of the sureties from, any bond filed in accordance with the provisions of this section, shall *ipso facto* work a suspension of the license of the principal of said bond and the license of all agents, salesmen and solicitors employed by and representing him, until such time as such principal shall furnish a new bond to be approved by the commissioner of agriculture.

Sec. 2729,  
Pierce's  
Code.

SEC. 10. That section 23 of chapter 166 of the Laws of 1915, pages 519-520 (section 2861 of Remington's Compiled Statutes), be amended to read as follows:

Sales.

Section 23. It shall be unlawful for any person to deceive or defraud any person on the sale of any nursery stock by substituting inferior or different varieties from those ordered, or to wilfully or intentionally bring into this state or to offer for sale or distribution within this state or to ship, sell or de-

liver upon any sale any nursery stock that is infected, and in case of any such deceit, fraud or substitution, the person, firm, or corporation damaged or injured thereby shall have recourse against the licensed nurseryman or dealer from whom such stock has been purchased, for all damages sustained, which damages may be recovered at the suit of the party injured in any court of competent jurisdiction.

Misrepresentation.

Liability of dealer.

SEC. 11. That section 24 of chapter 166 of the Laws of 1915, page 520, (section 2862 of Remington's Compiled Statutes), be amended to read as follows:

Sec. 2730, Pierce's Code.

Section 24. It shall be the duty of all nurserymen and dealers in nursery stock and all salesmen, solicitors and agents therefor to give to every person ordering or buying any nursery stock a duplicate copy of such order which shall show: (a) the name of the nurseryman from whom ordered and the name of the solicitor, salesman or agent taking such order; (b) the season of the order and the date when delivery is to be made; and (c) the number, name, and price of each variety of tree or plant ordered.

Nursery stock.

Sales.

Duplicate copy of order.

SEC. 12. That section 25 of chapter 166 of the Laws of 1915, pages 520-521, (section 2863 of Remington's Compiled Statutes) be amended to read as follows:

Sec. 2731, Pierce's Code.

Section 25. It shall be the duty of every person growing or dealing in nursery stock to notify the director of agriculture of his, their or its intention to ship any nursery stock from one point in this state to another or from any point without the state to a point within the state for sale or delivery or for planting or propagation. Such notice shall be made in writing and in duplicate and signed by the person giving the notice and shall show the name and address of both the consignor and consignee, and the name of the person or transportation company from

Shipments of nursery stock.

Notice to director of agriculture.

Recitals of notice.

whom the consignee is to receive such goods, and whether such nursery stock has been inspected and approved at the initial point of shipment within this state by a horticultural inspector. Said notice shall be mailed not later than the date of shipment and the duplicate thereof shall be mailed to the horticultural inspector stationed nearest to the point of consignment and all such shipments of nursery stock shall be plainly marked with the contents on the outside of the package. A descriptive invoice of all goods shipped during the season shall be mailed to the director of agriculture before the first of July following shipment.

Sec. 2733,  
Pierce's  
Code.

SEC. 13. That section 27 of chapter 166 of the Laws of 1915, pages 521-523, as amended by section 9 of chapter 141 of the Laws of 1921, pages 523-525, (section 2865 of Remington's Compiled Statutes), be amended to read as follows:

Nursery  
stock  
shipments.

Section 27. Upon the arrival at its point of destination of any nursery stock shipped into this state from another state or county or shipped from one point within this state to another, it shall be the duty of the freight agent, express agent or the agent of the persons or transportation company having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state showing that the same was inspected and approved at the initial point of shipment within this state, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the name of the consignor and consignee and stating that such shipment is ready for inspection and delivery, except that cut flowers, potted plants and greenhouse products which show a general inspection shall be exempt. Said notification may be by telephone or telegraph, or by written notice delivered personally to said

Inspection  
at  
destination.



inspector or to some person of suitable age and discretion at his residence or office, or by mail addressed to said inspector at his place of residence or at his office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any person until the same shall have been inspected by a horticultural inspector: *Provided, however,* That such agent shall not be required to hold such shipment more than forty-eight hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event such shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for the delivery of mail to the address of said inspector: *And provided further,* That no inspection at the point of delivery shall be necessary if the shipment is accompanied by a certificate of a horticultural inspector of this state showing inspection and approval at the initial point of shipment within this state as aforesaid and upon the delivery of such shipment to the consignee, the agent or person making the delivery shall deliver such certificate of inspection to the consignee and retain the duplicate to show his authority for making delivery without inspection. Any nurseryman or dealer in nursery stock within this state may demand the services of an inspector at his place of business or point of shipment during the shipping season by paying such fees as agreed upon by the director of agriculture.

Upon the arrival at its point of destination of any shipment of fruit or vegetables shipped into this state from another state or country, it shall be the duty of the freight agent, express agent or agent or persons or transportation company having such shipment in charge for delivery, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the names of the consignor and

No delivery to consignee until inspection.

Inspection at initial shipment point satisfies.

Inspection fees.

Notice of arrival of shipment of fruit or vegetables.

consignee, and upon the delivery of such shipment to the consignee or his order, the agent or person making such delivery shall demand and receive from the person to whom such shipment is delivered a receipt therefor showing the name and address of the consignee or his order and the place to which said shipment is to be removed, and shall thereupon mail said receipt to the horticultural inspector stationed nearest to the point where said shipment is received.

Passed the House March 10, 1927.

Passed the Senate March 10, 1927.

Approved by the Governor March 19, 1927.

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## CHAPTER 312.

[S. B. 154.]

### RIGHTS OF WAY OVER STATE LANDS.

AN ACT relating to rights of way and easements over state land for the transportation of timber, stone, mineral and other products and reserving rights therein, and providing for the transportation of timber, stone, mineral and other products, and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products owned by the state or any grantee or successor in interest thereof, prescribing powers and duties of the director of public works, and prescribing penalties for violation thereof.

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

SECTION 1. That all state lands hereafter granted, sold or leased shall be subject to the right of the state, or any grantee or lessee or successor in interest thereof hereafter acquiring other state lands, or acquiring the timber, stone, mineral or other natural products thereon, or the manufactured products thereof to acquire the right of way over such lands so granted, for logging and/or lumbering railroads, private railroads, skid roads, flumes,

State lands  
sold or  
leased.

Subject to  
future acquisition of  
right of way  
for logging  
roads,  
canals, etc.

canals, watercourses, or other easements for the purpose of and to be used in the transporting and moving of such timber, stone, mineral or other natural products thereon, and the manufactured products thereof from such state land, and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products over and across the lands so granted or leased, upon the state or its grantee or successor in interest thereof, paying to the owner of the lands so granted, sold, or leased reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad seeking to condemn private property.

Compensation to owner or lessee.

SEC. 2. Every grant, deed, conveyance, lease or contract hereafter made to any person, firm or corporation over and across any state lands for the purpose of right of way for any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement to be used in the hauling of timber, stone, mineral or other natural products of the land and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products, shall be subject to the right of the state, or any grantee or successor in interest thereof, owning or hereafter acquiring from the state any timber, stone, mineral, or other natural products, or any state lands containing valuable timber, stone, mineral or other natural products of the land, of having such timber, stone, mineral or other natural products, and the manufactured products thereof and all necessary ma-

Operator over such rights of way to transport for state or grantee, materials, equipment, etc.

Transportation charges.

chinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products transported or moved over such railroad, skid road, flume, canal, watercourse or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation or for the use of such railroad, skid road, flume, canal, watercourse or other easement, and upon complying with just, reasonable and proper rules affecting such transportation, which rates, rules and regulations shall be under the supervision and control of the director of public works of the State of Washington.

Right of way over state lands or streams.

Transportation service to state or grantee or right to use of easement.

SEC. 3. Any person, firm or corporation hereafter acquiring the right of way or other easement over state lands or over any tide or shore lands belonging to the state, or over and across any navigable water or stream for the purpose of transporting or moving timber, stone, mineral, or other natural products of the lands, and the manufactured products thereof and engaged in such business thereon, shall accord to the state or any grantee or successor in interest thereof hereafter acquiring state lands containing valuable timber, stone, mineral or other natural products of the land, or any person, firm or corporation hereafter acquiring the timber, stone, mineral or other natural products situate upon state lands, or the manufactured products thereof proper and reasonable facilities and service, including physical connection therewith, for the transportation and moving of such timber, stone, mineral and other natural products of the land, and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products under reasonable rules and regulations upon payment of just and reasonable charges therefor, or, if such right of way

or other easement is not then in use to have the right to use such right of way or easement for transporting and moving such products under such reasonable rules and regulations and upon payment of just and reasonable charges therefor.

SEC. 4. Whenever any person, firm or corporation shall hereafter purchase, lease or acquire any state lands, or any easement or interest therein, or any timber, stone, mineral or other natural products thereon, or the manufactured products thereof the purchase, lease or grant shall be subject to the condition or reservation that such person, firm or corporation, or their successors in interest, shall, whenever any of the timber, stone, mineral or other natural products on said lands or the manufactured products thereof are removed, by any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement, owned, leased or operated by such person, firm or corporation, or their successors in interest, accord to any other person, firm or corporation, or their successors in interest, having the right to remove any timber, stone, mineral, or other natural products or the manufactured products thereof from any other lands, owned or formerly owned by the state, proper and reasonable facilities and service, including physical connection therewith, for the transportation and moving of such other timber, stone, mineral and other natural products, and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products under reasonable rules and regulations and upon payment of just and reasonable charges therefor; and that any conveyance, lease or mortgage of such logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement, shall be sub-

Acquisition of state lands, easement or valuable materials.

Owner operating logging road, etc.

Materials from other state lands to be carried, or connect, transportation service.

Sales and leases of state lands or materials subject to condition that owners and operators of roads, canals, etc., shall provide facilities for transporting materials from other state lands.

ject to the right of the person, firm or corporation, or their successors in interest, having the right to remove timber, stone, mineral or other natural products or the manufactured products thereof from such other state lands, to be accorded such proper and reasonable facilities and service, including physical connection therewith, for the transportation and moving of such other timber, stone, mineral and other natural products and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products under reasonable rules, regulations and upon payment of just and reasonable charges therefor; and such purchase, lease or grant from the state shall also be subject to the condition or reservation that whenever any of the timber, stone, mineral or other natural products on such lands or the manufactured products thereof are about to be removed, by means of any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement, not owned, controlled, or operated by the person, firm or corporation owning or having the right to remove, and about to remove such timber, stone, mineral or other natural products or the manufactured products thereof shall exact and require from the owners and operators of such logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement, which shall be binding upon the successors in interest of such owners and operators, an agreement and promise, as a part of the contract for removal, and by virtue of this act there shall be deemed to be a part of any such express or implied contract for removal, an agreement, and promise that such owners and operators, and their succes-

sors in interest, shall accord to any person, firm or corporation and their successors in interest, having the right to remove any timber, stone, mineral or other natural products or the manufactured products thereof from any lands, owned, or formerly owned by the state, proper and reasonable facilities and service, including physical connection therewith, for the transportation and moving of such timber, stone, mineral and other natural products and the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products and under reasonable rules and regulations and upon payment of just and reasonable charges therefor.

SEC. 5. Should the owner or operator of any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement operating over lands hereafter acquired from the state, as in this act set out, fail to agree with the state or with any subsequent grantee or successor in interest thereof as to the reasonable and proper rules, regulations and charges concerning the transportation of timber, stone, mineral or other natural products of the land, or the manufactured products thereof and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products for carrying and transporting such products or for the use of the railroad, skid road, flume, canal, watercourse or other easement in transporting such products, the state or such person, firm or corporation owning and desiring to ship such products may apply to the director of public works and have the reasonableness of the rules, regulations and charges inquired into and it shall be the duty of the director of public works to inquire into the same in the same manner, and he

Regulations, transportation charges, etc., questioned.

Investigation by department of public works.

is hereby given the same power and authority to investigate the same as he is now authorized to investigate and inquire into the rules and regulations and charges made by railroads and is authorized and empowered to make such order as he would make in an inquiry against a railroad, and in case such logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper and such order shall have the same force and effect and shall be binding upon the parties to such hearing as though such hearing and order was made affecting a railroad.

Removal of  
timber, etc.,  
from public  
lands—  
right of way  
for.

Application  
and plat.

Right of way  
certificate.

Non-user.

Forfeiture.

SEC. 6. Any person, firm or corporation shall have a right of way over public lands, subject to the provisions of this act, when necessary, for the purpose of hauling or removing timber, stone, mineral, or other natural products or the manufactured products thereof of the land. Before, however, any such right of way grant shall become effective, a written application for and a plat showing the location of such right of way, with reference to the adjoining lands, shall be filed with the state land commissioner, and all timber on said right of way, together with the damages to said land, shall be appraised and paid for in cash by the person, firm or corporation applying for such right of way. The state land commissioner shall then cause to be issued in duplicate to such person, firm or corporation a right of way certificate setting forth the conditions and terms upon which such right of way is granted. Whenever said right of way shall cease to be used, for a period of two years, for the purpose for which it was granted, it shall be deemed forfeited, and said right of way certificate shall contain such a provision: *Provided*, That any right



of way for logging purposes heretofore issued which has never been used, or has ceased to be used, for a period of two years, for the purpose of which it was granted, shall be deemed forfeited and shall be cancelled upon the records in the office of the commissioner of public lands. One copy of each certificate shall be filed in the office of the commissioner of public lands and one copy delivered to the applicant. The forfeiture of said right of way, as herein provided, shall be rendered effective by the mailing of notice of such forfeiture to the grantee thereof to his last known postoffice address and by stamping the copy of said certificate in the office of the commissioner of public lands cancelled and the date of such cancellation. For the issuance of such certificate the same fee shall be charged as provided in the case of certificates for railroad rights of way.

Forfeiture of former grants of logging rights of way.

Notice of forfeiture.

SEC. 7. In case any person, firm or corporation owning and/or operating any logging and/or lumbering railroad, private railroad, skid road, flume, canal, watercourse or other easement subject to the provisions of this act shall fail to comply with any rule, regulation or order made by the director of public works, after an inquiry as provided for in section 5, each person, firm or corporation shall be subject to a penalty not exceeding one thousand dollars (\$1,000), and in addition thereto, the right of way over state lands theretofore granted to such person, firm or corporation, and all improvements and structures on such right of way and connected therewith, shall revert to the State of Washington, and may be recovered by it in an action instituted in any court of competent jurisdiction, unless such state lands have been sold.

Non-compliance with order of department of public works.

Penalty.

SEC. 8. If any section, subdivision, sentence or clause in this act shall be held invalid or unconstitutional, such adjudication shall not affect the valid-

Partial validity.

ity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed the Senate March 10, 1927.

Passed the House March 10, 1927.

Approved by the Governor March 22, 1927.

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## CHAPTER 313.

[H. B. 354.]

### GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for sundry civil expenses of the state government, and creating a reformatory revolving fund, and for miscellaneous purposes for the fiscal biennium beginning April 1, 1927, and ending March 31, 1929, except as otherwise provided, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums, or as much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase of land and construction of buildings, and improvements for the various state institutions, and for sundry civil expenses of the state government, and creating a reformatory revolving fund, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter

Appropriations.

expressed, for the fiscal biennium beginning April 1, 1927, and ending March 31, 1929, except as otherwise provided.

SEC. 2. The words "capital outlays," as used herein, include the purchase of land and erection of buildings. "Capital outlays."

SEC. 3. The word "operations," as used herein, includes salaries and wages of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, including necessary traveling expenses. "Operations."

FROM THE GENERAL FUND.

<b>FOR THE GOVERNOR'S OFFICE:</b>		<b>Governor's office.</b>
Salary of Governor.....	\$12,000 00	
Operations .....	45,875 00	
Extradition expenses .....	10,000 00	
Investigation and emergency.....	18,000 00	
	<hr/>	
Total Governor's Office.....	\$85,875 00	
<b>FOR THE GOVERNOR'S MANSION:</b>		<b>Governor's mansion.</b>
Maintenance and furnishings of every kind to be distributed on vouchers approved by the Governor.....	\$12,500 00	
<b>FOR THE LIEUTENANT GOVERNOR:</b>		<b>Lieutenant Governor.</b>
Salary of Lieutenant Governor.....	\$2,400 00	
Hotel bills and traveling expenses while attending sessions of the legislature and when acting Governor .....	1,000 00	
	<hr/>	
Total.....	\$3,400 00	
<b>FOR THE SECRETARY OF STATE:</b>		<b>Secretary of State.</b>
Salary of Secretary of State.....	\$6,000 00	
Operations .....	38,000 00	
Blue Sky Enforcement (Securities Act) .....	39,000 00	
Initiative and referendums.....	36,000 00	
Printing expert .....	4,800 00	
Constitutional amendments .....	10,000 00	
	<hr/>	
Total.....	\$133,800 00	

Treasurer.	FOR THE STATE TREASURER:		
	Salary of Treasurer.....	\$6,000 00	
	Operations .....	60,000 00	
		<hr/>	
	Total.....		\$66,000 00
	FROM THE MOTOR VEHICLE FUND.		
	Operations .....		\$32,600 00
	FROM THE FISHERIES FUND.		
	Operations .....		\$23,000 00
	FROM THE HIGHWAY SAFETY FUND.		
	Operations .....		\$5,000 00
	FROM THE GENERAL FUND.		
Auditor.	FOR THE STATE AUDITOR:		
	Salary of Auditor.....	\$6,000 00	
	Operations .....	75,000 00	
	Division of Municipal Corporations—		
	Operations .....	27,500 00	
		<hr/>	
	Total.....		\$108,500 00
Attorney General.	FOR THE ATTORNEY GENERAL:		
	Salary of Attorney General.....	\$7,000 00	
	Operations .....	123,000 00	
		<hr/>	
	Total.....		\$130,000 00
Public instruction.	FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		
	Salary of Superintendent.....	\$6,000 00	
	Operations .....	95,000 00	
	High School Department:		
	Operations .....	22,000 00	
Vetoed. }	Statistical Department .....	5,000 00	
	Rural School Department:		
	Operations .....	10,000 00	
		<hr/>	
	Total.....		\$138,000 00
Commis- sioner of public lands.	FOR THE COMMISSIONER OF PUBLIC LANDS:		
	Salary of Commissioner.....	\$10,000 00	
	Operations .....	195,000 00	
		<hr/>	
	Total.....		\$205,000 00
Insurance commissioner	FOR THE INSURANCE COMMISSIONER:		
	Operations .....		\$170,000 00
Supreme court.	FOR THE SUPREME COURT:		
	Operations .....		\$175,675 00

<b>FOR THE SUPREME COURT REPORTER:</b>			Supreme
Operations .....		\$26,410 00	court
			reporter.
<b>FOR THE SUPERIOR COURT JUDGES:</b>			Superior
Operations .....	\$258,000 00		courts.
Deficiency—Period ending March 31, 1927 .....		14,850 00	
		<hr/>	
Total .....		\$272,850 00	
<b>FOR THE STATE CAPITOL COMMITTEE:</b>			Capitol
Operations .....		\$10,000 00	committee.
<b>FOR THE STATE BOARD OF EDUCATION:</b>			Board of
Operations .....		\$6,000 00	education.
<b>FOR THE STATE BOARD OF VOCATIONAL EDUCATION:</b>			Vocational
Operations .....		\$37,000 00	education.
<b>FOR THE STATE BOARD OF EQUALIZATION:</b>			Board of
Operations .....		\$2,000 00	equalization.
<b>FOR THE STATE FINANCE COMMITTEE:</b>			Finance
Operations .....		\$6,000 00	committee.
<b>FROM THE RECLAMATION REVOLVING FUND.</b>			
<b>FOR THE STATE FOREST BOARD:</b>			Forest board.
Operations .....		\$3,000 00	
<b>FROM THE GENERAL FUND.</b>			
<b>FOR THE JUDICIAL COUNCIL:</b>			Judicial
Operations .....		\$5,000 00	council.
<b>FOR THE STATE BOARD OF LAW EXAMINERS:</b>			Law
Operations .....		\$9,000 00	examiners.
<b>FROM THE PARKS AND PARKWAYS FUND.</b>			
<b>FOR THE STATE PARKS COMMITTEE:</b>			State parks.
For all purposes.....		\$50,000 00	
<b>FROM THE GENERAL FUND.</b>			
<b>FOR THE UNIFORM LAW COMMISSION:</b>			Uniform
Operations .....		\$800 00	law commis-
			sion.
<b>FOR THE STATE LAW LIBRARY:</b>			Law library.
Operations .....		\$24,500 00	
<b>FOR THE STATE LIBRARY:</b>			State library.
Operations .....		\$15,000 00	
<b>FOR THE TRAVELING LIBRARY:</b>			Traveling
Operations .....		\$20,000 00	library.

Public works.

FOR THE DEPARTMENT OF PUBLIC WORKS:

Operations ..... \$133,500 00  
 Extra engineers, clerks, etc. .... 63,500 00

Total..... \$197,000 00

FROM THE PUBLIC SERVICE REVOLVING FUND.

Operations ..... \$80,000 00  
 (Not to exceed fees collected)

FROM THE AUTO TRANSPORTATION FUND.

Operations ..... \$120,000 00  
 (Not to exceed fees collected)

FROM THE GENERAL FUND.

Business control.

FOR THE DEPARTMENT OF BUSINESS CONTROL:

Operations ..... \$87,000 00

Capitol buildings and grounds.

Capitol Buildings and Grounds:

Operations ..... \$203,000 00

Parole department.

Parole Department:

Operations ..... \$40,000 00

Transportation of convicts, etc.

Transportation Department:

Operations ..... \$80,000 00

Insane deportation.

Deportation Alien and Non-Resident Insane:

Operations ..... \$40,000 00

Western State hospital.

Western State Hospital:

Operations ..... \$775,000 00  
 Fire fighting apparatus..... 6,600 00

Total..... \$781,600 00

Eastern State hospital.

Eastern State Hospital:

Operations ..... \$628,000 00  
 Completion of power house and equipment ..... 8,500 00  
 Extension of sewer system, reservoirs and completing annex... 26,300 00

Total..... \$662,800 00

Northern State hospital.

Northern State Hospital:

Operations ..... \$560,000 00  
 One ward building..... 110,000 00  
 Root house ..... 3,000 00  
 Dehydrating and canning plant.. 3,000 00

Total..... \$676,000 00

Penitentiary.

Washington State Penitentiary:

Operations ..... \$430,000 00

FROM THE PENITENTIARY REVOLVING FUND.

Operations .....	\$60,000 00	From penitentiary revolving fund.
Industrial Operations .....	\$300,000 00	

FROM THE GENERAL FUND.

Prison fence .....	\$5,000 00	From general fund.
Building extension .....	6,700 00	
School and technical books.....	1,500 00	
Water extension and miscellaneous..	1,800 00	

Total..... \$15,000 00

Washington State Reformatory:

Reformatory.

Operations .....	\$278,000 00
New cell house and equipment...	360,000 00
For reformatory revolving fund, which fund is hereby created.	50,000 00

Total..... \$688,000 00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations .....	\$300,000 00
(Receipts from sale of industrial products of the reformatory to be deposited in state treasury to credit of Reformatory Revolving Fund.)	

FROM THE GENERAL FUND.

State Custodial School:

Custodial school.

Operations .....	\$445,000 00
Dormitory for boys.....	150,000 00

Total..... \$595,000 00

State Training School:

Training school.

Operations .....	\$283,000 00
Remodeling dormitory, silo and poultry houses .....	12,700 00

Total..... \$295,700 00

(State Training School is to be paid from C. E. P. & R. I. Current Fund until exhausted. Balance from General Fund.)

FROM THE GENERAL FUND.

State School for Girls:

School for girls.

Operations .....	\$145,000 00
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State School for Blind:

School for blind.

Operations .....	\$105,000 00
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School for deaf.	State School for Deaf:		
	Operations .....	\$156,000 00	
	Administration building, kitchen, dining room and equipment..	225,000 00	
	Total.....		\$381,000 00
Soldiers' home.	State Soldiers' Home:		
	Operations .....	\$78,000 00	
	Capital Outlays .....	32,000 00	
	Total.....		\$110,000 00
Soldiers' colony.	State Soldiers' Colony:		
	Operations .....		\$41,000 00
Veterans' home.	Washington Veterans' Home:		
	Operations .....	\$225,000 00	
	Purchase of land and fencing....	4,000 00	
	Total.....		\$229,000 00
Department of efficiency.	FOR DEPARTMENT OF EFFICIENCY:		
	Operations .....	\$40,000 00	
	Budget Division:		
	Operations .....	17,500 00	
	Examination of State Affairs:		
	Operations .....	30,000 00	
	Total.....		\$87,500 00
	<b>FROM THE HIGHWAY SAFETY FUND.</b>		
Highway patrol.	Highway Patrol Division:		
	Operations .....		\$400,000 00
	<b>FROM THE GENERAL FUND.</b>		
Banking division.	Division of Banking:		
	Operations .....		\$140,000 00
Industrial loan.	Industrial Loan:		
	Operations .....		\$1,000 00
	(Not to exceed fees collected)		
Savings and loan division.	Division of Savings and Loan Associations:		
	Operations .....		\$55,000 00
	(Not to exceed fees hereafter collected)		
Tax commission.	FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:		
	Operations .....	\$94,000 00	
	Special investigations .....	15,000 00	
	Tax litigation .....	25,000 00	
	Total.....		\$134,000 00



Inheritance Tax and Escheats Division:			Inheritance tax division.
Operations .....		\$50,000 00	
FOR DEPARTMENT OF HEALTH:			
Operations .....		\$89,000 00	Health department.
FOR DEPARTMENT OF CONSERVATION AND DEVELOPMENT:			
General office operations.....	\$8,700 00		Conservation and development.
Forestry Division:			
Operations .....	160,000 00		Forestry.
Division of Hydraulics:			
Operations .....	40,500 00		Hydraulics.
Water Code:			
Provisions of Act.....	20,000 00		Water code.
(Not to exceed receipts.)			
Hydrographic survey .....	10,000 00		Surveys.
Geological survey .....	5,000 00		
Topographic survey .....	10,000 00		
		<hr/>	
Total.....		\$254,200 00	

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:			Reclamation division.
Operations .....		\$33,500 00	

FROM THE GENERAL FUND.

FOR DEPARTMENT OF AGRICULTURE:			Agriculture.
Operations .....	\$322,765 00		
Hay, Grain and other Commodities, Inspection Service:			
Operations .....	216,000 00		Inspection.
(Not to exceed fees heretofore or hereafter collected.)			
Destruction of Predatory Animals:			
Operations .....	25,000 00		} Vetoed.
Washington State Fair:			
Operations, including unexpended balance of receipts on hand...			
	46,000 00		State fair.
Construction of buildings.....			
	40,000 00		
Eradication of Bovine Tuberculosis, including deficiency....			
	330,000 00		Bovine tuberculosis.
		<hr/>	
Total.....		\$979,765 00	

FROM THE AGRICULTURAL SEED REVOLVING FUND.

Seed Inspection:			Seed inspection.
Operations .....		\$11,000 00	

## FROM THE COMMISSION MERCHANTS FUND.

Commission merchants.	Commission Merchants Act:	
	Operations .....	\$7,000 00

## FROM THE GENERAL FUND.

Licenses.	FOR DEPARTMENT OF LICENSES:	
	Operations .....	\$72,000 00

## FROM THE MOTOR VEHICLE FUND.

	Operations .....	\$365,000 00
	Checking license applications for state treasurer .....	5,000 00
	Total.....	\$370,000 00

## FROM THE HIGHWAY SAFETY FUND.

	Operations .....	\$60,000 00
	Lists of auto owners.....	4,800 00
	Total.....	\$64,800 00

## FROM THE GENERAL FUND.

Real estate director.	FOR THE REAL ESTATE DIRECTOR:	
	Operations .....	\$20,000 00
	(Not to exceed fees collected.)	

Labor and industries.	FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:	
	Operations .....	\$474,000 00

## FROM THE MEDICAL AID FUND.

	Operations .....	\$136,000 00
	Revolving .....	\$3,000,000 00
	Total.....	\$3,136,000 00

## FROM THE ACCIDENT FUND.

	Revolving .....	\$8,000,000 00
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## FROM THE FISHERIES FUND.

Fisheries and game.	FOR DEPARTMENT OF FISHERIES AND GAME:	
	Division of Fisheries:	
	Operations .....	\$347,000 00
	Fisheries Board .....	5,000 00
	Capital Outlays .....	60,000 00
	Biological Survey .....	10,000 00
	Destruction of Seals.....	6,000 00
	Stream Improvements .....	4,000 00
	Total.....	\$432,000 00

FROM THE OYSTER RESERVE FUND.

Improvement and protection of oyster reserves .....	\$12,500 00	Oyster propagation.
Capital Outlays .....	5,500 00	
	<hr/>	
Total.....	\$18,000 00	

FROM THE GAME FUND.

Division of Game and Game Fish:		Game and game fish.
Operations .....	\$189,910 00	
Capital Outlays .....	6,250 00	
Okanogan County Game Commission .....	2,090 00	
	<hr/>	
Total.....	\$198,250 00	
(Expenditures for Department of Fisheries and Game shall not exceed collection by the department)		

FOR THE UNIVERSITY OF WASHINGTON:

(From the University Current Fund until exhausted. Balance from University of Washington Fund.)		University.
Operations .....	\$3,591,524 00	
From the University of Washington Building Fund .....	\$550,000 00	
From the University of Washington Fund .....	125,000 00	
For the erection, equipment, or furnishings of the following buildings:		
Women's Physical Education Building	110,078 00	
Men's Gymnasium and Athletic Pavilion .....	100,000 00	
Physics Building .....	464,922 00	
	<hr/>	
Total.....	\$675,000 00	

FOR THE STATE COLLEGE OF WASHINGTON:

(From the Scientific School Current and Agricultural College Current Funds until exhausted. Balance from the Washington State College Fund.)		State College.
Operations .....	\$2,002,433 56	
Puyallup Experiment Station operations .....	100,000 00	
	<hr/>	
Total.....	\$2,102,433 56	

## FROM THE WASHINGTON STATE COLLEGE FUND.

Construction and equipment of Home Economics Building .....	\$125,186 70
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## FROM THE GENERAL FUND.

For apiculture .....	\$4,000 00
For cranberry investigation.....	10,000 00
For Prosser Experiment Station....	36,836 00
For amount to secure Smith-Lever Fund from U. S. Government for agricultural extension work.....	127,736 58
Total.....	\$178,572 58

Bellingham  
Normal.

## FOR THE BELLINGHAM STATE NORMAL SCHOOL:

From Normal School Current Fund.	\$41,753 66
From Bellingham Normal School Fund .....	542,746 34
Operations .....	\$584,500 00

## FROM THE BELLINGHAM NORMAL SCHOOL FUND.

Purchase of land.....	\$40,000 00
Purchase of land—Deficiency.....	2,400 00
Total.....	\$42,400 00
For the completion of Library Build- ing and equipment:	
From Bellingham Normal School Fund .....	\$17,000 00
From General Fund .....	63,000 00
Total.....	\$80,000 00

Cheney  
Normal.

## FOR CHENEY STATE NORMAL SCHOOL:

From Normal School Current Fund.	\$33,194 14
From Cheney Normal School Fund..	403,715 86
Operations.....	\$436,910 00

## FROM THE CHENEY NORMAL SCHOOL FUND.

For president's residence.....	\$22,500 00
Plumbing installation in Training School Building .....	1,000 00
Swimming pool repairs.....	500 00
Total.....	\$24,000 00

FOR ELLENSBURG STATE NORMAL SCHOOL:

From Normal School Current Fund. \$25,052 20  
 From Ellensburg Normal School Fund 370,368 54

Ellensburg  
Normal.

Operations..... \$395,420 74

FROM THE GENERAL FUND.

FOR LEGISLATIVE EXPENSE:

For printing, indexing, binding and editing Session Laws, Senate and House Journals, other legislative printing, and binding public documents of the Twentieth Session.. \$22,000 00

Legislative  
journals  
and session  
laws.

For indexing Senate and House Journals ..... 700 00

Total..... \$22,700 00

FROM THE MILITARY FUND.

FOR THE MILITARY DEPARTMENT:

Operations ..... \$390,000 00  
 Capital Outlays—at Armories and Camp Murray ..... 70,000 00  
 Housing U. S. Aviation equipment.. 10,000 00

Military  
department.

Total..... \$470,000 00

FROM THE GENERAL FUND.

FOR WASHINGTON STATE HISTORICAL SOCIETY:

Operations ..... \$15,000 00

Historical  
society.

FOR BOUNTIES ON WILD ANIMALS..... \$25,000 00

Bounties.

FOR CARE OF GRAVES—Spanish War Veterans ..... \$100 00

Veterans'  
graves.

FOR COURT COSTS IN INSANITY CASES.... \$8,000 00

Insanity  
cases.

FOR CRIMINAL COST BILLS..... \$30,000 00

Criminal  
cases.

FOR TUBERCULOSIS HOSPITALS (Including Deficiency) ..... \$250,000 00

Tuberculosis.

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

Harbor  
improvement.

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR INTEREST ON CAPITOL BUILDING CONSTRUCTION FUND BONDS ..... \$360,000 00

Capitol  
construction.

FROM THE GENERAL FUND.

Interest on shore land warrants.	FOR GUARANTEED INTEREST ON SHORE LAND WARRANTS (Including Deficiency) .....	\$6,500 00
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FROM THE VETERANS' COMPENSATION BOND.  
RETIREMENT FUND.

Veterans' Compensation.	FOR BOND RETIREMENT .....	\$800,000 00
	FOR INTEREST .....	1,174,000 00
	Total.....	\$1,974,000 00

Emergency. SEC. 4. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1927.

Passed the Senate March 10, 1927.

Approved with the exception of the two items, which are vetoed, March 22, 1927.

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CHAPTER 314.

[H. B. 378.]

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS,  
STREETS AND BRIDGES.

AN ACT relating to public highways and making appropriations for certain streets in cities and towns; the purchase and construction of bridges, for state highway engineer, engineering, construction, improvement, maintenance, oiling and paving of certain state highways, prescribing the duties of the state highway committee in relation thereto, and declaring that this act shall take effect immediately.

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

SECTION 1. For the maintenance, engineering, construction, improvement and/or paving of primary state highways and streets in certain cities and towns; the purchase and construction of bridges and the construction, engineering and improvement of the secondary state highways heretofore or here-

after contracted for, there is hereby appropriated out of the motor vehicle fund the sum of twenty-three million three hundred sixty two thousand three hundred sixty dollars (\$23,362,360.00), accrued and accruing therein up to and including March 31, 1929, to be expended under the direction of the state highway committee, except moneys 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 set out in the following schedule:

Appropriation.

Allotment exceeding improvement requirements may expend balance on other improvements.

Seattle-Blaine—

1	Dakota Creek North construction.....	\$20,000
	Dakota Creek bridge construction.....	20,000
	Ferndale-Dakota Creek construction....	350,000
	Waterfront section construction.....	22,000
	Burlington-Mt. Vernon construction....	50,000
	Dalgren Crossing-Skagit county line construction .....	40,000
	E. Stanwood-Dalgren Crossing construction .....	88,000
	Cedarholm approach construction.....	12,000
	Everett-Maryville construction .....	112,000
	Everett-King Co. line construction....	490,000
	Swamp Creek bridge construction.....	15,000
	Seattle north construction.....	40,000
	Briar Crest fill construction.....	4,000
	Seattle-Blaine betterment and reconstruction .....	18,000
	Seattle-Blaine location and right of way	50,000
		<hr/>
1	Seattle-Blaine sub-total .....	\$1,331,000
1	Bellingham-Austin Pass bridges, betterment and reconstruction.....	\$150,000

1		Seattle-Vancouver—	
		Duwamish River bridge construction...	\$100,000
		Seattle-Pierce Co. line construction.....	680,000
		King County line-Tacoma construction.	215,000
		Camp Lewis-Nisqually construction....	90,000
		Nisqually overhead construction.....	60,000
		Olympia east construction.....	20,000
		Grays Halls-Toledo construction.....	125,000
		Toledo-Kalama construction .....	50,000
		Salmon Creek bridge construction.....	40,000
		Salmon Creek-Vancouver construction..	150,000
		Woodland paving .....	25,000
		Seattle-Vancouver betterment and recon- struction .....	50,000
		Seattle-Vancouver location and right of way .....	75,000
			<hr/>
		Seattle-Vancouver sub-total .....	\$1,680,000
2		Bothel-Falls City grading and surfacing	\$250,000
2		Seattle-Wenatchee—	
		Bryn Mawr-Black River construction...	\$20,000
		Renton-Seattle construction .....	150,000
		Falls City-Snoqualmie construction.....	135,000
		Snoqualmie-Tokul Creek construction..	70,000
		Snoqualmie-N. Bend construction.....	135,000
		Tanner-Snoqualmie Pass construction..	825,000
		Dryden West construction.....	8,000
		Wenatchee River bridge construction..	40,000
Vetoed.	{	North Bend-Tanner paving.....	125,000
		Snoqualmie Pass-Easton construction..	350,000
		Easton-Cle Elum construction.....	120,000
		Cle Elum-Swauk Creek construction....	190,000
		Cle Elum River bridge construction....	35,000
		Seattle-Wenatchee betterment and re- construction .....	111,000
		Seattle-Wenatchee location and right of way .....	125,000
			<hr/>
		Sub-total .....	\$2,439,000
2		Wenatchee-Idaho State Line—	
		Wenatchee-Orondo construction .....	\$190,000
		End of pavement to Junction State Road No. 7 construction.....	215,000
		Creston-Rocklyn construction .....	55,000
		Wenatchee-Idaho State Line betterment and reconstruction .....	50,000
		Wenatchee-Idaho State Line location and right of way.....	10,000
			<hr/>
		Sub-total .....	\$520,000



3	Junction State Road No. 2 to Columbia River at Pasco—		
	Teamway to Ellensburg, construction..	\$245,000	
	Yakima-Parker, construction and bridges	115,000	
	Grandview-Columbia River bridge at Pasco, grading, surfacing and paving		
	Kennewick to Columbia River bridge	405,000	
	Junction State Road No. 2 to Columbia River at Pasco betterment and reconstruction .....	132,000	
	Junction State Road No. 2 to Columbia River at Pasco, location and right of way .....	80,000	
			<hr/>
	Sub-total .....		\$977,000
3	Pasco-Walla Walla-Oregon State line		
	Whitman-Lowden construction .....	\$110,000	
	Pasco-Walla Walla-Oregon State line betterment and reconstruction.....	33,000	
	Pasco-Walla Walla-Oregon State line location and right of way.....	10,000	
			<hr/>
	Sub-total .....		\$153,000
3	Walla-Walla-Asotin—		
	Dumas-Dayton construction .....	\$140,000	
	Touchet River bridge at Dayton construction .....	30,000	
	Walla Walla-Asotin betterment and reconstruction .....	60,000	
	Walla Walla-Asotin location and right of way .....	10,000	
			<hr/>
	Sub-total .....		\$240,000
3	Dodge-Colfax betterment, reconstruction and right-of-way .....		\$80,000
	Pullman-Colfax-Spokane—		
	Pullman-Colfax construction .....	\$79,000	
	Barnes-Thornton construction .....	90,000	
	Rosalia-Stoneham construction .....	35,000	
	Whitman County line-Spangle construction .....	40,000	
	Rosalia-Spokane reconstruction, paving, location and right-of-way .....	592,000	
	Pullman-Colfax-Spokane betterment and reconstruction .....	40,000	
	Pullman-Colfax-Spokane location and right-of-way .....	40,000	
			<hr/>
	Sub-total .....		\$916,000

3	Spokane-Laurier—		
	Clayton-Springdale construction .....	\$30,000	
	Arden-Colville construction .....	35,000	
	Kettle Falls-Barstow surfacing.....	50,000	
	Spokane-Laurier betterment and recon- struction .....	82,000	
	Spokane-Laurier location and right-of- way .....	5,000	
	Kettle Falls bridge construction.....	200,000	
		<hr/>	
	Sub-total .....		\$402,000
	Eastern Division Inland Empire Highway—		
	Rosalia-Idaho state line betterment and reconstruction .....	\$81,000	
	Pullman-Colton location and right-of-way	10,000	
	Junction State Road No. 3 grade revision	10,000	
		<hr/>	
	Sub-total .....		\$101,000
4	Columbia River-Republic construction, location and right-of-way.....		\$155,000
5	Renton-Yakima—		
	Enumclaw east construction.....	\$100,000	
	Silver Creek east construction and bridges .....	200,000	
	Little Naches River bridge construction and bridges .....	15,000	
	Carmack American River construction.	55,000	
	American River-Summit construction and bridges .....	510,000	
	Renton-Yakima betterment and recon- struction .....	37,000	
	Renton-Yakima location and right-of-way	60,000	
		<hr/>	
	Sub-total .....		\$977,000
5	Auburn-Tacoma construction .....	10,000	
	Auburn-Tacoma betterment and recon- struction .....	2,000	
	Auburn-Tacoma location and right-of-way	8,000	
		<hr/>	
	Sub-total .....		\$20,000
5	Tacoma-Rainier National Park—		
Vetoed.	{ Forest Line Park Entrance construction	\$130,000	
	{ Nisqually Canyon construction.....	40,000	
	{ Tacoma-Rainier National Park recon- struction .....	11,000	
	{ Tacoma-Rainier National Park location and right-of-way .....	2,000	
		<hr/>	
	Sub-total .....		\$183,000

5	Lewis County—		
	Elbe-Morton construction .....	\$200,000	
	Lewis county betterment and reconstruction .....	46,000	
	Lewis county location and right-of-way .....	15,000	
	Sub-total .....		\$261,000
6	Tiger north and south construction.....	15,000	
	Ione-Metaline construction .....	130,000	
	Spokane-British Columbia line betterment and reconstruction, location and right-of-way .....	94,000	
	Sub-total .....		\$239,000
7	Davenport-Vantage—		
	Lamona-Nemo construction .....	\$50,000	
	Davenport-Harrington construction ....	10,000	
	Vantage Hill bridge approach.....	60,000	
	Davenport-Vantage betterment and reconstruction .....	60,000	
	Davenport-Vantage location and right-of-way .....	10,000	
	Sub-total .....		\$190,000
7	Vantage-Ellensburg—		
	Vantage bridge approach construction..	\$60,000	
	Vantage-Ellensburg small bridges ....	10,000	
	Vantage-Ellensburg reconstruction ....	11,000	
	Vantage-Ellensburg location and right-of-way .....	10,000	
	Sub-total .....		\$91,000
8	Vancouver-Maryhill—		
	Washougal-Camas construction .....	\$110,000	
	Cape Horn construction.....	250,000	
	Washougal-Prindle construction .....	40,000	
	Woodward Creek-Greenleaf construction	100,000	
	Rands-Stevenson construction .....	200,000	
	Stevenson-Nelson Creek construction...	25,000	
	Greer Creek-Wind River and bridge construction .....	110,000	
	Vancouver-Maryhill betterment and reconstruction .....	91,000	
	Vancouver-Maryhill location and right-of-way .....	50,000	
	Sub-total .....		\$976,000

8	Maryhill-Buena—		
	Toppenish south construction.....	\$370,000	
	Maryhill-Buena reconstruction .....	20,000	
	Maryhill-Buena location and right-of- way .....	10,000	
	Sub-total .....		\$400,000
9	{ Olympia-Pt. Angeles—		
	{ Aberdeen-Olympia—		
	Shelton-Purdy Canyon paving.....	\$200,000	
	Crocker Lake south grading and surfac- ing .....	75,000	
	Pt. Angeles west grading and surfacing	80,000	
	Elwha-Lake Sutherland surfacing.....	17,000	
	Forest Project-Hoh grading.....	220,000	
	Hoh-Harlow Creek grading.....	600,000	
	Hoh-Queets bridges .....	227,000	
	Harlow Creek-Lunch Creek surfacing...	30,000	
	Satsop bridge approaches.....	50,000	
	Sequim-Agnew betterment and recon- struction .....	20,000	
	Entire Olympic Highway Loop recon- struction .....	125,000	
Vetoed.	{ Grand Mound-Elma paving and recon- struction .....	260,000	
	Sub-total .....		\$1,904,000
10	Chelan-Howard Flats construction....	\$80,000	
	Great Northern Railway over-crossing construction .....	15,000	
	Chelan County Line-Pateros construc- tion .....	60,000	
	Omak-Okanogan construction .....	125,000	
	Orondo north construction.....	50,000	
	Quincy-British Columbia line better- ment and reconstruction .....	8,000	
	Quincy-British Columbia line location and right-of-way .....	36,000	
		10,000	
		10,000	
	Sub-total .....		\$394,000
11	Lind east bridge and approach construc- tion .....	\$20,000	
	Pasco-State Road No. 2 betterment and reconstruction .....	113,000	
	Pasco-State Road No. 2 right-of-way....	2,000	
	Sub-total .....		\$135,000

12	Kelso-Cathlamet location, right-of-way, betterment and construction .....	\$600,000	
12	Chehalis-Astoria Ferry—		
	Adna-Y Bridge construction.....	\$80,000	
	Y Bridge-Mays Crossing construction...	100,000	
	Mays Crossing-Pluvius construction....	260,000	
	Frances-Lebam construction .....	40,000	
	Willapa-Raymond construction .....	30,000	
	Palix Dike construction.....	40,000	
	Ilwaco-Chinook construction .....	40,000	
	Chehalis-Astoria Ferry betterment and reconstruction .....	126,000	
	Chehalis-Astoria Ferry location and right-of-way .....	30,000	
	Sub-total .....	\$746,000	
13	Grays Harbor to Willapa Harbor construction .....	\$545,000	
14	Pt. Orchard-Harper construction.....	\$65,000	
	State Road No. 9 Charleston and Gig Harbor betterment and reconstruction	32,000	
	State Road No. 9 Charleston and Gig Harbor location and right-of-way....	10,000	
	Sub-total .....	\$107,000	
21	Silverdale-Keyport construction .....	\$125,000	} Vetoed.
	Junction State Road No. 21 to Seabeck construction .....	190,000	
	Pt. Gamble-Shine Ferry Landing betterment and reconstruction.....	50,000	
	Sub-total .....	\$365,000	
22	Detillion south construction .....	\$18,000	
	Hunters-Cedonia construction .....	60,000	
	Davenport-Kettle Falls betterment and reconstruction .....	24,000	
	Davenport-Kettle Falls location and right-of-way .....	2,000	
	Sub-total .....	\$104,000	
	Methow Valley Highway construction..	\$85,000	} Vetoed.
	Beginning at a point approximately one mile south of Meyers Falls via Marcus to Northport, extension of State Road No. 22.....	\$150,000	

PACIFIC HIGHWAY—GATES BRIDGE  
CITY OF BELLINGHAM

Vetoed.	{	For one-half cost of Gates Bridge to be matched by City of Bellingham, all money to be expended under full charge, supervision, and control of the State Highway Engineer (or so much thereof as may be necessary) ..	\$15,000
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PACIFIC HIGHWAY, MT. VERNON  
GREAT NORTHERN VIADUCT.

For one-half cost of viaduct over Great Northern railway to be matched by city of Mt. Vernon when Second Avenue in the City of Mt. Vernon has been paved by said city to the south city limits, all money to be expended under full charge, supervision, and control of the State Highway Engineer (or so much thereof as may be necessary) .....	\$50,000
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PACIFIC HIGHWAY  
CITY OF TACOMA.

For a connection between Edison Avenue and Puyallup Avenue to be located by the State Highway Engineer, provided that the City of Tacoma secure all right-of-way and supply sufficient funds to complete the construction including paving, under the full charge, supervision, and control thereof by the State Highway Engineer .....	\$190,000
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BRIDGE SURVEY, PACIFIC HIGHWAY  
CITY OF SEATTLE

FOR THE OFFICE OF THE STATE HIGHWAY ENGINEER:

For the purpose of making studies of traffic, investigation, surveys, and determination of the most feasible location for a bridge to be built with the approval of the War Department of the United States Government to carry the traffic of the Pacific Highway over and across the United States Government Canal, or over the western arm of Lake Union in the city of Seattle, or so much thereof as may be found necessary.....	\$50,000
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For the construction of such bridge if said project be found feasible and provided, that the city of Seattle or county of King, jointly or severally, during 1927-1928, supply double the amount of this appropriation to be applied on the construction of such bridge to be built under full charge, supervision and control of construction thereof by the State Highway Engineer;

And provided further that said bridge when constructed shall be operated and maintained by the city of Seattle or the county of King, or both, as is now or

may be hereafter provided by law, and without any expense or responsibility on the part of the State of Washington .....	\$500,000	
Everett City Limits, Broadway Street to intersection Pacific Highway construction.....	\$50,000	
For the purchase of Clark County's interest in the Interstate Bridge between Clark County, Washington, and Multnomah County, Oregon.....	\$250,000	
For the purchase of the Pasco-Burbank Bridge .....	\$215,000	
For re-decking .....	25,000	
	<hr/>	\$240,000
Asotin-South, construction .....	\$75,000	
Brewster-Mansfield to junction with State Road No. 2.	\$70,000	} Vetoed.
State Road No. 5 from Tacoma to the junction of the Roy Road, for paving and widening.....	\$150,000	
For the improvement of a road in the vicinity of Ilwaco, Pacific County, from junction of State Road No. 12 by the most feasible route to the North Head Military Reservation .....	\$50,000	
For the Snohomish-Bothell Cut-off construction in Snohomish County by the State Highway Engineer.	\$50,000	} Vetoed.
For the maintenance of Stevens Pass Highway, by the State Highway Engineer, between Goldbar and Leavenworth .....	\$100,000	
For the construction of the Cascade Wagon Road.....	\$150,000	
For reconnaissance survey and report for State Road No. 5, near LaGrande by Eatonville to Sumner....	\$1,000	
For reconnaissance survey and report for State Road No. 5, at the junction of the Roy Road by Yelm-Rainier-Tenino-Bucoda to Centralia.....	\$1,000	
For reconnaissance survey and report, on extending Union Avenue, South Tacoma, south and westerly to eliminate the two railroad grade crossings, near Lakeview .....	\$1,000	
State Highway Engineer, operation and capital outlay.	\$217,360	
Cities and towns .....	\$170,000	
Shops, road signs, oil equipment, emergencies, maintenance and oiling of state highways.....	\$3,310,000	
For completion of Hoquiam Bridge on State Road No. 9 .....	\$55,000	

Report by  
highway  
committee to  
legislature.

SEC. 2. It shall be the duty of the state highway committee to prepare and submit to the legislature at its convening in the regular biennial session in 1929 an itemized and detailed report showing the expenditure of the moneys appropriated by the respective items of this act and the expenditures contracted under each of said items and the unexpended and uncontracted balances of said items, respectively, down to and including the 31st day of December, 1928.

Emergency.

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

Passed the House March 10, 1927.

Passed the Senate March 10, 1927.

Approved, with the exception of those items which are vetoed, March 21, 1927.

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## CHAPTER 315.

[H. B. 393.]

### SUPPLEMENTAL APPROPRIATIONS

AN ACT making appropriations and reappropriations for the construction of buildings, for maintenance and for sundry expenses at the various state institutions, schools, and state offices, for the relief of certain individuals, corporations, counties and municipalities, and for miscellaneous purposes for the biennium beginning April 1, 1927, and ending March 31, 1929, and providing this act shall take effect immediately.

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

Appropriations—  
supplemental.

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any monies in the several funds of the state treasury hereinafter named for the construction of buildings, for maintenance and



for sundry expenses at the various state institutions, schools, and state offices, for the relief of certain individuals, corporations, counties and municipalities, and for miscellaneous purposes for the biennium beginning April 1, 1927, and ending March 31, 1929.

SEC. 2. The words "capital outlays," as used herein, include the purchase of land and erection of buildings. "Capital outlays."

SEC. 3. The word "operations," as used herein, includes salaries and wages of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, including necessary traveling expenses. "Operations."

FROM THE GENERAL FUND.

FOR THE CITY OF SEATTLE:

	City of Seattle
For grading and paving Highland Parkway in State Addition No. 4, District No. 4095.....	\$7,672 84
For 61st Ave, So. sewer, lot 9, blk. 13, Rainier Beach, District No. 3943.....	196 14
For walks on Water Avenue, lot 9, blk. 13, Rainier Beach, District No. 3945.....	79 19
For water main on 1st Ave. NE, lots 33 to 40, blk. 2, Pitners 2nd Division Green Lake, District No. 4201 .....	458 94
For grading Letitia Avenue, lots 10, 11 and 12, blk. 3, Claremont, District No. 4043.....	364 42
For paving 6th Ave. NE, lots 3 and 4, blk. 4, Lake View Addition, District No. 4273.....	134 96
For laying off Erskin Way et al., District No. 4184, lot 4, blk. 1, Wabash Addition.....	15 78
For water mains on 6th Ave. So., District No. 4278, on part of blk. 279, Seattle Tide Lands.....	1,039 40
For grading Elliott Avenue et al, District No. 3280, on lot 4, blk. 164.....	58 27
For paving 16th Avenue S. W., District No. 4156, Harbor area adjacent to Lots 1 and 2, Block E, and Lot 2, Block F, Frink's Waterfront Addition .....	309 28

Seattle.

Paving 16th Avenue S. W., District No. 4156, Harbor Area adjacent to Lots 1 to 9 inc., Block 404, Seattle Tide Lands.....	407 90
Paving Utah Avenue, District No. 3918, Lots 6 and 7 Block 334, Seattle Tide Lands.....	463 94
Water mains on First Avenue South, District No. 3902, part Block 307, Seattle Tide Lands west of line between 1st Ave. So. and 2nd Avenue So. ....	134 99
For sewers, 20th Avenue N. E., District No. 3922, Lots 10 and 11, Block 2, Pleasant Ridge Divi- sion of Green Lake.....	138 28
For sewer on 20th Ave. NE et al, District 3922, on lots 10 and 11, block 2, Pleasant Ridge Division of Green Lake .....	138 30
For paving and sewer on Utah Ave., District 3918, on Lots 6 and 7, block 334, Seattle Tide Lands	464 00
For paving, etc., 22nd Ave. NE et al from E. 45th St. to 35th Ave. NE on portion of NW $\frac{1}{4}$ Sec. 16-25-4 E lying between E line of 21st Ave. NE and a line 150 ft. E of said line and between S line of E 45th St. and a line 120 ft. S. there- with, District 3785 .....	897 02
For water mains on 22nd Ave. N.E. et al, District 3602, on part of NW $\frac{1}{4}$ of Section 16, Twp. 25 N., Range 4 East.....	302 34
For grading, walks etc. on 15th Avenue NE District No. 4167, on part of Section 16, Twp. 25 N., Range 4 East .....	2,376 09

FROM THE HARBOR IMPROVEMENT FUND.

For 25% of cost of pile trestle on Railroad Avenue, District No. 3589, Harbor area adjacent to Blocks 176 and 181, Seattle Tide Lands....	3,400 86
(The balance of the cost of the above improve- ment is hereby authorized to be paid by the Port of Seattle.)	

FROM THE GENERAL FUND.

Olympia.

FOR THE CITY OF OLYMPIA:

For Columbia & 6th Ave., boulevard lights, lots 4 to 8, blk 66A, Olympia Tide Lands, Dist. No. 342 .....	46 48
For 4th Avenue West sewer, lots 8, 9, and 10, blk 66; lots 1 to 6, blk 80, Olympia Tide Lands, District No. 397.....	705 95

For paving 4th Ave. West, lots 8, blk 66A; lots 8, 9 and 10, blk 66; lots 1 to 4, blk 80; W 42' lot 3, blk 82 and lots 5 and 6, blk 83, Olympia Tide lands, District No. 416.....	3,001 28	
<b>FOR THE CITY OF SPOKANE:</b>		Spokane.
For grading Madelia St., lots 4 and 6, blk 29; lot 4, blk 32; N 32' lots 7, 8 and 9, blk 35; lot 7, blk 36: lot 7, blk 43; lot 3, blk 48; lot 2, blk 51; lot 11, blk 51; Sec. 16, Twp. 25 N, R. 43 East, District No. 1458 .....	492 57	
For grading and walks on Magnolia St., lots 13 and 14, blk 66, Section 16, Twp. 25 N. R. 43 East, District No. 1490 .....	217 65	
<b>FOR WAHKIAKUM COUNTY:</b>		Wahkiakum county.
For dike and drainage tax, District No. 4, for 1922, 1923, 1924 and 1925, on part of Sections 16 and 26, Twp. 9 N, Range 6 W.....	996 82	
For dike and drainage tax, district No. 1, for 1925, on part section 24, Twp 8 N. Range 6 West ...	1,479 72	
<b>FOR KITTITAS COUNTY:</b>		Kittitas county.
For irrigation tax, Kittitas Reclamation District, for 1925 and 1926 .....	1,071 99	
<b>FOR ISLAND COUNTY:</b>		Island county.
For dike and drainage tax, district No. 3, for 1926 and 1927, on part Sec. 33, Twp. 33 N. Range 1 E .....	100 94	
<b>FOR JEFFERSON COUNTY:</b>		Jefferson county.
For Chimacum Drainage District tax for 1925, 1926 and 1927, on part Sec. 36, Twp. 29 N. Range 1 West .....	242 00	
<b>FOR STEVENS COUNTY:</b>		Stevens county.
For Fruitland Irrigation District tax, 1924, and 1925 on part Sec. 5, Twp. 33 N., Range 37 East	2,835 74	
<b>FOR KLICKITAT COUNTY:</b>		Klickitat county.
For White Salmon Irrigation district tax, 1925 and 1926, on SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 36, Twp. 4 N., Range 10 E .....	166 95	
<b>FOR YAKIMA COUNTY:</b>		Yakima county.
For Outlook Irrigation District tax, 1925 and 1926, on part SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 36, Twp. 11 N., Range 21 East .....	269 53	
For Drainage Districts Nos. 27 and 32, 1919 to 1926 .....	1,556 44	

	For Yakima-Benton Irrigation tax, 1925, part Twps. 12 N, 19 East, 11 N., 20 East, 11 N., 21 East; 11 N 22 East; 10 N 23 East.....	268 30
Benton county.	FOR BENTON COUNTY: For Sunnyside Irrigation tax, 1915 to 1926, on part Section 36, Twp. 10 N., Range 26 East...	3,768 06
	For Yakima-Benton Irrigation district tax, 1925, on part Section 16, Twp. 9 N Range 24 East; Sec. 16, Twp. 9 N., 25 East; Sec. 36, Twp. 10 N., 25 East and Sec. 36, Twp. 10 N., 26 East...	52 22
Okanogan county.	FOR OKANOGAN COUNTY: For Methow-Okanogan Reclamation District tax for 1921 to 1925 inclusive.....	3,342 16
	For Methow-Okanogan Reclamation District (Okeh Irrigation District) for 1923, 1924 and 1925 on part Sec. 36, Twp. 31 N., Range 24 East .....	2,381 68
	For Methow Valley Irrigation Dist. 1925, Part Sec. 15, Twp. 32 N., Range 22 E. ....	176 87
	For Wolf Creek Reclamation Dist. tax, 1925 and 1926, part Section 15, Twp. 34 N., Range 21 East .....	2,455 49
	For Whitestone Reclamation Dist. tax, 1926, part Twps. 38 N., Range 26 and 27 E. ....	763 73
Douglas county.	FOR DOUGLAS COUNTY: Greater Wenatchee Irrigation Dist., 1923.....	547 69
Chelan county.	FOR CHELAN COUNTY: Greater Wenatchee Irrigation District, 1923.....	303 28
Thurston county.	FOR THURSTON COUNTY: Drainage Dist. No. 3, for 1924 and 1925.....	14 54
Pend Oreille county	FOR PEND OREILLE COUNTY: Dike Dist. No. 2, for 1923 and 1925.....	414 00
Pacific county.	FOR PACIFIC COUNTY: Dike Dist. Nos. 1 and 4, for 1924, 1925 and 1926..	161 91
Grays Harbor county.	FOR GRAYS HARBOR COUNTY: For Weed District No. 1, for 1926, Lot 1, Sec. 16, Twp. 17 N., Range 7 West.....	26 50
Yakima county.	FOR YAKIMA COUNTY: For Drainage Districts 26 and 37, 1921 to 1925, incl. ....	148 29
	For Diking Dist. No. 1 and Special Diking Dist. No. 1, State Fair Grounds, (Estimated).....	183 56

FOR PIERCE COUNTY:		Pierce county.
For Drainage Dist. No. 16, in Sec. 29, Twp. 20 N. R. 4 East, Puyallup Experimental Station, (Estimated) .....	780 00	
FOR THE TOWN OF TOLEDO:		Toledo.
For sidewalk assessment on Lot 1, Block 5, Kellogg's Addition .....	96 40	
FOR COWLITZ COUNTY:		Cowlitz county.
For Dike District No. 15, construction, maintenance and bond interest, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 16, Twp. 8 N., Range 3 West, (Estimated)....	5,528 43	
For Dike District No. 15, construction, maintenance and bond interest, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 16, Twp. 8 N., R. 3 W. (Estimated).....	5,528 43	
FOR WHATCOM COUNTY:		Whatcom county.
For Drainage District No. 7, for 1923, 1924 and 1925 .....	63 74	
For Drainage Districts Nos. 1 and 4, for 1924 and 1925 .....	4 29	
FOR SKAMANIA COUNTY:		Skamania county.
Refund on taxes .....	289 02	
FOR GRAYS HARBOR COUNTY:		Grays Harbor county.
To pay maintenance tax on Diking and Drainage District No. 4, of Grays Harbor County, on a part of the E $\frac{1}{2}$ Sec. 16, Twp. 17 N. R. 9 W. ..	1,240 00	
To pay shortage in payment of total original assessment on account of same Diking and Drainage District, including penalty of \$138.56.....	2,306 55	
FROM THE MILITARY FUND.		
FOR CITY OF BELLINGHAM:		Bellingham.
For re-assessment, district 319-X on lots 13, 14, 15 and 16, New Whatcom, paving Elk St. ....	114 48	
For Holly St. bridge, District 685, on lots 13, 14, 15 and 16, blk 56, New Whatcom.....	15 47	
FOR CITY OF TACOMA:		Tacoma.
For paving, district 4014 on N $\frac{1}{2}$ block 1015, New Tacoma Addition .....	1,427 98	
For street lights, district 5528 on lots 1 to 12, block 1015, New Tacoma Addition.....	265 66	
For paving, District 4147, on lots 6, 7 and 8, block 39, Manitou Park Addition.....	56 79	

Yakima. FOR THE CITY OF YAKIMA:  
 For pipe line to Armory, Districts 308 and 353,  
 on lots 1 to 6, blk 53..... 379 09

Aberdeen. FOR CITY OF ABERDEEN:  
 For paving District 774, on lots 1, 2, 3 and E 35'  
 lot 4, block 13 ..... 1,777 83

FROM THE GENERAL FUND.

Seattle. FOR THE CITY OF SEATTLE:  
 For grading Elliott Avenue et al, District No.  
 3280, on Lot 4, Block 164..... 58 27

For paving 16th Avenue S. W., District No. 4156,  
 Harbor areas adjacent to Lots 1 and 2, Block  
 E, and Lot 2, Block F, Frink's waterfront Ad-  
 dition ..... 309 28

Paving 16th Avenue S. W. District No. 4156, Har-  
 bor Area adjacent to Lots 1 to 9 inc., Block 404,  
 Seattle Tide Lands ..... 407 90

Water mains on First Avenue South, District No.  
 3902, part Block 307, Seattle Tide Lands west  
 of line between 1st Ave. So. and 2nd Avenue  
 So. .... 134 99

Paving Utah Avenue, District No. 3918, Lots Nos.  
 6 and 7 Block 334, Seattle Tide Lands..... 463 94

For sewers, 20th Avenue N. E., District No. 3922,  
 Lots 10 and 11, Block 2, Pleasant Ridge Di-  
 vision of Green Lake ..... 138 28

Tacoma. FOR CITY OF TACOMA:  
 For paving and filling Front Street, District No.  
 4103, Lots 15 and 16, Block 105, Tacoma Tide  
 Lands ..... 986 40

FOR TREASURER OF KING COUNTY:

For unpaid tax under Commercial Waterway }  
 Dist. No. 1, for 1923, 1924, 1925 and Balance }  
 of Benefit; Chap. 38, Session Laws of 1923. }  
 For delinquencies for Commercial Waterway }  
 Dist. No. 1 assessments for 1922 and prior }  
 years ..... 4,283 45

For special taxes under Drainage Dist. No. 6, for  
 1923, 1924 and 1925, including interest to April  
 1, 1927 ..... 1,278 41

Tieton Water FOR TIETON WATER USERS ASSOCIATION:  
 Users' Assn. For water charge assessments on NE¼ SW¼,  
 NW¼ SE¼ and SE¼ NW¼ Sec. 16, Twp. 14 N.  
 R. 17 East ..... 634 87

<b>FOR THE CITY OF PULLMAN:</b>		Pullman.
For paving College Campus adjacent to College Avenue, in District 36 .....	8,901 96	
For paving, lot 1, blk 7 and lots 3 to 8, block 8, Reany's Addition, District 39.....	1,234 82	
<b>FOR THE CITY OF BELLINGHAM:</b>		Bellingham.
For Garden Park Drive sewer, unplatted Normal School tract, district 24.....	2,183 19	
For Holly St. bridge, District 685, on lots 5, 6 and 7, block 104 and unplatted Normal School tract .....	60 27	
For improvement of Oak St. District 824, on lots 13, 14 and 15, Block 104, New Whatcom.....	211 19	
For paving north side trunk roads, District 410, Normal School tract .....	13 32	
<b>FOR THE CITY OF ELLENSBURG:</b>		Ellensburg.
For paving arterial highway, District 1918A, on lots 1, 2 and Tax 25, block 45, Shoudy's First Addition Block "L" First Railroad Addition..	342 33	
For sidewalk, District 1922-A on Tax 15, unplatted block N of blk 48, Shoudy's First Addition...	438 36	
For paving on "D" St. one blk between 8th and 9th District 1925-D, on lots 1 to 4 and 13 to 16, block 8, First Railroad Addition.....	1,483 58	
Commencing at NW corner lot 16, blk 8, First Railroad Addition, E 200 ft. N 20 ft. W 200 ft. S 20 ft. ....	105 96	
Commencing at NW corner lot 1, blk 8, First Railroad Addition, E. 200 ft., N 40 ft. W 200 ft. S. 40 ft. ....	211 93	
For paving on "D" St. one blk. between 9th and 10th Sts., District 1925-F, on lots 1 to 4 and 13 to 16, blk. 18, First Railroad Addition.....	1,509 10	
Commencing at SW corner lot 16, blk. 18, First Railroad Addition, E 200 ft. S 40 ft. W 200 ft. N 40 ft. ....	215 60	
Commencing at SW corner lot 1, blk 18, First Railroad Addition, E 200 ft. S 20 ft. W 200 ft. N 20 ft. ....	107 79	
For resurfacing Pine, Sixth and Pearl Sts., District 1925-A, all blk 8; lots 1 to 8, Blk 9; Tax 3 and 4 and lots 9 to 16, blk 9; all blk 18; Tax 15; Shoudy's First unplatted blk N of blk 48; Tax 23 and 39, Shoudy's First unplatted		

blk N of blk 47; Tax 25, Shoudy's First unplatted blk N of blk 45; Lots 3 and 4, blk "K;" Lots 1 to 4, blk "L;" Tax 5, blk "L" First Railroad Addition; Lots 12 and 14, blk 19, First Railroad Addition .....	420 90
For the paving of 10th St. District 1926-E, on lots 1 to 8, Block 18, First Railroad Addition to Ellensburg .....	2,528 95
Paving 8th and Sampson Sts., District 1926-G, on Lots 3 and 4, Block K, Lots 1 to 4, Block L, Tax 5, Tax 4, Lots 9 to 14, Block 9, Tax 23 and 39, First Railroad Addition; Tax 25; Part Lot 8, Block 52, Shoudy's Second Addition to Ellensburg .....	8,291 78

FROM THE GAME FUND.

Spokane county.	FOR SPOKANE COUNTY: For Donohue Road No. 6, Little Spokane Trout Hatchery, part of NE $\frac{1}{4}$ Sec. 6, Twp. 26 N. R. 43E .....	13 59
Walla Walla county.	FOR WALLA WALLA COUNTY: For Donohue Road No. 3, State penitentiary and game farm, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ , less Tax No. 2, Sec. 19, Twp. 7 N R 36E.....	46 37

FROM THE GENERAL FUND.

Clark county.	FOR CLARK COUNTY: For Donohue Road Dists. Nos. 4, 5, 6 and Permanent Highway No. 9, assessments, interest and penalty .....	6,921 46
Douglas county.	FOR DOUGLAS COUNTY: For Donohue Road Dist. No. 8, assessments, interest and penalty .....	685 04
Grant county.	FOR GRANT COUNTY: For Donohue Road Dists. Nos. 1 and 2, assessments, interest and penalty .....	499 25
King county.	FOR KING COUNTY: For special taxes under Donohue Law, including bond interest to April 1, 1927, Imp. Dist. No. 6, Maple Leaf Highway .....	1,133 96
	For special tax under Donohue Law, including bond interest to Apr. 1st, 1927, Imp. Dist. No. 3, Vashon Island Road .....	2,672 67
Kitsap county.	FOR KITSAP COUNTY: For Donohue Road assessment, interest and penalty, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ all Sec. 16, Twp. 25, 25 N. R. 2 E. ....	183 60



FOR LEWIS COUNTY:		Lewis county.
For Donohue Road *assessments, interest and penalty, Pt. SE¼ of SE¼, Sec. 16, Twp. 12, N. R. 2 W. ....	68 37	
FOR LINCOLN COUNTY:		Lincoln county.
For Donohue Road Dists. Nos. 1, 2 and 3, assessments, interest and penalty.....	988 25	
FOR PIERCE COUNTY:		Pierce county.
For Donohue Road assessments, interest and penalty NE¼ of NE¼, Sec. 12, Twp 19, N. R. 3 E. ....	668 80	
For Donohue Road assessments, interest and penalty, NE¼ of NW¼, Sec. 12, Twp. 19, N. R. 3 E. ....	668 80	
FOR SPOKANE COUNTY:		Spokane county.
For Donohue Road Dists. Nos. 11A, 11, 12, and 13, assessments, interest and penalty.....	1,319 41	
FOR WHATCOM COUNTY:		Whatcom county.
For Donohue Road Dists. Nos. 28, 30, 32, 27, 26, 31, 25, 23, 20, 16, 19, 14, and 21, assessments, interest and penalty .....	4,001 94	
FOR WHITMAN COUNTY:		Whitman county.
For Donohue Road Dists. Nos. 7, 4, 6A, 1 and 2, assessments, interest and penalty.....	2,216 59	
FOR BELLINGHAM NORMAL SCHOOL:		Bellingham Normal.
Re-appropriation for Main Unit Library Building and Equipment .....	167,000 00	
FOR STATE COLLEGE OF WASHINGTON:		State College.
Re-appropriation for Reconstruction and Extension of Water System..	\$18,900 00	
Re-appropriation for Armory and Gymnasium .....	25,000 00	
, Total.....	43,900 00	
FOR UNIVERSITY OF WASHINGTON:		University.
Re-appropriation for Mines Building and Equipment thereof .....	69,000 00	
Re-appropriation of unexpended balance of appropriation for operations, to be used exclusively for betterments and repairs.....	165,506 00	} Vetoed.
FROM UNIVERSITY OF WASHINGTON BUILDING FUND.		
FOR UNIVERSITY OF WASHINGTON:		
Re-appropriation for Erection, Maintenance, etc. of Buildings .....	60,000 00	

FROM THE GENERAL FUND.

Cheney Normal.	FOR CHENEY NORMAL SCHOOL: Re-appropriation for improvement of campus....	3,000 00
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FROM THE FISHERIES FUND.

Fisheries and game.	FOR FISHERIES AND GAME: Re-appropriation for Hatcheries.....	39,650 00
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Land commissioner.	FOR THE COMMISSIONER OF PUBLIC LANDS: Assembling maps and data in re Sand Island...	1,500 00
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FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Capitol buildings and grounds.	FOR THE STATE CAPITOL COMMITTEE: FOR CAPITOL BUILDING AND GROUNDS: Re-appropriation for the Completion and Furnishings of the Legislative Building and the Purchase of Land .....	795,195 04
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FROM THE GENERAL FUND.

John Miller estate.	FOR PETER POPE, as Administrator of the Estate of John Miller, Deceased: Refund of escheated property.....	632 28
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Daniel Sharkey estate.	FOR CHARLES PEART, as Executor of the Estate of Daniel Sharkey, Deceased: Refund overpayment of inheritance tax and interest thereon .....	55 17
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Annie Margaret Pendleton estate.	FOR ERNEST REEVES MARSDEN, as Executor of the Estate of Annie Margaret Pendleton, Deceased: Refund overpayment of inheritance tax.....	21 13
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Michael Doneen estate.	FOR JOHN W. DONEEN, as Executor of the Estate of Michael Doneen, Deceased: Refund overpayment of inheritance tax.....	262 38
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Skagit county.	FOR COUNTY CLERK OF SKAGIT COUNTY, WASHINGTON: Refund of residue of escheated estate.....	720 26
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Carrie A. Miller estate.	FOR B. C. ADAMS, Executor of the Estate of Carrie A. Miller, Deceased: Refund overpayment of inheritance tax.....	63 12
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Heinrich Ochs estate.	FOR EMMA OCHS, as Executrix of the Estate of Heinrich Ochs, Deceased: Refund overpayment of inheritance tax.....	563 19
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Vetoed.	{	FOR AMERICAN LEGION DEPARTMENT OF WASHINGTON: Service Division—Prosecution of Veterans' Claims For Disabled American Veterans, Department of Washington:	12,500 00
		Liaison Service—Prosecution of claims in U. S. Veterans Bureau .....	2,500 00

<b>FOR THE ATTORNEY GENERAL:</b>			Attorney General.
Tax Litigation .....	25,000 00		
<b>FOR THE COUNTY OF WAHKIAKUM:</b>			Wahkiakum county.
Delinquent Interest on Assessments on State Lands,			
Diking District No. 1.....	\$3,354 52		
Diking District No. 4.....	33 68		
Total.....	3,388 20		
<b>FOR TREASURER OF PIERCE COUNTY:</b>			Pierce county.
For payment delinquent taxes and interest for year 1920 on escheated property, Lots 6 to 8, blk 39, Maniton Park Addition.....			
	58 35		
<b>FOR DEDICATORY EXERCISES FOR NEW STATE CAPITOL:</b>			
To be expended only on vouchers approved by the Chairman of the Capitol Dedicatory Committee .....			
(Or so much thereof as may be needed)	10,000 00		Vetoed.
For expenses authorized by the legislature for the establishment of a legislative reference library and the preparation of bills revising and/or repealing ambiguous and/or obsolete statutes, to be presented to the legislature at its next ensuing session; to be expended under the direction of the joint committee of the legislature on revision of laws, upon vouchers signed by the President of the Senate and the Speaker of the House of Representatives; the sum of .....			
(Or so much thereof as shall be found necessary)	15,000 00		Vetoed.
<b>FOR EASTERN WASHINGTON STATE HISTORICAL SOCIETY:</b>			
Operations .....	10,000 00		Vetoed.
<b>FOR ALBION L. GILE, TRUSTEE:</b>			Albion L. Gile.
For assessment on state lands in Sec. 9, Twp. 9, N. R 10 W., improved by Chinook Drainage District			
	605 00		
<b>FROM THE RECLAMATION REVOLVING FUND.</b>			
<b>FOR VICTOR MASON:</b>			Victor Mason.
For refund on payment on tract No. 49, White Bluffs-Hanford State Land Settlement.....			
	250 00		
<b>FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:</b>			Conservation department.
For Land Settlement-Kittitas Project, and/or for contracts and bond purchases.....			
	400,000 00	Land settlement Kittitas project.	
For Land Settlement—Kittitas Project.....			
	150,000 00		

## FROM THE MOTOR VEHICLE FUND.

Relief.	FOR THE RELIEF OF L. H. GOERIG: Account contract State Road No. 1, Woodland- Martins Bluff, Cowlitz County, Goerig contract December 17, 1917 to October 2, 1919.....	10,000 00
Vetoed.	FOR THE RELIEF OF ALFRED JUNGQUIST.....	314 00
Vetoed.	FOR THE TOWN OF ELMA: Refund on viaduct repairs.....	346 51

## FROM THE GENERAL FUND.

Relief.	FOR THE RELIEF OF H. J. EVANS: For sale price of heifer sold to the Northern State Hospital .....	50 00
	FOR THE RELIEF OF LEE BROTHERS: For sale price of two cows sold to the Northern State Hospital .....	450 00
	FOR THE RELIEF OF CHRIS OLSEN: For extradition expenses.....	406 50
	FOR THE RELIEF OF L. C. SHORT, ADMINISTRATOR OF THE ESTATE OF JOHN G. BOEHLER, DECEASED: For delinquent taxes and interest paid to Treas- urer of Whatcom County on escheated property	295 60
	FOR THE RELIEF OF DAVID P. EASTMAN AGENCY, INC.: For notary fees paid for M. Francis Kane who did not qualify on account of leaving the state	10 00
Jefferson county.	FOR JEFFERSON COUNTY: For state's portion of taxes refunded to Puget Mill Co. by court order, for years 1922, 1923, 1924 and 1925 .....	43,558 97
Grant county.	FOR GRANT COUNTY: For state's portion of taxes refunded to The Inland Empire Land Co. by court order, for years 1920, 1921, 1922, 1923, and 1924.....	4,270 02
Pacific county.	FOR PACIFIC COUNTY: For state's portion of taxes refunded to N. O. Davidson, Fred W. Wiegart, and Raymond Lumber Co. by court order.....	321 03
	For cancelled General Fund Warrant No. 405672..	255 00
Vetoed.	FOR THE RELIEF OF JAMES HALL.....	1,000 00
Relief.	FOR THE RELIEF OF POLHILL, R. C.: For Land Commissioner's check No. 16036 forfeited to state .....	10 00

FOR THE RELIEF OF THE CAPITAL NATIONAL BANK OF OLYMPIA: Relief.

For cash advanced to perfect title on land escheated to state—NE¼ of SE¼ of Sec. 35, Twp. 22 N. R. 4 E. W. M..... 4,748 08

FOR THE RELIEF OF WENATCHEE BUICK Co.:

For labor on car, performed October 9, 1925, for the Department of Agriculture..... 21 25

FOR THE RELIEF OF SPRINGER MILL Co.:

For lumber furnished October 28, 1925 for the Department of Licenses..... 28 20

FOR THE RELIEF OF BUSH & LANE PIANO Co.:

For corporation fees paid through error to the Department of Licenses..... 151 00

FOR THE RELIEF OF DR. A. C. NICHOLSON:

For dental services performed in March, 1925 for the State Training School..... 80 00

FOR THE RELIEF OF FELIX HERRIFORD:

For extradition expenses incurred in February, 1926 ..... 54 38

FOR THE RELIEF OF T. WALDO MURPHY:

For refund of purchase of land in Stevens County to which the state was unable to give title.... 825 00

FOR THE RELIEF OF MRS. EDWIN JARRISH..... 1,000 00 } Vetoed.

FOR THE RELIEF OF PORT ANGELES EVENING NEWS..... 130 00

FOR THE RELIEF OF MOUNT VERNON HOTEL COMPANY.. 15 00

FOR THE RELIEF OF THE ARTMOOR PRODUCTIONS..... 15 00

FOR THE RELIEF OF ASOTIN COOPERATIVE ASSOCIATION.. 15 00

FROM THE ACCIDENT FUND OF THE INDUSTRIAL INSURANCE DEPARTMENT.

FOR THE RELIEF OF ELSA LORAIN BRASCH AND JOHN ROBERT BRASCH, MINORS: Relief.

To Bremerton Trust & Savings Bank, Trustees.... 1,000 00

FROM THE GENERAL FUND.

JUDGMENTS: Judgments

STANLEY PHILLIPS ..... 54 60  
(State of Washington vs. Stanley Phillips)

THE HOME TEL. & TEL. Co. OF SPOKANE..... 8,653 25  
(The Home Tel. & Tel. Co. of Spokane vs. Dept. of Public Works.)

THE PACIFIC TEL. & TEL. Co..... 19,368 91  
 (The Pacific Tel. & Tel. Co. vs. Dept. of Public Works.)

E. S. PETTITT ..... 36 19  
 (State of Washington vs. E. S. Pettitt.)

JAMES CERENZIA ..... 79 71  
 (State of Washington vs. James Cerenzia.)

OREGON-WASHINGTON R. R. & NAV. Co..... 558 26  
 (State of Washington vs. Oregon-Washington R. R. & Nav. Co.)

LAWRENCE COSTELLO and LOUIE COSTELLO..... 317 25  
 (State of Washington vs. Lawrence Costello and Louie Costello.)

JOE DUKICH ..... 109 36  
 (State of Washington vs. Joe Dukich.)

CHARLES BOSSIO, T. A. BOSSIO and JOHN PINTO.... 367 55  
 (State of Washington vs. Charles Bossio, T. A. Bossio and John Pinto.)

CHARLES BOSSIO, and T. A. BOSSIO..... 155 32  
 (State of Washington vs. Charles Bossio and T. A. Bossio.)

W. J. LESH..... 100 42  
 (State of Washington vs. W. J. Lesh.)

LEO LESH AND FRED KLARICH..... 108 96  
 (State of Washington vs. Leo Lesh and Fred Klerich.)

KETTLE RIVER INDUSTRIAL & DEVELOPMENT Co..... 597 72  
 (State of Washington vs. Kettle River Industrial & Development Co.)

Vetoed. { For the purpose of carrying on the work of the Cascade Tunnel Commission appointed pursuant to joint resolution of the Senate and the House and continuing the Commission in office, there is hereby appropriated the sum of \$5,000.00 conditioned, however, that the Commissioners shall receive no moneys other than their actual expenses when away from their homes upon the conduct of the business, and that the money shall be used to pay the costs for employees and other charges in determining suitable location or locations for a low level tunnel, and make a report in time for consideration by the Legislature of 1929 session.

FROM THE MILITARY FUND.		From military fund.
FOR ADOLPH J. OSTERMAN:		
For examination of enlisted men, April. 25, 1921..	50	00
FOR EAGLE TRANSFER CO.:		
For drayage services, Jan. 23, 1923.....	107	57
FOR POTLATCH LUMBER CO.:		
For fuel delivered March 9, 1923.....	54	20
FOR BUTTON'S VETERINARY HOSPITAL:		
For care of animals January 25, 1923.....	27	00
FOR LOUIS SVARZ:		
For architectural services, construction gun shed at state arsenal Feb. 27, 1923.....	90	00
FOR C. M. GARRETT:		
For examination of enlisted men January 25, 1923	142	00
FOR PUGET SOUND LIGHT & POWER CO.:		
For light service January to March, 1923.....	66	79
FOR MT. VERNON BUICK CO.:		
For material furnished October 7, 1923.....	19	25
FOR KITTITAS ELECTRIC LAUNDRY:		
For towel service January to March, 1923.....	16	50
FOR WILLIAM E. BEEGLY:		
For funds expended account injuries received while in line of duty February 15, 1919.....	60	00
FOR FRANCIS M. CORY:		
For funds expended account injuries received while in line of duty May 27, 1924.....	150	00
FOR LAWRENCE HOPKINS:		
For examination of enlisted men March 30, 1926..	12	00
FOR JOHN W. GRAHAM & Co.:		
For supplies furnished January 14, 1926.....	26	75
FOR J. W. INGRAM:		
For examination of enlisted men March 31, 1926..	11	00
FOR WM. W. BRAND:		
For examination of enlisted men March 31, 1926..	38	00
FOR A. T. COOK:		
For caretaker Kent Armory, March, 1926.....	50	00
FOR JOHN F. BEATTY:		
For examination of enlisted men March 31, 1926..	4	00
FOR J. E. HAMMOND CO:		
For plumbing repairs Pullman Armory, January 30, 1925 .....	42	25
FOR THE RELIEF OF MRS. EVELYN G. COLLINS.....	2,000	00

FROM THE FISHERIES FUND.

J. W. Moore.	FOR J. W. MOORE:	
	For fish illegally confiscated October 4th, 1924 by the Department of Fisheries.....	\$693 41
Bounties on seals.	FOR THE FOLLOWING PERSONS FOR BOUNTY ON SEALS KILLED PRIOR TO APRIL 1ST., 1926:	
	A. G. BERNER.....	9 00
	JONGIE CLAPLANHOO .....	12 00
	L. J. HANSEN.....	24 00
	CHESTER KARLSON .....	6 00
	T. C. NICHOLSON.....	3 00

FROM THE GENERAL FUND.

Vetoed.	{	FOR THE DEPARTMENT OF AGRICULTURE:	
		For the supervision and control of bacilliary white diarrhea in poultry.....	24,000 00
		For pest survey by Division of Horticulture.....	12,000 00
		Total .....	\$36,000 00
Vetoed.	{	FOR THE WASHINGTON STATE COLLEGE:	
		For the establishment and maintenance of a field laboratory or laboratories in the major apple growing districts of the state for investigation and experimental work in fruit growing, fruit handling, and fruit marketing.....	\$45,000 00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Capitol committee.	FOR THE STATE CAPITOL COMMITTEE:	
	Grading and landscaping of capitol grounds and soldier's monuments .....	\$214,580 00
	Clocks for legislative building.....	15,000 00
	Tablets and directory.....	3,000 00
	Type A painting (Legislative Building).....	65,000 00
	Page call system.....	4,500 00
	Architect's fees for above.....	15,124 80
	Transformers for group.....	14,422 50
	Total .....	\$331,627 30

FROM THE GENERAL FUND.

Vetoed.	{	FOR THE DEPARTMENT OF AGRICULTURE:	
		For dairy inspection .....	\$26,000 00
Skagit county.		FOR TREASURER OF SKAGIT COUNTY:	
		For diking and drainage district assessments, diking districts 3, 4, and 16 and ditch districts Nos. 14 and 15.....	1,051 18
Vetoed.	{	FOR RELIEF OF MRS. AGNES DONOVAN.....	1,000 00



FOR STATE PRINTER:

To complete legislative printing..... 750 00

Legislative printing.

FOR DEPARTMENT OF LABOR AND INDUSTRIES..... 24,000 00

(To carry out the provisions of House Bill No. 230.)

Labor and industries.

SEC. 4. 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 March 10, 1927.

Passed the Senate March 8, 1927.

Approved, with the exception of those items which are vetoed, March 22, 1927.

## 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 twentieth Legislative Session of the State of Washington, held from January 10, 1927, until March 10, 1927, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [ ], in each case as provided by law.

*In Testimony Whereof*, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 12th day of May, 1927.

J. GRANT HINKLE,  
*Secretary of State.*

[SEAL]

## JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE

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(Minor Resolutions and Memorials, of no public importance, are  
not printed herein.)

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### SENATE JOINT MEMORIAL NO. 1.

*To the Honorable Senate and House of Representatives  
of the United States of America in Congress As-  
sembled:*

We, your memorialists, the Senate and House of Representatives of the State of Washington, in regular session assembled, most respectfully represent to your honorable body as follows:

That the Legislature of the State of Washington hereby endorses and approves Senate Bill No. 5060, introduced by U. S. Senator Wesley L. Jones, and House Bill No. 15832, introduced by Representative Albert Johnson, relating to the cession of the island near the mouth of the Columbia River, commonly called Sand Island, to the State of Washington, the same being an island practically attached to the Washington shore and created by the shifting sands of the Columbia River.

We believe that the interests of justice and equity would be served by the passage of the Jones-Johnson bill ceding Sand Island to the State of Washington and we do most respectfully urge upon you its passage at the present session of Congress.

Passed by the Senate January 13, 1927.

Passed by the House January 18, 1927.

## SENATE JOINT RESOLUTION NO. 2.

WHEREAS, the Federal Estate (Inheritance) Tax law as amended February 26, 1926, provides that all estates liable thereunder shall be credited with any inheritance tax paid by its beneficiaries to the state or states, the credit to equal eighty per cent of the Federal levy; and

WHEREAS, this amendment encroaches upon the rights of the states to raise their own revenue as the wisdom of their legislature directs, because its object is to persuade them to abandon their state inheritance tax laws in favor of statutes based upon the Federal law. The tax not being required by the Federal Government for revenue at this time, its only object now must be to force uniformity of this tax in all of the states;

*Therefore, Be It Resolved*, By the Senate and House of Representatives of the State of Washington, that we hereby request the present Congress to immediately repeal the Federal Estate (Inheritance) Tax provisions of the Revenue Law effective February 26, 1926, and abandon this field of taxation and leave this source of revenue for the state legislatures of the various states to deal with as they may see fit;

*Be It Further Resolved*, That certified copies of this resolution be forwarded to our Senators and Representatives in the Congress of the United States.

Adopted by the Senate February 14, 1927.

Adopted by the House February 23, 1927.

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SENATE JOINT RESOLUTION NO. 6.

WHEREAS, Congress of the United States has created and established the United States Commission for the celebration of the 200th anniversary of the birth of George Washington, composed of nineteen commissioners; and

WHEREAS, Pursuant to the act of Congress the President of the United States, the presiding officer of the Senate and the speaker of the House of Representatives, have been designated as members of the commission; eight distinguished American citizens have been appointed by the President of the United States; four United States Senators have been appointed by the President of the Senate; and four representatives have been appointed by the Speaker of the House of Representatives, all constituting a commission of nineteen members; and

WHEREAS, The significance of this proposed celebration equals in importance any historical event that has ever been commemorated by the nation, honoring as it does the memory and deeds of George Washington, who led the American people through a successful revolution, who presided at the convention which gave to the republic its constitution, who was the nation's first president, and who died, and has since lived, as first in war, first in peace and first in the hearts of his countrymen; therefore be it

*Resolved* by the Senate and House of Representatives of the State of Washington, which bears the honored name of the first American citizen and most illustrious American patriot, that a state commission is hereby created to consist of fifteen members, of whom three ex-officio members shall be the Governor of Washington, the Lieutenant Governor of Washington and the Speaker of the House of Representatives, and of whom four shall be appointed by the Governor, four by the President of the Senate and four by the Speaker of the House of Representatives, to act for the state in the George Washington celebration in the year 1932.

Adopted by the Senate February 21, 1927.

Adopted by the House February 21, 1927.

## SENATE JOINT RESOLUTION NO. 11.

RELATING to the executive and legislative buildings at the state capital.

*Be It Resolved by the Senate and House of Representatives of the State of Washington in legislative session assembled:*

That a legislative joint committee consisting of two senators to be appointed by the president of the Senate, and three members of the House of Representatives to be appointed by the speaker of the House be created;

That said joint legislative committee be authorized to arrange with the director of business control for the allocating of space in the former capitol building and the establishment therein of a state museum for the exhibition of the agricultural, horticultural, mining, fishing, lumbering, manufacturing and all other resources and products of the state; and

That the house chamber in the former capitol building, and the committee and other rooms adjacent thereto, be reserved together with the furniture situated therein, for the purpose of holding hearings before any department of the state government and examinations for licenses or certificates as required by law, and for use as a place of public meetings in the discretion of the director of business control;

That the director of business control be and he is hereby requested upon the removal of the executive offices of the governor, the state auditor, the state treasurer and the secretary of state to the legislative building, to assign sufficient and convenient space in the insurance building for the office of the commissioner of public lands and the board of state land commissioners with the necessary fire proof vaults for the preservation of the valuable records in the office of the commissioner of public lands, and in addition to the present space occupied by the superintendent of public instruction, to assign to that officer the rooms heretofore occupied by the secretary of

state and the commissioner of public lands in the former capitol building; and

That the director of business control be directed to reserve the Senate and House chambers in the legislative building, and all committee rooms assigned thereto and on the balcony floor thereof, for legislative purposes exclusively, and not permit the use of said chambers or rooms for other purposes, during the period between sessions of the legislature.

Adopted by the Senate March 10, 1927.

Adopted by the House March 10, 1927.

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#### HOUSE CONCURRENT RESOLUTION NO. 9.

RELATING to the survey of, and rearrangement of judicial districts.

WHEREAS, it has been called to the attention of the legislature that the present arrangement of the judicial districts of the superior court of the State of Washington is in a number of instances inconvenient and uneconomical;

*Now Therefore, Be It Resolved* by the House of Representatives, the Senate concurring, that the Judicial Council be requested to make a survey of the present arrangement of the judicial districts of the superior court, including the volume of business transacted by the superior court of the various counties, and to include in its next ensuing biennial report to the governor and the legislature such recommendations as it may deem advisable as to the rearrangement of the judicial districts of the superior court to the end that justice may be administered economically and conveniently.

Adopted by the House February 28, 1927.

Adopted by the Senate March 8, 1927.

## HOUSE JOINT MEMORIAL NO. 1.

*To the Honorable the 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 regular session assembled, do most respectfully represent and petition as follows:

WHEREAS, since the last apportionment of the members of the House of Representatives in Congress, a large percentage of the people of the United States have moved to and taken up their residence on the Pacific coast, and are now without apportioned representation in your honorable body;

WHEREFORE, we, your memorialists, most respectfully urge your Honorable Body to reapportion the membership in the House of Representatives in Congress in accordance with the provisions of the constitution of the United States.

Passed the House January 18, 1927.

Passed the Senate January 18, 1927.

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HOUSE JOINT RESOLUTION NO. 1.

WHEREAS, it has been duly made known to the proper authorities of this State that the Secretary of War of the United States has in his possession, as trustee, certain moneys known as "Other Funds" which had been collected for their own use and benefit by certain National Guard organizations that were broken up as units for or as the result of service in the World War, and have not been reconstituted; and

WHEREAS, it further appears that the Secretary of War, as trustee, desires to turn over to a substitute trustee, duly authorized by this State, such portion of the said funds as equitably belongs to the National Guard of this State,



*Now, Therefore, Be It Resolved* by the Senate and House of Representatives of the State of Washington, that the Governor is hereby authorized to receive such funds as trustee, and to distribute them for the benefit of the National Guard of this State, in such manner as his judgment shall dictate.

Adopted by the House February 2, 1927.

Adopted by the Senate February 23, 1927.

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#### HOUSE JOINT RESOLUTION NO. 4.

WHEREAS, the joint sub-committee of the rules committees of the Senate and the House, created by Senate Joint Resolution No. 6 of the regular session of 1925, and continued by Senate Joint Resolution No. 5 of the Extraordinary Session of 1925, has during the past biennium, caused to be prepared and presented to the legislature two hundred and twenty-nine bills revising and/or repealing existing statutes found to be unconstitutional, or obsolete by reason of being superseded by later statutes, or ambiguous, conflicting or contradictory; and,

WHEREAS, forty-one of such bills, repealing over one hundred former statutes, were enacted into laws at the Extraordinary Session of 1925; and,

WHEREAS, substantially all of the one hundred and eighty-three bills prepared under the direction of said committee and introduced at the present session, revising and/or repealing more than five hundred former statutes, have been approved by the judiciary committees of both the Senate and the House, and many thereof have already passed both branches of the legislature; and,

WHEREAS, there are many subjects of legislation, and the existing statutes relating thereto, which have not yet been considered by the joint sub-committee for revision or repeal;

*Now Therefore, Be It Resolved* by the House of Representatives and the Senate of the State of Washington;

That it is the sense of the legislature that the work already done under the direction of said joint sub-committee in the repealing of obsolete statutes and the revision of ambiguous, contradictory and conflicting statutes, is of the most constructive nature, and of great value, not only to the legislature, but to the courts and the bar, and to the state as a whole, and that such work of revision and repeal should be continued until a thorough revision of the statutes of the state has been accomplished; and,

*Be It Further Resolved*, that said joint sub-committee be continued throughout the ensuing biennium and that the vacancy thereon, caused by the retirement from the legislature of the Hon. Elmer E. Halsey, of Asotin county, be filled by the appointment of a member of the present House of Representatives, by the Speaker thereof, and that said joint sub-committee be known as "The Joint Committee on Revision of Laws";

That said committee be authorized and directed to continue the work of examining the statutes of the state for the purpose of determining which of such remaining statutes are obsolete and should be repealed, and which thereof are conflicting and ambiguous and should be revised, during the interim between the adjournment of the present session and the convening of the biennial session of 1929, and to cause bills to be prepared repealing or revising such statutes, as the case may be, found to be obsolete or in need of revision, and, at the convening of the biennial session in 1929, or any extraordinary session, if any, to introduce such bills in the Senate, or the House of Representatives, respectively, as said committee may determine, and that said bills be ordered printed, together with explanatory notes giving the reasons of the committee for recommending such bills, respectively, and that such bills be referred to the judiciary committee of the Senate or the House, as the case may be, and that said committee be authorized to arrange

with the state printer for the printing of such bills and notes in advance of the convening of the legislature.

WHEREAS, many of the states have established and maintain departments of legislative research and legislative reference libraries containing books and pamphlets relating to the legislative history of the state, and other works of reference relating to statutory laws, for the exclusive use of the legislature, its committees and members; and,

WHEREAS, the new capitol building is nearing completion and will be ready for occupancy by the Twenty-first legislature:

*Now Therefore, Be It Further Resolved*, that said joint committee on revision of laws be and it is hereby authorized and directed to select the necessary space in the new capitol building convenient for the use of the legislature, and to establish therein a legislative reference library for the use of the legislature, its committees and members, and to cause to be installed therein, the necessary furniture, books and documents; including at least one full set of the session laws of the Territory and State of Washington, to be kept in said legislative reference library, and two complete sets of the session laws of the Territory and State of Washington from the Code of Washington Territory of 1881, to, and including the laws of the present session of the legislature, for the use of the judiciary committees of the Senate and House of Representatives, respectively, and to cause each of said sets of session laws to be carefully annotated, showing all amendments and repeals thereof; and also including at least one set of each privately published code of the laws of the State of Washington, to be kept in said legislative reference library, and two complete sets of the latest editions of Remington's Compiled Statutes and Pierce's Code, for the use of the judiciary committees of the Senate and the House of Representatives, respectively; and also including, if possible, at least one complete set of the journals of the legislative assemblies of the Territory of Washing-

ton, and of the Senate and House of Representatives of the State of Washington, and one complete set of the printed bill files of the Senate and House of Representatives of the State of Washington bound in a substantial manner; and also to include three complete sets of the reports of the supreme court for the Territory and State of Washington, one of which sets shall be kept in said legislative reference library and the remaining sets shall be for the use of the judiciary committees of the Senate and House of Representatives, respectively; and also to include such other works of legislative reference as said joint committee shall deem necessary and advisable; and,

*Be It Further Resolved*, that said joint committee on revision of laws, with the consent and approval of the state law library committee, the state library committee, and the state archives committee, respectively, be authorized and directed to transfer from the state law library, the state library, and the state archives, to said legislative reference library, such books and pamphlets as in the judgment of said committees will be convenient and useful for the legislature, its committees and members; and,

*Be It Further Resolved*, that said joint committee on revision of laws be authorized to employ a competent attorney and a stenographer, to assist the committee in carrying out the provisions of these resolutions, and to fix their compensation, and that such compensation and the necessary expenses of the committee for supplies and the expenses of establishing such legislative reference library, be paid from moneys appropriated for legislative expenses and/or moneys otherwise appropriated for such purposes, under the direction of said joint committee on revision of laws, upon vouchers approved by the President of the Senate and the Speaker of the House of Representatives.

Adopted by the House March 4, 1927.

Adopted by the Senate March 5, 1927.

**All Initiative and Referendum Measures, Filed  
in the Office of the Secretary of State  
and the Disposition Thereof.**

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.

- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Submitted to the people November 7, 1922; passed.

- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Submitted to the people November 4, 1924; failed to pass.

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- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Submitted to the people November 7, 1916; failed to pass.

- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—No petition filed.
- REFERENDUM MEASURE NO. 12 (Chapter 59, Laws 1921, Certificate of Necessity)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13 (Chapter 175, Laws 1921, Physical Examination of School Children)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14 (Chapter 177, Laws 1921, Primary Nominations and Registration)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Submitted to the people November 4, 1924; failed to pass.



REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.

REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.

REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Submitted to the people November 4, 1924; failed to pass.

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### CONSTITUTIONAL AMENDMENTS

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- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.



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<b>AMENDMENTS, LAWS 1877:</b>			
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Pages 56-57 .....	repealed 43	1	31
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Pages 102-103 .....	repealed 56	1	45
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Pages 114-116 .....	repealed 256	17	585
Page 116 .....	repealed 32	1	22
Pages 117-118 .....	repealed 30	1	21
Page 122 .....	repealed 43	1	32
Pages 122-124 .....	repealed 43	1	32
Pages 126-127 .....	repealed 111	1	99
Pages 158-159 .....	repealed 43	1	32
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<b>AMENDMENTS, LAWS 1887-88:</b>			
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Chapter 5 .....	repealed 43	1	35
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Chapter 19 .....	repealed 162	4	154
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Chapter 59	.....	repealed 51	4	40
Chapter 67	.....	repealed 43	1	32
Chapter 69	.....	repealed 43	1	32
Chapter 71	.....	repealed 43	1	32
Chapter 72	.....	repealed 150	1	132
Chapter 72, section 4	.....	repealed 43	1	32
Chapter 75	.....	repealed 256	17	585
Chapter 76	.....	repealed 130	1	112
Chapter 86	.....	repealed 70	1	54
Chapter 88	.....	repealed 193	3	266
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Chapter 33, section 1	.....	repealed	173	4 194
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Chapter 75	.....	repealed	256	17 585
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Chapter 96, section 8	.....	amended	123	1 106
Chapter 96, section 9	.....	amended	123	2 107
Chapter 96, section 10	.....	amended	123	3 107
Chapter 96, section 11	.....	amended	123	4 108
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Chapter 110	.....	repealed	53	1 42
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Chapter 146	.....	repealed	121	1 105
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Chapter 32	.....	repealed	43	1 34
Chapter 34	.....	repealed	48	1 38
Chapter 40	.....	repealed	53	1 42
Chapter 53	.....	repealed	4	1 7
Chapter 55	.....	repealed	64	1 49
Chapter 56	.....	amended	287	1 703
Chapter 57	.....	repealed	40	1 28
Chapter 61, section 10	.....	amended	153	1 137
Chapter 61, section 11	.....	amended	153	2 138
Chapter 64	.....	repealed	43	1 34
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Chapter 77	.....	repealed	53	1 42
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Chapter 86, sections 4-5	.....	repealed	27	1 20
Chapter 88	.....	repealed	113	1 100
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Chapter 90	.....	repealed	43	1 34
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Chapter 94	.....	repealed	55	1 44
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Chapter 110	.....	repealed	53	1 42
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Chapter 46 .....	repealed 14	1	13
Chapter 52 .....	repealed 43	1	34
Chapter 64, section 1 .....	amended 193	1	265
Chapter 64, section 4 .....	amended 193	2	265
Chapter 71 .....	repealed 4	1	7
Chapter 79 .....	repealed 113	1	101
Chapter 81 .....	repealed 53	1	43
Chapter 82 .....	repealed 80	1	61
Chapter 83 .....	repealed 73	1	56
Chapter 87 .....	repealed 43	1	34
Chapter 89 .....	repealed 135	3	118
Chapter 91, sections 2-7 .....	repealed 34	1	23
Chapter 95, section 1 .....	amended 216	1	331
Chapter 95, section 2 .....	amended 216	2	331
Chapter 99 .....	repealed 43	1	34
Chapter 104 .....	repealed 23	1	18
Chapter 107 .....	repealed 66	1	50
Chapter 112 .....	repealed 43	1	34
Chapter 122 .....	repealed 53	1	43
Chapter 123 .....	repealed 66	1	50
Chapter 125 .....	repealed 92	3	73
Chapter 126 .....	repealed 43	1	34
Chapter 132 .....	repealed 27	1	20
Chapter 133 .....	repealed 31	1	22
Chapter 137 .....	repealed 43	1	34
Chapter 139 .....	repealed 40	1	28
Chapter 149, sections 1-4, 6-8 .....	repealed 43	1	34
Chapter 159 .....	repealed 126	1	110
Chapter 161 .....	repealed 37	2	25
Chapter 167 .....	repealed 165	34	178
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Chapter 173 .....	repealed 43	1	34
Chapter 175, section 4 .....	amended 74	1	56
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Chapter 19 .....	repealed 43	1	34
Chapter 24 .....	repealed 287	2	703
Chapter 32 .....	repealed 114	1	101
Chapter 34 .....	repealed 158	2	147
Chapter 40 .....	repealed 80	1	61
Chapter 41 .....	repealed 43	1	35
Chapter 46, section 1 .....	repealed 88	2	69
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Chapter 65	repealed	80	1	61
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Chapter 82	repealed	53	1	43
Chapter 83	repealed	43	1	35
Chapter 86	repealed	68	1	52
Chapter 91	repealed	69	2	53
Chapter 107	repealed	53	1	43
Chapter 108	repealed	112	1	100

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Chapter 5	repealed	66	1	50
Chapter 27	repealed	43	1	35
Chapter 41	repealed	3	1	6
Chapter 50	repealed	151	11	136
Chapter 53, section 3	amended	69	1	52
Chapter 53, section 15	amended	93	1	74
Chapter 53, section 17	repealed	61	1	47
Chapter 88	repealed	194	25	278
Chapter 104	repealed	271	49	653
Chapter 109	repealed	40	1	28
Chapter 111	repealed	43	1	35
Chapter 117	repealed	53	1	43
Chapter 121, sections 2-5	repealed	149	1	131
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Chapter 134	repealed	53	1	43
Chapter 135	repealed	53	1	43
Chapter 137	repealed	66	1	50
Chapter 138	repealed	66	1	50
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Chapter 30	repealed	39	1	27
Chapter 33	repealed	39	1	27
Chapter 36	repealed	39	1	27
Chapter 38	repealed	53	1	43
Chapter 42	repealed	70	1	54
Chapter 55, sections 6-7	repealed	142	1	126
Chapter 61	repealed	42	1	30
Chapter 82	repealed	41	1	29
Chapter 102	repealed	47	1	37
Chapter 112	repealed	165	34	178
Chapter 114	repealed	66	1	50
Chapter 130	repealed	53	1	43
Chapter 132	repealed	37	2	25
Chapter 136	repealed	37	2	25
Chapter 139	repealed	287	2	703
Chapter 152	repealed	64	1	49
Chapter 153	repealed	53	1	43
Chapter 158	repealed	115	1	102
Chapter 159	repealed	66	1	50
Chapter 160	repealed	36	1	24
Chapter 172	repealed	12	1	11
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Chapter 29 .....	repealed 40	1	28
Chapter 34 .....	repealed 41	1	29
Chapter 42 .....	repealed 194	25	278
Chapter 50 .....	repealed 135	3	118
Chapter 53 .....	repealed 39	1	27
Chapter 54 .....	repealed 164	7	157
Chapter 86 .....	repealed 85	1	65
Chapter 87 .....	repealed 152	1	137
Chapter 88 .....	repealed 115	1	102
Chapter 92, section 1 .....	amended 139	1	123
Chapter 93 .....	repealed 43	1	35
Chapter 94 .....	repealed 66	1	50
Chapter 97 .....	repealed 80	1	61
Chapter 108 .....	repealed 66	1	50
Chapter 113, sections 1, 3, 7 and 9 .....	repealed 40	1	28
Chapter 115 .....	repealed 133	1	115
Chapter 118 .....	repealed 242	5	372
Chapter 125 .....	repealed 165	34	178
Chapter 126 .....	repealed 53	1	43
Chapter 145 .....	repealed 167	2	185
Chapter 150 .....	repealed 80	1	62
Chapter 158 .....	repealed 127	1	111
Chapter 166 .....	repealed 53	1	43
Chapter 174 .....	repealed 83	1	63
Chapter 176 .....	repealed 17	1	14
Chapter 179 .....	repealed 69	2	53
Chapter 184 .....	repealed 113	1	101
Chapter 185 .....	repealed 34	1	23
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Chapter 21 .....	repealed 37	2	25
Chapter 31 .....	repealed 17	1	14
Chapter 36 .....	repealed 135	3	118
Chapter 40 .....	repealed 80	1	62
Chapter 41 .....	repealed 70	1	54
Chapter 46 .....	repealed 43	1	35
Chapter 66 .....	repealed 42	1	30
Chapter 71 .....	repealed 80	1	62
Chapter 78 .....	repealed 57	1	45
Chapter 79 .....	repealed 53	1	43
Chapter 101 .....	repealed 8	1	9
Chapter 111 .....	repealed 35	1	24
Chapter 117 .....	repealed 37	2	25
Chapter 121 .....	repealed 140	3	124
Chapter 122 .....	repealed 150	1	132
Chapter 124 .....	repealed 81	1	62
Chapter 134 .....	repealed 53	1	43
Chapter 138 .....	repealed 72	1	55
Chapter 140 .....	repealed 53	1	43
Chapter 147 .....	repealed 66	1	50
Chapter 155 .....	repealed 158	2	147
Chapter 163 .....	repealed 53	1	43
Chapter 169 .....	repealed 165	34	178
Chapter 170 .....	repealed 53	1	43
Chapter 177 .....	repealed 41	1	29
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Chapter 76 .....	repealed 21	1	17
Chapter 79 .....	repealed 135	3	118
Chapter 80 .....	repealed 17	1	14
Chapter 87 .....	repealed 53	1	43
Chapter 97 .....	repealed 75	1	58
Chapter 100 .....	repealed 194	25	278
Chapter 106 .....	repealed 135	3	118
Chapter 109 .....	repealed 80	1	62
Chapter 126 .....	repealed 17	1	14
Chapter 135 .....	repealed 27	1	20
Chapter 144 .....	repealed 39	1	27
Chapter 154 .....	repealed 53	1	43
Chapter 167 .....	repealed 212	17	327
Chapter 178 .....	repealed 135	3	118
Chapter 186 .....	repealed 34	1	23
Chapter 189 .....	repealed 53	1	43
Chapter 192 .....	repealed 63	1	48
Chapter 194 .....	repealed 150	1	132
Chapter 204 .....	repealed 37	2	25
Chapter 210 .....	repealed 287	2	703
Chapter 217, section 4 .....	repealed 142	1	126
Chapter 225 .....	repealed 17	1	14
Chapter 228, section 3 .....	amended 273	1	656
Chapter 237 .....	repealed 167	2	185
Chapter 247 .....	repealed 53	1	43
Chapter 252 .....	repealed 80	1	62
Chapter 254 .....	repealed 80	1	62
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Chapter 17, section 9 .....	repealed 135	3	118
Chapter 23 .....	repealed 53	1	43
Chapter 27 .....	repealed 80	1	62
Chapter 29, section 17 .....	amended 77	1	59
Chapter 42 .....	repealed 173	4	194
Chapter 49 .....	repealed 6	1	8
Chapter 52 .....	repealed 135	3	118
Chapter 62 .....	repealed 83	1	63
Chapter 77 .....	repealed 53	1	43
Chapter 81 .....	repealed 150	1	132
Chapter 84 .....	repealed 150	1	132
Chapter 91 .....	repealed 150	1	132
Chapter 94 .....	repealed 135	3	118
Chapter 97, section 5, sub-ch. 1, Tit. 2 .....	amended 227	1	349
Chapter 97, section 5, Art. 1, sub-ch. 3, Tit. 3 .....	amended 95	1	78
Chapter 97, section 6, Art. 1, sub-ch. 3, Tit. 3 .....	amended 95	2	79
Chapter 97, section 2, Art. 2, sub-ch. 3, Tit. 3 .....	amended 95	3	79
Chapter 97, section 3, Art. 2, sub-ch. 3, Tit. 3 .....	amended 95	4	80
Chapter 97, section 3, Art. 3, sub-ch. 3, Tit. 3 .....	amended 95	5	80
Chapter 97, section 1, sub-ch. 10, Tit. 3 .....	amended 99	1	83
Chapter 97, section 9, Art. 1, sub-ch. 12, Tit. 3 .....	repealed 143	1	126
Chapter 97, section 1, Art. 4, sub-ch. 12, Tit. 3 .....	repealed 143	1	126
Chapter 97, secs. 1-6, Art. 5, sub-ch. 12, Tit. 3 .....	repealed 143	1	126
Chapter 97, secs. 2, 4, 5, 7-10, Art. 4, sub-ch. 13, Tit. 3 .....	repealed 143	2	127
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Chapter 113	repealed 53	1	43
Chapter 120, sections 1-3	repealed 38	1	26
Chapter 139	repealed 34	1	23
Chapter 142	repealed 92	3	73
Chapter 144	repealed 156	2	144
Chapter 152	repealed 36	1	24
Chapter 172	repealed 66	1	51
Chapter 175	repealed 83	1	63
Chapter 184	repealed 53	1	43
Chapter 189	repealed 165	34	178
Chapter 195	repealed 17	1	14
Chapter 209	repealed 39	1	27
Chapter 213, sections 1-2	repealed 149	1	131
Chapter 214, section 3	amended 89	1	69
Chapter 217	repealed 80	1	62
Chapter 237	repealed 24	1	18
Chapter 249, section 7	repealed 78	1	60
Chapter 249, section 31	repealed 78	1	60
Chapter 249, section 41	repealed 97	1	82
Chapter 249, section 182	amended 90	1	71
Chapter 249, section 191	repealed 49	1	38
Chapter 249, section 192	repealed 26	1	19
Chapter 249, section 210	repealed 57	1	45
Chapter 249, sections 257-259	repealed 60	1	47
Chapter 249, sections 260-263	repealed 45	1	36
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Chapter 12	repealed 5	1	8
Chapter 16, sections 3-4	repealed 143	1	126
Chapter 17, section 2	repealed 52	1	41
Chapter 20	repealed 45	1	36
Chapter 28, section 10	repealed 135	3	118
Chapter 40	repealed 135	3	118
Chapter 43	repealed 82	1	63
Chapter 48	repealed 34	1	23
Chapter 49, sections 23, 27	repealed 80	1	62
Chapter 49, section 44	amended 107	1	93
Chapter 49, sections 182, 188, 189	repealed 80	1	62
Chapter 62	repealed 135	3	118
Chapter 74, section 20	amended 310	8	850
Chapter 76	repealed 135	3	118
Chapter 87	repealed 51	4	40
Chapter 92, section 3½	amended 204	1	297
Chapter 96	repealed 67	1	51
Chapter 98, section 12	amended 109	1	96
Chapter 104	repealed 53	1	43
Chapter 105	repealed 17	1	14
Chapter 106, section 3	repealed 143	2	127
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Chapter 129	repealed 135	3	118
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Chapter 17	repealed	135	3	118
Chapter 22	repealed	17	1	14
Chapter 23	repealed	37	2	25
Chapter 52	repealed	194	25	278
Chapter 56	repealed	250	6	393
Chapter 62, section 3	amended	204	1	297
Chapter 80	repealed	64	1	49
Chapter 84	repealed	12	1	11
Chapter 108	repealed	40	1	28
Chapter 125	repealed	66	1	51
Chapter 127, section 5	amended	94	1	75
Chapter 127, section 6	amended	94	2	76
Chapter 127, section 7	amended	94	3	77
Chapter 127, section 8	repealed	94	4	77
Chapter 147	repealed	17	1	14
Chapter 176, section 1	amended	240	1	367
Chapter 176, section 17	amended	302	1	738
Chapter 177	repealed	17	1	14
Chapter 179	repealed	20	1	16
AMENDMENTS, LAWS 1915:				
Chapter 1	repealed	71	1	55
Chapter 2	amended	98	1	82
Chapter 22	repealed	250	6	393
Chapter 32	repealed	17	1	14
Chapter 33	repealed	17	1	14
Chapter 34	repealed	80	1	62
Chapter 35	repealed	17	1	15
Chapter 38	repealed	17	1	15
Chapter 57, section 3	amended	161	1	151
Chapter 67	repealed	34	1	23
Chapter 98	repealed	17	1	15
Chapter 99, sections 1-5	repealed	46	1	37
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