

SESSION LAWS  
OF THE  
STATE OF WASHINGTON  
NINETEENTH SESSION

Convened January 12, Adjourned February 13

1925

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

Marginal Notes and Index

BY

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## EXPLANATORY.

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The Nineteenth Regular Session of Legislature of the State of Washington convened at 12 o'clock noon, January 12, 1925, (being the second Monday in January), and adjourned *sine die* February 13, 1925.

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, May 14, 1925, except relief bills, appropriations and other acts declaring an emergency.

J. GRANT HINKLE,  
*Secretary of State.*



# LAWS OF WASHINGTON

PASSED AT THE

Nineteenth Regular Session

1925

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## CHAPTER 1.

[S. B. 1.]

### LEGISLATIVE EXPENSES.

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

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

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

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

Passed the Senate January 12, 1925.

Passed the House January 12, 1925.

Approved by the Governor January 12, 1925.

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 nineteenth legislature, and declaring an emergency.

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

Appropriation.  
\$15,000.00.

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

Emergency.

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

Passed the Senate January 12, 1925.

Passed the House January 12, 1925.

Approved by the Governor January 12, 1925.

CHAPTER 3.

[S. B. 25.]

IRRIGATION DISTRICTS.

AN ACT relating to the organization and government of irrigation districts and providing for the method of canceling and correcting assessments levied by such districts as are or may be under contract with the United States, and amending Sections 7442 and 7442-1 of Remington's Compiled Statutes by adding thereto a new section known as Section 7442-2, and declaring this act shall take effect immediately.

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

Amends  
Rem. Comp.  
Stat. §§ 7442,  
7442-1;  
Pierce's Code  
§ 3220.

SECTION 1. That Sections 7442 and 7442-1 of Remington's Compiled Statutes of Washington be amended by adding thereto a new section to be known as Section 7442-2 to read as follows:

Section 7442-2. Where any district under contract with the United States has levied any assessment for the collection of money payable to the United States under such contract, and the Secretary of the Interior has by agreement with the Board of Directors of said district, authorized the extension or cancellation of any payments due to the United States by the cancellation of assessments already levied therefor but remaining unpaid, the board of directors of such district shall certify to the county treasurer of the county in which the land is located, a statement of the year and amounts assessed against each tract for which such cancellation has been authorized, and the county treasurer, upon receipt of such certificate, shall, in all cases where the assessment remains unpaid and the lands have not been sold, endorse upon the district's assessment roll, "Corrected under Certificate of Board of Directors" and shall deduct and cancel from the assessment against each such tract the amount of such assessment so authorized to be cancelled; and in all cases where such cancellations have been certified to the county treasurer after such lands assessed have been sold and before the period of redemption shall have expired, the county treasurer shall, in those cases where the tract assessed has been sold to the district, and the district is the owner of the certificate of sale, require the district to surrender its certificate of sale and shall thereupon deduct the amount of such cancellation plus the penalties thereon upon the original assessment roll with an endorsement, "Corrected under Certificate of Board of Directors" and he shall thereupon issue to the district in lieu of the certificate surrendered, a substitute certificate of sale for the corrected amount of such assessment, if any, remaining uncanceled, and shall file a copy thereof in the office of the county auditor as in the case of the

Proceedings where amounts due United States cancelled or extended after assessment.

Effect of  
cancellation.

original certificate surrendered, and such substitute certificate shall entitle the holder thereof to all rights possessed under the original certificate so corrected as to amount: *Provided, however,* That such cancellation shall have the same effect as though the lands had originally not been assessed for the amounts so deducted and shall not operate to bar the district of the right in making subsequent annual assessments to levy and collect against such tracts the amount of any money due the United States, including the amount of any assessments so cancelled.

Emergency.

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

Passed the Senate January 30, 1925.

Passed the House February 5, 1925.

Approved by the Governor February 7, 1925.

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## CHAPTER 4.

[S. B. 48.]

### FEDERAL AID HIGHWAY REVOLVING FUND.

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:*

Disposition  
of federal  
funds re-  
ceived.

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 assent- ing thereto, to be held in said motor vehicle fund



subject to disbursement therefrom only in accordance with the authority and appropriation set forth in Section 2 of this act.

SEC. 2. That the sum of one million dollars (\$1,000,000.00) or so much thereof as may be necessary, but not in excess of the amount of federal funds or warrants paid or pledged to be paid or reimbursed on account of lawfully obligated federal contributions under specific project agreements, be and the same is hereby appropriated from any 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 contributing fund under specific project agreements executed by state and federal authority.

Appropriation,  
\$1,000,000.00  
creating  
revolving  
fund.

Payment  
out of.

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

Emergency.

Passed the Senate January 30, 1925.

Passed the House February 5, 1925.

Approved by the Governor February 7, 1925.

CHAPTER 5.

[S. B. 53.]

DEFICIENCY APPROPRIATIONS.

AN ACT making appropriations for the departments of the State Government and for the several institutions hereinafter named, and declaring that this act shall take effect immediately.

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

Authorizing appropriations.

SECTION 1. The following sums or as much thereof as shall severally be found necessary, are hereby appropriated out of any monies in the several funds of the State treasury hereinafter named in payment of the salaries of certain officers and employees of the State, and for the operation and maintenance of the various offices hereinbelow designated and mentioned, for the biennium beginning April 1, 1923, and ending March 31, 1925:

FROM THE GENERAL FUND.

State Auditor:

Supplies, material and service.....	\$4,035.00
Department of Agriculture, Dairy and Livestock Division:	
Indemnity and expenses, re bovine tuberculosis eradication work .....	\$30,000.00

FROM THE MOTOR VEHICLE FUND.

Department of Licenses, Motor Vehicle Division:	
Salaries and wages and supplies, material and service .....	\$34,407.55

FROM THE HIGHWAY SAFETY FUND.

Department of Licenses, Motor Vehicle Division:	
Salaries and wages and supplies, material and service .....	\$10,000.00

Emergency.

SEC. 2. This act is necessary for the immediate preservation of public peace, health and safety, and the support of the State Government and its exist-

ing public institutions, and shall take effect immediately.

Passed the Senate January 29, 1925.

Passed the House February 5, 1925.

Approved by the Governor February 7, 1925.

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## CHAPTER 6.

[H. B. 7.]

### RIGHTS OF WAY OVER STATE LANDS.

AN ACT relating to the public lands of the state, granting rights of way thereon and amending section 8103 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 8103 Remington's Compiled Statutes of Washington be amended to read as follows:

Amends  
Rem. Comp.  
Stat. § 8103;  
Pierce's Code  
§ 7686.

Section 8103. A right of way through, over and across the public lands of the State of Washington, and tide lands, shore lands, oyster reserves belonging to the state and 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 municipality, or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

Purposes for  
which grants  
authorized.

Passed the House January 29, 1925.

Passed the Senate February 6, 1925.

Approved by the Governor February 11, 1925.

## CHAPTER 7.

[S. B. 49.]

PERMANENT HIGHWAYS APPROPRIATION FOR ISLAND  
COUNTIES.

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

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

Appropriation,  
\$3,406,000.00.

SECTION 1. For the construction and maintenance of permanent highways and for the construction and maintenance of highways in counties composed entirely of islands there is hereby appropriated from the Permanent Highway Fund the sum of three million, four hundred six thousand dollars (\$3,406,000), or so much thereof as may be necessary.

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 January 30, 1925.

Passed the House February 5, 1925.

Approved by the Governor February 11, 1925.

## CHAPTER 8.

[S. B. 57.]

## COLUMBIA RIVER JOINT COMMISSION.

AN ACT authorizing the Governor of Washington to appoint a representative of the State of Washington to serve upon a joint commission composed of representatives of the State of Montana, Idaho and Oregon and the United States of America, and constituted for the purpose of negotiating and entering into an agreement between the several states hereinabove mentioned and between said states and the United States of America, subject to the consent of Congress, respecting further use and disposition of the waters of the Columbia River and streams tributary thereto, and fixing and determining the rights of each of said states and rights of the United States in and to the use, benefit and disposition of the waters of said stream and its tributaries.

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

SECTION 1. The Governor shall appoint a representative who shall serve without additional compensation as the representative of the State of Washington on a joint commission composed of one representative from each of the States of Montana, Idaho, Washington and Oregon and two duly authorized representatives of the United States of America, the principal duty of which commission shall be to negotiate and enter into an agreement between the several states hereinabove mentioned and between the said states and the United States of America, subject to the consent of Congress, respecting the further use and disposition of the waters of the Columbia River and streams tributary thereto, and fixing and determining the rights of each of said states and the rights of the United States in and to the use, benefit and disposition of the waters of the Columbia River and its tributaries: *Provided, however,* that any agreement so entered into by said states and the United States of America shall not be binding or obligatory upon any of the

Appointment.

Purpose.

Agreement  
not binding  
until ratified  
by legisla-  
ture.

high contracting parties thereto unless and until such agreement shall have been ratified and approved by the legislature of each of the above mentioned states and by the congress of the United States.

Notification  
of appoint-  
ment to  
governors of  
other states.

SEC. 2. The Governor of Washington, immediately after such representative of the State of Washington has been appointed and has qualified, shall notify the governor of each of the above mentioned states of the appointment of the said representative of this state, giving his name and address, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint commission shall have been named and qualified for each of the states named in section one hereof.

Authority of  
representa-  
tive.

SEC. 3. Said representative from the State of Washington shall have full authority to make any and all investigations of the Columbia River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said streams, and of the present and future need of the State of Washington and its citizens to the use and benefit of the waters of said stream. To that end, said representative shall have power to administer oaths, examine and require the attendance of witnesses, and to perform such other duties as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of Washington upon said joint commission.

Passed the Senate February 3, 1925.

Passed the House February 6, 1925.

Approved by the Governor February 16, 1925.

CHAPTER 9.

[S. S. B. 50.]

STATE BUDGET LAW.

AN ACT establishing a budget system for the state of Washington, prescribing the powers and duties of state officers and employees with respect thereto, prescribing penalties, and providing that this act shall take effect immediately.

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

SECTION 1.

(a) The term "department" as used in this act shall include every elective office of the state government, every department under the administrative code, every state institution, board, commission, committee, or other administrative unit now existing or hereafter established expending state funds.

Definitions.

(b) The term "fiscal year" as used herein shall mean the year beginning April 1st and ending on the following March 31st.

SEC. 2. On or before the first Monday in October of the year preceding the biennial meeting of the legislature it shall be the duty of the head of every department to file with the director of efficiency upon forms to be provided by him not later than the preceding first day of August, detailed estimates of all expenditures to be required for, and of all revenues, other than taxes, likely to become available to such department for the ensuing fiscal biennium. The estimate for the Supreme Court shall be compiled by the clerk and certified by the chief justice, and the estimate for legislative expenses shall be a statement of the total expenditures of the last preceding regular session.

Department heads to submit estimates.

Supreme court and legislative estimate.

The estimates herein provided shall be segregated under the proper sub-divisions of the department and shall be classified, itemized and assembled in the form to be prescribed by the director of ef-

Segregation of items.

iciency, and shall have the following accounting segregations throughout:

- (a) Operating and Maintenance Expenses;
- (b) Capital and Betterment Outlays.

SEC. 3. On or before the 20th day of October immediately preceding the biennial session of the legislature the state auditor shall file with the director of efficiency the following statements and data, certified by him to be correct:

Auditor's  
statement.

(a) A detailed statement of the interest and redemption requirements for all state bonds and warrants for each fiscal year of the ensuing fiscal biennium;

(b) A statement of the assets and liabilities of all sinking funds as of the first day of said October;

(c) A detailed statement of the actual receipts, from sources other than taxation, collected for or by each department during the completed fiscal year of the current biennium;

(d) A detailed statement of the actual expenditures of each department and of each of its subdivisions, classified according to such uniform cost-finding expense classification as may be prescribed by the director of efficiency, for each fiscal year of the last completed biennium, the completed fiscal year of the current biennium and the first six months of the second year of the current biennium, together with the corresponding appropriations for each of said biennial periods.

Duty of  
director of  
efficiency.

SEC. 4. On or before the 15th day of November immediately preceding the biennial session of the legislature the director of efficiency shall compile, tabulate and assemble the foregoing estimates and statements in the form hereinafter provided and transmit the same to the governor as the preliminary budget in a compact and bound form. The director of efficiency shall make up the estimate for any fund or for any miscellaneous purpose not covered



by the said departments and shall include the same, together with the said comparative appropriations and expenditures, in the preliminary budget. The preliminary budget shall contain the following statements, and such other data as may be necessary and proper to an understanding of the financial condition and needs of the state:

Contents of preliminary budget.

(a) General Summary by Funds—This statement shall set forth by funds in tabular and columnar form the following data:

Estimated non-tax revenue for the ensuing fiscal biennium; estimated expenditures for the ensuing fiscal biennium as set forth in the preliminary budget; estimated tax levy in mills for each fiscal year of ensuing fiscal biennium, based on the last equalized valuation of the taxable property in the state. Extra columns shall also be provided for the estimates of expenditures as revised by the governor and for a similar estimated tax levy based on such revision, which shall be filled in upon the completion of the governor's revision of the estimates and become a part of this statement for the governor's budget. In estimating tax levies where there is a fixed rate provided by law for any fund, such rate shall be taken, but the expenditures to be made therefrom shall be subject to the provisions of this act.

General summary.

(b) Comparative Summary by Funds—This statement shall set forth by funds in tabular and columnar form the following data:

Actual receipts for last completed fiscal year; estimated receipts for ensuing fiscal biennium; appropriations for last completed fiscal biennium; expenditures for each fiscal year of last completed fiscal biennium; appropriations for current fiscal biennium; expenditures for the completed year and for the first six months of the second year of the current fiscal biennium, separately; estimated ex-

Comparative summary by funds.

penditures for ensuing fiscal biennium. An extra column shall be provided for the governor's revision of the estimates.

(c) Comparative Summary by Departments:

Comparative  
summary by  
departments.

This statement shall set forth by departments in tabular and columnar form all the data required in sub-division (b) of this section, except that relating to actual and estimated receipts.

(d) Detailed Estimates by Departments:

Detailed  
estimates  
by depart-  
ments.

This statement shall set forth in detail by departments and sub-divisions of departments, classified according to the classification required in sub-division (d) of section 3 hereof, and in tabular and columnar form, all the data required in sub-division (c) of this section. Under the class of salaries, the title or position of each officer and employee shall be designated, and an extra column shall be provided in which shall be entered the annual rate of salary paid each officer and employee. Accompanying the preliminary budget the director of efficiency shall transmit to the governor any other information or data that he may have, bearing on the sufficiency or insufficiency of the departmental requests, which would be of assistance to the governor in making proper revisions of the estimates.

Hearing by  
Governor.

SEC. 5. Upon receipt of the preliminary budget, the governor shall provide for and give reasonable notice of hearing at which the head of each department, or his authorized representative, may be heard with respect to the estimates of his particular department, if he so desires. The governor shall have authority to require the attendance before him of any officer or employee of the state, for further inquiry and information relating to the actual or estimated revenues and expenditures of any department. Upon the completion of said hearings the governor shall determine the sufficiency or insufficiency of the estimates of expenditures of the departments

Determina-  
tion of  
sufficiency  
of  
estimates.

for the ensuing fiscal biennium and shall enter the amount determined by him in the column provided therefor.

In the year of the gubernatorial election, the governor shall invite the governor-elect to attend all hearings provided for herein, and shall provide him with a copy of the preliminary budget. The governor-elect may ask such questions and require such information as he shall deem necessary and may make recommendations in connection with any item of the preliminary budget, which recommendations, and his reasons therefor, shall be presented to the legislature in writing with the governor's budget.

Duty of Governor-elect.

SEC. 6. The governor shall have the power to increase, decrease, eliminate, or add new items to, any estimate in said budget, except those for legislative expense and the Supreme Court, which revised estimates shall be entered in the column provided therefor, and which column shall contain the governor's estimate for every item of the expenditure estimate in the preliminary budget, excepting items eliminated, whether he shall revise such estimate or not. He may make such comment or explanation of any item in foot or marginal notes as he may deem advisable and such revised budget shall be known as the governor's budget. The governor shall complete his revision of the preliminary budget on or before the fifteenth day of December immediately preceding the biennial session of the legislature.

Power of Governor.

Time when revision of preliminary budget must be complete.

SEC. 7. Within five days after the convening of the legislature the governor shall submit to each house thereof copies of his budget for the ensuing fiscal biennium, in the form provided herein for the preliminary budget. Accompanying such budget he shall also transmit in addition to the statements and data required in sections 4 and 6 hereof—

Governor's budget transmitted to legislature.

Other information transmitted to legislature.

- (a) A balanced statement showing:
  - (1) the condition of the treasury at the end of the preceding calendar year;
  - (2) the current assets, liabilities, reserves and surplus or deficit of the state at the end of the preceding calendar year;

(b) All essential facts regarding the bonded and other indebtedness of the state;

(c) Such other financial statements and data as in his opinion are necessary or desirable to make known in all practical detail the financial condition of the state.

Governor's authority to call upon department heads for information.

In the compilation of the foregoing statements and data, the governor is hereby authorized to call upon the heads of every department for assistance, which officials, upon written request of the governor, shall prepare and verify any or all such statements and data intended to be submitted to the legislature.

Governor's budget a public document.

The governor's budget, together with all data accompanying it, shall be a public document and copies thereof shall be furnished to each member of the legislature, to every department, and to every free public library in the state which shall file a written request therefor with the director of efficiency not later than December 1st of the year of its compilation.

Budget bill submitted by Governor.

SEC. 8. The governor shall submit to each house of the legislature at the same time as he submits his budget copies of a tentative bill for all proposed appropriations contained in his budget for the ensuing fiscal biennium, which bill shall be known as the budget bill.

Department heads may not incur deficiency.

SEC. 9. It shall be unlawful for any department head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

SEC. 10. Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any department for which insufficient or no appropriations have been made, the head of such department shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting such emergency and the estimated amount of money required therefor. If the governor shall approve such estimate in whole or in part, he shall endorse on each copy of such statement his approval, together with a statement of the amount approved and transmit one copy to the head of the department and thereby authorize the head of such department to incur such liability. Such authorization and full compliance with its provisions shall relieve the person incurring any such liability from personal liability or penalty therefor. The total amount of such liabilities outstanding on December 1st of the year preceding the biennial session of the legislature shall be included in the governor's budget as a deficiency, and provisions for an appropriation therefor made in his budget bill: *Provided*, That in no biennium shall the total amount of such liabilities exceed the sum of one hundred and fifty thousand dollars (\$150,000.00).

Emergency expenditures.

Governor's approval.

Liability incurred by emergency expenditures included in Governor's budget.

Limitation.

SEC. 11. All orders, authorizations, allowances, contracts, payments, liabilities to pay, made or attempted to be made in violation of this act shall be void and shall never be the foundation of any claim against the state of Washington. All persons and officials shall be charged with notice of the respective amounts of all appropriations and the limitations thereof, and the state auditor shall be required, upon request of any head of a department or his accredited representative or upon the request of any citizen or organization to give any and all in-

Void claims.

Status of appropriations public.

formation shown by his books and records concerning the status of any or all appropriations.

Budget data  
preserved.

SEC. 12. The information, material and data collected by the director of efficiency and the governor under the provisions of this act shall be preserved permanently in the department of efficiency and shall be open to inspection and examination by the governor-elect and members of the succeeding legislature.

Penalty for  
violation.

SEC. 13. Any officer or employee violating, or wilfully refusing or failing to comply with, any of the provisions of this act shall be guilty of a misdemeanor.

Partial  
validity.

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.

Emergency.

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

Passed the Senate February 4, 1925.

Passed the House February 7, 1925.

Approved by the Governor February 16, 1925.

## CHAPTER 10.

[S. B. 58.]

## DRUGLESS HEALING LICENSES.

AN ACT providing for the revocation of licenses to practice drugless healing in certain cases, defining the powers and duties of certain officers, providing penalties for violations thereof, and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever it shall come to the attention of the director of licenses that any applicant for a license to practice any form of drugless healing in this state under the provisions of Chapter 36, Laws of 1919, either with or without examination, presented with his application a diploma purporting to have been issued to such applicant by a drugless school, and a license was granted such applicant wholly or in part by reason of such diploma, and the director of licenses has reasonable ground to believe that the drugless school issuing such diploma, and the persons in charge thereof, have issued diplomas to persons who had not a high school education or its equivalent and who had not completed a residence course of three entire sessions of thirty-six weeks each in the school issuing the diploma, the director of licenses shall have the power to make and enter an order directed to such licentiate, setting forth the name of the licentiate, the date of his license and the name of the drugless school issuing the diploma upon which the license was based, and requiring such licentiate to appear before the director of licenses at his office in the city of Olympia at a time specified in the order, which shall not be less than twenty days after the service of a copy of such order upon him, and then and there to produce the diploma upon which his license was issued and produce and deliver to the director of

Order to appear before director of licenses.

licenses his license to practice drugless healing, and to testify under oath as to his educational qualifications at the time of his entering the school issuing the diploma and the length of his actual resident attendance at such school and all other schools for attendance at which credits were claimed. The order provided for shall be served upon such licentiate and return of service made in the manner provided by law for the service and return of summons in civil actions.

Service of  
order.

SEC. 2. If any licentiate to practice drugless healing upon whom the order provided for in the preceding section shall have been served shall fail or refuse to comply with such order in any particular the director of licenses shall have power to revoke the license of such licentiate: *Provided*, that if after any such revocation for failure to appear shall have been entered the licentiate shall establish to the satisfaction of the director that his failure to appear was occasioned by unavoidable accident and was not wilful, the director shall have the power to withdraw such revocation and grant a hearing.

Refusal to  
comply with  
order.

Reinstatement.

SEC. 3. In case any licentiate shall appear at the hearing hereinbefore provided for and testify under oath as to the matters required in said order he shall have the right to be represented by counsel, to call witnesses and introduce documentary evidence in support of his claims that he had the required educational qualifications and resident attendance at the school issuing the diploma, or its equivalent; and the director shall have the power by subpoena to compel the attendance of witnesses and the production of documentary evidence to contravert the claim of the licentiate, and any such hearing may be adjourned from time to time by the director for a reasonable length of time to permit of the securing of evidence in favor of or against the claims of the licentiate.

Hearing.



SEC. 4. If at the conclusion of the hearing hereinabove provided for the licentiate shall have failed to establish to the satisfaction of the director of licenses that on the date of the issuance of his diploma he had a high school education or its equivalent and had in fact completed a residence course of three entire sessions of thirty-six weeks each in the school by which such diploma was issued, or any other schools for which credits were properly allowable, it shall be the duty of the director of licenses to revoke the license of the licentiate to practice drugless healing. In case the director of licenses does not revoke the license the same shall be returned to the licentiate.

When  
license  
revoked.

SEC. 5. Every licentiate to practice drugless healing whose license shall have been revoked as in this act provided after a hearing and feeling himself aggrieved by such revocation shall have the right by a writ of review sued out in the manner provided by law within ten days after the entry of such order of revocation to have the proceeding for the revocation of his license reviewed in the Superior Court of Thurston County, and the decision of such superior court shall be final.

Appeal.

SEC. 6. It shall be the duty of the licentiate whose license has been revoked as provided in this act, within ten days after the final order revoking such license, to surrender his license to the director of licenses, and every person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Surrender  
of license.

SEC. 7. Nothing in this act shall be construed as amending, modifying or repealing any other provision of law for the revocation of licenses, but this act shall be construed as additional and supplemental legislation.

Supplemental  
legislation.

Emergency. SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 4, 1925.

Passed the House February 9, 1925.

Approved by the Governor February 16, 1925.

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## CHAPTER 11.

[S. S. B. 16.]

### CENTRALIA NORMAL SCHOOL.

AN ACT relating to the State Normal School at Centralia and the funds in the Centralia Normal School fund of the state treasury.

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

No tax to be levied. SECTION 1. From and after the taking effect of this act no tax upon property shall be levied by the state equalization committee or other state officers for the Centralia Normal School fund.

Transfer of funds. SEC. 2. The funds now, or hereafter placed, in the Centralia Normal School fund of the state treasury shall be forthwith transferred and paid in to the general fund of the state treasury.

Passed the Senate February 3, 1925.

Passed the House February 9, 1925.

Approved by the Governor February 16, 1925.

## CHAPTER 12.

[S. B. 62.]

## PUBLIC AUDITORIUMS IN FIRST CLASS CITIES.

AN ACT relating to the powers of cities of the first class in regard to public auditoriums and museums, and amending Chapter 179 of the Laws of 1923.

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

SECTION 1. That Chapter 179 of the laws of 1923 be amended by adding thereto a new section to be known as Section 2, to read as follows:

Amends  
ch. 179, laws  
of 1923;  
§ 8981-2  
Rem. 1923  
Sup.

Section 2. When any such city shall have acquired title to the land to be used for any such purpose, such city shall have power, by its corporate authorities, to lease the same, or any part thereof, together with the structures and improvements, constructed or to be constructed thereon, to any individual, or individuals, corporation or corporations, for such term as may be deemed proper, and may raise the funds needed for financing such project, in whole or in part, by transferring or pledging the use and income thereof, in such manner as said corporate authorities shall deem proper. Any lessee under any such lease may mortgage the leasehold interest, and may issue bonds to be secured by such mortgage, and may pledge the rent and income of the property to accrue during the term of the lease, or any part thereof, for the due financing of such project. *Provided*, That the corporate authorities shall have power to specify in any such lease such provisions and restrictions as such corporate authorities shall deem proper.

Power to  
lease.

Mortgage of  
leasehold.

Power to  
restrict.

Passed the Senate February 11, 1925.

Passed the House February 11, 1925.

Approved by the Governor February 16, 1925.

## CHAPTER 13.

[S. S. B. 52.]

## BOND ELECTIONS.

AN ACT relating to elections for the issuance of general obligation bonds by counties, cities, towns, port districts, metropolitan park districts and providing that this act shall take effect immediately.

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

Municipal-  
ities affected.

SECTION 1. No general obligation bonds of any county, city, town, port district, or metropolitan park district upon which a vote of the people is required under existing laws shall be issued, nor shall they become a lien upon the taxable property within such municipality or district unless, in addition to all other requirements provided by law in the matter of the issuance of general obligation bonds by such municipality or district, the total vote cast upon such proposition shall exceed fifty per cent of the total number of voters voting in such municipality or district at the general county or state election next preceding such bond election.

Fifty per  
cent vote.

Existing  
election laws  
apply.

SEC. 2. In all such elections the provisions of existing law with respect to registration, opening and closing of registration books and the duties of officers and the appointment and selection of election officials shall apply.

Certification  
of votes.

SEC. 3. The election officials in each of the precincts included within any such municipality or district shall, as soon as possible and in no case later than five days after the closing of the polls of any election involving the issuance of bonds, certify to the county auditor of the county within which such municipality or district is located the total number of votes cast for and against each separate proposal and the vote shall be canvassed and certified

by a canvassing board consisting of the chairman of the board of County Commissioners, the County Auditor and the Prosecuting Attorney who shall declare the result thereof.

SEC. 4. This act shall not affect the validity or the issuance of any such bonds voted at any lawful election held prior to the taking effect of this act.

Bonds voted prior to act not affected.

SEC. 5. 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. 6. 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 13, 1925.

Passed the House February 13, 1925.

Approved by the Governor February 16, 1925.

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## CHAPTER 14.

[S. H. B. 24.]

### PUBLIC HIGHWAYS IN ISLAND COUNTIES.

AN ACT relating to public highways in counties composed entirely of islands, and declaring that this act shall take effect immediately.

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

SECTION 1. All moneys now or hereafter placed in the permanent highway fund of the state treasury to the credit of any county composed entirely of islands shall be paid to the county treasurer of such county and by such county treasurer distributed and credited to the various road districts and incorporated towns in such county in proportion to the assessed valuation of the property in such district or town.

Distribution of money.

Emergency.

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

Passed the House February 2, 1925.

Passed the Senate February 7, 1925.

Approved by the Governor February 16, 1925.

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## CHAPTER 15.

[H. B. 63.]

### LIENS FOR UNITED STATES INTERNAL REVENUE TAXES.

AN ACT relating to the filing of liens for United States Internal Revenue taxes.

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

SECTION 1. Notices of liens for Internal Revenue taxes payable to the United States of America and certificates discharging such liens may be filed in the office of the county auditor of any county or counties of the State of Washington within which the property subject to such lien is situated.

Notice of  
lien may  
be filed.

SEC. 2. When a notice of such tax lien is filed, the county auditor shall forthwith enter the same in an alphabetical federal tax lien index to be provided by the board of county commissioners, showing on one line the name and residence of the taxpayer named in such notice, the collector's serial number of such notice, the date and hour of filing, and the amount of tax and penalty assessed. He shall file and keep all original notices so filed in numerical order in a file or files to be provided by the board of county commissioners and designated federal tax lien notices.

Notice to be  
entered by  
county  
auditor.

SEC. 3. When a certificate of discharge of any tax lien, issued by the collector of internal revenue or other proper officer, is filed in the office of the county auditor, where the original notice of lien is

Certificate  
of discharge  
to be entered  
by county  
auditor.

filed, said county auditor shall enter the same with date of filing in said tax lien index on a line where the notice of the lien so discharged is entered, and permanently attach the original certificate of discharge to the original notice of lien.

SEC. 4. Said county auditor shall receive twenty-five cents for filing and indexing each notice of lien and each certificate of discharge. Fee.

SEC. 5. This act is passed for the purpose of authorizing the filing of notices of liens in accordance with the provisions of section 3186 of the Revised Statutes of the United States, as amended by the Act of March 4, 1913, 37 Statutes at Large, page 1016. Purpose.

Passed the House February 6, 1925.

Passed the Senate February 7, 1925.

Approved by the Governor February 16, 1925.

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## CHAPTER 16.

[H. B. 64.]

### DOMESTIC INSURANCE COMPANY INVESTMENTS.

AN ACT relating to insurance and amending Section 7063 Remington's Compiled Statutes.

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

SECTION 1. That Section 7063 Remington's Compiled Statutes be amended to read as follows:

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 during three years next prior to the making of such loan, and the regular annual dividends, in the case of investments in

Amends  
Rem. Comp.  
Stat. § 7063;  
Pierce's Code  
§ 2930-9.

Nature of  
securities  
forming  
investment.

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.

Passed the House February 6, 1925.

Passed the Senate February 7, 1925.

Approved by the Governor February 16, 1925.

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## CHAPTER 17.

[H. B. 57.]

### JOINT BOARD OF HIGHER CURRICULA.

AN ACT repealing section 4543 of Remington's Compiled Statutes establishing a joint board of higher curricula for higher educational institutions of the State of Washington.

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

SECTION 1. That section 4543 of Remington's Compiled Statutes be and the same is hereby repealed.

Passed the House February 4, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 16, 1925.

Investment  
in stock  
of solvent  
corporation.

Repeals  
Rem. Comp.  
Stat. § 4543;  
Pierce's Code  
§ 4745.



## CHAPTER 18

[S. H. B. 56.]

## TAX COMMISSION.

AN ACT relating to the administration of the government of the state, prescribing the powers and duties of certain state officers and creating and establishing certain offices and departments, and declaring that this act shall take effect immediately.

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

SECTION 1. There is hereby 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. Tax commission created.

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. Appointment and removal.

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. 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.

Vacancy.

Office.

term in which said vacancy occurs. The office of the commission shall be at the state capital.

No other public office to be held.

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

Bond.

tax commission shall receive a salary of six thousand (\$6,000.00) dollars per annum, payable monthly.

Salary.

First meeting.

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.

Chairman.

Quorum.

Meetings away from capital.

Investigations.

Minutes public.

Seal.

The tax commission shall keep full and correct minutes of its transactions and proceedings, which 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 at-

tested 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.

Records certified.

Power to administer oaths.

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.

Employees.

Expenses.

SEC. 5. The tax commission shall have the power and it shall be its duty from the time hereinafter specified:

Powers and duties.

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.

Appeal to  
commission  
from action  
of county  
board of  
equalization.

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.

Appeal to  
superior  
court from  
order of tax  
commission.

Notice.

Bond.

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 after the filing of notice of appeal, and shall be approved by him.

Appeal to  
tax com-  
mission  
from levy.

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

Bond.

Complaint  
filed with  
auditor.Copy of  
complaint  
and budget  
to tax  
commission.

Hearing.

Decision.

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.

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 or 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.

Equipment transferred.

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 committee shall be and hereby are abolished, and all powers and duties of said department of taxation and examination, except those relating to banking and

Department of taxation and examination, and state equalization committee abolished.



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.

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

Officers and employees of commission must obey orders of commission.

Procedure to compel compliance with orders.

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.

Partial  
validity.

SEC. 13. 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.

Emergency.

SEC. 14. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 6, 1925.

Passed the Senate February 10, 1925.

Approved by the Governor February 17, 1925.

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## CHAPTER 19.

[S. B. 47.]

### PUBLIC HIGHWAY RE-APPROPRIATION.

AN ACT re-appropriating certain sums from the motor vehicle fund for the purpose of constructing and maintaining certain highways that have been established and constructed and declaring that this act shall take effect immediately.

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

Re-appropriation  
\$2,500,810.70.

SECTION 1. That the sum of two million five hundred thousand eight hundred ten dollars and seventy cents (\$2,500,810.70) from the motor vehicle fund or so much thereof as may be necessary, be and the same is hereby re-appropriated for completing and maintaining work already under contract and construction on certain state roads hereinafter men-

tioned; the same being the unexpended balance of certain existing appropriations as shown by the state auditor's books December 31, 1924, the said respective balance being re-appropriated as follows:

Asotin-Anatone .....	\$ 1,064	11
Gig Harbor-Port Orchard .....	43,022	77
CASCADE WAGON ROAD—		
Marblemount-Summit .....	4,666	33
CENTRAL WASHINGTON HIGHWAY—		
Central Washington Highway .....	73,823	11
Connell-Ritzville .....	10,319	32
CHELAN AND OKANOGAN HIGHWAY—		
Trinidad-Okanogan County Line .....	164,991	83
Okanogan County .....	6,332	46
Trinidad-Columbia River .....	1,088	44
INLAND EMPIRE HIGHWAY—		
Ellensburg-Kennewick .....	146,265	58
Walla Walla-Pasco .....	24,469	84
Walla Walla-Clarkston; Walla Walla-Colfax.....	105,468	22
Colfax-Rosalia .....	127,163	92
Spokane-Whitman County Line .....	11,393	74
Kettle Falls-Laurier .....	7,110	93
Palouse-Pullman .....	13,283	89
Buena-Grandview .....	4,366	53
Dixie-Waitsburg .....	36,318	87
Meadow Creek Bridge .....	4,975	90
Springdale-Myers Falls .....	13,940	02
Garfield-Pullman .....	7,180	00
NACHES PASS HIGHWAY—		
Yakima West .....	68,041	72
Greenwater River East .....	6,440	77
NATIONAL PARK HIGHWAY—		
National Park Highway .....	224,941	08
Tacoma-Rainier National Park .....	1,254	72
NAVY YARD HIGHWAY—		
Navy Yard Highway .....	17,880	35
NORTH BANK HIGHWAY—		
Vancouver-Maryhill .....	95,097	90
NORTH CENTRAL HIGHWAY—		
Soap Lake-Davenport .....	27,377	34

## OCEAN BEACH HIGHWAY—

Ocean Beach Highway .....	\$57,210 57
Grays Harbor P. O.—Deep River .....	21,469 53

## OLYMPIC HIGHWAY—

Mill Creek—Hoh River .....	62,023 56
Lake Quinault—Queets .....	65,059 43
Aberdeen—Mud Bay .....	47,846 79

## PACIFIC HIGHWAY—

Everett—Blaine .....	129,639 58
Everett—Seattle .....	114,763 40
Seattle—Tacoma .....	36,558 21
Centralia—Vancouver .....	89,985 79

## PEND OREILLE HIGHWAY—

Newport North .....	11,658 34
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## METHOW VALLEY HIGHWAY—

Okanogan County .....	5,562 59
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## SUNSET HIGHWAY—

Seattle—Wenatchee .....	50,700 32
Wenatchee—Spokane .....	14,496 31

## STATE ROADS—

State Road No. 5.....	49,875 00
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\$3,000,000 Appropriation for maintenance and other

work Chap. 178, 1923.....	495,681 59
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*Provided, however,* That the separate amounts above stated, together with the amount expended, shall not exceed the original appropriation made in 1923 for said purposes.

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

Emergency.

Passed the Senate January 30, 1925.

Passed the House February 5, 1925.

Approved by the Governor February 18, 1925.

CHAPTER 20.

[S. B. 60.]

APPROPRIATIONS FOR PUBLIC HIGHWAYS.

AN ACT relating to public highways and making appropriations for certain streets in cities and towns, for State Highway Engineer, engineering, construction, improvement, maintenance and paving of certain state highways, and 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, and the construction, engineering and improvement of secondary state highways heretofore or hereafter contracted for, there is hereby appropriated out of the motor vehicle fund the sum of Fourteen million, eight hundred twenty-seven thousand dollars (\$14,827,000.00) 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 or for the engineering, construction, and improvement of any other secondary highway or part thereof set out in the following schedule:

Appropriation \$14,827,000.00 motor vehicle fund.

STATE ROAD No. 1

Seattle-Blaine .....	\$1,180,000 00
Seattle-Vancouver .....	1,660,000 00

STATE ROAD No. 2

Seattle-Wenatchee .....	\$700,000 00
Wenatchee-Idaho State Line .....	420,000 00
Falls City-Bothel .....	50,000 00

STATE ROAD No. 3

Virden-Kennewick .....	550,000 00
Kennewick-Richland (paving) .....	200,000 00
Pasco-Walla Walla-Oregon State Line.....	260,000 00
Walla Walla-Asotin .....	370,000 00
Dodge-Colfax .....	50,000 00
Colfax-Spokane .....	400,000 00
Spokane-Laurier .....	230,000 00

STATE ROAD No. 4

Wilbur-Tonasket .....	200,000 00
(Wilbur-North-\$80,000)	
(Anglin-East-70,000)	

STATE ROAD No. 5

Tacoma-Rainier National Park .....	330,000 00
Lewis County .....	260,000 00
Seattle-Yakima .....	550,000 00
Auburn-Tacoma .....	200,000 00

STATE ROAD No. 6..... 240,000 00

(Providing that \$25,000 may be used in cooperation with the State of Idaho and the United States Federal Bureau of Roads in the construction of an interstate bridge across the Pend Oreille River in the vicinity of Newport, Wash.)

STATE ROAD No. 7

Ellensburg-Vantage Ferry .....	40,000 00
Vantage Ferry Bridge .....	320,000 00
Vantage Ferry-Davenport .....	170,000 00

STATE ROAD No. 8

Vancouver-Maryhill .....	820,000 00
Maryhill-Buena .....	200,000 00

STATE ROAD No. 9

Olympia-Port Townsend-Port Angeles .....	1,150,000 00
Port Angeles-Hoh River .....	300,000 00
Perry Creek-Queets .....	440,000 00
Grand Mound-Elma .....	100,000 00

STATE ROAD No. 10

Quincy-Wenatchee .....	100,000 00
Chelan County .....	70,000 00
Okanogan County .....	180,000 00

STATE ROAD No. 11..... 160,000 00

STATE ROAD No. 12	
Chehalis-Astoria Ferry Landing.....	\$600,000 00
Kelso-Johnson's Landing .....	650,000 00
STATE ROAD No. 13 .....	200,000 00
STATE ROAD No. 14 .....	340,000 00
STATE ROAD No. 21	
Kingston-Port Gamble .....	100,000 00
Charleston-Kitsap Lake .....	75,000 00
STATE ROAD No. 22 .....	240,000 00
METHOW VALLEY HIGHWAY .....	40,000 00
EASTERN DIVISION OF INLAND EMPIRE HIGHWAY	
Rosalia-Idaho State Line .....	60,000 00
CASCADE WAGON ROAD .....	70,000 00
ANACORTES EAST .....	56,000 00
ASOTIN-ANATONE .....	50,000 00
BELLINGHAM-AUSTIN PASS .....	60,000 00
WOODINVILLE CUT OFF SNOHOMISH COUNTY (to be used with county funds and/or permanent highway)..	12,500 00
ISLAND COUNTY	
For such surveys, examinations, estimates and re- port by the state highway engineer as may be necessary to determine the feasibility and cost of a state highway beginning at or in the vicinity of Orr's Landing in Island County, thence northerly by the most feasible route to Deception Pass, thence by ferry to the vicinity of Dewey in Skagit County, thence by the most feasible route to a connection with the Pacific Highway in Skagit County .....	6,000 00
CHARLESTON - SEABECK — Investigation, survey and estimate .....	2,000 00
ALBERT SMITH, FOR RELIEF OF.....	2,500 00
STATE HIGHWAY ENGINEER—Operation and capital outlay .....	210,000 00
CITIES AND TOWNS .....	150,000 00

SEC. 2. That part of the Olympic Highway between Shelton and Lake Crescent may be constructed by day work.

Day labor  
authorized  
for certain  
improve-  
ments.

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

Passed the Senate February 7, 1925.

Passed the House February 9, 1925.

Approved by the Governor February 18, 1925.

## CHAPTER 21.

[H. B. 54.]

### 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 and amending Section 6819 of Remington's Compiled Statutes and declaring this act shall take effect immediately.

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

Amends  
Rem. Comp.  
Stat. § 6819;  
Pierce's Code  
§ 6171.

Moneys from  
1½ mill levy,  
to permanent  
highway  
fund.

Credits to  
counties.

SECTION 1. That section 6819 of Remington's Compiled Statutes be amended to read as follows:

Section 6819. All moneys derived from levies of taxes of one and one-half (1½) mills upon all property in the state subject to taxation for the purpose of raising revenue for the construction, improvement and maintenance of permanent highways, made in the year 1924 and previous years, shall be paid into the state treasury and credited to the fund known as the permanent highway fund. The amounts received from each county shall be credited to the county paying the same, until such time as the same shall be expended on contracts for permanent highways within such county or for the maintenance of the same under the provisions of this act, or for the payment of interest on or



the redemption of bonds as provided herein. Not less than five nor more than fifty per cent, as may be determined by resolution of the board of county commissioners at their first meeting after the taking effect of this act for the year 1925 and at their January meeting in each succeeding year, of all moneys credited in any year to each county under this act and which shall be derived from any source herein provided shall be set aside and expended by the board of county commissioners, upon vouchers approved by such board, for maintaining and repairing roads constructed under the provisions of this act and other roads of like character, and no part of such per cent shall be expended for any other purpose. If any county has heretofore issued or whenever any county shall hereafter issue bonds of the county for the making or improving of permanent highways or roads equal in character within such county, the board of county commissioners of such county may, at the time of ascertaining and levying taxes to pay the interest on such bonds or at the time of ascertaining and levying taxes to accumulate a sinking fund for the redemption of such bonds, by resolution entered upon their minutes, apply the whole or any portion of the permanent highway fund, then standing to the credit of such county on the books of the state auditor in excess of the amount necessary to pay all contracts then outstanding for the payment of which such fund is or may become liable to the payment of such interest or to such sinking fund. There shall be set forth in such resolution statements showing, first, the amount of all taxes levied in such county for the permanent highway fund which have not been remitted to the state auditor or which remain uncollected and, second, all contracts for the payment of which the permanent highway fund credited to

Amount of expenditures by counties.

County share applied to bonds.

Resolution.

such county is or may become liable. The commissioners may apply such amount to the payment of interest or into the sinking fund without levying the tax required by law to be levied for such purpose, or the commissioners may, in addition to the amount so applied, levy a tax in addition thereto either to raise funds for the payment of interest or for the redemption of such bonds. A certified copy of such resolution shall be transmitted to the state auditor and upon receipt thereof, he shall transmit the amount so applied to the county treasurer who shall credit the same to the proper accounts for the purposes stated in such resolution.

SEC. 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, from time to time during the calendar year, 1926, and 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 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 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.

Transfer  
from motor  
vehicle fund  
to permanent  
highway  
fund.

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

Passed the House February 3, 1925.

Passed the Senate February 7, 1925.

Approved by the Governor February 18, 1925.

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## CHAPTER 22.

[H. B. 53.]

### PUBLIC HIGHWAY RE-APPROPRIATION FOR ISLAND COUNTIES.

AN Act reappropriating a certain sum from the Permanent Highway Fund for the purpose of construction and maintenance of permanent highways and highways in counties composed entirely of islands and declaring this act shall take effect immediately.

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

SECTION 1. For the completion of work already under contract, for new contracts, for the construction and maintenance of permanent highways and for the construction and maintenance of highways in counties composed entirely of islands, there is hereby reappropriated from the Permanent Highway Fund the sum of one million, three hundred seventy-six thousand, seven hundred seventy dollars and sixty cents (\$1,376,770.60), 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 December 31, 1924.

Re-appropriation  
\$1,376,770.60  
permanent  
highway  
fund.

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

Passed the House February 3, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 18, 1925.

CHAPTER 23.

[H. B. 58.]

PERMANENT HIGHWAY IMPROVEMENT.

AN ACT relating to public highways and amending Remington's Compiled Statutes by adding a new section to Title XLI, Chapter XXVII thereof, to be known as Section 6773-1, and amending section 6781 of Remington's Compiled Statutes.

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

Amends Rem. Comp. Stat. § 6773-1; Pierce's Code § 6157-1.

SECTION 1. That Remington's Compiled Statutes be amended by adding a new section to Title XLI, Chapter XXVII thereof to follow section 6773, to be known as section 6773-1 as follows:

New highways between trade centers.

Section 6773-1. Whenever the county commissioners of any county shall determine that it is advisable to lay out and establish a new highway to begin at some trade center, or as a part of or to connect with any improved public road constructed along a main line of travel, which either begins at some trade center, or is an extension of an existing road of like character beginning at some trade center, and shall pass a resolution fixing the termini of such proposed new highway and the general route and location thereof, such proposed new highway may be constructed and improved, and any private lands necessary for the right of way of such proposed new highway may be acquired, under the provisions of this Chapter.

Amends Rem. Comp. Stat. § 6781; Pierce's Code § 6165.

SEC. 2. That Section 6781 of Remington's Compiled Statutes be amended to read as follows:

Bids called for.

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 they deem ad-

visible, 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 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, 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, 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. Monthly partial payments shall be provided for in the contract and paid in the manner therein provided, when certified by the county engineer or construction engineer employed, as the case may be, to an amount equal to eighty per centum of the value of the work done during the preceding month. Twenty per centum of the contract price shall be retained until the entire work has been accepted and 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

Lump sum basis.

Contractor's bond.

Certified checks to accompany bids.

Monthly payments.

Twenty per cent of contract price to be retained until work is completed.

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. 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 payment shall be made for any incidental changes 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. Whenever any permanent highway shall be improved or constructed pursuant to a petition as provided for in section 6774, the proportion of the cost of such improvement chargeable to the property within the improvement district shall be paid out of the general road and bridge fund of the county, and all taxes assessed against abutting property under the provisions of the following section, and all moneys payable by any township, shall, when collected, be paid into said general road and bridge fund. All payments made from the general road and bridge

State payments.

Certificate of completion of work.

Warrants not issued without funds.

Incidental changes.

One mile minimum.

County road and bridge fund to pay and receive funds.

Payments from county funds.

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.

Passed the House February 5, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 18, 1925.

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## CHAPTER 24.

[H. B. 52.]

### MARKING INTERSTATE ROADS.

AN ACT authorizing the state highway department to cooperate with the highway departments of the several states and the Federal government in numbering and marking the roads of interstate character.

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

SECTION 1. That the state highway department of the state of Washington is hereby authorized to cooperate with the several states and with the Federal government in formulating and adopting the uniform system of numbering, or designating roads of interstate character within this state and in the selection and erection of uniform danger signals and safety devices for the protection and direction of traffic on state highways.

Cooperation  
authorized.

Passed the House February 3, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 18, 1925.

## CHAPTER 25.

[H. B. 59.]

## VALIDATION OF PUBLIC HIGHWAY EXPENDITURES.

AN ACT validating certain 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 any county or state officer in payment for any right of way for, or in the construction, improvement or maintenance of any public highway under the supposed authority of Chapter XXVII, Title XLI, Remington's Compiled Statutes, relating to permanent highways, and which expenditure may not have been valid solely because of the fact that such expenditure was made in connection with a new highway as distinguished from an existing highway, all such expenditures are hereby ratified and validated.

Passed the House February 5, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 18, 1925.

Erroneous  
expenditures  
validated.



## CHAPTER 26.

[H. B. 61.]

## PRIMARY AND SECONDARY STATE HIGHWAYS.

AN ACT relating to and establishing, classifying, naming and fixing the routes of certain state highways, and amending sections 1, 2, 3, 4, 8, 14 and 15, Chapter 185 of the Laws of 1923, and Section 6810 of Remington's Compiled Statutes, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 14, Chapter 185 of the Laws of 1923 be and the same is hereby amended to read as follows:

Amends  
§ 14, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-14.

Section 14. A primary state highway, to be known as State Road No. 4 or the Tonasket-San Poil Highway, is established as follows: Beginning at the city of Wilbur in Lincoln County; thence by the most feasible route in a northerly direction to Republic in Ferry County; thence in a westerly direction to Tonasket in Okanogan County.

State road  
No. 4 or  
Tonasket-  
San Poil  
Highway.

SEC. 2. That section 15, Chapter 185 of the Laws of 1923 be and the same is hereby amended to read as follows:

Amends  
§ 15, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-15.

Section 15. A primary state highway, to be known as the Methow Valley Highway, is established as follows: Beginning at Pateros in Okanogan County; thence by way of Methow, Carlton, Twisp, Winthrop and Mazama to Barron in Whatcom County.

Methow  
Valley  
Highway.

SEC. 3. That section 6810 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Amends  
Rem. Comp.  
Stat. § 6810;  
Pierce's Code  
§ 6840.

Section 6810. A primary state highway is established as follows: State Road No. 22. This road shall begin at a point on State Road No. 3 near Kettle Falls in Stevens County, and run thence through Kettle Falls, Daisy, Gifford, Cedonia and

State road  
No. 22.

Hunters to Fruitland; thence by the most feasible route to and across the Spokane River to a connection with the Sunset Highway at Davenport in Lincoln County.

Amends  
§ 4, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-4.

SEC. 4. That Section 4 of Chapter 185 of the Laws of 1923 be amended to read as follows:

State road  
No. 5 or  
National  
Park  
Highway.

Section 4. A primary state highway, to be known as State Road No. 5 or the National Park Highway System, is established as follows: Beginning at the City of Tacoma; thence by the most feasible route in a southeasterly direction through Elbe and Ashford to the Rainier National Park gate; also from a junction in the City of Elbe; thence in a southerly direction through Morton, Kosmos; thence in a westerly direction through Nesika, Riffe and Ethel to a junction with State Road No. 1 or the Pacific Highway at or in the vicinity of Jackson Prairie; also from a junction at or near Kosmos in Lewis County in a northeasterly direction through Lewis in Lewis County through Sheepskull Gap; thence in a northwesterly direction through Enumclaw, Auburn, Kent to a connection with State Road No. 2 in the vicinity of Renton; also from a junction at Sheepskull Gap in a southeasterly direction to Yakima; also from a junction at Auburn by the most feasible route in a general southerly and westerly direction through Derringer, Sumner and Puyallup to a junction with State Road No. 1 at Tacoma.

Amends  
§ 8, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-8.

SEC. 5. That section 8 of Chapter 185 of the Laws of 1923 be amended to read as follows:

State road  
No. 9, or  
Olympic  
Highway.

Section 8. A primary state highway, to be known as State Road No. 9 or the Olympic Highway, is established as follows: Beginning at Olympia; thence by the most feasible route in a northerly direction through Shelton, Hoodspert, Duckabush, Sequim, to Port Angeles; thence in a westerly direc-

tion to Forks in Clallam County; thence in a southerly direction to Hoquiam in Grays Harbor County; thence in an easterly direction through Aberdeen, Montesano and Elma to Olympia; also from a junction in the vicinity of Discovery Bay to Port Townsend; also from a junction at Elma in an easterly direction to a connection with State Road No. 1 in the vicinity of Grand Mound.

SEC. 6. That section 3 of Chapter 185 of the Laws of 1923 be amended to read as follows:

Amends  
§ 3, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-3.

Section 3. A primary state highway, to be known as State Road No. 3, or the Inland Empire Highway, is established as follows: Beginning at the international boundary line at Laurier in Ferry County; thence by the most feasible route in a southerly direction through Colville, Spokane, Colfax, Dayton to Walla Walla; thence in a northwesterly direction through the cities of Wallula, Pasco, Sunnyside, Yakima, Ellensburg, to a junction with the Sunset Highway at or near Virden in Kittitas County; also from a junction at Dodge in Garfield County; thence in an easterly direction through the cities of Pomeroy and Clarkston; thence in a southerly direction to Asotin in Asotin County; also from a junction at Wallula; thence in a southwesterly direction to the Oregon State line; also from a junction at Walla Walla in a southerly direction to the Oregon State line; also from a junction at Colfax to a junction with the eastern route of the Inland Empire Highway at Pullman.

State road  
No. 3, or  
Inland  
Empire  
Highway.

SEC. 7. That section 2 of Chapter 185 of the Laws of 1923 be amended to read as follows:

Amends  
§ 2, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-2.

Section 2. A primary state highway, to be known as State Road No. 2 or the Sunset Highway, is established as follows: Beginning at the City of Seattle: thence by the most feasible route in an easterly direction through the cities of Renton,

State road  
No. 2, or  
Sunset  
Highway.

North Bend, Cle Elum, Wenatchee, Waterville, Davenport and Spokane to the Washington-Idaho state line; also from a junction at Fall City in King County by the most feasible route by way of Redmond and Woodinville to Bothel.

SEC. 8. That section 1 of Chapter 185 of the Laws of 1923 be amended to read as follows:

Section 1. A primary state highway, to be known as State Road No. 1, or the Pacific Highway, is established as follows: Beginning at the international boundary line at Blaine in the County of Whatcom; thence by the most feasible route in a southerly direction through the cities of Bellingham, Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Chehalis, Kelso and Vancouver to the interstate bridge over the Columbia River between Vancouver and Portland; also from a junction in the city of Bellingham; thence by the most feasible route in an easterly direction to Austin Pass in Whatcom County.

SEC. 9. 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 6, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 18, 1925.

Amends  
§ 1, Ch. 185,  
L'23; Rem.  
1923 Sup.  
§ 6791-1.

State road  
No. 1, or  
Pacific  
Highway.

Emergency.

## CHAPTER 27.

[S. B. 56.]

## CAPITOL BUILDING BONDS.

AN ACT relating to the construction of the Capitol Building at the State Capital, erecting a memorial, acquiring property, improving grounds, issuing bonds against the Capitol Building lands and making an appropriation and declaring that this act shall take effect immediately.

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

SECTION 1. The State Capitol Committee may, in its discretion, issue coupon or registered bonds of the State of Washington in an amount not exceeding four million dollars (\$4,000,000.00). Such bonds shall bear interest at a rate not to exceed five (5) per cent per annum, both principal and interest to be payable only from the capitol building construction fund from revenues hereafter received from leases and contracts of sale heretofore made, and from leases and sales hereafter to be made, of lands, timber and other products from the surface, or beneath the surface, of the lands granted to the State of Washington by the United States, pursuant to an act of Congress approved February 22, 1889, for capitol building purposes. Such bonds may be sold in such manner and in such amount and in such denomination, and at such times as the State Capitol Committee shall determine, at the best price obtainable, but not for a sum so low as to make the net interest return to the purchaser exceed five per cent per annum as computed by standard tables upon such sum; or the state treasurer may, and he is hereby authorized to invest surplus cash in the accident fund in said bonds at par, at such rate of interest, not exceeding five per cent, as may be agreed upon between the treasurer and the State Capitol Committee, and the State Finance Commit-

Bond authorization.

Fund liable for payment.

Sale of bonds.

Treasurer may invest surplus cash in accident fund in bonds.

State finance committee may invest surplus cash in general fund in bonds.

tee may, and it is hereby authorized to invest any surplus cash in the general fund, not otherwise appropriated, in said bonds at par at such rate of interest, not exceeding five per cent, as may be agreed upon between the State Finance Committee and the State Capitol Committee.

Denominations and when payable.

SEC. 2. Bonds issued under the provisions of this Act shall be in such denominations, and shall be payable in such manner and at such place or places, and at such time or times, not longer than twenty years from their date, with the option of paying any or all of said bonds at any interest-paying date, as shall be fixed by the State Capitol Committee, and the interest on such bonds shall be payable semi-annually. Such bonds shall be signed by the Governor and State Auditor under the seal of the State, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereupon may be printed facsimiles. Any of such bonds may be registered in the name of the holder upon presentation to the State Treasurer, or at the fiscal agency of the State of Washington, in New York, as to principal alone, or as to both principal and interest under such regulations as the State Capitol Committee may prescribe.

Interest payable semi-annually.

Bonds signed by Governor and state auditor.

Registration.

Disposition of proceeds.

SEC. 3. The proceeds from the sale of the bonds hereby authorized shall be paid into the Capitol Building Construction Fund.

As security.

SEC. 4. Bonds authorized by this Act shall be accepted by State, Counties, Cities, Towns, School Districts, and other municipal corporations of this State as security for the deposit of any of their funds in any banking institution in this State. Any officer of this State, or any County, City, Town, School District, or other municipal corporation, is hereby authorized to invest surplus funds, which he is authorized to invest in securities, and where such

Investment in bonds by municipalities.

authorization is not limited or restricted as to the class of securities in which he is authorized to invest, in the bonds herein authorized to be issued.

SEC. 5. There is hereby appropriated out of the capitol building construction fund the sum of four million dollars (\$4,000,000.00) to be expended by the State Capitol Committee in the completion of the construction of the administration and legislative building, now under construction in the State Capitol group, according to the plans adopted by said Capitol Committee, and the purchase of fixtures, mechanical and electrical devices for said administrative and legislative building, and the acquisition by purchase and/or condemnation of property heretofore authorized by law to be acquired, and for the erection of the memorial heretofore authorized by law, and for improving and laying out the Capitol Grounds.

Appropriation  
\$4,000,000.00.

Purpose.

SEC. 6. This Act is concurrent with other legislation with reference to raising revenue to construct Capitol buildings, and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

Concurrent  
legislation.

SEC. 7. This Act is necessary for the support of the State government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate February 7, 1925.

Passed the House February 9, 1925.

Approved by the Governor February 19, 1925.

## CHAPTER 28.

[S. B. 40.]

## MILITIA.

AN ACT relating to the Militia, and amending Sections 8491 and 8504 of Remington's Compiled Statutes of Washington, the same being Sections 3765-37 and 3765-50 of Pierce's Code.

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

Amends  
Rem. Comp.  
Stat. § 8491;  
Pierce's Code  
§ 3765-37.

SECTION 1. That Section 8491 of Remington's Compiled Statutes of the State of Washington, be amended to read as follows:

Promotion  
list.

Section 8491. It shall be the duty of the Commander-in-chief to cause to be established and maintained in the office of the Adjutant General, a promotion list, upon which list shall be entered the name of each officer of the active list of the Organized Militia or National Guard of Washington, assigning to the senior officer in each grade number One (1) and continuing lineally thereafter in each grade in order of seniority.

Seniority  
determina-  
tion.

In determining the seniority of each officer on the promotion list, such officer shall be credited, First: with all service as an officer, warrant officer, or enlisted man, of the active list of the Organized Militia, or National Guard of Washington; Second: with all service as an officer, warrant officer, or enlisted man, of the active list in any of the military forces of the United States during the World War, the Mexican Border Mobilization, the Spanish American War, the Philippine Insurrection, or any other military emergency; Third: with all service as an officer, warrant officer, or enlisted man, of the active list of the Regular Army, Navy, or Marine Corps of the United States; Fourth: with all service as an officer, warrant officer or enlisted man, of the active list of the Organized Militia or National Guard of other states; and Fifth: with all service as



an officer or enlisted man of the Organized Reserve of the Army of the United States while on an active status.

The officer having the greatest length of aggregate service to his credit shall be the senior, for the purpose of promotion, in any given grade.

Grade seniors.

If two or more officers of the same grade shall have had equal length of aggregate service, seniority between them, for the purpose of promotion, shall be determined by length of service in that grade in the Organized Militia or National Guard of Washington.

Equal service.

SEC. 2. That Section 8504, of Remington's Compiled Statutes of the State of Washington, be amended to read as follows:

Amends Rem. Comp. Stat. § 8504; Pierce's Code § 3765-50.

Section 8504. Commissioned officers, warrant officers, field clerks and enlisted men of the National Guard of Washington, while on duty, during encampment or other periods of field training, or in aid of the civil authorities, or on any other duty for which pay is authorized by the Commander-in-chief, shall be entitled to and shall receive the pay and allowances provided by Federal laws and regulations for commissioned officers, warrant officers, field clerks, and enlisted men of the National Guard during periods of field training: *Provided*, that for travel, officers shall receive only their actual necessary expenses.

National guard pay rate.

Travel expense.

Officers, warrant officers, and enlisted men of the Naval Militia of Washington, when on active duty, shall receive the pay and allowances provided by Federal laws and regulations for officers, warrant officers, and enlisted men of the Naval Reserve force while on active duty: *Provided*, that for travel, officers shall receive only their actual necessary expenses.

Naval militia pay rate.

Travel expense.

For each re-enlistment, after serving one full enlistment period of three years, or the equivalent thereof, in the Army, Navy, Marine Corps or Na-

10% increase for each re-enlistment.

tional Guard of the United States, enlisted men of the organized militia of Washington shall be entitled to an additional ten (10) per cent of their base pay as re-enlistment pay. For the purpose of pay, service in the Army, Navy or Marine Corps of the United States from August 5th, 1917 to November 11th, 1918, both dates inclusive, shall be equivalent to service for a full enlistment period of three (3) years in the Organized Militia of Washington. Enlisted men proving such service shall be allowed ten (10) per cent additional on their base pay.

Federal  
service.

Extra duty  
pay.

Extra duty pay or allowances to men rated as clerks, cooks and bandsmen may be authorized by the Commander-in-Chief during periods of field service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two (\$2.00) dollars per day.

Discharge  
pay.

Upon completion of his enlistment, or upon honorable discharge by proper authority, each enlisted man shall receive, in addition to the pay above mentioned, the sum of fifty cents (50c) for each day of paid service not exceeding fifty days, less all proper deductions for fines or lost property: *Provided*, that claims for such additional pay shall not be valid unless filed with the Adjutant General within twelve (12) months from the date of discharge: *Provided, further*, that members of the National Guard who have enlisted in or been merged into service of the United States Army, Navy or Marine Corps, shall have twelve (12) months from their discharge from the United States service in which to file their claim for such additional pay.

Passed the Senate January 29, 1925.

Passed the House February 6, 1925.

Approved by the Governor February 20, 1925.

## CHAPTER 29.

[H. B. 55.]

## PORT DISTRICTS.

AN ACT relating to and authorizing certain port districts to levy for dredging purposes.

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

SECTION 1. Any port district organized under the laws of this State and having a population of not less than forty-five thousand nor more than eighty thousand, according to the last preceding Federal census, shall, in addition to the powers otherwise provided by law, have the power to raise revenue by the levy and collection of an annual tax on all taxable property within such port district of not to exceed two mills on each dollar of the assessed valuation of the taxable property in such port district, for dredging purposes, the proceeds of any such levy to be used exclusively for dredging purposes, *Provided*, that no such levy for dredging purposes under the provisions of this act shall be made unless and until the question of authorizing the making of such additional levy shall have been submitted to a vote of the electors of the district in the manner provided by law for the submission of the question of making additional levies in school districts of the first class at an election held under the provisions of section 5150 of Remington's Compiled Statutes and shall have been authorized by a majority of the electors voting thereon.

Levy for dredging authorized.

Submission to electors.

SEC. 2. Whenever such additional levy for dredging purposes shall have been authorized by the electors of the district at an election, held subsequent to the time of making the levy for the district for general purposes, in any year, such levy shall be certified by the port commission in the man-

Certification of levy.

How  
collected.

ner provided by law for certifying levies for general purposes of the district, and shall be forthwith spread and extended upon the tax rolls for the current year, and the taxes so levied and extended shall be collected in the manner provided by law for the collection of general taxes.

Passed the House February 4, 1925.

Passed the Senate February 7, 1925.

Approved by the Governor February 20, 1925.

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## CHAPTER 30.

[H. B. 62.]

### AUTHORITY TO CONVEY PROPERTY TO OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY.

AN ACT authorizing and directing the governor to convey certain premises to the Oregon-Washington Railroad & Navigation Company.

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

Authority  
to convey.

Purpose.

Description.

SECTION 1. That the governor be and he is hereby authorized and directed, in the name of the State of Washington, to convey by quit claim deed to the Oregon-Washington Railroad & Navigation Company, a corporation, the following described premises, which premises are being conveyed to said corporation in lieu of other lands acquired by the State of Washington from said corporation for state highway purposes: A piece or parcel of land containing 0.20 of an acre, more or less, being all that portion of Lot 3, Block 38, Blalock Orchards in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 26, Township 7 North, Range 35 East, Willamette Meridian, Walla Walla County, Washington, according to the official plat thereof on file in the office of the auditor of said county, more particularly described as follows, to-wit: Beginning at the point of intersection of the east line of said Section 26 with the southerly right of way line of

Oregon-Washington Railroad & Navigation Company, said point being 919.9 feet southerly measured along said east line, from the quarter corner thereof and also being distant 25 feet southerly from, measured at right angles to, the center line of the main track of the railroad of said Oregon-Washington Railroad & Navigation Company; thence westerly along said southerly right of way line, parallel to, and 25 feet southerly from said center line of main track a distance of 426.2 feet to the east line of said Lot 3 and being the true point of beginning of this description; thence continuing westerly along said southerly right of way line a distance of 218.5 feet to the west line of said Lot 3; thence south along the said west line a distance of 41.6 feet to a point distant 40 feet southerly from, measured at right angles to, said southerly right of way line; thence easterly parallel to and 40 feet southerly from said southerly right of way line a distance of 218.5 feet to a point on said east line of Lot 3; thence north along said east line a distance of 41.6 feet to the true point of beginning; and

A piece or parcel of land containing 0.29 of an acre, more or less, being all those parts of Lots 1 and 2, Block 38, Blalock Orchards in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 26, Township 7 North, Range 35 East, Willamette Meridian, Walla Walla County, Washington, according to the official plat thereof on file in the office of the auditor of said county, more particularly described as follows, to-wit: Beginning at the point of intersection of the east line of said Section 26, with the southerly right of way line of Oregon-Washington Railroad & Navigation Company, said point being 919.9 feet southerly, measured along said east line, from the quarter corner thereof and also being distant 25 feet southerly from, measured at right angles to, the center line of the main track of the railroad of Oregon-Washing-

ton Railroad & Navigation Company; thence westerly along said southerly right of way line parallel to and 25 feet southerly from said center line of main track, a distance of 426.2 feet to the west line of said Lot 2; thence south along said west line a distance of 31.2 feet to a point distant 30 feet southerly from, measured at right angles to, said southerly right of way line; thence easterly parallel to and 30 feet southerly from said southerly right of way line a distance of 426.2 feet to a point on the said east line of Section 26; thence north along said east line a distance of 31.2 feet to the point of beginning.

Passed the House February 6, 1925.

Passed the Senate February 9, 1925.

Approved by the Governor February 20, 1925.

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## CHAPTER 31.

[H. B. 66.]

### COUNTY BOARD OF EQUALIZATION.

AN ACT amending Section 11219 of Remington's Compiled Statutes and relating to county boards of equalization, their composition, powers and duties.

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

SECTION 1. That Section 11219 of Remington's Compiled Statutes be amended to read as follows:

Section 11219. The county commissioners, or a majority of them, shall form a board for the equalization of the assessment of the property of the county: *Provided*, that in counties under township organization, the chairman of the township supervisors of the several townships, at a meeting called by the county auditor for the purpose, shall select a committee of three, one from each county commissioner's district, to sit with the county board of

Amends  
Rem. Comp.  
Stat. § 11219;  
Pierce's Code  
§ 7014.

County  
board of  
equal-  
ization.

Township  
members.

equalization as members of said county board of equalization as to all property outside the corporate limits of any city or town. The members of said board shall receive five dollars (\$5.00) per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county. The board of equalization shall meet in open session for this purpose annually on the first Monday in July at the office of the county assessor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

Salary.

Time of meeting.

Assessor as clerk.

First. They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Raising valuations of real estate.

Second. They shall reduce the valuation of each tract or lot which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Reductions on real estate.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property

Raising valuations of personalty.

possessed by such individual to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, being a nonresident of the county in which his property is assessed, reduce the valuation of each class of personal property enumerated in section 11137 aforesaid, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individuals who, in their opinion, have been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

The county assessor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. Having corrected the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state auditor on or before the first Monday in September next following the meeting of the county board of equalization.

The county board of equalization may continue in session and adjourn from time to time during two weeks, and shall remain in session not less than three days, commencing on the first Monday in July:

Reductions  
on personal  
property.

Journal of  
proceedings.

Duplicate  
abstracts of  
corrected  
values.

July  
session.



*Provided*, that no taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

The county assessor shall make a record of all errors in descriptions, double assessments, or manifest errors in assessment appearing on the assessment list at the time of the extension of the rolls, and after duly verifying the same, file said record with the county board of equalization on the third Monday in November next succeeding the annual meeting of the county board of equalization. The county board of equalization shall reconvene on such day for the sole purpose of considering such errors in description, double assessments, or manifest errors appearing on the assessment list at the time of the extension of the rolls, and shall proceed to correct the same, but said board shall have no authority to change the assessed valuation of the property of any person or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, except only insofar as the same may be affected by the corrections ordered based on the record submitted by the county assessor.

Record of  
errors in  
assessments.

November  
session of  
board for  
correction  
of rolls.

Passed the House February 10, 1925.

Passed the Senate February 11, 1925.

Approved by the Governor February 20, 1925.

CHAPTER 32.

[S. B. 59.]

APPROPRIATION FOR IMPROVEMENTS FOR STATE INSTITUTIONS.

AN ACT making an appropriation for the purchase of land, the construction of buildings and making improvements for certain state institutions and declaring that this act shall take effect immediately.

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

Appropriations authorized.

SECTION 1. The following sums or as much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the several funds in the state treasury hereinafter named for the purchase of land, the construction of buildings and improvements for the various state institutions hereinbelow designated and mentioned, for the year beginning April 1st, 1925, and ending March 31st, 1926, as hereinafter particularly specified in the amount appropriated for such purposes to be expended under the direction of the board or officer having control.

FROM THE GENERAL FUND.

Training school.	FOR THE STATE TRAINING SCHOOL	
	Dining hall, kitchen and dormitory.....	\$100,000 00
Custodial school.	FOR THE STATE CUSTODIAL SCHOOL	
	One ward building .....	90,000 00
	Water system .....	60,000 00
Western state hospital.	FOR THE WESTERN STATE HOSPITAL	
	One administration building and alterations.....	130,000 00
Northern state hospital.	FOR THE NORTHERN STATE HOSPITAL	
	Water system .....	100,000 00
State college.	FOR THE WASHINGTON STATE COLLEGE	
	Cattle barn .....	25,000 00
	Sewer system in connection with city of Pullman	30,000 00
	Completion of Troy Hall and equipment thereof..	171,690 00
Ellensburg normal.	FOR ELLENSBURG STATE NORMAL SCHOOL	
	Library building .....	100,000 00

FOR CHENEY STATE NORMAL SCHOOL			Cheney normal.
Completion of dormitory .....	23,000	00	
FOR BELLINGHAM STATE NORMAL SCHOOL			Bellingham normal.
Purchase of land .....	30,000	00	
FOR THE UNIVERSITY OF WASHINGTON			University of Washington.
Boilers and the installation thereof.....	65,000	00	
Pipe line .....	35,000	00	

FROM THE UNIVERSITY OF WASHINGTON  
BUILDING FUND.

For the erection, alteration, maintenance, equipment or furnishing of buildings for the University of Washington .....	\$256,000	00	University of Washington buildings.
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FROM THE GENERAL FUND.

FOR THE STATE SCHOOL FOR THE BLIND			School for blind.
For improving water supply, pumping equipment and for sanitation.....	\$5,000	00	

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

Passed the Senate February 11, 1925.

Passed the House February 10, 1925.

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

J. GRANT HINKLE,  
*Secretary of State.*

CHAPTER 33.

[H. B. 60.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, and for sundry civil expenses of the state government, and for miscellaneous purposes for the fiscal year beginning April 1st, 1925, and ending March 31st, 1926, 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 sundry civil expenses of the state government, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal year beginning April 1st, 1925, and ending March 31st, 1926, except as otherwise provided.

SEC. 2. The word "operation," as used herein, includes salaries and wages of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, including necessary traveling expenses.

FROM THE GENERAL FUND.

Governor.

FOR THE GOVERNOR'S OFFICE:

Salary of Governor .....	\$6,000 00
Operations .....	18,500 00
Investigation and emergency .....	15,000 00
Extradition expenses .....	10,000 00

Appropriations authorized.

Terms defined.

FOR THE GOVERNOR'S MANSION:

Governor's mansion.

Maintenance and furnishings of every kind to be distributed on vouchers approved by the Governor ..... \$11,250 00

Total ..... \$60,750 00

FOR THE LIEUTENANT GOVERNOR:

Lieutenant governor.

Salary of Lieutenant Governor..... \$1,200 00  
 Hotel bills and traveling expenses while attending sessions of the legislature and when acting Governor ..... 750 00

Total ..... \$1,950 00

FOR THE SECRETARY OF STATE'S OFFICE:

Secretary of state.

Salary of Secretary of State..... \$3,000 00  
 Operations ..... 19,400 00  
 Printing expert ..... 2,100 00  
 Blue sky enforcement operation... 12,500 00  
 Initiatives and referendums..... 3,000 00

Total ..... \$40,000 00

FOR THE STATE AUDITOR:

Auditor.

Salary of Auditor ..... \$3,000 00  
 Operations ..... 30,100 00  
 Veterans' Compensation Department, Operation ..... 5,700 00  
 Veterans' Compensation ..... 50,000 00

Total ..... \$88,800 00

No moneys shall be paid out of the state treasury or any of its funds for veterans' compensation under the provisions of Chapter 1 of the Laws of the extraordinary session of 1920 unless application and certificate therefor shall be or shall have been filed with the state auditor on or before the first day of April, 1926.

FOR THE STATE TREASURER:

Treasurer.

Salary of Treasurer ..... \$3,000 00  
 Operations ..... 22,000 00

Total from General Fund..... \$25,000 00

FROM THE FISHERIES FUND.

Operations ..... \$15,345 00

## FROM THE HIGHWAY SAFETY FUND.

Operations .....	\$4,000 00
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## FROM THE MOTOR VEHICLE FUND.

Operations .....	\$16,000 00
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## FROM THE GENERAL FUND.

Public  
instruction.

## FOR SUPERINTENDENT OF PUBLIC INSTRUCTION:

Salary of Superintendent .....	\$3,000 00
Operations .....	42,000 00

## RURAL SCHOOL DEPARTMENT:

Operations .....	\$4,000 00
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## HIGH SCHOOL DEPARTMENT:

Operations .....	\$6,000 00
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## STATE BOARD OF EDUCATION:

Operations .....	\$3,000 00
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## VOCATIONAL EDUCATION:

Operations .....	\$18,000 00
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Total .....	\$76,000 00
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Attorney  
general.

## FOR THE ATTORNEY GENERAL'S OFFICE:

Salary of Attorney General .....	\$3,500 00
Operations .....	44,500 00

Total .....	\$48,000 00
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Commiss-  
sioner of  
public lands.

## FOR THE COMMISSIONER OF PUBLIC LANDS:

Salary of Commissioner .....	\$5,000 00
Operations .....	85,460 00
Special surveys and investigations..	3,875 00

Total .....	\$94,335 00
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Insurance  
commis-  
sioner.

## FOR THE INSURANCE COMMISSIONER:

Operations .....	\$44,770 00
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## INVESTIGATION OF SUPPOSED INCENDIARY FIRES:

Operations .....	\$13,500 00
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## EXAMINING INSURANCE COMPANIES:

Operations .....	\$11,750 00
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## DEPARTMENT OF BUSINESS CONTROL:

Operations .....	\$53,000 00
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## Capitol buildings and grounds:

Operations .....	\$65,000 00
For repair of Governor's mansion	10,000 00

Total .....	\$75,000 00
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PAROLE DEPARTMENT:		Parole department.
Operations .....	\$21,580 00	
TRANSPORTATION DEPARTMENT:		Transportation department.
Operations .....	\$42,000 00	
DEPORTATION ALIEN AND NON-RESIDENT INSANE:		Alien insane deportation.
Operations .....	\$20,000 00	
STATE PENITENTIARY:		Penitentiary.
Operations .....	\$225,000 00	
Industrial operations, revolving ....	50,000 00	
Total .....	\$275,000 00	
STATE SCHOOL FOR BLIND:		School for blind.
Operations .....	\$46,000 00	
STATE SCHOOL FOR DEAF:		School for deaf.
Operations .....	\$75,000 00	
STATE SCHOOL FOR GIRLS:		School for girls.
Operations .....	\$70,000 00	
STATE TRAINING SCHOOL:		Training school.
Operations .....	\$148,280 00	
(Training School is to be paid from C. E. P. & R. I. fund until exhausted. Balance from General Fund.)		

## FROM GENERAL FUND.

WASHINGTON STATE REFORMATORY:		Reformatory.
Operations .....	\$122,000 00	

## FROM THE GENERAL FUND.

FOR EASTERN STATE HOSPITAL:		Eastern state hospital.
Operations .....	\$300,000 00	
FOR WESTERN STATE HOSPITAL:		Western state hospital.
Operations' .....	\$355,000 00	
FOR NORTHERN STATE HOSPITAL:		Northern state hospital.
Operations .....	\$285,000 00	
FOR STATE CUSTODIAL SCHOOL:		Custodial school.
Operations .....	\$199,800 00	
FOR SOLDIER'S HOME AND COLONY:		Soldiers' home.
Operations .....	\$65,000 00	
FOR WASHINGTON VETERANS' HOME:		Veterans' home.
Operations .....	\$120,000 00	
FOR THE DEPARTMENT OF AGRICULTURE:		Agriculture.
Salary of Director .....	\$5,000 00	
Operations .....	159,000 00	
Total .....	\$164,000 00	

	For destruction of predatory animals.....	\$12,500 00
	Indemnity and expenses bovine tuberculosis eradication .....	\$37,500 00
State fair.	FOR THE STATE FAIR.....	\$20,000 00
	For the State Fair unexpended balance of appropriation for current biennium .....	11,000 00
	Total for State Fair.....	\$31,000 00
Agriculture, grain.	FOR GRAIN DEPARTMENT:	
	For Grain, Hay and Other Commodities, Inspection Service:	
	(Not to exceed fees heretofore or hereafter collected.)	
	Operations .....	\$100,000 00
	For operations for the biennium ending March 31st, 1925.....	15,000 00
	Total .....	\$115,000 00
	FROM AGRICULTURAL SEED REVOLVING FUND.	
Agriculture, seed inspection.	FOR SEED INSPECTION:.....	\$5,000 00
	(Not to exceed collections.)	
	FROM THE GENERAL FUND.	
Licenses.	FOR THE DEPARTMENT OF LICENSES:	
	Operations .....	\$30,000 00
	FROM THE MOTOR VEHICLE FUND.	
	Operations .....	\$139,500 00
	For purchase and distribution of automobile list of owners to county and city peace officers....	1,200 00
	Total .....	\$140,700 00
	FROM HIGHWAY SAFETY FUND.	
	Operations .....	\$30,000 00
	FROM THE GENERAL FUND.	
Conservation and development.	FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:	
	Operations .....	\$5,410 00
	FOREST PROTECTION:	
	Operations .....	\$90,000 00
	DIVISION OF HYDRAULICS:	
	Operations .....	\$22,500 00



GEOLOGICAL SURVEY:	
Operations .....	\$5,000 00
TOPOGRAPHIC AND HYDROGRAPHIC SURVEY:	
Operations .....	\$10,000 00
(In cooperation with U. S. Government.)	

FROM RECLAMATION REVOLVING FUND.

Operations .....	\$25,120 00
Special investigations .....	5,000 00
Land settlement .....	50,400 00
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Total .....	\$80,520 00

COLUMBIA BASIN SURVEY .....	\$22,500 00	Columbia basin survey.
From Reclamation Revolving Fund for relief of William Kasper, overpayment of Seed Wheat Loan .....	\$163 64	

CONTRACTS AND BOND PURCHASES .....\$1,500,000 00

DEPARTMENT OF LABOR AND INDUSTRIES:		Labor and industries.
Operations .....	\$325,000 00	
(\$ 60,240 00 from Medical Aid Fund.)		
(\$264,760 00 from General Fund.)		

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC WORKS:		Public works.
Operations .....	\$62,500 00	
For expenses of litigation now pending in telephone rate case.....	15,000 00	
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Total .....	\$77,500 00	

FROM AUTO TRANSPORTATION FUND.

Operations .....	\$50,000 00
(Not to exceed fees collected.)	

FROM PUBLIC SERVICE REVOLVING FUND.

Operations .....	\$50,000 00
(Not to exceed receipts.)	

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF EFFICIENCY:		Efficiency.
Operations .....	\$23,000 00	
Budget division .....	10,000 00	
Examination of state affairs .....	15,000 00	
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Total .....	\$48,000 00	

## FROM THE HIGHWAY SAFETY FUND:

Operations .....	\$150,000 00
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## FROM THE GENERAL FUND.

Banking.	DIVISION OF BANKING:	
	Operations .....	\$52,450 00
	INDUSTRIAL LOAN ACCOUNT:	
	Operations .....	\$1,000 00
	SAVINGS AND LOAN ASSOCIATIONS:	
	Operations .....	\$15,300 00
	(Not to exceed fees collected for building and loan associations.)	
Municipal corporations.	DIVISION OF MUNICIPAL CORPORATIONS:	
	Operations .....	\$12,500 00
Tax commission.	TAX COMMISSION:	
	Operations .....	\$40,000 00
Inheritance tax.	INHERITANCE TAX AND ESCHEATS:	
	Operations .....	\$30,000 00
Health.	FOR THE DEPARTMENT OF HEALTH:	
	Operations .....	\$40,000 00
	Sheppard-Towner (Hygiene of Maternity and Infancy) .....	5,000 00
	Total .....	\$45,000 00
Supreme court.	FOR THE SUPREME COURT:	
	Operations .....	\$85,000 00
Supreme court reporter.	FOR THE SUPREME COURT REPORTER:	
	Operations .....	\$14,500 00
Law library.	FOR LAW LIBRARY:	
	Operations .....	\$12,295 00
Bar examiners.	FOR STATE BAR EXAMINERS:	
	Operations .....	\$4,550 00
Superior court judges.	FOR THE SUPERIOR COURT JUDGES:	
	Operations .....	\$116,600 00

## FROM THE GENERAL FUND.

Criminal cost bills.	FOR CRIMINAL COST BILLS.....	\$12,500 00
Uniform law commission.	FOR UNIFORM LAW COMMISSION:	
	Operations .....	\$200 00
State library.	FOR STATE LIBRARY:	
	Operations .....	\$6,500 00
State traveling library.	FOR STATE TRAVELING LIBRARY:	
	Operations .....	\$13,000 00

FOR THE STATE CAPITOL COMMITTEE:		Capitol
Operations .....	\$5,000 00	committee.
FOR THE ARCHIVES COMMITTEE:		Archives
Operations .....	\$1,500 00	committee.
FOR THE STATE BOARD OF EQUALIZATION:		Board of
Operations .....	\$1,000 00	equaliza-
		tion.
FOR THE STATE BOARD OF FINANCE:		Board of
Operations .....	\$3,000 00	finance.
FOR THE STATE HISTORICAL SOCIETY:		Historical
Operations .....	\$7,500 00	society.
GUARANTEED INTEREST ON SHORE LAND IMPROVEMENT		Interest,
WARRANTS .....	\$7,000 00	shore im-
		provement
		warrants.
FROM THE HARBOR IMPROVEMENT FUND.		
To be distributed in accordance with Chapters 168,		Harbors.
169 and 170, Laws of 1913, based on Receipts.....	\$50,000 00	
FROM THE OYSTER RESERVE FUND.		
For the improvement and protection of State Oyster		Oyster
Reserves .....	\$9,000 00	reserves.
FROM THE GENERAL FUND.		
FOR TUBERCULOSIS HOSPITALS .....	\$100,000 00	Tuberculosis
		hospitals.
FOR TUBERCULOSIS HOSPITALS		
For biennium ending March 31st, 1925.....	\$1,000 00	
FOR BOUNTIES .....	\$15,000 00	Bounties.
FOR BOUNTIES		
For the biennium ending March 31st, 1925.....	\$8,202 00	
FOR INDEXING SENATE AND HOUSE JOURNALS.....	\$400 00	Indexing.
FOR CARE OF GRAVES SPANISH WAR VETERANS.....	\$90 00	Graves.
FOR SUPERIOR COURT JUDGES		Superior
For biennium ending March 31st, 1925.....	\$1,000 00	court judges.
FROM THE GAME FUND.		
FOR THE DEPARTMENT OF GAME AND GAME FISH:		Game and
Operations .....	\$100,000 00	fish.
FROM THE FISHERIES FUND.		
FOR THE DEPARTMENT OF FISHERIES:		
Operations .....	\$170,000 00	
FOR THE STATE FISHERIES BOARD:		
Operations .....	\$2,500 00	
(Department of Game and Game Fish and De-		
partment of Fisheries shall not exceed collec-		
tions from these departments.)		

## FROM THE MILITARY FUND.

Adjutant general.	FOR THE ADJUTANT GENERAL'S DEPARTMENT:	
	Operations .....	\$188,000 00
	FOR HOUSING AND PROTECTING U. S. AVIA- TION EQUIPMENT AT AVIATION FIELD—	
	SPOKANE .....	5,000 00
	Total .....	\$193,000 00
University of Washington.	FOR THE UNIVERSITY OF WASHINGTON:	
	(From the University Current Fund until exhausted.) (Balance University of Washington Fund.)	
	Operations .....	\$1,395,130 75
State college.	STATE COLLEGE OF WASHINGTON:	
	(From the Scientific School Current and Agri- cultural College Current Funds until exhaust- ed—balance from State College Fund.)	
	Operations .....	\$847,764 32
	(\$50,000 00 to be allotted to Puyallup Experiment Station.)	

## FROM THE GENERAL FUND.

Smith-Lever fund, etc.	FOR AMOUNT TO SECURE SMITH-LEVER FUND FROM U. S. GOVERNMENT FOR AGRICULTURAL EXTENSION WORK.	\$63,868 29
	FOR PROSSER EXPERIMENT STATION.....	\$18,350 00
	FOR CRANBERRY INVESTIGATION.....	\$5,330 00
	FOR APICULTURE.....	\$2,000 00
Cheney normal.	FOR CHENEY STATE NORMAL SCHOOL:	
	From Normal School Current Fund..	\$14,965 00
	From Cheney Normal School Fund..	183,000 00
	Total .....	\$197,965 00
Bellingham normal.	FOR BELLINGHAM STATE NORMAL SCHOOL:	
	From Normal School Current Fund..	\$18,825 00
	From Bellingham Normal School Fund .....	228,469 00
	Total .....	\$247,294 00
Ellensburg normal.	FOR ELLENSBURG STATE NORMAL SCHOOL:	
	From Normal School Current Fund..	\$11,295 00
	From Ellensburg Normal School Fund .....	136,838 00
	Total .....	\$148,133 00

FROM THE GENERAL FUND.

JUDGMENTS:

Judgments.

North Pacific Public Service Co. vs. E. V. Kuykendall, Director of Department of Public Works.	\$98 55
Northwestern National Insurance Co. and Van R. Ferrell vs. H. O. Fishback, as State Insurance Commissioner .....	\$174 18
Union Oil Company of California vs. E. F. Benson, Commissioner of Agriculture.....	\$4,752 86
J. A. Boyce Seed vs. E. L. French, as Director of Agriculture .....	\$62 87
Harrington-Peters Company vs. State of Washington .....	\$2,185 11
State of Washington vs. Luman Nolan.....	\$263 71
State of Washington vs. J. D. Lyda.....	\$185 35
Automobile Underwriting Agency, as Attorney in Fact for Automobile Owners Inter-Insurance Association vs. The State of Washington....	\$2,431 92
Northwestern Mutual Accident Association, a corporation, vs. The State of Washington....	\$1,209 63
K. Shokuta vs. The State of Washington, Judgment on Remittitur, certificate No. 3405.....	\$96 61

FROM VETERANS' COMPENSATION BOND  
RETIREMENT FUND.

Veterans' compensation.

FOR INTEREST ..... \$635,000 00

FROM THE GENERAL FUND.

FOR RELIEF OF:

Relief.

CITY OF PORT ORCHARD, Local Improvement Assessment against State property.....	\$420 23
S. G. MORIN, Account of war tax paid on freight during construction at Custodial School, which tax was deducted by State in error at time of making final payment on contract.....	\$300 00
WEYERHAEUSER TIMBER COMPANY, Account overpayment on timber land, Sale 616.....	\$672 30
W. J. HUTSINPILLER, Excess money paid on contract, Sale No. 3723.....	\$94 05
CITY OF SPOKANE, Account Local Improvement against state property, as follows: Lot 12, Block 182; Lot 3, Block 65; Lot 3, Block 78; Lot 8, Block 79; Lot 7, Block 82; Lot 8, Block 82; Lot 10, Block 82; Lot 11, Block 82; Lot 12, Block 82; Lot 6, Block 104; Lot 9, Block 108; Lot 10, Block 108; Lot 3, Block 130; Lot 7, Block 134; Lot 8, Block 134; Lot 10, Block 134; Lot 11, Block 160; Lot 12, Block 160; Lot 4, Block 186; Lot 5, Block 186; Lot 6, Block 186;	

Lot 7, Block 43; Lot 3, Block 66; Lot 16, Block 140; Lot 1, Block 151; Lot 7, Block 151; Lot 8, Block 151; Lot 9, Block 23; Lot 7, Block 56; Lot 8, Block 56; Lot 12, Block 171; Lot 10, Block 127; Lot 3, Block 100; Lot 6, Block 100.	\$2,382 70
JOHN M. CLAYPOOL, Refund fees paid for bar examination .....	\$50 00

## FROM THE GENERAL FUND.

## FOR RELIEF OF:

Relief. EDWARD CLAYPOOL, Refund fees paid for bar examination .....	\$50 00
JOHN H. LONG, Refund bar examination fee.....	\$50 00
CHARLES E. SHEPARD, Expenses Uniform Law Commissioner .....	\$194 95
DIX H. ROWLAND, member of State Board of Law Examiners, for salary and expenses for the biennium ending March 31st, 1923.....	\$92 18
HOWARD M. FINDLEY, member of State Board of Law Examiners, for salary and expenses for the biennium ending March 31st, 1923.....	\$101 27
CITY OF ELLENSBURG, for local improvement assessments in District 1922A which were wrongfully appropriated to the City of Bellingham by Ch. 125, L. 1923.....	\$2,838 89
CENTRALIA MOTORS, for services rendered the Department of Labor and Industries in January, 1922 .....	\$8 21
BELLINGHAM HERALD, for publishing notice to bidders November, 1922.....	\$5 40
STAR LAUNDRY, for services rendered the Department of Business Control for 1921, 1922 and 1923 .....	\$41 70

## FOR RELIEF OF THE FOLLOWING COUNTIES FOR BOUNTIES PAID DURING QUARTER ENDING MARCH 31, 1923:

Spokane County .....	\$128 00
Clarke County .....	200 00
Whitman County .....	36 00
Wahkiakum County .....	115 00
Franklin County .....	38 00
Cowlitz County .....	579 00
Clallam County .....	692 00
Columbia County .....	156 00
Grays Harbor County.....	274 00
Grant County .....	228 00
Ferry County .....	87 00

FROM THE GENERAL FUND.

FOR PRINTING SESSION LAWS, SENATE AND HOUSE JOURNALS .....	\$6,000 00	Printing session laws.
FOR PRESIDENTIAL ELECTORS:		
Mrs. Samuel G. Cosgrove.....	\$19 70	Presidential electors.
L. E. Jesseph.....	108 20	
W. J. Coates.....	90 80	
R. M. Wright.....	37 00	
Fred C. Steward.....	23 10	
John L. Murray.....	39 00	
Benjamin E. Thomas.....	73 50	
ADDITIONAL SALARY OF ATTORNEY GENERAL, January 14, 1925, to March 31, 1925.....	\$107 53	Attorney general.
(Salary raised by Chap. 109, L. '23.)		

FROM THE ACCIDENT FUND.

For the relief of W. Huber for lost Accident Fund Wt. No. 163566.....	\$37 50	Relief.
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FROM THE MOTOR VEHICLE FUND.

For the City of Ephrata for lost Motor Vehicle Fd. Wt. No. 63.....	\$230 00	
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FROM THE PERMANENT HIGHWAY FUND.

For Asotin County for lost Permanent Highway Fund Wt. No. 20184.....	\$204 37	
For Walla Walla County for lost Permanent Highway Fund Wt. No. 20562.....	\$534 71	

FROM THE AGRICULTURAL SEED REVOLVING FUND.

For the relief of the following persons for over-payment of seed dealers license fees:		
Washburn & Wilson Seed Co.....	\$190 00	
Northwest Seed Company.....	190 00	
Portland Seed Company.....	190 00	
The Chas. H. Lilly Co.....	190 00	
Spokane Seed Company.....	190 00	
The Inland Seed Co.....	190 00	
Ben L. Andre.....	1 00	
Grange Warehouse Co.....	1 00	
The Tillinghast Seed Co.....	1 00	
The Puget Sound Seed Co.....	1 00	

FROM THE RECLAMATION REVOLVING FUND.

FOR THE STATE FOREST BOARD:		Forest board.
Operations .....	\$6,000 00	

## FROM PARKS AND PARKWAY FUND.

Parks committee.	To be expended by the State Parks Committee for all purposes .....	\$30,000 00
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## FROM THE GAME FUND.

Relief.	For the relief of Monette Hardware Co. of Seattle...	\$127 50
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## FROM THE MOTOR VEHICLE FUND.

	For the relief of E. O. Keene for state funds remitted through Citizens' State Bank of Prosser, Washington, which failed before draft was paid.....	\$464 65
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## FROM THE GENERAL FUND.

Veterans' claims prosecution.	For prosecution of Veterans' claims.....	\$5,000 00
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## FROM THE GENERAL FUND.

## LOCAL IMPROVEMENT ASSESSMENTS AGAINST STATE PROPERTY.

## Local improvement assessments and miscellaneous.

## FOR THE CITY OF SEATTLE:

Seattle Tide Lands, Dist. 3618, 3rd Ave. So. sewers	\$2,315 69
Dist. 3561, Alki Ave. et al., paving, etc. ....	254 40
Dist. 3444, 9th Ave. S. et al., grading, etc. ....	15,728 14
Dist. 3613, 4th Ave. S., sewer.	351 03
Dist. 3507, W. Marginal Way, et al., paving, etc.....	3 65
Dist. 3670, 1st Ave So., paving, etc. ....	577 54
Dist. 3755, 6th Ave. S., filling.	8,912 12
Pleasant Ridge Div. Dist. 3693, 15th Ave. NE., concrete walks .....	20 20
Rainier Beach Dist. 3615 Leo Street, et al., water mains .....	108 68

Total for the City of Seattle.....	\$28,271 45
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## FOR WAHKIAKUM COUNTY:

Dike and Drainage Tax, Dike Dist. 1, for 1919....	\$1,609 00
for 1920....	4,827 00
for 1921....	5,430 64
for 1922....	4,424 97
for 1923....	4,283 85
Dike Dist. 4, for 1922....	190 73
for 1923....	195 03
for 1924....	367 47
Dike Dist. 1, for 1924....	4,250 73

Total for Wahkiakum County.....	\$25,579 42
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## FOR KITTITAS COUNTY:

Irrigation tax, Kittitas Reclamation Dist., for 1923	\$717 04
for 1924	677 02
Total for Kittitas County.....	\$1,394 06

## FOR THE CITY OF ABERDEEN:

For gravel road, Huntley and Evans Sts. and Huntley and Taft Road, District 719, for 1924.	\$3,124 78
For fill and gravel, Harriman St. Lewis to Boone St. Dist. 662, for 1924.....	3,103 41
Total for the City of Aberdeen.....	\$6,228 19

## FOR ISLAND COUNTY:

Dike and drainage tax, Dike District 3, for 1924..	\$184 26
for 1925..	107 05
Total for Island County.....	\$291 31

## FOR JEFFERSON COUNTY:

Dike and drainage tax, Chimacum Drainage Dist. for 1923 .....	\$65 79
for 1924 .....	59 80
Total for Jefferson County.....	\$125 59

## FOR STEVENS COUNTY:

Irrigation tax, Fruitland Irrigation Dist. for 1923	\$2,901 69
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## FOR KLICKITAT COUNTY:

Irrigation tax, White Salmon Irrigation Dist. for 1924 .....	\$60 90
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## FOR YAKIMA COUNTY:

Irrigation tax, Outlook Irrigation District, for 1923 .....	\$96 58
for 1924 .....	34 16
Drainage tax, Drainage District 32, for 1919.....	95 20
for 1920.....	67 16
for 1921.....	73 40
for 1922.....	64 40
for 1923.....	67 78
Irrigation tax, Sunnyside Irrigation Dist. for 1920	160 80
for 1921	191 70
for 1922	219 81
for 1923	225 16
Total for Yakima County.....	\$1,296 15

## FOR SKAGIT COUNTY:

## Dike and Drainage Tax,

Dike Dist. No. 1, for 1923.....	\$14 51
Dike Dist. No. 5.....	8 50
Dike Dist. No. 14.....	234 45
Dike Dist. No. 15.....	376 07
Dike Dist. No. 1, for 1924....	9 12
Dike Dist. No. 5.....	3 77
Dike Dist. No. 14.....	190 39
Dike Dist. No. 15.....	282 54

Total for Skagit County..... \$1,119 35

## FOR GRAYS HARBOR COUNTY:

Dike and drainage tax, Dist. No. 4, for 1924..... \$26,289 84

## FOR OKANOGAN COUNTY:

## Irrigation Tax,

Methow-Okanogan Reclamation Dist. for 1923, bid .....	\$222 65
Methow Valley Irrigation Dist. for 1923.....	168 61
Riverside Irrigation Dist. for 1923.....	129 00
Whitestone Reclamation Dist. for 1923.....	2,370 93
Methow-Okanogan Reclamation Dist. for 1924.	265 14
Methow Valley Irrigation Dist. for 1924.....	131 64
Riverside Irrigation Dist., for 1924.....	20 30

Total for Okanogan County..... \$3,308 27

REFUNDS OVERPAYMENT CAPITAL STOCK FEES TO  
SECRETARY OF STATE.

Capital stock fee refunds by secretary of state.	Alger Logging Company.....	\$35 00
	Associated Oil Company.....	400 00
	The A. H. Andrews Company.....	135 00
	Associated Packing Company.....	75 00
	American Pulley Company.....	155 00
	Allen and Lewis.....	25 00
	Azobac Guano Corporation.....	15 00
	American Cross Arm and Conduit Company.....	300 00
	American Wood Pipe Company.....	45 00
	Admiral Oriental Line.....	250 00
	Brown Brothers Lumber Company.....	200 00
	Biles-Coleman Lumber Company.....	250 00
	Barde Steel & Machinery Company.....	50 00
	Booth Fisheries Company.....	200 00
	Brookfield Quarry & Towage Co.....	25 00
	Blue Ridge Mining Company.....	50 00
	The Brunswick-Balke-Collender Company.....	120 00
	F. C. Barnes Company.....	10 00
	J. Bornstein & Sons Incorporated.....	50 00

Bancroft-Whitney Co. ....	\$225 00
Chloride Queen .....	75 00
Columbia River Paper Mills.....	250 00
Constitution Mining and Milling Company.....	600 00
Cooper Underwear Company.....	10 00
Cameron Yenny Grain Company.....	35 00
Citizens Building Corporation.....	15 00
Chehalis Mill Company.....	55 00
Cragin & Co.....	35 00
Capital Theater Company.....	35 00
Carbon Hill Coal Company.....	250 00
Camás Prairie Railroad Company.....	45 00
Consolidated Millinery Company.....	35 00
W. D. Comer & Company.....	50 00
Calvin Phillips & Company.....	50 00
Columbia River Door Company.....	15 00
Dickman Lumber Company.....	100 00
Dickinson Mining Company.....	35 00
L. R. Dolby Co.....	65 00
H. Earl Clack Co.....	25 00
Eyres & Seattle Drayage Company.....	50 00
Evans Self Sealing Can Company.....	10 00
Eastern Outfitting Co., of Seattle.....	250 00
Furniture Finance Company.....	25 00
Fairbanks, Morse & Company.....	80 00
The Grote-Rankin Company.....	350 00
Gould Lumber Company.....	50 00
B. L. Gordon & Co.....	400 00
Grunbaum Brothers Furniture Company, Inc.....	50 00
General Furniture Company.....	60 00
Grandview Cold Storage Company.....	35 00
Gloria Ice Cream Company.....	35 00
Grays Harbor Commercial Company.....	225 00
Hippodrome Amusement Company.....	50 00
Hogg Houghton Logging Company.....	60 00
Howard Cooper Corporation.....	45 00
The Imperial Trading Company.....	5 00
Interior Grocery Company.....	25 00
Lake Washington Shipyards.....	15 00
Jones & Jones, Incorporated.....	35 00
A. Kristoferson, Inc.....	25 00
Knapptown Towboat Company.....	105 00
Kaiser Paving Company.....	100 00
Kerr Gifford Warehouse Company.....	25 00
Lidgerwood Manufacturing Company.....	250 00
Link-Belt Meese & Gottfried Co.....	175 00
Laher Auto Spring Co.....	35 00
Lake Ballinger Land Co.....	35 00
LeMaster Investment Co.....	35 00

Michigan Trust Co.....	\$250 00
Minorca Homestake Mines.....	125 00
Machinery Company of America.....	50 00
G. E. Miller & Company.....	260 00
Monks & Miller, Inc.....	25 00
Missoula White Pine Sash Company.....	100 00
Monroe Everett Stage Company.....	30 00
J. L. Mott Iron Works.....	25 00
Mission Investment Company.....	25 00
Malmquist Machinery Company.....	75 00
Montelius Music House.....	50 00
Northwestern Security Company.....	25 00
Northern Bond & Mortgage Company.....	25 00
National Motor Company.....	50 00
Northwestern Improvement Company.....	100 00
Moreland Motor Truck Co.....	30 00
E. J. McWhirter & Co., Inc.....	15 00
Olympic Foundry Co.....	30 00
The Ohio Match Company.....	235 00
Poultry Feed Association.....	35 00
Pacific Cooperative Poultry Producers.....	45 00
Portland Trust Co. of Oregon.....	50 00
Pacific Net and Twine Co.....	250 00
Palmer Lumber and Manufacturing Co.....	30 00
Puyallup Tacoma Transit Company.....	25 00
Parke, Davis & Company.....	80 00
Puget Sound Saw Mills & Shingle Co.....	350 00
The Peoples Store Co.....	25 00
Peterson Keller & Shumway, Inc.....	15 00
J. J. Ross Mill Furnishing Company.....	25 00
Riverside Finance Company.....	35 00
Raymond Lumber Company.....	250 00
Ryan Allen Lumber Company.....	35 00
Rainier National Park Highway.....	185 00
Richards Brush Co.....	30 00
Robinson Straus & Co.....	175 00
Richey & Gilbert Company.....	50 00
Sunde d'Evers Co.....	75 00
Standard Stucco Company.....	50 00
Superior Furniture & Manufacturing Co.....	50 00
Signal Investment Company.....	50 00
Stevens County Power and Light Co.....	10 00
Sundown Lumber Co.....	30 00
B. F. Sturtevant Company.....	35 00
Security Savings & Trust Co. of Portland, Oregon...	225 00
Spokane Drug Co.....	400 00
Standard Lumber Company.....	97 50
Sperry Flour Company.....	320 00
Sweet Sixteen Co.....	50 00

L. Schoenfeld & Sons.....	\$10 00
Silver Reef Mining Co.....	25 00
Standard Computing Scale Company.....	185 00
Tidewater Mill Company.....	100 00
C. A. Taylor Log and Lumber Co.....	75 00
Thompson & Parrish Ice Cream Co.....	35 00
Title and Trust Company.....	175 00
Townsend Jackson & Co., Inc.....	15 00
Union Oil Company of California.....	1,000 00
Union Securities Company.....	250 00
Umpqua Mills & Timber Company.....	50 00
United States Radiator Corporation.....	80 00
The United Contracting Company.....	50 00
Utah Coal Sales Agency.....	50 00
Vermont Marble Company.....	30 00
Willamette Steel Pipe Company.....	75 00
Washington Lumber & Spar Co.....	60 00
Wenatchee Rex Spray Company.....	35 00
Western Transportation Co.....	50 00
Western Lumber Exchange.....	50 00
Western Cedar Pole Preservers.....	35 00
Willamette Iron & Steel Works.....	350 00
West Coast Kalsomine Company.....	125 00
The Wickes Boiler Co.....	250 00
Walville Lumber Company.....	250 00
Ware Bros. Co.....	25 00
Warren Packing Company.....	250 00
Willys Overland Pacific Company.....	175 00

FROM THE MILITARY FUND.

FOR THE RELIEF OF MRS. MARY LEUENBUSKY, a widow, Centralia, Washington, for the accidental death of John Leuenbusky, age 18 years, which occurred on, or about, April 8, 1923, the result of a machine gun shot wound received on the military target range at Centralia.....	\$1,000 00	Relief.
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FROM THE ACCIDENT FUND.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		Labor and industries.
Revolving .....	\$3,500,000 00	
Revolving (For biennium ending March 31, 1925)	2,000,000 00	

FROM THE MEDICAL AID FUND.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:	
Revolving .....	\$1,000,000 00
Revolving (For biennium ending March 31, 1925)	500,000 00

Emergency.

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

Passed the House February 6, 1925.

Passed the Senate February 7, 1925.

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

J. GRANT HINKLE,  
*Secretary of State.*

## AUTHENTICATION.

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I, J. Grant Hinkle, Secretary of State of the State of Washington, do hereby certify that I have carefully compared the foregoing published laws passed by the Nineteenth Legislature of the State of Washington, in session from January 12, 1925, to February 13, 1925, inclusive, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies of said originals, with the exception of such corrections in spelling and use of words bracketed, thus [] in each case as provided by law.

*In Testimony Whereof*, I have hereunto set my hand and affixed hereunto the seal of the State of Washington.

Done at Olympia, Washington, this 26th day of February, 1925.

[SEAL]

J. GRANT HINKLE,  
*Secretary of State.*





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**SESSION LAWS**  
OF THE  
**STATE OF WASHINGTON**

PASSED AT THE  
**Extraordinary Session**

CONVENED NOVEMBER 9, 1925  
ADJOURNED JANUARY 7, 1926

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

MARGINAL NOTES AND INDEX

BY

**JOHN H. DUNBAR**

Attorney General

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PUBLISHED BY AUTHORITY

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1926



## EXPLANATORY

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The Extraordinary Session of the Legislature of the State of Washington convened at 12 o'clock noon, November 9, 1925, and adjourned *sine die* on January 7, 1926, at midnight.

All acts passed by said session and 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, April 7, 1926, except relief bills, appropriations and other acts declaring an emergency.

J. GRANT HINKLE,  
*Secretary of State.*



# LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session, 1925

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## CHAPTER 1.

[S. B. 1.]

### LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of Seventy Thousand Dollars (\$70,000.00) or so much thereof as may be necessary for the expenses of the extraordinary session of the 1925 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 Seventy Thousand Dollars (\$70,000.00) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the extraordinary session of the 1925 legislature of the state of Washington. Appropriation,  
\$70,000.00.

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

Passed the Senate November 10, 1925.

Passed the House November 13, 1925.

Approved by the Governor November 21, 1925.

## CHAPTER 2.

[H. B. 8.]

REPEAL OF ACT RELATING TO POWERS OF MUNICIPAL CORPORATIONS TO ACQUIRE WATER.

AN ACT relating to the powers of municipal corporations, and repealing Chapter 111 of the Laws of 1911.

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

Repealing  
clause.

SECTION 1. That chapter 111, of the Laws of 1911, pages 510-513, is hereby repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 3.

[H. B. 9.]

REPEAL OF ACT RELATING TO INSOLVENT DEBTORS.

AN ACT relating to insolvent debtors, and repealing Chapter CXLIII (143) of the Code of 1881.

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

Repealing  
clause.

SECTION 1. That chapter CXLIII (143), sections 2014 to 2052 both inclusive of the Code of 1881 (pp. 343-349) is hereby repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

CHAPTER 4.

[H. B. 11.]

REPEAL OF ACTS RELATING TO INTERNAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to public utilities in cities and towns, 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 authorizing cities and towns to construct internal improvements and to issue bonds to pay therefor, and declaring an emergency," approved March 26, 1890, Laws of 1889-90, pages 520-522; chapter CXXLI (141) of the Laws of 1891, pages 326-327; Chapter VIII (8) of the Laws of 1893, pages 12-14; chapter CXII (112) of the Laws of 1897, pages 326-331; chapter CXXVIII (128) of the Laws of 1899, pages 250-252; and chapter LXXXV (85) of the Laws of 1901, pages 177-181, are hereby repealed: *Provided*, That the repeal of any of said acts shall not be construed as reviving any former act amended or repealed thereby, nor to in anywise affect any proceedings, contracts or indebtedness commenced, made or incurred in accordance therewith, which shall be completed and satisfied in accordance with the terms thereof.

Statutes repealed.

Repeals not to revive former acts nor affect rights or obligations arising out of acts.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

CHAPTER 5.

[H. B. 12.]

REPEAL OF ACTS REGULATING MOTOR VEHICLES.

AN ACT relating to motor vehicles, and repealing certain acts and parts of acts relating thereto.

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

Statutes repealed.

Repeal not to revive former acts.

SECTION 1. That chapter 154 of the Laws of 1905, pages 293-296; chapter 153 of the Laws of 1913, pages 482-483; chapter 142 of the Laws of 1915, pages 385-397; chapter 155 of the Laws of 1917, pages 627-641; chapter 46 of the Laws of 1919, pages 90-95; and chapter 59 of the Laws of 1919, pages 113-124, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed to revive any former act amended or repealed by any thereof.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

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CHAPTER 6.

[H. B. 13.]

REPEAL OF ACT RELATING TO LOG AND LUMBER SCALING.

AN ACT relating to the official scaling of logs and lumber, and repealing Chapter LXIV (64) of the Laws of 1897.

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

Repealing clause.

SECTION 1. That chapter LXIV (64) of the Laws of 1897, pp. 98-105, is hereby repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.



## CHAPTER 7.

[H. B. 14.]

### REPEAL OF ACT RELATING TO APPOINTMENT OF STATE LUMBER AND SHINGLE WEIGHERS.

AN ACT relating to the official weighing of lumber and shingles,  
and repealing Chapter CLIII (153) of the Laws of 1895.

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

SECTION 1. That chapter CLIII (153) of the Laws of 1895, pp. 380-383, is hereby repealed. Repealing  
clause.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

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## CHAPTER 8.

[H. B. 17.]

### REPEAL OF ACTS RELATING TO MATTERS OF PROBATE.

AN ACT relating to matters of probate and repealing certain acts  
in relation thereto.

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

SECTION 1. That chapter LII (52), sections 623-634, and chapters XCV (95), XCVI (96), XCVII (97), XCVIII (98), XCIX (99), C (100), CI (101), CII (102), CIII (103), CIV (104), CV (105), CVI (106), CVII (107), CVIII (108), CIX (109) and CX (110), sections 1297 to 1657, of the Code of Washington Territory of 1881; chapters XCVIII (98), XCIX (99), C (100) and CI (101), of the Laws of 1887-8, pages 184-187; chapters LXXXVI (86), pages 168-171, and CLV (155), pages 380-393, of the Laws of 1891; chapters XXXII (32), pages 49-50, LIV (54), pages 85-88 and CXX (120), pages 286-291, of the Laws of 1893; chapter CLVII (157), pages 394-399, of Statutes  
repealed.

the Laws of 1895; chapters XXII (22), page 22, XXV (25), pages 24-25, LXXV (75), page 203, and XCVIII (98), pages 285-287, of the Laws of 1897; chapters 100, pages 153-154, and 130, pages 242-243, of the Laws of 1903; chapter 17, pages 33-34, of the Laws of 1905; chapter 50, pages 73-74, of the Laws of 1907, and chapter 118, pages 408-409, of the Laws of 1909, and all amendments thereto are hereby repealed: *Provided*, That the repeal of said acts shall not be construed to revive any former law amended or repealed by any thereof.

Repeal not  
to revive  
former acts.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

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## CHAPTER 9.

[H. B. 18.]

### REPEAL OF ACT PROHIBITING HOGS FROM RUNNING AT LARGE.

AN ACT relating to hogs running at large, and repealing an act  
in relation thereto.

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

Repealing  
clause.

SECTION 1. That an act entitled, "An act prohibiting the owners of hogs in Washington Territory from permitting the same to run at large," approved November 26, 1883 (page 54) is hereby repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

CHAPTER 10.

[H. B. 19.]

REPEAL OF ACTS RELATING TO CONTAGIOUS DISEASES  
AMONG SHEEP.

AN ACT relating to the spread of contagious diseases among sheep,  
and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CLXII (162) of the  
Code of Washington Territory of 1881, sections 2228  
to 2237, both inclusive; chapter CXVI (116) of the  
Laws of Washington Territory of 1887-8, pages 204-  
207; chapter CXLIII (143) of the Laws of 1895, pages  
356-360; chapter XXVI (26) of the Laws of 1897,  
pages 25-30; chapter LXXVI (76) of the Laws of  
1901, pages 137-150; and chapter 112 of the Laws of  
1907, page 210, are hereby repealed: *Provided*, That  
the repeal of said acts shall not be construed to  
revive any former law repealed by any thereof.

Statutes  
repealed.

Repeal not  
to revive  
former acts.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

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CHAPTER 11.

[H. B. 20.]

REPEAL OF ACT RELATING TO INSPECTION OF HOPS.

AN ACT relating to the inspection of hops, and repealing Chapter  
C (100) of the Laws of 1899.

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

SECTION 1. That chapter C (100) of the Laws of  
1899, pp. 161-162, is hereby repealed.

Repealing  
clause.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 12.

[H. B. 25.]

REPEAL OF ACT RELATING TO ENLARGEMENT OF LIMITS  
OF CITIES AND TOWNS.

AN ACT relating to the enlargement of the limits of cities and towns and repealing certain acts in relation thereto.

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

Repealing  
clause.

SECTION 1. That an act entitled "An Act to provide for extending and enlarging the corporate limits of any city, town or village in this state, and for consolidating and uniting cities, towns and villages and declaring emergency" approved February 26, 1890, Laws of 1889-90, pages 227-232, is hereby repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 13.

[H. B. 26.]

REPEAL OF ACTS RELATING TO BILLS OF LADING AND  
WAREHOUSE RECEIPTS.

AN ACT relating to bills of lading and warehouse receipts, 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 in relation to bills of lading and warehouse receipts", approved January 19, 1886, Laws of Washington Territory, 1885-6, pages 121-122; chapter CXXXIV (134) of the Laws of 1891, pages 272-275; and chapter 99 of the Laws of 1909, pages 377-380, are

hereby repealed: *Provided*, That the repeal of said acts shall not be construed to revive any former law repealed thereby.

Repeal not to revive former acts.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 14.

[H. B. 27.]

### REPEAL OF ACTS RELATING TO NOXIOUS WEEDS.

AN ACT relating to Chinese and Canadian thistles and repealing sections 2238 and 2239 of the Code of Washington Territory of 1881.

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

SECTION 1. That sections 2238 and 2239 of the Code of Washington Territory of 1881 (Secs. 3036 and 5581 Rem. Bal. Code, Secs. 2760 and 6404 Rem. Com. Stat.) are hereby repealed.

Statutes repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 15.

[H. B. 28.]

### REPEAL OF ACTS RELATING TO INSPECTION AND VENTILATION OF COAL MINES.

AN ACT relating to coal mines, 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 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, and 2638 of the Code of Washington Territory of 1881; an act en-

Statutes repealed.

titled, "An act relating to inspector of coal mines and ventilation of coal mines", Laws of Washington Territory of 1883, pages 25-28; an act entitled, "An act to amend section one (1), ten (10), thirteen (13), fourteen (14) and nineteen (19) of 'An act relating to inspector of coal mines and ventilation of coal mines,' and to further amend said act by adding thereto sections to be numbered twenty-four (24) and twenty-five (25), approved November 28, 1883, and in force from and after January 1, 1884", approved February 4, 1886, Laws of Washington Territory of 1885-6, pages 129-133; chapter XXI (21) of the Laws of Washington Territory of 1887-8, pages 32-43; chapter LXXXI (81) of the Laws of 1891, pages 152-163; chapter XLV (45) of the Laws of 1897, pages 58-62; chapter 77 of the Laws of 1907, pages 130-131; chapter 105 of the Laws of 1907, pages 203-204; chapter 55 of the Laws of 1909, pages 99-100; chapter 57 of the Laws of 1909, pages 101-102; chapter 117 of the Laws of 1909, pages 404-407; chapter 220 of the Laws of 1909, pages 749-750; chapter 63 of the Laws of 1911, pages 333-334; chapter 65 of the Laws of 1911, pages 336-337; and chapter 123 of the Laws of 1911, pages 619-621, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed to revive any former law repealed by any thereof.

Repeal not  
to revive  
former acts.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

CHAPTER 16.

[H. B. 29.]

REPEAL OF ACT RELATING TO WRECKS AND WRECK-MASTERS.

AN ACT relating to wrecks and wreckmasters, and repealing sections 2802 to 2828 of the Code of Washington Territory of 1881.

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

SECTION 1. That sections 2802 to 2828 of the Code of Washington Territory of 1881, both inclusive, are hereby repealed. Repealing clause.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

CHAPTER 17.

[H. B. 30.]

REPEAL OF ACT PROHIBITING MANUFACTURE AND SALE OF CIGARETTES.

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

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

SECTION 1. That chapter LI (51) of the Laws of 1893, page 82; chapter LXX (70) of the Laws of 1895, pages 125-127; and chapter CXXII (122), of the Laws of 1901, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed to revive any former law repealed by any thereof. Repealing clause.  
  
Repeal not to revive former acts.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 18.

[H. B. 31.]

## REPEAL OF ACT APPOINTING AGENT FOR STATE TO PROSECUTE CLAIMS AGAINST THE UNITED STATES.

AN ACT relating to the appointment of an agent to prosecute claims of the state against the United States, and repealing Chapter CLII (152) of the Laws of 1891.

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

Repealing  
clause.

SECTION 1. That chapter CLII (152) of the Laws of 1891 (pp. 370-371) is hereby repealed.

Passed the House November 18, 1925.

Passed the Senate November 24, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 19.

[S. B. 3.]

## REPEAL OF ACTS RELATING TO LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns, and repealing certain sections of Remington's 1915 Code and of Remington's Compiled Statutes.

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

Statutes  
repealed.

SECTION 1. That sections 7625 to 7634 both inclusive, and 8018 to 8028 both inclusive, of Remington's Codes and Statutes of Washington (of 1915), and sections 9045 to 9054, both inclusive, and 9515 to 9525, both inclusive, of Remington's Compiled Statutes, are hereby declared to be obsolete, and are hereby repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.



CHAPTER 20.

[S. B. 4.]

REPEAL OF ACTS RELATING TO PUBLIC HIGHWAY FUND.

AN ACT relating to the public highway fund, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter 137 of the Laws of 1905, pages 252-253; chapter 18 of the Laws of 1907, pages 23-24; chapter 246 of the Laws of 1909, pages 886-887; chapter 53 of the Laws of 1911, pages 303-304; and chapter 64 of the Laws of 1913, page 220, are hereby repealed; *Provided*, That nothing herein shall be construed to alter or modify any tax levy made or proceeding had or to be had, for the collection of any tax heretofore levied or imposed under or pursuant to the provisions of any act hereby repealed, or to affect the collection of any levies made under said acts or any of them, but the moneys realized from the collection of such levies shall be paid into the state treasury, subject to such disposition and appropriation as may be made by the legislature.

Statutes repealed.

Repeal not to affect taxes levied under acts.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 21.

[S. B. 5.]

REPEAL OF ACT REQUIRING RAILROAD COMPANIES TO  
WEIGH CARS LOADED WITH LUMBER.AN ACT relating to the weighing of cars by railroad companies,  
and repealing Chapter CXLIV (144) of the Laws of 1901.*Be it enacted by the Legislature of the State of  
Washington:*Repealing  
clause.SECTION 1. That chapter CXLIV (144) of the  
Laws of 1901, pages 300-301, is hereby repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 22.

[S. B. 6.]

REPEAL OF ACT AUTHORIZING CONDEMNATION OF RIGHTS  
OF WAY FOR LOGGING ROADS.AN ACT relating to the condemnation of rights of way, and re-  
pealing Chapter CXXX (130) of the Laws of 1899.*Be it enacted by the Legislature of the State of  
Washington:*Repealing  
clause.SECTION 1. That chapter CXXX (130) of the  
Laws of 1899, pp. 255-260, is hereby repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 23.

[S. B. 7.]

### REPEAL OF ACT RELATING TO INCORPORATION OF TOWNS AND VILLAGES.

AN ACT relating to the incorporation of towns and villages and repealing Chapter CXXVI (126) of the Laws of Washington Territory of 1887-8.

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

SECTION 1. That chapter CXXVI (126) of the Laws of Washington Territory of 1887-8, pages 221-232, is hereby repealed. Repealing clause.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

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## CHAPTER 24.

[S. B. 8.]

### REPEAL OF ACT RELATING TO VICIOUS CATTLE.

AN ACT relating to vicious or dangerous animals, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter CXCIX (199) of the Code of Washington Territory of 1881, sections 2555 and 2556; sections 3200 and 3201, of Remington and Ballinger's Annotated Codes and Statutes of Washington; sections 3200 and 3201, of Remington's Codes and Statutes of Washington (1915); and sections 3103 and 3104 of Remington's Compiled Statutes of Washington, are hereby repealed. Repealing clause.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 25.

[S. B. 9.]

REPEAL OF ACT REQUIRING HORSESHOERS TO PASS  
EXAMINATION.AN ACT relating to horseshoers, and repealing Chapter LXVII  
(67) of the Laws of 1901.*Be it enacted by the Legislature of the State of  
Washington:*Repealing  
clause.SECTION 1. That chapter LXVII (67) of the Laws  
of 1901, pages 116 to 118, is hereby repealed: *Pro-  
vided*, Such repeal shall not be construed to revive  
any former act repealed thereby.Repeal not  
to revive  
former acts.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 26.

[S. B. 10.]

## REPEAL OF ACT PROHIBITING USE OF SLOT MACHINES.

AN ACT relating to slot machines, and repealing Chapter CXLIX  
(149) of the Laws of 1901.*Be it enacted by the Legislature of the State of  
Washington:*Repealing  
clause.SECTION 1. That chapter CXLIX (149) of the  
Laws of 1901, pages 311-312, is hereby repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 27.

[S. B. 11.]

### REPEAL OF ACT RELATING TO FEEDING STUFFS.

AN ACT relating to concentrated commercial feeding stuffs, and repealing Chapter 201 of the Laws of 1909.

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

SECTION 1. That chapter 201 of the Laws of 1909, <sup>Repealing clause.</sup> pages 705-711, is hereby repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

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## CHAPTER 28.

[S. B. 12.]

### REPEAL OF ACTS RELATING TO JURIES.

AN ACT relating to juries and the qualifications, exemptions, selection and service of jurors, 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 chapter CLII (152), sections 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2085 $\frac{1}{4}$  and 2085 $\frac{1}{2}$ , of the Code of Washington Territory of 1881; an act entitled, "An act to amend section 2080 of Chapter CLII (152) of the Code of Washington Territory, relating to grand and petit jurors," approved November 27, 1883, Laws of Washington Territory of 1883, pages 33 and 34; Chapter LXV (65) of the Laws of Washington Territory of 1887-8, pages 115 and 116; Chapter LXVI (66) of the Laws of Washington Territory of 1887-8, pages 117 and 118; an act entitled, "an act to provide grand jurors <sup>Statutes repealed.</sup>

for the superior courts of this state", approved February 11, 1890, Laws of 1889-90, pages 331 and 332; sections 6, 7, 8, 9, 10 and 11, of chapter XLVIII (48) of the Laws of 1891, pages 87 and 88; chapter LXXVIII (78) of the Laws of 1895, pages 139 to 141; chapter XXIV (24) of the Laws of 1899, page 35; chapter XXXII (32) of the Laws of 1901, page 32; chapter VIII (8) of the Laws of the Extraordinary Session of 1901, pages 15 to 17; chapter CXLVI (146) of the Laws of 1905, pages 270 to 276; and chapter 63 of the Laws of 1907, pages 102 and 103, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed to revive any former law repealed by any thereof.

Repeal not  
to revive  
former acts.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

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## CHAPTER 29.

[S. B. 13.]

### REPEAL OF ACTS RELATING TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN BY MUNICIPALITIES.

AN ACT relating to the exercise of the right of eminent domain by cities and towns and repealing certain acts in relation thereto.

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

SECTION 1. That chapter LXII (62) of the Laws of 1893, pages 135, 136 and chapter LXXXIV (84) of the Laws of 1893, pages 189-209 are hereby repealed.

Statutes  
repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

CHAPTER 30.

[S. B. 14.]

REPEAL OF ACTS RELATING TO BUILDING, LOAN AND SAVINGS ASSOCIATIONS.

AN ACT relating to building, loan and savings associations, and repealing certain acts in relation thereto.

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

SECTION 1. That chapter IV (4) of the Laws of 1889-90 (pages 56-71); chapter CV (105) of the Laws of 1891 (page 199) and chapter 116 of the Laws of 1903 (pages 216-219) are hereby repealed.

Statutes repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

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CHAPTER 31.

[S. B. 15.]

REPEAL OF ACT PROVIDING AGAINST THE ADULTERATION OF SPRAYING COMPOUNDS.

AN ACT relating to spraying material and compounds, and repealing Chapter XXII (22) of the Laws of 1901.

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

SECTION 1. That chapter XXII (22) of the Laws of 1901, pages 19-20, is hereby repealed.

Repealing clause.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 32.

[S. B. 16.]

## REPEAL OF ACTS RELATING TO HORTICULTURE.

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

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

Statutes  
repealed.

SECTION 1. That chapter IX (9) of the Laws of 1891, pages 12-17; chapter LI (51) of the Laws of 1895, pages 89-94; chapter CIX (109) of the Laws of 1897, pages 308-315; chapter CXXVII (127) of the Laws of 1899, pages 245-249; chapter 133, Laws of 1903, pages 246-256; chapter 176, Laws of 1905, pages 365-372; chapter 162, of the Laws of 1907, pages 354-370; chapter 135, of the Laws of 1909, pages 495-518; and chapter 112, of the Laws of 1911, pages 513-516, are hereby repealed: *Provided*, That the repeal of any of said acts shall not be construed as reviving any former act amended or repealed thereby.

Repeal not  
to revive  
former acts.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.

## CHAPTER 33.

[S. B. 17.]

## REPEAL OF ACT RELATING TO COUNTY CORONER.

AN ACT relating to the office of coroner, and repealing Chapter 55 of the Laws of 1913.

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

Repealing  
clause.

SECTION 1. That chapter 55, pp. 165-167, of the Laws of 1913 is hereby repealed.

Passed the Senate November 17, 1925.

Passed the House November 30, 1925.

Approved by the Governor December 7, 1925.



CHAPTER 34.

[S. H. B. 206]

FEDERAL AID FOR IRRIGATION DISTRICTS AND PROVIDING FOR INDEMNITY CONTRACTS TO STATE.

AN ACT relating to irrigation districts and land settlement and indemnity contracts, providing for assessments, fixing the powers and duties of certain officers with relation thereto and declaring that this act shall take effect immediately.

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

SECTION 1. That any irrigation district by and through its board of directors is hereby authorized and shall have the power to enter into a contract with the state of Washington whereby it shall agree to repay to the state of Washington any expenses incurred by the state of Washington and to indemnify the state of Washington against any and all losses and damages which the state of Washington may suffer, under any contract between the state of Washington and the United States relating to land settlement in said district. This act shall apply to all irrigation districts and shall not be otherwise construed.

Authoriza-  
tion to enter  
into  
indemnity  
contract.

Applies to all  
irrigation  
districts.

SEC. 2. When any such irrigation district shall have duly executed and tendered to the state of Washington the contract of indemnity as it is herein empowered to do, the director of conservation and development of the state of Washington is hereby authorized, empowered and required to sign and execute such contract on behalf of the state of Washington. After having received any such contract of indemnity from any such irrigation district the said director of conservation and development is hereby authorized, empowered and required to enter into a contract on behalf of the state of Washington with the United States relating to the land settlement in such district if such contract shall be presented, or

Duty of  
director of  
conservation  
and develop-  
ment to  
execute  
contract.

Contract  
between  
state and  
United States  
to be  
executed.

Terms of contract if entered into before June 30, 1926.

tendered by the United States, which contract, if entered into on or before June 30, 1926, shall have the same terms and provisions of that certain contract submitted to the State of Washington under authority of the act of Congress approved March 3rd, 1925, entitled "An Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes."

Limit of state's liability \$300,000.00.

*Provided*, That the liability of the State of Washington to the United States under such contract, if entered into on or before June 30, 1926, shall be limited to \$300,000 and be subject to appropriation therefor being made by the legislature. *Provided*,

Approval of legislature if entered into after June 30, 1926.

*further*, That the said director of conservation and development or any other officer of the State of Washington shall not enter into any such contract with the United States after June 30, 1926, unless and until any such contract shall have been presented to the legislature by the Governor through the director of conservation and development and approved by a joint resolution of the legislature, which resolution shall be passed by a constitutional majority of both branches of the legislature by roll call.

Irrigation districts to levy assessments to secure compliance with indemnity contract.

SEC. 3. Any such irrigation district which shall have entered into any such contract of indemnity with the state of Washington is hereby empowered and shall annually be required to levy assessments against all the property within said district from time to time in such amounts as shall enable it to reasonably anticipate and promptly comply with its said contract with the state of Washington. Such assessments shall be levied and be payable at the time and in the manner that its regular assessments are made and shall have the same validity, force and effect as assessments for any other purposes. Such assessments shall be levied for and shall be paid into a fund to be known as "The Indemnity Fund"

Manner of levying assessments.

Assessments to be paid into "the indemnity fund."

and such fund shall not be used for any purpose other than to fulfill its obligations under its indemnity contract with the state of Washington. *Provided*, That when all expenses, losses or damages for which the district may become liable to the state of Washington under Section 1 of this act shall have been paid to the state of Washington any money then remaining in "The Indemnity Fund" shall be transferred to the maintenance fund of said district.

Final disposition of money in "the indemnity fund."

SEC. 4. When the State of Washington shall be required to make any payment or expend any money in the performance of any such contract entered into with the United States, an estimate of the amount of expenses likely to be incurred in such performance, together with an estimate of future losses or damages that may occur under such contract shall be made by the director of conservation and development, who shall thereupon return a statement thereof to such district, and the board of directors of such district shall from time to time as required by the director of conservation and development levy against all the property within said district such assessments as may be necessary to repay to the state of Washington such estimated expenses, losses and damages. *Provided*, If such district has no money in "The Indemnity Fund" to repay such expenses when the same shall be incurred or to pay such losses and damages as the same shall accrue it shall be the duty of the board of directors to cause warrants of the district to be issued in payment of such indebtedness, which warrants shall bear interest at the rate of six per cent per annum and be paid from monies paid into the indemnity fund by assessments levied as hereinbefore provided.

Irrigation district to reimburse state for expenditures under federal contract.

Warrants to be issued to reimburse state if no money in "the indemnity fund."

Interest.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

and the support of the state government and its existing institutions and shall take effect immediately.

Passed the House December 7, 1925.

Passed the Senate December 8, 1925.

Approved by the Governor December 10, 1925.

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## CHAPTER 35.

[H. B. 62.]

### TEMPORARY PUBLICATION OF SESSION LAWS.

AN ACT relating to temporary publication of session laws, and amending Section 8198 of Remington's Compiled Statutes and declaring that this act shall take effect immediately.

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

Amends  
Pierce's  
Code § 6230.

2500 copies.

Size of  
type.

Emergency.

SECTION 1. That Section 8198 of Remington's Compiled Statutes be amended to read as follows:

Section 8198. The secretary of state shall cause to be printed for temporary use twenty-five hundred copies of each act filed in his office within ten days after the filing thereof, and in the order of its chapter number. The style and size of type, line and number of lines to the page shall be the same as shall be used in the permanent volume of the session laws of such session.

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

Passed the House November 19, 1925.

Passed the Senate December 1, 1925.

Approved by the Governor December 14, 1925.

CHAPTER 36.

[H. B. 2.]

ARMISTICE DAY LEGAL HOLIDAY.

AN ACT establishing the eleventh day of November as a legal holiday, to be known as "Armistice Day."

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

SECTION 1. The eleventh day of November, in each year, shall be a legal holiday and shall be known as "Armistice Day." Date of holiday.

Passed the House November 19, 1925.

Passed the Senate December 3, 1925.

Approved by the Governor December 14, 1925.

CHAPTER 37.

[H. B. 22.]

THE MANNER OF TAKING DEPOSITIONS.

AN ACT relating to depositions and amending Sections 7 and 10 of Chapter XIX (19), Laws of 1891:

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

SECTION 1. That section 7 of chapter 19 of the Laws of 1891, p. 34 (Sec. 1233 Rem. Com. Stat.) be amended to read as follows: Amends  
Pierce's  
Code § 7732.

Section 7. Either party may have the deposition of a witness taken in this state before any judge of the superior court, justice of the peace, clerk of the supreme or superior courts, mayor of a city or notary public, by serving on the adverse party or his attorney previous notice of the time and place of examination. The notice shall be served such time before the time when the deposition is to be taken as to allow the adverse party, or his attorney, sufficient time by the usual route of travel to attend, and three days for preparation, exclusive of the day Before  
whom taken.  
  
Time when  
notice must  
be served.

Contents  
of notice.

of service, and the examination may, if so stated in the notice, be adjourned from day to day. The notice shall specify the action or proceeding, the name of the court or the tribunal in which the deposition is to be used, the time and place of taking the deposition, and the name of the witness to be examined and shall be served upon the adverse party, or his attorney of record.

Amends  
Pierce's  
Code § 7735.

SEC. 2. That section 10 of chapter 19 of the Laws of 1891 (Sec. 1240 Rem. Com. Stat.) p. 35, be amended to read as follows:

Commission  
to take may  
be granted.

Section 10. Any superior court in this state, or any judge thereof, is authorized to grant a commission to take depositions within or without this state.

Manner of  
issuing  
commission.

The commission must be issued to a person or persons therein named, by the clerk, under the seal of the court granting the same, and depositions under it may be taken upon written interrogatories or upon oral questions or partly upon oral and partly upon written interrogatories, in the discretion of the court or judge granting the commission. Before any such commission shall be granted, the person intending to apply therefor shall serve upon the adverse party, or his attorney of record a notice of his intention to make such application, stating the time when and the place where such application will be made, the action or proceeding and the name of the court or tribunal in which the deposition is to be used, and the name of the witness to be examined, which notice shall be served such time before the time when the application is to be made as to allow the adverse party, or his attorney, sufficient time by the usual route of travel to attend, and three days for preparation, exclusive of the day of service, unless the court or judge, for sufficient cause shown by affidavit, prescribe a shorter time. At the time the application is presented, the

Notice to  
adverse  
party of  
application  
for  
commission.

Time when  
notice must  
be served.

court or judge shall determine whether the deposition shall be taken upon written interrogatories, or upon oral questions, or partly upon oral and partly upon written interrogatories, in his discretion, and shall settle the interrogatories, if any have been served and the parties have not settled the same. The clerk, upon issuing the commission, shall attach the interrogatories thereto, if any have been agreed upon or settled by the court, and immediately forward the same to the commissioner. At least 5 days' notice must be given to the party or witness to be examined out of the state, in case such examination shall be had upon oral interrogatories, and the person before whom the deposition of the witness shall be taken shall have the same power to compel the attendance of such parties or witnesses as any person authorized to take such deposition within this state.

Court to determine manner of taking depositions.

Interrogatories to be attached to commission.

Notice to witness outside state.

Passed the House November 18, 1925.

Passed the Senate December 3, 1925.

Approved by the Governor December 14, 1925.

## CHAPTER 38.

[H. B. 23.]

### SERVICE OF INJUNCTION ORDER OR ORDER REQUIRING ATTENDANCE.

AN ACT relating to the service of orders in proceedings supplemental to execution and amending Section 13 of Chapter CXXXIII (133) of the Laws of 1893.

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

SECTION 1. That section 13 of chapter CXXXIII (133) of the Laws of 1893, page 439 (Sec. 625 Rem. Com. Stat.) be amended to read as follows:

Amends  
Pierce's  
Code § 7939.

Section 13. An injunction order or an order requiring a person to attend and be examined made as prescribed in this chapter must be served,—

Service on  
person.

1. By delivering to the person to be served a certified copy of the original order and a copy of the affidavit on which it was made;

Service on  
corporation.

2. Service upon a corporation is sufficient if made upon an officer, to whom a copy of a summons must be delivered. Where an order is personally served upon a corporation, unless the officer to be served is specially designated in the order, the order may be served upon any person upon whom a summons can be served.

Passed the House November 18, 1925.

Passed the Senate December 3, 1925.

Approved by the Governor December 14, 1925.

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## CHAPTER 39.

[S. B. 18.]

### REPEAL OF ACT RELATING TO CONTRACTORS AND BONDS UPON PUBLIC WORKS.

AN ACT relating to contractors and bonds upon public works and repealing Chapter 174 of the Laws of 1915.

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

Repeals  
Rem. Comp.  
Stat.  
§ 1161-1;  
Pierce's  
code § 9728.

SECTION 1. That chapter 174 of the Laws of 1915, page 548, is hereby repealed.

Passed the Senate November 18, 1925.

Passed the House December 2, 1925.

Approved by the Governor December 14, 1925.



CHAPTER 40.

[S. B. 38.]

WEST BOUNDARIES OF PACIFIC, GRAYS HARBOR, JEFFERSON AND CLALLAM COUNTIES.

AN ACT defining the west boundaries of the counties of Pacific, Grays Harbor, Jefferson and Clallam.

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

SECTION 1. That the west boundaries of the counties of Pacific, Grays Harbor, Jefferson and Clallam shall be co-terminus with the west boundary of the State of Washington and that the north and south boundary lines of each of said counties be extended to intersect said west boundary of the State of Washington and of said counties respectively.

Definition of boundaries.

Passed the Senate November 18, 1925.

Passed the House December 4, 1925.

Approved by the Governor December 14, 1925.

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CHAPTER 41.

[H. B. 129.]

CONDEMNATION OF RIGHT OF WAY FOR HIGHWAYS ADJOINING AVIATION SITES.

AN ACT relating to the exercise by counties of the power of eminent domain for highway purposes whenever such highways, in whole or in part, abut upon or adjoin any aviation site.

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

SECTION 1. Whenever any county shall have established a public highway, which, in whole or in part, shall abut upon and adjoin any aviation site in such county, no property shall be exempt from condemnation for such highway by reason of the same having been or being dedicated, appropriated or otherwise reduced or held to public use.

No property exempt from condemnation.

Passed the House December 1, 1925.

Passed the Senate December 11, 1925.

Approved by the Governor December 15, 1925.

## CHAPTER 42.

[H. B. 127.]

EMINENT DOMAIN FOR AERIAL TRANSPORTATION  
PURPOSES.

AN ACT relating to the facilities for aerial transportation, authorizing cities and counties to acquire by condemnation or otherwise, maintain and operate, and to dispose of for public use lands and other property therefor, and declaring the same to be a county and city purpose and a public use, and amending Section 905-1 of Remington's Compiled Statutes, and declaring an emergency.

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

SECTION 1. That section 905-1 of Remington's Compiled Statutes be amended to read as follows:

Section 905-1. That all cities and counties are authorized and empowered by and through their appropriate corporate authorities to acquire, maintain and operate sites and other facilities for landings, terminals, housing, repair and care of airplanes and seaplanes for the aerial transportation of persons, property or mail; and to acquire by purchase, condemnation or lease all lands and other property necessary therefor, and to dispose of such lands and other property for public use whenever acceptance thereof on behalf of the United States for aviation purposes shall be authorized by Act of Congress; and the same is hereby declared to be a city and county purpose and a public use. Cities and counties are hereby empowered to acquire lands and other property for said purpose by the exercise of the power of eminent domain under the same procedure as is or shall be provided by law for the condemnation and appropriation of private property for any of their respective corporate uses, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated or otherwise held to

Amends  
Pierce's  
Code  
§7543a.

Cities and  
counties  
vested  
with  
power.

Disposal to  
United  
States.

No property  
exempt from  
condemna-  
tion.

public use. All acts of any such city or county in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed.

Ratification  
of former  
acts.

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

Emergency.

Passed the House December 1, 1925.

Passed the Senate December 11, 1925.

Approved by the Governor December 15, 1925.

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## CHAPTER 43.

[S. B. 84.]

### FORESTS AND FOREST FIRE PROTECTION.

AN ACT relating to forests, fire protection therefor, amending Sections 5787, 5788, 5791, 5795-2 and 5805 of Remington's Compiled Statutes, and further amending Remington's Compiled Statutes by adding a new section to Chapter 1, Title XXXVI thereof to be known as Section 5782-1, and providing penalties for violations of this act.

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

SECTION 1. That Chapter 1, Title XXXVI of Remington's Compiled Statutes, be amended by adding thereto a new section to be known as Section 5782-1, as follows:

Section 5782-1. When, in the opinion of the director of the department of conservation and development, any forest region is particularly exposed to fire danger, he may, in his discretion, designate such region, defining the boundaries thereof by legal subdivisions or water courses, watersheds, mountain ranges, or other natural monuments, as a region of extra fire hazard, and he shall have the power and it shall be his duty to make, adopt, amend and promulgate rules and regulations for the protection thereof. All such rules and regulations shall be promulgated by the director by publication in such

Designation  
of extra-  
hazardous  
fire region  
by director  
of conserva-  
tion and  
development.

Rules  
governing  
to be made.

Publication of rules.

newspaper, or newspapers, of general circulation in the county, or counties, wherein such region is situated and for such length of time as the director may determine, and by posting copies of the rules and regulations on roads and trails entering such region; such rules and regulations shall be in force from and after the time specified therein: *Provided*, That

Length of time rules in force.

Rules not to affect industrial operations.

nothing in this act shall authorize the director of conservation and development to prohibit the conduct of industrial operations, public work, or access of permanent residents.

Amends Rem. 1923 Sup. §5787; Pierce's 1923 Sup. §2564.

SEC. 2. That Section 5787 of Remington's Compiled Statutes, as amended by section 3, Chapter 184 of the Laws of 1923, be amended to read as follows:

Officers *ex-officio* rangers.

Section 5787. All state land cruisers, all game wardens, road supervisors and state highway patrolmen, when approved by the state supervisor of forestry, and all rangers and assistant rangers of the United States Forest Service, when recommended by their forest supervisors, and commissioned by the state supervisor of forestry shall be *ex officio* rangers.

Who may be appointed rangers; duties.

Timber cruisers and citizens of the state advantageously located may, at the discretion of the said supervisor, be appointed rangers and vested with the powers and duties of wardens.

Rangers' compensation.

Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this act, and shall not create any indebtedness, or incur any liability on behalf of the state: *Provided*, That rangers actually engaged in extinguishing, or preventing the spread of fire in brush, slashings, choppings, timber or elsewhere that may endanger timber or other property, shall when their accounts for such service have been approved by the fire wardens in authority, be entitled to receive compensation for such services

at a rate to be fixed by the director of the department of conservation and development.

SEC. 3. That Section 5788 of Remington's Compiled Statutes be amended to read as follows: Amends  
Pierce's  
code §2565.

Section 5788. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the first day of May, and ending on the first day of October in each year, unless a different date for such beginning and ending is fixed by proclamation of the governor, which period is hereby designated as the closed season, without first obtaining permission in writing from the supervisor of forestry, or a warden, or a ranger, and afterwards complying with the terms of said permit; and anyone violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the director of the department of conservation and development shall prescribe, which shall be only such as the director deems necessary for the protection of life or property. Closed season for burning forest material.

The supervisor of forestry, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property. Written permission.

SEC. 4. That Section 5791 of Remington's Compiled Statutes be amended to read as follows: Penalties.

Section 5791. Any person who shall wilfully or needlessly deface or remove any warning placard or notice posted under the requirements of this act, shall be guilty of a misdemeanor, and shall upon Conditions to be complied with before permission granted.

Revocation of permits.

Amends  
Pierce's  
Code § 2568.

Removing notices.

Penalty.

conviction be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Negligent  
spread of  
set fires.

Any person who shall upon any land within this state set any fire, except for necessary lumbering operations, or at the proper places on camping grounds which have been prepared and designated for recreation purposes, which fire shall spread and damage or destroy property of any kind not his own, or who shall start any fire, except in a stove, upon any designated camp ground and shall, upon leaving such ground, fail to extinguish such fire, shall upon

Penalty.

conviction be punished by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500). If such fire be set or left maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) or imprisonment in the county jail for not less than one month, nor more than one year, or by both such fine and imprisonment.

Malicious  
spread of  
set fire.

Penalty.

Set fire dur-  
ing closed  
season.

During the closed season any person who without a written permit from the supervisor of forestry, a fire warden or a ranger shall kindle a fire, in or dangerously near any forest material, except for necessary lumbering operations or at the proper places on camping grounds which have been prepared and designated for recreation purposes, or who shall be a party to kindling such fire, or who shall by throwing away any lighted cigar, cigarette, matches, or by use of firearms, or in any other manner start a fire in forest material, and who shall fail immediately to extinguish the same, shall upon conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or be im-

Penalty.

prisoned in the county jail not exceeding two (2) months.

*Provided*, That nothing in this section contained shall absolve any person from liability on account of negligence.

The director of the department of conservation and development is hereby authorized and empowered, and it is his duty to designate and prepare such camping grounds as he may determine for the purpose of carrying out the provisions of this section.

Director of conservation and development to designate camp grounds.

SEC. 5. That Section 5795-2 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. 1923 Sup. § 5795-2; Pierce's 1923 Sup. § 2572-2.

Section 5795-2. It shall be unlawful during the closed season, for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fire crackers, or other lighted material in any forest land in this state. Every person, firm or corporation operating a public conveyance through forest land shall post a copy of this section in a conspicuous place within the smoking compartment of such conveyance; and every person, firm or corporation operating a saw mill, or a logging camp in any forest land shall post a copy of this section in a conspicuous place upon the ground, or buildings of such milling and logging operation. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Lighted cigars, etc., prohibited.

Notices to be posted by common carriers, etc.

Penalty.

SEC. 6. That Section 5805 of Remington's Compiled Statutes as amended by section 10, Chapter 184 of the Laws of 1923, be amended to read as follows:

Amends Rem. 1923 Sup. § 5805; Pierce's 1923 Sup. § 2580.

Section 5805. If any owner or owners of forest land neglect or fail to provide adequate fire protection therefor as required by section 5804, then the state supervisor of forestry under direction from the director of the department of conservation and development shall provide such protection there-

Owner's failure to provide fire protection.

Supplied by  
state.

Lien.

Collection  
of cost.

for at a cost not to exceed five (5) cents an acre per annum, and for that purpose may divide the forest lands of the state, or any part of the same, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the said supervisor for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the said supervisor shall be prepared to make statement thereof upon request, to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the said supervisor to the county assessor of the county or counties in which the property is situated who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and in the same manner by the same procedure and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessment may be corrected at any time by the said supervisor certifying the same to the county treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county official shall repay said amounts to the said supervisor to be applied to the expenses incurred in carrying out the provisions of this section: *Provided*, That the said supervisor is hereby authorized and required to include in the assessment herein authorized against the owner or owners of forest lands neglecting to provide adequate fire protection, a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work in-



curred in the enforcement of the provisions of section 5804 *et seq.* and subsequent amendments thereto, and is authorized to expend any sums heretofore collected from owners of forest lands or coming from any other source for any necessary office and clerical expenses in connection with the enforcement of the provisions of section 5807: *Provided, further,* That whenever any lands against which such fire patrol assessments are outstanding are acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of such sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of such sale exceed the amount of the delinquent tax judgment aforesaid shall forthwith remit to the said supervisor the amount of such outstanding patrol assessments: *Provided, further,* That the said supervisor is required to furnish a good and sufficient bond of a surety company running to the State of Washington, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this act, conditioned for the faithful performance of his duties as such officer and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

Pierce's  
Code § 2579  
*et seq.*

Pierce's  
Code § 2582.

Bond of  
supervisor.

Passed the Senate November 24, 1925.

Passed the House December 4, 1925.

Approved by the Governor December 15, 1925.

## CHAPTER 44.

[H. B. 4.]

GROUP PLAN LIFE INSURANCE FOR BANK AND TRUST  
COMPANY EMPLOYEES.

AN ACT relating to the powers of banks, mutual savings banks, trust companies and savings and loan associations in respect of life insurance for their officers and employees.

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

Authoriza-  
tion to  
insure.

SECTION 1. A bank, mutual savings bank, trust company or savings and loan association, in the discretion of its governing board, may pay a part not exceeding three-fifths of the cost of group-plan life insurance for such of its active officers and employees as will participate in paying the rest of the cost: *Provided*, That the terms and conditions of any such insurance be approved by the state insurance commissioner.

Approval of  
insurance  
commis-  
sioner.

Passed the House November 20, 1925.

Passed the Senate December 8, 1925.

Approved by the Governor December 19, 1925.

## CHAPTER 45.

[H. B. 40.]

## JUDICIAL COUNCIL.

AN ACT establishing a judicial council and prescribing its powers and duties and the duties of other officers in respect thereof.

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

Members.

SECTION 1. There is hereby established a judicial council, which shall consist of the chief justice and one other judge of the supreme court, two superior judges, two members of the legislature, and three members of the bar who are practicing law and one of whom is a prosecuting attorney. The judge of the supreme court other than the chief justice shall be chosen by the court. The two superior judges

Method of  
choosing.

shall be chosen by the superior judges through their association, if they have one, but if not, then in such manner as the judges of the supreme court shall prescribe by rule. The members of the legislature shall be the persons last appointed chairman of the judiciary committees of the senate and the house. The members of the bar shall be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court.

SEC. 2. The term of the member of the council who is a judge, a chairman of a judiciary committee of the legislature, or a prosecuting attorney shall be for the rest of his term in the office that qualified him to become a member. The term of a member chosen from the bar, except the one who is a prosecuting attorney, shall be two years. A vacancy shall be filled for the rest of the term by appointment as in the first instance.

Length of terms.

Vacancies.

SEC. 3. The chief justice shall be chairman of the council, and one of the other members may be appointed by the council to be executive secretary. The state law librarian shall be recording secretary, and he shall keep in his office records of the proceedings and acts of the council. The council may make rules for its procedure and the conduct of its business, and may employ such clerical assistants and procure such office supplies as shall be necessary in the performance of its duties.

Chairman.

Secretary.

Assistants.

SEC. 4. A meeting of the council shall be held at the seat of government on the second Monday of September of each year. Other regular meetings may be provided for by rule. A special meeting may be held anywhere in the state at any time upon call by the chairman or five other members of the council and upon notice given to each member in time to enable him to attend.

Meetings.

SEC. 5. It shall be the duty of the council

Duties.

(1) Continuously to survey and study the opera-

tion of the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods of procedure therein, the work accomplished, and the character of the results;

(2) To receive and consider suggestions from judges, public officers, members of the bar, and citizens as to remedies for faults in the administration of justice;

(3) To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;

(4) To submit from time to time to the courts or the judges such suggestions as it may deem advisable for changes in rules, procedure, or methods of administration;

(5) To report biennially to the governor and the legislature on the condition of business in the courts, with the council's recommendations as to needed changes in the organization of the judicial department or the courts or in judicial procedure; and

(6) To assist the judges in giving effect to section twenty-five of article four of the constitution.

Reports to  
council.

SEC. 6. Judges and other officers of the courts, whether of record or not, and all other state, county and municipal officers shall render to the council such reports as it may request on matters within the scope of its duty to inquire.

Hearings.

SEC. 7. The council may hold public meetings and hearings, and shall have power to require the attendance of witnesses and the production of books and documents. Every member of the council shall have power to administer oaths and to issue subpoenas requiring the attendance of witnesses and the production of books and documents before the

Oaths and  
subpoenas.

council, and the superior court shall have power to enforce obedience to such subpoenas and to compel the giving of testimony.

SEC. 8. A member of the council shall not receive compensation for his services but shall be allowed his actual necessary expenses when traveling on business of the council.

Traveling expenses.

Passed the House November 23, 1925.

Passed the Senate December 3, 1925.

Approved by the Governor December 19, 1925.

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## CHAPTER 46.

[H. B. 85.]

### LAND DEEDED BY STATE TO SPOKANE COUNTY FOR HIGHWAY PURPOSES.

AN ACT authorizing the conveyance by deed of certain lands to Spokane 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 the secretary of state shall, respectively, execute and attest, in the name of the State of Washington, a quit claim deed of conveyance to the County of Spokane as a right of way for a public highway, along and across a strip of land 60 feet wide over and across the southwest quarter of the northwest quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ); the northwest quarter of the southwest quarter (NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ); the southeast quarter of the southwest quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) and Government Lot 1 of Section 12, Township 24 North, Range 40 East W. M. or so much thereof as lies within said 60 foot strip, being 30 feet on each side of the following described center line, viz:

Authoriza-  
tion to  
convey.

Description.

Beginning at a point on the west boundary of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 12, Township 24 North, Range 40 East W. M., 122.8 feet north of the

west 1/4 corner of said section and running thence southeasterly on a 20° curve to the left 131.2 feet; thence S. 26° 15' E. 903.9 feet; thence on a 10° curve to the left 280.0 feet; thence S. 54° 15' E. 977.0 feet; thence on a 10° curve to the left 162.8 feet; thence S. 70° 32' E. 1020.1 feet; thence S. 73° 38' E. 168.0 feet to a point on the north and south center line, and 615.6 feet north of the south 1/4 section corner of said Section 12.

Emergency.

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.

Passed the House November 24, 1925.

Passed the Senate December 9, 1925.

Approved by the Governor December 19, 1925.

## CHAPTER 47.

[H. B. 142.]

### MOTOR VEHICLE EXEMPT LICENSES.

AN ACT relating to motor vehicles and amending Section 6329 of Remington's Compiled Statutes, and providing that this act shall take effect immediately.

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

Amends  
Pierce's  
Code § 212.

SECTION 1. That Section 6329 of Remington's Compiled Statutes be amended to read as follows:

Exemption  
from license.

Section 6329. Motor vehicles and trailers owned by the state of Washington, or by the counties, county game commissioners, cities, township organizations and school districts therein, and used exclusively by them, and all motor vehicles owned by the United States government, and used exclusively in its service, shall be exempt from the payment of the license fees herein provided: *Provided, however,* Such vehicles shall be registered as prescribed in this act and shall display upon the machine the number plates assigned by the director of licenses, and, ex-

Number  
plates to be  
displayed.

cept in case of the federal government, shall pay for such number plates a fee of one dollar (\$1).

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 December 2, 1925.

Passed the Senate December 10, 1925.

Approved by the Governor December 19, 1925.

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## CHAPTER 48.

[H. B. 147.]

### APPROPRIATIONS AND REAPPROPRIATIONS FOR STATE INSTITUTION BUILDINGS.

AN ACT making appropriations and reappropriations for the construction of buildings and making improvements of certain state institutions, and declaring this act shall take effect immediately.

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

SECTION 1. The following sums, or as much thereof as shall severally be found necessary, are hereby appropriated out of any monies in the several funds in the State Treasury, hereinafter named, for the construction of buildings and improvements for the various state institutions hereinbelow designated and mentioned, for the period beginning April 1, 1925, and ending March 31, 1927, as hereinafter particularly specified in the amount appropriated for such purposes, to be expended under the direction of the board or officer having control:

FROM THE GENERAL FUND.

FOR THE WESTERN STATE HOSPITAL:

For completing and altering central dining hall  
and ward building ..... \$35,000 00

Western  
state hos-  
pital.

SEC. 2. The following sums, or as much thereof as shall severally be found necessary, are hereby reappropriated out of any monies in the several

funds in the State Treasury, hereinafter named, for the construction of buildings and improvements for the various state institutions hereinbelow designated and mentioned, for the period beginning April 1, 1925, and ending March 31, 1927, as hereinafter particularly specified in the amount appropriated for such purposes, to be expended under the direction of the board or officer having control:

FROM THE GENERAL FUND.

State training school.

FOR THE STATE TRAINING SCHOOL:

Reappropriation of unexpended balance of appropriation for dining hall, kitchen and dormitory, Chapter 32, Laws of 1925, made for fiscal year ending March 31, 1926.....\$100,000 00

Western state hospital.

FOR THE WESTERN STATE HOSPITAL:

Reappropriation of unexpended balance of appropriation for buildings and alterations, Chapter 32, Laws of 1925, made for fiscal year ending March 31, 1926..... 130,000 00

State custodial school.

FOR THE STATE CUSTODIAL SCHOOL:

Reappropriation of unexpended balance of appropriation for one ward building, Chapter 32, Laws of 1925, for fiscal year ending March 31, 1926 ..... 90,000 00

Northern state hospital.

FOR THE NORTHERN STATE HOSPITAL:

Reappropriation of unexpended balance of appropriation for water system, Chapter 32, Laws of 1925, made for fiscal year ending March 31, 1926 ..... 100,000 00

Emergency.

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

Passed the House December 1, 1925.

Passed the Senate December 10, 1925.

Approved by the Governor December 19, 1925.



## CHAPTER 49.

[H. B. 116.]

## CONCENTRATED COMMERCIAL FEEDING STUFFS.

AN ACT relating to concentrated commercial feeding stuffs and amending Section 3 of Chapter 101 of the Laws of 1919.

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

SECTION 1. That Section 3 of Chapter 101 of the Laws of 1919 be amended to read as follows:

Section 3. Any person, company, corporation or agent, that shall sell, offer or expose for sale, any concentrated commercial feeding stuff in this state shall state in the invoice of every bulk shipment, shall affix or cause to be affixed to every package or sample of such concentrated commercial feeding stuff, in a conspicuous place on the outside thereof, a tag or label, which shall be accepted as a guarantee of the manufacturer, importer, dealer, or agent, and which shall have plainly printed thereon, in the English language, the number of net pounds of concentrated commercial feeding stuff in the package or bulk shipment, the name, brand or trademark under which the concentrated commercial feeding stuff is sold, the name and address of the manufacturer, importer, dealer or agent, the guaranteed analysis stating the minimum percentage of crude fat and crude protein and maximum per cent of crude fibre, which shall not exceed ten per cent (10%), determined as described in section 2, and the ingredients from which the concentrated commercial feeding stuff is compounded. The agency distributing to users of such feed in less than carload lots shall deliver to the purchaser of each lot regardless of quantity sold a bill showing current analysis of such feeding stuffs: *Provided*, That nothing in this act shall be construed to prohibit the manufacture and sale of molasses mixed with alfalfa meal, or cut alfalfa, made from the entire alfalfa hay, not less than

Amends  
Rem. Comp.  
Stat. § 7018;  
Pierce's  
Code § 84-3.

Packages to  
be labeled  
showing  
amount and  
analysis.

Molasses  
and alfalfa  
mixture.

ninety per cent (90%) pure for first cutting and not less than ninety-five per cent (95%) pure for second and third cuttings, the crude fibre content of which mixture does not exceed thirty per cent (30%) by weight in a mixture of ten per cent (10%) molasses and ninety per cent (90%) alfalfa. In mixtures containing greater proportions of molasses than ten per cent, the maximum crude fibre content thereof shall be proportionately less.

Passed the House December 9, 1925.

Passed the Senate December 16, 1925.

Approved by the Governor December 19, 1925.

## CHAPTER 50.

[S. B. 67.]

### LUNCH ROOMS IN SCHOOLS WITHIN FIRST CLASS SCHOOL DISTRICTS.

AN ACT relating to health, welfare and care of children in attendance at public schools and amending Chapter 152 of the Session Laws of the State of Washington for the year 1923 by adding one section thereto to be designated Section 2.

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

SECTION 1. That Chapter 152 of the Session Laws of the State of Washington for the year 1923 be amended by adding thereto a section to be designated Section 2, to read as follows:

Sec. 2. The Directors of any School District of the first class may establish and operate lunch-rooms in the school buildings for pupils and teachers; *Provided*, The actual operating expenses, including cost of food supplies, shall not exceed the revenue from the sale of lunches in any school year.

Passed the Senate November 17, 1925.

Passed the House December 9, 1925.

Approved by the Governor December 19, 1925.

Authoriza-  
tion.

Expenses not  
to exceed  
revenue.

CHAPTER 51.

[H. B. 126.]

CORRECTING SPELLING OF NAME OF CLARKE COUNTY.

AN ACT to correct the spelling of the name of Clarke County.

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

SECTION 1. The name of Clarke County is hereby changed to Clark County, dropping the final "e" in accordance with the spelling of the name of the explorer William Clark of the Lewis and Clark Expedition in whose honor the county was named.

Clarke to  
Clark.

Passed the House December 1, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

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CHAPTER 52.

[H. B. 92.]

UNION HIGH SCHOOL DISTRICTS IN CONSOLIDATED CITIES OR TOWNS.

AN ACT relating to Union High School Districts.

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

SECTION 1. Whenever a union high school district comprised in whole or in part of two or more incorporated cities or towns shall have been established and is maintaining a four year accredited high school and said cities and towns shall thereafter become united by annexation or consolidation, the uniting of the two municipalities shall not operate to dissolve such union high school district, notwithstanding the combined population of the municipalities united shall exceed ten thousand, and such union high school district, together with the officers and directors thereof, shall thereafter be entitled to,

Consolidation of towns not to dissolve union high school district.

and enjoy all of the rights, powers and privileges to maintain and conduct a union high school and levy taxes for the maintenance thereof as though said municipalities had not been united and such union high school district and its officers and directors shall perform all of the functions, duties and obligations imposed upon union high school districts at the time of said consolidation or thereafter and the directors of such union high school district shall continue to hold their respective offices and perform the duties and obligations thereof until their successors are elected and qualified in the manner provided by law for the election of directors of union high school districts.

Passed the House December 1, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 53.

[H. B. 97.]

### VENUE OF CIVIL ACTIONS IN JUSTICE COURTS.

AN ACT relating to the venue of civil actions in justice courts and amending Section 1756 of Remington's Compiled Statutes.

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

SECTION 1. That section 1756 of Remington's Compiled Statutes be amended to read as follows:

City of  
residence of  
defendant.

Section 1756. All civil actions commenced in a justice court against a defendant, or defendants, residing in a city or town of more than fifteen hundred inhabitants shall be brought in a justice court in the city in which one or more of said defendants reside.

Passed the House December 3, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

CHAPTER 54.

[H. B. 139.]

CHECKS DRAWN BY AGENTS.

AN ACT relating to bank checks drawn by agents.

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

SECTION 1. If any person be authorized as an agent to draw checks against the account of his principal in any bank or trust company, such bank or trust company shall not be chargeable with notice that any check so drawn is not within the authority of such agent from the fact that the same is payable to or endorsed to such agent.

Bank not charged with notice when check payable to agent.

Passed the House December 1, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

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CHAPTER 55.

[H. B. 187.]

DESTRUCTION OF RECORDS OF DEFUNCT BANKS AFTER LIQUIDATION.

AN ACT relating to banks and banking and prescribing certain powers and duties of the supervisor of banking.

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

SECTION 1. Where any files, records, documents, books of account or other papers have been taken over and are in the possession of the supervisor of banking in connection with the liquidation of any insolvent banks or trust companies under the laws of this state, the supervisor of banking may, in his discretion at any time after the expiration of one year from the declaration of the final dividend, or from the date when such liquidation has been entirely completed, destroy any of the files, records, documents, books of account or other papers which may

Discretion of supervisor of banking.

appear to the supervisor of banking to be obsolete or unnecessary for future reference as part of the liquidation and files of this office.

Passed the House December 8, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 56.

[H. B. 57.]

### TRESPASSING ANIMALS.

AN ACT relating to damages by domestic animals and amending Sections 3090, 3092 and 3093 of Remington's Compiled Statutes of Washington, being Sections 1, 3 and 4 of Chapter XXXI, Laws of 1893.

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

Amends  
Pierce's  
Code § 1975.

SECTION 1. That Section 3090 of Remington's Compiled Statutes of Washington, being Section 1 of Chapter XXXI, Laws of 1893, be amended to read as follows:

May be  
distrained.

Section 3090. Any person suffering damage done by any horses, mares, mules, asses, cattle, goats, sheep, swine, or any such animals, which shall trespass upon any cultivated land, inclosed by lawful fence or situated within any district created pursuant to Chapter 25, Laws of 1911 and Acts amendatory thereof, may retain and keep in custody such offending animals until the owner of such animals shall pay such damage and costs, or until good and sufficient security be given for the same.

Amends  
Pierce's  
Code § 1977.

SEC. 2. That Section 3092 of Remington's Compiled Statutes of Washington, being Section 3 of Chapter XXXI, Laws of 1893, be amended to read as follows:

Notice of  
distrainment.

Section 3092. If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, the notice pro-

vided in the last section shall be given by posting three notices, in three public places in the neighborhood where the animals are restrained.

SEC. 3. That Section 3093 of Remington's Compiled Statutes of Washington, being Section 4 of Chapter XXXI, Laws of 1893, be amended to read as follows:

Amends  
Pierce's  
Code § 1978.

Section 3093. If the owner or person having such animals in charge fails or refuses to pay the damages done by such animals, and the costs, or give satisfactory security for the same within twenty-four hours from the time the notice was served, if served personally, or in case of horses, mares, mules and asses, within twenty-four hours from the time such notice was posted, if served by posting the same, and in case of cattle, goats, sheep and swine within ten days from the time of such posting, the person damaged may commence a suit, before any court having jurisdiction thereof, against the owner of such animals, or against the persons having the same in charge, or possession, when the trespass was committed, if known; and if unknown the defendant shall be designated as John Doe, and the proceedings shall be the same in all respects as in other civil actions, except as modified in this chapter. If such suit is commenced in superior court the summons shall require the defendant to appear within five days from the date of service of such summons, if served personally.

Suit for  
damages.

Appearance  
within five  
days.

Passed the House November 30, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

## CHAPTER 57.

[H. B. 104.]

## POWERS AND DUTIES OF DIRECTORS OF PUBLIC SCHOOLS.

AN ACT relating to and prescribing the powers and duties of boards of directors for public schools, and amending Section 4776 of Remington's Compiled Statutes.

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

Amends  
Pierce's  
Code § 4979.

Powers and  
duties.

Employment  
of teachers.

To enforce  
rules.

To furnish  
and maintain  
school  
houses.

To care for  
school  
houses and  
school prem-  
ises.

SECTION 1. That Section 4776 of Remington's Compiled Statutes be amended to read as follows:

Section 4776. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty:

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

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

Third: To rent, repair, furnish and insure schoolhouses, to employ janitors, laborers and mechanics.

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



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

To purchase and lease property.

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

To suspend or expel pupils.

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

To provide text books.

To pay for commencement exercises.

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

To require books.

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

To exclude immoral books.

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

To permit use of schools for various purposes.

Eleventh: To provide and pay for transportation of children to and from school whether such children live within or without the district when in their judgment the best interests of their district will be subserved thereby, but the directors shall not be compelled to transport any pupil living within two miles of the schoolhouse. When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division

To provide for transportation of pupils.

Division of cost between districts.

Insurance of  
school  
busses.

of the cost of such transportation between the districts. Whenever any school children are transported by the school district in its own motor vehicles and by its own employes, the board shall have power to provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle; and, in event the transportation of the children is arranged for by contract of the district with some person, the board shall have power to require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation.

Contractor  
to procure  
insurance  
for ve-  
hicle.

To provide  
night  
schools.

Twelfth: To establish and maintain night schools.

Passed the House December 1, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 58.

[H. B. 10.]

### REPEAL OF ACT PROVIDING FOR LAND DEVELOPMENT.

AN ACT relating to agricultural development districts, and repealing Chapter 155 of the Laws of 1913.

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

Repeals  
Rem. Comp.  
Stat.  
§§ 2946-3003  
incl.; Pierce's  
Code §§ 19-76  
incl.

SECTION 1. That chapter 155 of the Laws of 1913, pages 492-512, is hereby repealed.

Passed the House December 8, 1925.

Passed the Senate December 21, 1925.

Approved by the Governor December 23, 1925.

CHAPTER 59.

[H. B. 43.]

PROTECTION OF RHODODENDRON AND OTHER FLOWERS  
AND SHRUBS.

AN ACT relating to flowering and ornamental trees and shrubs and the flowering plants, and providing penalties for violation thereof.

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

SECTION 1. Any person who shall go upon any lands owned by the State of Washington, or any person, firm or corporation, and without the consent of the owner of such lands, shall cut down, remove, destroy or uproot any rhododendron, or any part thereof, situate, growing or being on such lands; or who shall cut down, remove, destroy or uproot any rhododendron within three hundred (300) feet of the center line of any state or county road, or any flowering or ornamental tree or shrub, or any flowering plant, either perennial or annual, or any part thereof, situate, growing or being in any public street or highway in the State of Washington, unless such person is engaged in the work of constructing or repairing such highway or street, under authority and direction of the legally constituted public officials being charged by law with the duty of constructing or repairing such highways or streets, shall be guilty of a misdemeanor.

Flowers and shrubs protected.

Penalty.

Passed the House November 20, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

## CHAPTER 60.

[H. B. 59.]

## MEMORIAL MILESTONE IN FRANCE.

AN ACT providing for placing a memorial milestone on the line occupied by the allied armies in France and Belgium on November 11, 1918, and making an appropriation therefor.

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

SECTION 1. For the purpose of erecting a memorial milestone on the line in France and Belgium occupied by the allied armies on November 11, 1918, properly inscribed to denote its erection by the people of the State of Washington, there is hereby appropriated from any funds in the state treasury not otherwise appropriated the sum of two hundred dollars. The state auditor is authorized and directed to draw his warrant on the state treasurer payable to C. A. Guerard, consul of France, at Seattle, Washington, for the sum hereby appropriated.

Passed the House December 2, 1925.

Passed the Senate December 18, 1925.

Approved by the Governor December 23, 1925.

## CHAPTER 61.

[H. B. 95.]

## SEPARATE DESIGNATIONS FOR COUNCILMEN IN CITIES OF THE FIRST CLASS.

AN ACT authorizing certain cities of the first class to provide for separate designations for councilmen and for their filing for and election to office under such separate designations.

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

SECTION 1. Any city of the first class having a population less than one hundred thousand by the last Federal census and having a charter providing that each of its councilmen shall be the commissioner of an administrative department of such city, may

Appropriation.

When separate designations possible.

by ordinance provide for the separate designation of such councilmen as officers, in accordance with such administrative departments, and for their filing for and election to office under such separate designations.

Ordinance providing for separate designations.

SEC. 2. Whenever any such city shall have passed such an ordinance providing for such separate designations and for filing for and election to office in accordance therewith, such city shall have no power to repeal the same except by ordinance passed by the council of such city and submitted to the voters thereof at a general or special election and ratified by a majority of the voters voting thereon.

Ordinance may not be repealed without ratification of voters.

Passed the House November 25, 1925.

Passed the Senate December 18, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 62.

[H. B. 146.]

### LAND SETTLEMENT ADJUSTMENT BOARD.

AN ACT relating to and providing for the relief of, and authorizing modification of contracts with, certain settlers upon land settlement projects, and the sale of surplus lands thereof, creating a land settlement adjustment board, making an appropriation, and declaring an emergency.

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

SECTION 1. There is hereby created a land settlement adjustment board, hereinafter called the adjustment board, which shall consist of the director of conservation and development, a practical farmer familiar with irrigation practice to be appointed by the president of the senate and a practical farmer familiar with irrigation practice to be appointed by the speaker of the house of representatives. The members of said adjustment board other than the director of conservation and development shall hold

Creation of board.

Members.

Term.

office until the meeting of the regular session of the legislature in January, 1927.

Modification  
of settlers'  
contracts.

See Rem.  
Comp. Stat.  
§§ 3018 to  
3026 incl.;  
Pierce's  
Code 94-1 to  
94-8 incl.;  
Rem. 1923  
Sup.  
§§ 3021-1,  
3023; Pierce  
1923 Sup.  
§§ 94-4a,  
94-6.

SEC. 2. Whenever any contract for the purchase and development of lands has been heretofore entered into between the state of Washington and any settler under the provisions of Chapter 188 of the Laws of 1919, and it shall be found in the judgment of the director of conservation and development that the contract purchase price of such lands is in excess of the reasonable and fair value thereof, and/or the terms or conditions of the contract are unreasonable or unjust, the director of conservation and development shall have the power by and with the advice and consent of the other members of the adjustment board to modify such existing contract, or to enter into a new contract, for such price and/or upon such terms as may be just and reasonable within the limitations prescribed in said Chapter 188 of the Laws of 1919.

Cancellation  
of settlers'  
contracts.

SEC. 3. Whenever any contract for the purchase and development of lands has been entered into under said Chapter 188 of the Laws of 1919, and it shall be found in the judgment of the director of conservation and development that the lands covered by such contract are of such character and/or so situated as not to be capable of development and/or not to be of the value of the purchase price specified in said contract, the director of conservation and development, with the approval of the other members of the said adjustment board, shall have the power to accept a surrender of, and to cancel such contract, from the settler, and to repay the settler such sum as may be just and reasonable.

Sale of  
surplus  
lands.

SEC. 4. Whenever any lands have been purchased by the state for land settlement purposes under the provisions of said Chapter 188 of the Laws of 1919, and have been, or have not been im-

proved as in that act provided, and it shall be found in the judgment of the director of conservation and development that any of said lands are of such character and are so situated as not to be suitable, or are not needed for land settlement purposes, the director of conservation and development, with the approval of the other members of the said adjustment board, shall appraise the said lands and the improvements thereon, if any, and thereupon the director of conservation and development shall have the power to offer for sale and sell any of such lands at public auction in the manner and upon the terms, as near as may be, as provided by law for the sale of lands granted to the state, at not less than the appraised value thereof. All moneys received from the sale of said lands as above provided shall be paid into the state treasury and placed to the credit of the state reclamation revolving fund.

SEC. 5. The members of the adjustment board other than the director of conservation and development appointed under the provisions of this act shall be paid, out of the moneys hereinafter appropriated, the sum of ten dollars (\$10) for each day actually spent in the performance of their duties under the provisions of this act, and their actual and necessary traveling and other expenses incurred in the performance of such duties.

Salary of  
members of  
board.

SEC. 6. Said adjustment board shall proceed forthwith or as soon as they can conveniently do so to investigate and adjust any and all controversies or claims heretofore or hereafter presented to the director of conservation and development by any person, or persons, holding land settlement contracts with the state of Washington.

Investiga-  
tions and  
adjustments.

SEC. 7. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the state reclamation revolving fund in the state

Appropriation  
\$10,000.00.

treasury the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary.

Emergency.

SEC. 8. 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 December 1, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 63.

[S. B. 75.]

### INCORPORATION OF FRATERNAL SOCIETIES.

AN ACT relating to corporations and amending Sections 3865 and 3871 of Remington's Compiled Statutes.

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

Amends  
Pierce's  
Code § 4685.

SECTION 1. That section 3865 of Remington's Compiled Statutes be amended to read as follows:

Procedure.

Section 3865. Any grand lodge, encampment, chapter or any subordinate lodge or body of Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias, or other fraternal society, desiring to incorporate, shall make articles of incorporation in triplicate, and file one of such articles in the office of the secretary of state and another in the office of the county auditor of the county in which the meetings of such lodge, chapter or encampment are held; such articles shall be signed by the presiding officer and the secretary of such lodge, chapter or encampment, and attested by the seal thereof, and shall specify:

Contents of  
articles.

(1) The name of such lodge or other society, and the place of holding its meetings; (2) the name of the grand body from which it derives its rights and powers as such lodge or society; or if it be a



grand lodge, the manner in which its powers as such grand lodge are derived; (3) the names of the presiding officer and the secretary having the custody of the seal of such lodge or society; (4) what officers shall join in the execution of any contract by such lodge or society to give it force and effect in accordance with the usages of such lodges or society.

SEC. 2. That section 3871 of Remington's Compiled Statutes be amended to read as follows:

Amends  
Pierce's  
Code § 4618.

Section 3871. All instruments purporting to be articles of incorporation for a college, seminary, church [church], library, or benevolent, charitable, or scientific society, or fraternal society, heretofore or hereafter made and executed in accordance with the provisions of the foregoing sections of this chapter; or which now comply therewith, except that the same have been acknowledged before an officer authorized by law to take the acknowledgment of deeds, and have not been sworn to by the trustees as by said laws required, or have been filed with the auditor of the county where the chief place of business of the corporation so purporting to be formed is located, instead of being recorded as by said laws required, or which are defective in both said respects, are hereby declared to be, and are hereby made to be, good and valid articles of incorporation; and the corporations formed, or attempted to be formed by virtue of said articles of incorporation, are hereby declared to be, and are hereby made, good and valid, and existing corporations, with the same and as full powers, rights and liabilities as they would have had if the said articles of incorporation had been executed and recorded as by law required, and that all acts, deeds, and proceedings had or done by said corporations, or under said articles of incorporation, and all rights acquired as to both real and personal property, and all obligations of every kind incurred

Validation  
of defective  
articles.

by such corporations, are hereby made of the same force, effect and validity as if said articles of incorporation had been executed as required by law.

Passed the Senate November 23, 1925.

Passed the House December 17, 1925.

Approved by the Governor December 23, 1925.

## CHAPTER 64.

[S. B. 20.]

### COMMISSION MERCHANTS.

AN ACT relating to licenses of commission merchants and amending Section 8 of Chapter 134 of the Laws of 1923.

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

SECTION 1. That section 8 of chapter 134 of the Laws of 1923, pages 369-370, be amended to read as follows:

Section 8. Whenever any consignor shall, after request, receive no remittance or report of sale, or if after receipt of any report or remittance be dissatisfied with such report or the amount of such remittance, he may make a verified complaint in writing to the director of agriculture who shall upon receipt of the same cause to be investigated the sale or sales complained of, and shall serve upon the commission merchant complained of a copy of said complaint together with a notice in writing stating the place where and the time when such investigation will be made, which time shall be not less than five nor more than twenty days from the date of service of the notice, and if upon such investigation it appears that the said commission merchant has failed or neglected to account for such consignment or any part thereof, or has failed or neglected to make a true and complete report thereof, it shall be the duty of the director of licenses, upon recommendation of the director of agriculture to revoke the license of such

Amends  
Rem. 1923  
Sup. § 8299;  
Pierce's  
1923 Sup.  
§ 1417-8.

Complaint  
by consignor  
of failure to  
receive re-  
mittance,  
etc.

Notice to  
commission  
merchant.

Revocation  
of license.

commission merchant; and thereafter such commission merchant shall not be entitled to any license until the director of agriculture shall approve the issuance of a license to such person.

Passed the Senate November 18, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

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CHAPTER 65.

[S. B. 41.]

STATE BOARD OF EDUCATION.

AN ACT relating to the state board of education and amending Section 1 of Sub-chapter 3 of Title I of Chapter 97 of the Laws of 1909, pages 234-5.

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

SECTION 1. That Section 1 of Sub-chapter 3 of Title I of Chapter 97 of the Laws of 1909, pages 234-5 be amended to read as follows:

Amends  
Rem. Comp.  
Stat. § 4525;  
Pierce's  
Code § 4726.

Section 1. The State Board of Education shall consist of the Superintendent of Public Instruction, the president of the University of Washington, the president of the State College of Washington, the president of one of the state normal schools elected by the presidents of the state normal schools, and three persons actively engaged in educational work, appointed by the Governor, one of whom shall be a superintendent of a district of the first class, one a county superintendent of schools, one a principal of a fully accredited four-year high school.

Members.

The appointed and elected members of the board shall hold their office for two years from the date of appointment and shall serve until their successors are appointed and qualified.

Term.

Passed the Senate November 24, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

CHAPTER 66.

[S. B. 65.]

ADDITIONAL JUDGES FOR KING COUNTY.

AN ACT relating to the superior court of the county of King; the election and appointment of judges therein, and declaring an emergency.

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

Amends Rem. Comp. Stat. §§ 11045 and 11046; Pierce's Code § 8613.

Total number of judges thirteen.

Governor to appoint four judges.

Term.

Election and term of judges.

Emergency.

SECTION 1. That hereafter there shall be thirteen judges of the superior court of the State of Washington in and for King County.

SEC. 2. That the governor shall, upon the taking effect of this act, appoint four additional judges for the said superior court, who shall hold their office from the time of their appointment until their successors are elected and qualified, which said successors shall be elected at the general election in November, 1926, to serve until the second Monday in January, 1929.

SEC. 3. That at the general election in November, 1928, there shall be elected thirteen judges of said superior court, whose terms of office shall be four years from and after the second Monday in January, 1929; and every four years thereafter there shall be elected at the succeeding general elections thirteen judges of said superior court.

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

Passed the Senate November 18, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

CHAPTER 67.

[S. B. 86.]

HORTICULTURE.

AN ACT relating to horticultural inspection, and amending Section 2872 of Remington's Compiled Statutes.

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

SECTION 1. That Section 2872 of Remington's Compiled Statutes, as amended by Section 8 of Chapter 37, Laws of 1923, be amended to read as follows:

Amends  
Rem. 1923  
Sup. § 2872;  
Pierce's  
1923 Sup.  
2737a.

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

Fruits and  
vegetables,  
inspection.

Certificate.

Fees.

Report.

Disposition  
of excess  
amounts  
collected.

Refusal to  
pay fee.

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

Passed the Senate December 10, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 68.

[S. B. 112.]

### NOMINATION AND ELECTION OF SUPERIOR COURT AND SUPREME COURT 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.

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

Amends  
Pierce's  
Code § 2259.

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

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 such 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 the [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,

Manner of  
nomination  
and election.

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 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.

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.

<p>No. 1. Vote for One.</p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p>	<p>No. 1. Vote for One.</p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p>
<p>No. 2. Vote for One.</p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p>	<p>No. 2. Vote for One.</p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p>
<p>No. 3. Vote for One.</p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p>	<p>No. 3. Vote for One.</p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p> <p>..... <input type="checkbox"/></p>



(Or if vacancy to be filled.)

(Or if vacancy to be filled.)

No.....  
2 (or 4) year term.  
Vote for One.

No.....  
Unexpired term.  
Vote for One.

.....   
.....   
.....

.....   
.....   
.....

(Or if short term to be filed  
[filled].)

(Or if short term to be filled.)

No.....  
Short term.  
Vote for One.

No.....  
Short term.  
Vote for One.

.....   
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.....

Passed the Senate December 3, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

CHAPTER 69.

[S. B. 158.]

DIKING DISTRICT BONDS WHERE LANDS ARE TIDE  
LANDS OR UNSURVEYED LANDS.

AN ACT relating to diking districts organized for the reclamation of tide or unsurveyed lands under Chapter CXVII of the Laws of 1895 as amended, authorizing the issuance of bonds by such districts and the platting of lands therein.

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

SECTION 1. Where a diking district shall have been organized under Chapter CXVII of the Laws of 1895 as amended, and the lands of such district shall consist wholly of tide lands as defined by law, or other unsurveyed lands, and the object of such district is to reclaim said lands and place them under cultivation, and such districts shall have adopted a system of dikes for said district, including a pumping plant, if necessary, the board of commissioners of such district may, upon the petition of the

Object of district to reclaim lands.

Petition of owners.

Issuance of bonds.

Commissioners to determine schedule.

10 annual payments.

15 annual payments.

land owners owning a majority of all the lands within the district, in addition to the method now provided by law for the issuance of bonds of diking districts, issue bonds for the total estimated or actual cost of constructing said improvements, including the cost of the establishment of said district and the damages awarded and compensation paid to land owners for right of way, and the expenses and costs of all necessary court proceedings. Where bonds by such districts are issued under the provisions of this act, the board shall determine under which of the three following schedules said bonds shall be payable:

SCHEDULE 1.

If the board shall determine on ten annual payments, commencing one and ending ten years after date of such bonds, the installments thereof shall become due and collectible as follows:

For the first year .....	5%
For the second year .....	5%
For the third year .....	5%
For the fourth year .....	10%
For the fifth year .....	10%
For the sixth year .....	10%
For the seventh year .....	10%
For the eighth year .....	15%
For the ninth year .....	15%
For the tenth year .....	15%

SCHEDULE 2.

If the board shall determine on fifteen annual payments, commencing in the first year and ending in the fifteenth year, the installments thereof shall become due and collectible as follows:

For the first year .....	5%
For the second year .....	5%
For the third year .....	5%
For the fourth year .....	5%
For the fifth year .....	6%
For the sixth year .....	6%
For the seventh year .....	6%
For the eighth year .....	6%
For each succeeding year .....	8%

SCHEDULE 3.

The board may, however, determine on ten annual installments, the first of such annual installments to be collected at a time to be specified by the board, commencing not later than six years after the date of such bonds, in which event the following schedule shall be adopted for collection thereof:

10 annual payments commencing 6 years after date of bonds.

For the first installment .....	5%
For the second installment .....	5%
For the third installment .....	5%
For the fourth installment .....	10%
For the fifth installment .....	10%
For the sixth installment .....	10%
For the seventh installment .....	10%
For the eighth installment .....	15%
For the ninth installment .....	15%
For the tenth installment .....	15%

The commissioners may at any time, without petition issue bonds for the purpose of funding any outstanding warrant indebtedness of such district. In case of such an issue all the outstanding warrants of such district to be refunded shall immediately become due and payable upon receipt of the money by the county treasurer, and it shall be the duty of the county treasurer to issue a call for the payment of such warrants and to publish notice thereof in two successive weekly issues of the official county paper of such county. Such warrants so refunded shall cease to draw interest at the end of thirty (30) days after the date of the first publication of said notice. Bonds to refund warrants shall be payable as specified in this section. No bonds shall be sold for less than their par value. Where bonds are authorized to cover the estimated cost of an improvement, any unsold portion of such issue shall, upon the completion of said improvement, be cancelled.

Bonds to fund outstanding warrants.

Notice that warrants are due and payable.

Cessation of interest.

Sale of refunding bonds.

Cancellation of unsold bonds.

SEC. 2. Said bonds shall be numbered from one upwards consecutively and shall be in denominations of not less than one hundred dollars (\$100) nor more

Denominations of bonds.

than one thousand dollars (\$1,000). They shall bear the date of issue and an interest rate not exceeding [exceeding] seven per cent, payable annually or semi-annually, as the commissioners shall direct, with coupons attached for each interest payment, and shall be made payable to bearer. Said bonds and coupons shall be signed by the chairman of the board and attested by the secretary, and the seal of such district shall be affixed to each bond, but not to said coupons. Bonds shall be paid in the order of their numbers, and each bond shall specify its due date.

Date of bonds and interest rate, coupons.

Execution of bonds.

Order of payment.

Levy of assessment to pay bonds.

Assessment in proportion benefits.

Where bonds payable.

Plats of reclaimed land, notice of charges against land.

SEC. 3. Before said bonds shall become due and in time to pay the annual installments thereof the commissioners of said district shall, on or before the first Monday in October in each year, levy an assessment against the property of the district benefited sufficient to pay said installments of interest and/or interest and principal at their maturity, including any default in either principal or interest. Said assessment shall be in proportion to benefits and shall be collected by the county treasurer and kept as a separate fund for the sole purpose of paying the said interest and principal on said bonds, and every bond issue of such district shall constitute an irrevocable pledge of a sufficient amount of determined benefits to pay the principal and interest upon said bonds as the same mature. Said bonds and interest coupons shall be payable at the office of the county treasurer, provided that where an authorized issue exceeds the sum of one hundred thousand dollars (\$100,000) the same may be made payable at the office of the fiscal agency of the state of Washington in New York City.

SEC. 4. Where tide or other unsurveyed lands are reclaimed by a diking district and the owner of said lands shall desire to plat the same into lots, tracts or subdivisions, such plat shall specify and acknowledge the total benefits then a charge against

each lot, tract or subdivision in said plat. Before a plat shall be approved or filed, same shall be submitted to the board of dike commissioners for their consideration. In case the owner and such board can not agree as to the adjudged maximum benefits to be charged as the lien of the district and acknowledged to be such against each lot, tract or subdivision in such plat, any interested party may cause an action to be brought in the superior court of the county to have the just amount determined, and the decree of the court in such cause shall fix the amount of such lien and the same shall be conclusive and binding. In fixing the amount to be charged against the several lots, tracts and subdivisions, the adjudged benefits per acre, allowing credits for the benefits levied and paid at said time, shall be taken as the basis for determining the sum to be charged. The amount of adjudged benefits against property dedicated to the public for roads and highways in such plat shall be charged back against the abutting subdivisions and tracts in a just and equitable manner. All diking district assessments levied against the lands included in the plat shall be paid in full at the time said plat is approved. When approved such plat shall be filed with the county auditor of the county. Thereafter the lands within said plat shall be conveyed, assessed and taxed with reference to said plat.

Consideration of plats by commissioners.

Suit to ascertain charges against land.

Benefits measure of charges.

Charges against public roads.

Payment of assessments against plats.

Filing plats.

SEC. 5. Nothing in this act shall be construed as repealing or modifying any act or statute now in force pertaining to diking districts, but the rights and remedies hereby granted shall be deemed cumulative as to the districts to which this act is limited. This act shall apply to districts heretofore or hereafter organized and to property owners' petitions heretofore or hereafter filed; provided that the decision of the board of dike commissioners of a

Existing statutes not affected, act cumulative.

Application of act.

district to which this act applies to issue bonds of a district under existing law or under this act, shall be conclusive of such election.

Passed the Senate December 8, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 70.

[S. B. 80.]

### REPORTS OF WAREHOUSEMEN.

AN ACT relating to public and terminal warehouses and amending Section 7002 of Remington's Compiled Statutes.

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

Amends  
Pierce's  
Code § 2665.

SECTION 1. That section 7002 of Remington's Compiled Statutes be amended to read as follows:

Annual  
reports.

Section 7002. On June 30th of each year every warehouseman shall make a report, under oath, to the director of agriculture, on blanks or forms prepared by him, showing the total number of sacks and weight of each kind of grain and other commodities and bales and weight of hay, received and shipped from each warehouse licensed under this act, and also the amount of outstanding storage receipts on said date, and a statement of the amount of grain, hay and other commodities on hand to cover the same. The director of agriculture may also require special reports from such warehouseman at such times as the director of agriculture may deem expedient. The director of agriculture may cause every such warehouse and business thereof and the mode of conducting the same to be inspected whenever proper, and the property, books, records, ac-

Special  
Reports.

Inspection  
of ware-  
house.

counts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection.

Passed the Senate December 2, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 71.

[S. B. 157.]

### LAKE STEVENS GAME PRESERVE.

AN ACT to prevent the firing of guns or the killing, entrapping, shooting, ensnaring, maiming, or molesting any of the wild birds at any season of the year upon the waters of Lake Stevens in Snohomish County, or within one-half mile of the shores thereof, and providing a penalty for the punishment of the violation of this act.

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

SECTION 1. That it shall be unlawful to fire any gun or to kill, shoot, entrap, ensnare, maim, or destroy any wild birds at any season of the year upon the waters of Lake Stevens in Snohomish County, or within one-half mile of its shores, and any person who shall kill, shoot, entrap, ensnare, destroy, or maim any wild birds at any season of the year upon the waters of Lake Stevens in said county, or within one-half mile of the shores of said lake, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided.

Preserve created.

SEC. 2. Any person violating any of the provisions of this act shall, upon conviction thereof, be subject to a fine of not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00), together with the costs of prosecution, or imprisonment in the county jail where the offense is committed for not less than five days nor more than

Penalty.

thirty days, or by such fine and imprisonment in the discretion of the court.

Not applica-  
ble to  
scientific  
certificate  
holder.

SEC. 3. Sections one and two of this act shall not apply to any person holding a certificate giving the right to take birds, their nests, or eggs, for scientific purposes, as now provided by law.

Passed the Senate December 9, 1925.

Passed the House December 18, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 72.

[H. B. 15.]

### DISMISSAL OF MILITIA OFFICERS.

AN ACT relating to the dismissal and discharge of officers of the organized militia.

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

Removal by  
governor,  
grounds.

SECTION 1. The Governor may dismiss any commissioned or warrant officer of the organized militia of Washington for any of the following reasons:

- (1) Conviction of an infamous crime.
- (2) Absence from his command for more than thirty days without proper leave.
- (3) Sentence of dismissal by court-martial, duly approved.

And the Governor may discharge any commissioned or warrant officer of the organized militia of Washington for any of the following reasons:

- (1) Upon muster out of the organization to which such officer is then assigned.
- (2) Acceptance of resignation of such officer: *Provided*, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all state and federal monies,



and military property for which he shall be accountable or responsible.

(3) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.

(4) Incompetence or unfitness for military service is determined by the duly approved findings of an efficiency board appointed for that purpose.

Passed the House November 20, 1925.

Passed the Senate December 21, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 73.

[H. B. 24.]

### RAILROAD AND HIGHWAY CROSSINGS.

AN ACT relating to the construction and maintenance of railroad crossings and amending section 6 of chapter 30 of the Laws of 1913.

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

SECTION 1. That section 6 of chapter 30 of the Laws of 1913 be amended to read as follows:

Section 6. Apportionment of Cost of Crossings.

#### SUBDIVISION A.

Whenever, under the provisions of this act, new railroads are constructed across existing highways, or highway changes are made either for the purpose of avoiding grade crossings on such new railroads, or for the purpose of crossing at a safer and more accessible point than otherwise available, the entire expense of crossing above or below the grade of the existing highway, or changing the route thereof, for the purpose mentioned in this subdivision, shall be paid by the railroad company.

Amends  
Rem. Comp.  
Stat.,  
§ 10516;  
Pierce's  
Code § 5643.

Railroad to  
pay cost of  
construction.

## SUBDIVISION B.

Railroad to pay part of cost, when.

Whenever, under the provisions of this act, a new highway is constructed across a railroad, or an existing grade crossing is eliminated or changed, (or the style or nature of construction of an existing crossing is changed,) the entire expense of constructing an over-crossing, under-crossing, or safer grade crossing, or changing the nature and style of construction of an existing crossing, including the expense of constructing approaches to such crossing and the expense of securing rights-of-way for such approaches, as the case may be, shall be apportioned by the department of public works between the railroad, municipality or county affected, or if the highway is a state road, between the railroad and the state, as justice may require, regard being had for the benefits accruing to the railroad, municipality, county or state by reason of the improvement. If the highway involved is a state road, the amount not apportioned to the railroad company shall be paid as provided by law for constructing such state road. When an existing grade crossing is ordered eliminated by the construction of an over-crossing or under-crossing, the department may in its discretion pay an amount not to exceed ten per cent of the cost thereof out of the appropriation provided in this act, and in such case the state auditor is hereby authorized and required upon the requisition of the department, to draw warrants on the state treasury payable to the party designated by the department for such amount, and the state treasurer is hereby authorized and required to pay such warrants on presentation.

## SUBDIVISION C.

Apportionment of cost between railroads.

Whenever two or more lines of railroad owned or operated by different companies cross a highway, or each other, by an over-crossing, under-crossing, or grade crossing required or permitted by this act

or by an order of the department, the portion of the expense of making such crossing not chargeable to any municipality, county or to the state, and the expense of constructing and maintaining such signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and the employes of the railroad company, as the department may require to be constructed and maintained, shall be apportioned between said railroad companies by the department unless said companies shall mutually agree upon an apportionment. If it becomes necessary for the department to make an apportionment between the railroad companies, a hearing for that purpose shall be held, at least ten days' notice of which shall be given.

Passed the House December 8, 1925.

Passed the Senate December 21, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 74.

[H. B. 125.]

### ADMISSION TO COLONY OF STATE SOLDIERS' HOME.

AN ACT relating to the Colony of the State Soldiers' Home, and amending section 10730 of Remington's Compiled Statutes.

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

SECTION 1. That section 10730 of Remington's  
Compiled Statutes be amended to read as follows: Amends  
Pierce's  
Code § 6235.

Section 10730. There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and are indigent and unable to earn a support for themselves

and families, may be admitted to membership in said colony under such rules and regulations as may be adopted by the state board of control.

Admission  
to colony.

(1) All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, who were married and living with their wives on January 1st, 1925, or who, since said date, have married widows of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: *Provided*, That such soldiers, sailors, and marines and members of the state militia shall, while they are members of said colony, be living with their said wives.

Admission  
of soldiers  
widows.

(2) The widows of all soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the widows of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their husbands on or before January 1st, 1925, 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. Any resident of said colony may be admitted to the hospital at the State Soldiers' Home for temporary care when requiring hospital treatment.

Passed the House December 1, 1925.

Passed the Senate December 17, 1925.

Approved by the Governor December 23, 1925.

## CHAPTER 75.

[H. B. 37.]

EMINENT DOMAIN FOR RIGHTS OF WAY THROUGH  
CEMETERIES.

AN ACT authorizing the exercise of the power of eminent domain and the condemnation of rights of way for public streets and highways through cemeteries and burial grounds.

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

SECTION 1. Whenever it is necessary that a portion of the lands embraced within any cemetery or burial ground in which not more than one burial shall have taken place within the last preceding five years shall be used for the purpose of shortening the route of any existing public street or highway, reducing the curves thereof, eliminating angles therein, lessening the gradients thereof, or otherwise improving such street or highway, or for extending any such street or highway, the state of Washington, or any municipal corporation authorized by law to establish, lay out, extend and improve public streets or highways, are hereby authorized to exercise the power of eminent domain and acquire lands by condemnation for the right of way and improvement of such streets and highways over and across any such burial ground or cemetery in the same manner and by the same procedure as the state of Washington, or such municipal corporation, as the case may be, is authorized by law to acquire and condemn private lands for rights of way for streets and highways. Any judgment entered in such condemnation proceeding shall provide and require that before any entry is made on the lands condemned for the purpose of construction, or for use of the same as a public street or highway, the condemnor shall at its own expense remove or cause to be removed from such lands any bodies buried therein and suitably rein-

Use for  
highway  
purposes.

Condemna-  
tion.

Procedure.

Judgment.

Removal  
of bodies.

tered elsewhere to the satisfaction of relatives if they can be found: *Provided*, That no powers granted by this act shall be exercised after the year 1926.

Passed the House December 14, 1925.

Passed the Senate December 22, 1925.

Approved by the Governor January 5, 1926.

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## CHAPTER 76.

[H. B. 98.]

### DISINCORPORATION OF FOURTH CLASS TOWNS.

AN ACT providing for disincorporation in certain cases of towns of the fourth class.

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

When may  
disincor-  
porate.

SECTION 1. When any town of the fourth class shall fail for two successive years to hold its regular municipal election or when the officers elected at the regular municipal election of any town of the fourth class shall fail for two successive years to qualify, and the government of such town shall have ceased to function by reason of such failure, the division of municipal corporations may petition the superior court of the county in which such town is situated for an order disincorporating such town. The petition for disincorporation shall in addition to stating the facts as above specified set forth a detailed statement of the assets and liabilities of such town so far as the same can be ascertained.

Petition.

Notice.

SEC. 2. Upon the filing of such petition the superior court shall enter an order setting the same down for hearing at a date not less than thirty days from the date of filing, and the supervisor of municipal corporations shall give notice of such hearing

by publication in a weekly newspaper of general circulation in the county for three successive issues and by posting in three public places in such town, stating the purpose of the petition and the date and place of hearing thereon.

SEC. 3. Any qualified voter of such town or property owner therein may appear at such hearing and file written objections to the granting of such petition. If at such hearing it shall appear to the court that such fourth class town has failed for two successive years to hold its regular municipal election, or that the officers elected have failed for two successive years to qualify, and that the government of such town has ceased to function, the court shall enter an order for the disincorporation of such town.

Objections.

Hearing.

Order.

If the court finds that such town has no indebtedness and no assets the order of disincorporation shall be effective forthwith.

If the court finds that the town has assets and no indebtedness or liabilities the court shall order a sale of the assets of the town other than cash by the sheriff of the county in the manner provided by law for the sale of property on execution and the proceeds of such sale together with any moneys on hand in the treasury of such town, after deducting the costs of the proceeding and sale, shall be paid into the county treasury and placed to the credit of the school district in which such town is situated.

Disposition of assets.

School fund.

If the court finds that the town has indebtedness or liabilities and assets other than cash the court shall order the sale of the assets in the manner above provided and that the proceeds of such sale and the cash on hand shall be applied to the payment of the indebtedness or liabilities of the town.

Sale of assets.

If the court finds that such town has liabilities or indebtedness and no assets or that the assets are insufficient to pay the indebtedness the court shall

Liabilities exceed assets.

Tax levy  
to pay  
debts.

Delinquent  
taxes.

order the board of county commissioners from year to year to levy a tax on the taxable property within the boundaries of the disincorporated town until such time as the indebtedness and liabilities of the town are paid. All delinquent taxes at the date of disincorporation shall when collected be applied first to the payment of the indebtedness of the town and any balance remaining on hand from the collection of delinquent taxes or from taxes levied as hereinabove provided, after the payment of the indebtedness, shall be placed to the credit of the school district in which such town is situated.

Passed the House December 15, 1925.

Passed the Senate December 28, 1925.

Approved by the Governor January 5, 1926.

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## CHAPTER 77.

[H. B. 100.]

### FORMATION OF CONSOLIDATED JOINT SCHOOL DISTRICTS.

AN ACT relating to the formation of consolidated joint school districts.

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

Formation.

How  
determined.

SECTION 1. Consolidated joint school districts may be formed by the consolidation of contiguous school districts, including districts in incorporated cities and towns except cities of the first class, lying in two or more counties. Whenever it shall appear desirable to the county superintendents of the various counties affected, that two or more such districts shall be consolidated, such superintendents may, by unanimous vote, submit to the qualified electors of such districts the question of whether such consolidation shall be had and for that purpose such superin-



tendents are authorized at any time by unanimous vote to call a special election of the voters of such district. Each superintendent shall give at least ten (10) days' notice of such election in the district or districts included in his county, by causing to be posted written or printed notices thereof in at least three (3) public places in each district, one of which shall be the school house, if there be one. Such notice shall be in the form prescribed by law for notices of general annual school elections, shall state the object of the election, and shall be signed by each county superintendent. The ballots used at said election shall contain the words "For Consolidation" and "Against Consolidation," in such form that the voter may have an opportunity to vote for or against the proposed consolidation. Save as otherwise herein expressly provided, such elections shall be held in the same manner as are general annual school elections: *Provided*, That there shall be a separate election in each district.

Notice of election.

SEC. 2. The vote in each district shall be canvassed by the election officers, and a certificate of the result thereof, together with copies of the poll sheets, shall be forwarded to the county school superintendent of the county in which the district is located. Within thirty (30) days after said election, the county school superintendents of the counties affected shall, at a joint meeting, determine whether or not the proposal to consolidate has been approved by a majority of the voters of each district proposed to be consolidated, voting upon the question. If they shall find that such proposal has been so approved, they shall enter that fact upon the records of their several offices, and shall thereupon proceed to organize and establish a joint consolidated school district.

Canvass of votes.

SEC. 3. When two or more districts are consolidated under the provisions of this act, the directors

Directors. of the several districts so consolidated shall constitute the board of directors of the new district, and shall have all the powers conferred by law upon school district directors other than those of the first class, until the next annual school election, at which time there shall be elected three directors for said district. Annual school elections of such districts shall be conducted in the manner prescribed by law for school districts of the second class: *Provided*, That in case of conflict such elections shall be held in the manner prescribed by law for school districts in the county to which such district belongs. Such board of directors shall have power to appoint a clerk who shall possess the same powers and be entitled to the same privileges as clerks of school districts other than those of the first class.

Directors. SEC. 4. Every director of a joint consolidated school district shall file his certificate of election and oath of office, or certified copies thereof, with the county superintendents of the various counties in which the territory embraced in said district is located, together with his signature. Vacancies in the office of a director of a joint consolidated school district shall be filled by appointment by the county superintendent in whose county the former incumbent resided, and a copy of such appointment with the oath of office endorsed thereon, shall be filed in the office of each county superintendent.

Certificate of election.

Vacancies.

District number.

Boundaries.

SEC. 5. The county superintendents of said counties shall jointly designate such joint consolidated district by a separate number for each county in which any portion of the territory of such district may lie. They shall also make and keep a correct transcript of the entire boundaries of such district, and shall certify said transcript to the county treasurer and county auditor of such county, and all transfers of territory to or from such joint consoli-

dated district shall likewise be certified by such officers. A map of all joint consolidated districts shall be filed by said superintendents with the superintendent of public instruction within thirty (30) days after the formation of any such districts, which map shall indicate the number by which the district is designated in each county and also the location of the school-houses in said district. Said map shall be certified to by all the county superintendents in whose counties any part of such joint consolidated districts shall be embraced.

Map of  
districts.

SEC. 6. After a joint consolidated school district has been formed, all transfers of territory to and from said district shall be made by mutual agreement between the county superintendents of the several counties in which the territory of said district shall be embraced, and all notices of such transfers, shall be signed by all county superintendents of the counties affected.

Transfers of  
territory.

SEC. 7. Each school district composing said joint consolidated district shall retain its corporate existence, so far as necessary for that purpose, until its indebtedness has been paid in full, and the county commissioners of the county in which any such component district is located shall have the power, and it shall be their duty, to provide by appropriate levies upon taxable property in such component district for the payment of such indebtedness: *Provided*, That when such indebtedness is paid, said fact shall be entered upon the records of the district and reported to the county superintendent of the county in which the district is located.

Indebtedness  
of district  
units.

Tax levies.

SEC. 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 his county, the

Duty of  
county  
assessor.

Taxable  
property  
certification.

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. For the purpose of taking record of attendance, issuing of warrants, apportionment of funds, approval of building plans, segregation of estimates, and other matters of administration, the district shall be considered as belonging to the county in which is located taxable property included within the district of the greatest assessed value, as shown by the assessment rolls.

Tax to be  
levied.

SEC. 9. The amount of tax to be levied upon property of a district situate in one county shall be in such ratio to the whole amount levied upon the property in the entire district as the assessed valuation of the property in such county bears to the assessed valuation of the property in the entire district.

Estimates  
of funds  
required.

The board of directors of such consolidated district shall annually, at a meeting preceding the annual tax levy for state and county purposes, report to the county superintendent of the county to which the district belongs under the provisions of Section 8 hereof, an estimate in detail of the amount of funds which will be required by the district for all purposes for the ensuing year. The county superintendent shall thereupon, after deducting from said estimate estimated receipts from other sources, apportion to each county its proportionate share of such estimated expenditure, which apportionment shall be made upon the same basis as is provided in this section for the apportionment of tax levies, and shall forward to each board of county commissioners of each county a certificate setting forth the sum apportioned to that county, together with copies of all other certificates forwarded by him to other boards of county commissioners.

County  
apportion-  
ment of  
expenditures.

SEC. 10. Upon receipt of such certificate, it shall be the duty of the board of county commissioners of each county at the time provided by law for the levy of state and county taxes, to thereupon determine the rate of taxation necessary to be levied upon property in said district which is situated in such county, such rate to be sufficient to meet the proportion of taxes necessary to be raised in such county for the expenses of the district, as shown by the certificate of the county superintendent, and to levy and collect a tax in the amount thereof. Such taxes shall be assessed, levied and collected in the same manner and at the same time as county taxes are assessed, levied and collected, and the taxes so received shall be forwarded by the collecting officer to the county treasury of the county to which the district belongs, and said county treasury is hereby declared to be the legal depository of such school district. Save as otherwise provided in this act, the same limitations and conditions with respect to tax levies shall apply to levies made under this act as are provided by law for school districts of the second class.

Rate of  
taxation.Assessment  
collection.

Depository.

SEC. 11. In the apportionment of county funds the joint consolidated district shall draw its regular attendance credit from each county on the basis of pupils residing therein. 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

Apportion-  
ment of  
county  
funds.

Apportionment of state funds.

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 purposes of county apportionment, be allotted to the county to which the district belongs for apportionment of state funds.

Transfer of funds to district.

SEC. 12. The county treasurer of each county, other than the county to which the district belongs, shall transfer quarterly all moneys belonging to said district, including state and county apportionments, to the treasurer of the county to which the district belongs, and the same shall be placed to the credit of said district, and expended in the same manner as are funds of districts located entirely within the county.

Reports to county superintendents.

SEC. 13. All reports from joint consolidated districts shall be made in full to the county superintendents of each county affected thereby: *Provided*, That any county superintendent may order the segregation of any items of such report so as to show separately the number or amounts from each county affected thereby.

Powers and duties of districts.

SEC. 14. Except as herein otherwise provided, joint consolidated school districts, and the officers thereof, shall possess all the powers and be subject to all the duties now vested in or imposed upon school districts of the second class, and the officers thereof.

County officers: Duties.

Wherever existing laws relating to districts of the second class or school districts in general shall provide for any action by county officers, such action, if required to be performed in behalf of a joint consolidated school district, shall, except as herein

otherwise provided, be performed by the proper officer of the county to which the district belongs as determined in accordance with section 8 of this act.

Passed the House December 11, 1925.

Passed the Senate December 22, 1925.

Approved by the Governor January 5, 1926.

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## CHAPTER 78.

[H. B. 172.]

### PROTECTION OF GEO-DUCKS.

AN ACT relating to geo-ducks, and providing penalty.

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

SECTION 1. It shall be unlawful at any and all times for a period of three years from the date when this act takes effect for any person to catch, take or possess any geo-duck in the State of Washington. Closed season.

SEC. 2. Any person violating the provision of this act shall be deemed guilty of a misdemeanor. Penalty.

Passed the House December 15, 1925.

Passed the Senate December 28, 1925.

Approved by the Governor January 5, 1926.

## CHAPTER 79.

[H. B. 179.]

PROCEEDINGS FOR DRAINAGE, ETC., OF LANDS WITHIN  
OR WITHOUT INCORPORATED CITIES.

AN ACT relating to diking, drainage and sewerage, and amending  
Section 1 of Chapter 176 of the Laws of 1913, 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, (Section 4405 of  
Remington's Compiled Statutes) be amended to read  
as follows:

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 all of said  
purposes, of any contiguous body of lands 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 im-  
provements may be had as provided in this act.

SEC. 2. This act is necessary for the immediate  
preservation of the public health and shall take effect  
immediately.

Passed the House December 8, 1925.

Passed the Senate December 22, 1925.

Approved by the Governor January 5, 1926.

Amends  
§ 1945-57,  
Pierce's  
Code.

Four or  
more may  
petition.

Emergency.



CHAPTER 80.

[S. B. 32.]

ALLOWANCE OUT OF PROPERTY OF ABSENTEE.

AN ACT relating to property of absentees and amending Remington's Compiled Statutes by adding thereto a new section to Title X Chapter 8 thereof to be known as Section 1715-4-A.

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

SECTION 1. That Remington's Compiled Statutes be amended by adding to Title X Chapter 8 thereof a new section to be known as Section 1715-4-A to read as follows:

Pierce's Code, § 9779-a.

Section 1715-4-A. Whenever a petition is filed in said estate from which it appears to the satisfaction of the court that the owner of such property left a husband or wife, child or children, dependent upon such absentee for support or upon the property in the estate of such absentee, either in whole or in part, the court shall hold a hearing on said petition, after such notice as the court may direct, and upon such hearing shall enter such order as it deems advisable and may order an allowance to be paid out of any of the property of such estate, either community or separate, as the court shall deem reasonable and necessary for the support and maintenance of such dependent or dependents, pending the return of the absentee, or until such time as the property of said estate may be provisionally distributed to the presumptive heirs or to the devisees and legatees. Such allowance shall be paid by the trustee to such persons and in such manner and at such periods of time as the court may direct. For the purpose of carrying out the provisions of this section the court may direct the sale of any of the property of the estate in accordance with the provisions of section

Pettiton.

Hearing.

Allowance.

Payment by trustee.

Sale of property.

1715-4 of Remington's Compiled Statutes of Washington.

Passed the Senate December 29, 1925.

Passed the House December 18, 1925.

Approved by the Governor January 5, 1926.

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## CHAPTER 81.

[S. B. 77.]

### PUBLIC AUDITORIUMS IN FIRST CLASS CITIES.

AN ACT relating to the powers of cities of the first class in regard to public auditoriums and museums and amending Chapter 179 of the Laws of 1923 as amended by Chapter 12 of the Laws of 1925 and declaring that this act shall take effect immediately.

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

SECTION 1. That Section 1 of Chapter 179 of the Laws of 1923 as amended by Chapter 12 of the Laws of 1925, be amended to read as follows:

Section 1. That cities of the first class shall have the power to lease, purchase or construct, and maintain public auditoriums and art museums, and to use or let the same for such public and private purposes for such compensation and rental and upon such conditions as shall be prescribed by ordinance, and to issue negotiable bonds for the purchase or construction thereof on such conditions and in such manner as shall be prescribed by its charter or by general law for the borrowing of money for corporate purposes.

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 December 1, 1925.

Passed the House December 17, 1925.

Vetoed by the Governor December 24, 1925.

Passed over Governor's veto January 6, 1926.

Amends  
§ 8981-2.  
Rem. 1923  
Sup.  
§ 687-b,  
Pierce's  
Code.

Auditoriums  
and art  
museums.

Power to  
acquire.

Emergency.

## CHAPTER 82.

[S. B. 40.]

MILLAGE LEVY FOR INSTITUTIONS OF HIGHER  
EDUCATION.

AN ACT relating to the state institutions of higher education, making provisions for the annual levy of a tax to produce revenue therefor and repealing Chapter 142 of the Laws of 1921, page 528.

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

SECTION 1. The state tax commission shall, beginning the fiscal year 1926, and annually thereafter, at the time of levying taxes for state purposes, levy upon all property subject to taxation, a tax of one and forty-seven one-hundredths of one mill (1.47) for the state university fund; eight thousand seven hundred forty-six ten-thousandths of one mill (.8746) for the state college fund; twenty-six one-hundredths of one mill (.26) for the Bellingham Normal School fund; twenty-two one-hundredths of one mill (.22) for the Cheney Normal School fund; and sixteen one-hundredths of one mill (.16) for the Ellensburg Normal School fund, upon one billion, one hundred fifty-eight million, twenty-six thousand, six hundred seventy-six dollars, (\$1,158,026,676.00). Tax levy.

SEC. 2. That Chapter 142 of the Laws of 1921, page 528, be and the same is hereby repealed. Repealing clause.

Passed the Senate December 7, 1925.

Passed the House December 18, 1925.

Vetoed December 24, 1925.

Passed over Governor's veto, January 6, 1926.

CHAPTER 83.

[S. B. 219.]

APPROPRIATIONS FOR INSTITUTIONS OF HIGHER EDUCATION.

AN ACT making appropriations for the operation, maintenance and other expenses of certain state institutions, for the purchase of land, the construction of buildings and improvements for the various state institutions designated and mentioned for the fiscal year beginning April 1, 1926, and ending March 31, 1927, and declaring that this act shall take effect immediately.

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

Appropriations authorized.

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 operation of certain state institutions, and for the purchase of land and construction of buildings, and improvements for the various state institutions, for the fiscal year beginning April 1, 1926, and ending March 31, 1927.

"Operation" defined.

SEC. 2. The word "operation" 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.

FROM THE GENERAL FUND.

University of Washington.

FOR THE UNIVERSITY OF WASHINGTON:

Operations .....	\$231,750 00
Electric generator .....	85,000 00
Mines building and equipment thereof .....	150,000 00
Completion of Library.....	81,000 00
	<hr/>
Total .....	\$547,750 00

FOR THE STATE COLLEGE OF WASHINGTON:		State college.
Operations .....	\$156,750 00	
Completion of Mechanical Art Building .....	69,200 00	
Completion of Agriculture Building..	41,700 00	
Reconstruction and extension of water system .....	28,900 00	
For the Armory and Gymnasium....	150,000 00	
	<hr/>	
Total .....	\$446,550 00	

FOR THE CHENEY STATE NORMAL SCHOOL:		Cheney normal.
Operations .....	\$21,337 00	
Improvement of Campus.....	3,000 00	
	<hr/>	
Total .....	\$24,337 00	

FOR THE ELLENSBURG NORMAL SCHOOL:		Ellensburg normal.
Operations .....	\$21,627 00	
For purchase of land.....	28,180 00	
For alterations, equipment, heating plant, maintenance and furniture .....	19,000 00	
	<hr/>	
Total .....	\$68,807 00	

FOR THE BELLINGHAM NORMAL SCHOOL:		Bellingham normal.
Operations .....	\$31,518 00	
For the main unit library building and equipment .....	180,000 00	
	<hr/>	
Total .....	\$211,518 00	

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

Passed the Senate December 15, 1925.

Passed the House December 21, 1925.

Vetoed December 24, 1925.

Passed over Governor's veto January 6, 1926.

CHAPTER 84.

[H. B. 16.]

INDEPENDENT CONTRACTORS UNDER WORKMEN'S COMPENSATION ACT.

AN ACT relating to the compensation of injured workmen and their dependents, providing for the liability of employers in certain cases, and amending section 18 of chapter 74 of the Laws of 1911, page 367.

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

Pierce's Code, § 3486.

SECTION 1. That section 18 of chapter 74 of the Laws of 1911, page 367, as amended by section 1 of chapter 67 of the Laws of 1919, pages 134-135, (Rem. Com. Stat., 7693) be amended to read as follows :

Interstate and intrastate railway employees.

Section 18. Inasmuch as it has proved impossible in the case of employes of common carriers by railroad, engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employes with interstate or foreign commerce from their connection with intrastate commerce, and such employes have, in fact, received no compensation under this act, the provisions of this act shall not apply to work performed by such employes in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employes of such common carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the operation of this act railroad construction work, or the employes engaged thereon: *Provided, however,* That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury

Liability in absence of federal legislation.

while employed by such carrier, or in case of the death of such employe, to his surviving wife and child, or children, and if no surviving wife or child or children, then to the parents, sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the Laws of the United States governing recoveries by railroad employes injured while engaged in interstate commerce: *Provided, further, however,* That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries (including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this act or bring under the foregoing proviso of this section any extra hazardous work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: *Provided, further,* That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employes in performing extra hazardous work for a common carrier by railroad, from the duty of complying with the terms of this act, nor as depriving any employe of such independent contractor of the benefits of this act.

State Industries of interstate carriers.

Independent contractor included.

Passed the House December 8, 1925.

Passed the Senate December 17, 1925.

Vetoed December 24, 1925.

Passed over Governor's veto January 2, 1926.

## CHAPTER 85.

[H. B. 94.]

## STATE FLAG.

AN ACT relating to the state flag and amending Section 1 of Chapter 174, Laws of 1923.

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

§ 10964-1  
Rem. 1923  
Sup.  
§ 6264-1,  
Pierce's  
Code.

SECTION 1. That section 1 of chapter 174 of the Laws of 1923 be amended to read as follows:

State flag.  
Described.  
Established.

Section 1. That the official flag of the State of Washington shall be of dark green silk or bunting and shall bear in its center a reproduction of the seal of the State of Washington embroidered, printed, painted or stamped thereon. The edges of the flag may, or may not, be fringed. If a fringe is used the same shall be of gold or yellow color of the same shade as the seal. The dimensions of the flag may vary.

Passed the House December 9, 1925.

Passed the Senate December 18, 1925.

Vetoed December 24, 1925.

Passed over Governor's veto January 2, 1926.



CHAPTER 86.

[H. B. 36.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks, amending Sections 3322, 3324, 3327, 3328, 3337, 3340, 3343, 3344, 3349 and 3363 and repealing Section 3330 of Remington's Compiled Statutes of Washington, and amending Chapter III of Title XVIII of Remington's Compiled Statutes of Washington by adding thereto three sections to be numbered 3342-a, 3368-a and 3377-a.

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

SECTION 1. Section 3322 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's Code, § 364.

Section 3322. Every mutual savings bank incorporated under this act shall have, subject to the restrictions and limitations contained in this act, the following powers:

Powers of bank.

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this act, to declare dividends in the manner prescribed in this act, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

(2) To issue transferable certificates showing the amounts contributed by any incorporator, or trustee, to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate shall show that it does not constitute a liability of such savings bank, except as otherwise provided in this act.

(3) To purchase, hold and convey real property as prescribed in section 3338.

(4) To pay depositors as hereinafter provided, and when requested by them, by drafts upon depos-

its to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

(5) To borrow money in an emergency for the purpose of repaying depositors, and to pledge or hypothecate securities as collateral for loans so obtained, under the conditions prescribed in this act.

(6) To collect or protest promissory notes or bills of exchange owned by such bank or held by it as collateral, and remit the proceeds of the collections by drafts upon deposits to the creditor of the savings bank in any city in the United States, and to charge the usual rates or fees for such collection and remittance for such protest.

(7) To sell gold or silver received in payment of interest or principal of obligations owned by the savings bank, or from depositors in the ordinary course of business.

(8) To 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.

(9) 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.

(10) To make and amend by-laws consistent with law for the management of its property and the conduct of its business.

(11) To wind up and liquidate its business in accordance with this act.

(12) To adopt and use a common seal and to alter the same at pleasure.

(13) To do all other acts authorized by this act.

SEC. 2. Section 3324 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's  
Code,  
§ 365-1.

Section 3324. The bonds or interest-bearing notes or obligations of the United States or the Dominion of Canada or those for which the faith of the United States or the Dominion of Canada is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia; *Provided*, That in the case of bonds of the Dominion or those for which its faith is pledged the interest and principal be payable in the United States or with exchange to a city in the United States and in gold coin of the United States or its equivalent.

Federal and  
Canadian  
bonds.

Canadian  
bonds pay-  
able in  
gold.

SEC. 3. Section 3327 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's  
Code,  
§ 365-4.

Section 3327. The valid interest-bearing warrants or bonds of any city, town, county, school district, port district, water district or other municipal corporation in the State of Washington issued pursuant to law and for the payment of which the faith and credit of such municipality, county or district is pledged and taxes are leviable upon all taxable property within its limits. The bonds of any first or second class city of this state for the payment of which the entire revenue of the city's water system less maintenance and operating costs is irrevocably pledged, even though the bonds are not general obligations of the city.

Municipal  
bonds of this  
state.

SEC. 4. Section 3328 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's  
Code,  
§ 365-5.

Section 3328. The valid bonds of any incorporated city, county, school district, village or town situated in one of the states of the United States which adjoins the State of Washington. If at any time the indebtedness of any such city, school dis-

Municipal  
bonds of  
other  
states.

Limitations  
on invest-  
ment.

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

Repeals  
§ 365-7,  
Pierce's  
Code.

SEC. 5. Section 3330 of Remington's Compiled Statutes of Washington is repealed.

Pierce's  
Code.  
§ 365-14.

SEC. 6. Section 3337 of Remington's Compiled Statutes of Washington is amended to read as follows :

Realty  
mortgage  
loans.

Section 3337. 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

Regulations  
governing  
loans.

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 savings bank shall be invested in mortgage loans. No mortgage loan or renewal or extension thereof shall be made except upon written application showing the date, name of applicant, amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged and recommending the loan, and the application and written report thereon shall be filed and preserved with the savings bank records. Every mortgage and every assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located. 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 for a term of not more than ten years to which the mortgage is sub-

First  
mortgage  
defined.

ject, 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 the rents thereafter to accrue; (2) There be outstanding non-delinquent taxes or special assessments or both, and the sum of them and the amount of the loan does not exceed fifty per cent of the value of the property.

Pierce's  
Code,  
§ 367-1.

SEC. 7. Chapter III of Title XVIII of Remington's Compiled Statutes of Washington is amended by adding thereto a section to be numbered section 3342-a and to read as follows:

May not  
write fire  
insurance if  
interest in  
property.

Section 3342-a. When a savings bank is itself acting as an insurance agent, a trustee, officer or employee of the bank shall not act as an insurance agent to write fire insurance on property in which the bank has an insurable interest, and no part of a room used by a savings bank in the transaction of its business shall be occupied or used by any person other than the bank in the writing of fire insurance.

Pierce's  
Code,  
§ 365-17.

SEC. 8. Section 3340 of Remington's Compiled Statutes of Washington is amended to read as follows:

Railroad  
equipment  
obligations.

Section 3340. In railroad equipment obligations or equipment trust certificates which comply with the following requirements:

Require-  
ments.

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

(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 railroad 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 prescribed for determining the per centum of par value surplus by section twenty-six of this act.

Limit of investment.

SEC. 9. Section 3343 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's Code, § 368.

Section 3343. No such bank shall deposit any of its funds with any bank, trust company or other monied corporation or concern which has not been approved by the supervisor of banking as a depository for the savings bank's funds and designated a depository by vote of a majority of the trustees of the savings bank, exclusive of any trustee who is an officer, director or trustee of or who is interested in the depository so designated.

Approved depositories.

SEC. 10. Section 3344 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's Code, § 369.

Shall not  
office with  
other  
banks.

Section 3344. (1) A savings bank shall not do business or be located in the same room with or in a room connecting with any other bank, or a trust company that receives deposits of money or commercial paper, or a national banking association.

Place of  
business.

(2) No savings bank or any officer or director thereof shall receive deposits or transact any of its usual business at any place other than its principal place of business.

Pierce's  
Code,  
§ 374.

SEC. 11. Section 3349 of Remington's Compiled Statutes of Washington is amended to read as follows:

Investment  
of deposits.

Section 3349. (1) The trustees of every such bank shall as soon as practicable invest the moneys deposited with them in the securities prescribed in sections 3323 to 3340, except as hereinafter provided. For the purpose of paying withdrawals in excess of receipts, and meeting accruing expenses, or for the purpose of awaiting a more favorable opportunity for judicious investment, any such bank may keep on hand or on deposit in one or more banks or trust companies in this state or in the city of New York, state of New York, the city of Chicago, state of Illinois, the city of Portland, state of Oregon, or the cities of San Francisco or Los Angeles, state of California, an available fund not exceeding twenty per centum of the aggregate amount credited to its depositors, but the sum deposited by any such savings bank in any one bank or trust company shall not exceed twenty-five per centum of the paid up capital and surplus of the bank or trust company in which the deposit is made, and no more than five per centum of the aggregate amount credited to the depositors of any such savings bank shall be deposited in a bank or trust company of which a trustee of such savings bank is a director.

Reserve.

Deposits in  
other  
banks  
limited.



SEC. 12. Section 3363 of Remington's Compiled Statutes of Washington is amended to read as follows:

Pierce's Code, § 338.

Section 3363. (1) A trustee of a savings bank shall not

(a) Have any interest, direct or indirect, in the gains or profits of the savings bank, except to receive dividends (i) upon the amounts contributed by him to the guaranty fund and the expense funds of the savings bank as provided in sections 3319 and 3320, and (ii) upon any deposit he may have in the bank, the same as any other depositor and under the same regulations and conditions.

Trustees restricted.

(b) Become a member of the board of directors of a bank, trust company or national banking association of which board enough other trustees of the savings bank are members to constitute with him a majority of the board of trustees.

Member of other bank boards.

(2) Neither a trustee nor an officer of a savings bank shall

Restrictions on officers.

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds or deposits held by the savings bank, except to make such current and necessary payments as are authorized by the board of trustees.

Use funds.

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the savings bank, or any pay or emolument for services rendered to any borrower from the savings bank in connection with such loan, except as authorized by section 3361.

Commissions.

(c) Become an indorser, surety or guarantor, or in any manner an obligor, for any loan made by the savings bank.

Guarantor of loans.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds or deposits held by the savings bank, or become the

Borrow funds.

owner of real property upon which the savings bank holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen per centum of the total outstanding stock, or in which he and other trustees of the savings bank hold stock to the amount of twenty-five per centum of the total outstanding stock, shall be deemed a loan to or a purchase by such trustee within the meaning of this section; except when the loan to or purchase by such corporation shall have occurred without his knowledge or against his protest. A deposit in a bank shall not be deemed a loan within the meaning of this section.

Pierce's  
Code,  
§ 393-1.

SEC. 13. Chapter III of Title XVIII of Remington's Compiled Statutes of Washington is amended by adding thereto a section to be numbered 3368-a and to read as follows:

Reports to  
supervisor.

Section 3368-a. A savings bank shall render to the supervisor of banking, in such form as he shall prescribe, at least three regular reports each year exhibiting its resources and liabilities as of such dates as the supervisor shall designate, which shall be the dates designated by the comptroller of the currency of the United States for reports of national banking associations. Every such report, in a condensed form to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in the place where the bank is located. A savings bank shall also make such special reports as the supervisor shall call for. A regular report shall be filed with the supervisor within twelve (12) days and proof of the publication thereof within twenty (20) days from the date of the issuance of the call for the report. A special report shall be filed within such time as the supervisor shall indicate in the call therefor. A savings bank that fails to file within the prescribed time any report required by or under this section or proof of the publication of

Publication.

Failure to  
report.

any report required to be published shall be subject to a penalty to the state of ten dollars (\$10) for each day's delay, recoverable by a civil action brought by the attorney general in the name of the state. Penalty.

SEC. 14. Chapter III of Title XVIII of Remington's Compiled Statutes of Washington is amended by adding thereto a section to be numbered 3377-a and to read as follows: Pierce's Code, § 402-1.

Section 3377-a. A savings bank, in the discretion of its board of trustees, may retire and pension any officer, clerk or other employee who shall have served the bank for a period of thirty years or more, or who shall have served the bank for a period of twenty years or more and shall have become physically or mentally incapacitated for his position, or who shall have served the bank for a period of twenty years or more and shall have attained the age of sixty years. Any person retired from service pursuant to this section may be paid each month a percentage of his average monthly compensation for the three years immediately preceding his retirement equal to twice the number of years of his services for the bank, but the maximum amount so paid shall in no case exceed sixty per centum of such average monthly compensation. Pensioning officers and employees.

Vetoed

Passed the House November 24, 1925.

Passed the Senate December 8, 1925.

Approved by the Governor December 21, 1925, with the exception of Section 14, which is vetoed.

## CHAPTER 87.

[S. B. 163.]

ARTICLES OF INCORPORATION OF PRIVATE  
CORPORATIONS.AN ACT relating to corporations and amending Section 3805 of  
Remington's Compiled Statutes.*Be it enacted by the Legislature of the State of  
Washington:*SECTION 1. That Section 3805 of Remington's  
Compiled Statutes be amended to read as follows:

Section 3805. Any two or more persons, who may desire to form a company for one or more of the purposes specified in either of the two next preceding sections, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the Secretary of State, and another in the office of the County Auditor of the County in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation. Said articles shall state the corporate name of the company, the objects for which the same shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years: *Provided*, That this limit of existence shall not apply to any life, accident and health insurance company, the number of shares of which the capital stock shall consist, the number of trustees and their names, who shall manage the concerns of the company for such length of time (not less than two nor more than six months) as may be designated in such certificate, and the name of the city, town, or locality and county in which the principal place of business of the company is to be located: *Provided further*, That any corporation other than one orga-

Amends  
§ 4505,  
Pierce's  
Code;  
§ 1, ch.  
163, L. of  
1923.

Incorporation.

Articles.

Contents.

Limit of  
existence.

nized for banking, savings and loan, trust company, insurance, guaranty or surety purposes, may have and issue shares of either common or preferred stock without any nominal or par value, subject to the provisions of this act. The articles of incorporation may provide that the stock of the corporation (except in the case of the corporations excepted in the last preceding proviso) shall consist wholly of stock having a par value or wholly of stock without nominal or par value, or partly of one class of stock and partly of the other class, and, in the case of non-par-value stock, they shall state the total number of shares of such stock. Non-par-value stock, where authorized, may be issued by the corporation from time to time for such consideration, in labor, services, money or property, as may be fixed by the Board of Trustees pursuant to the articles of incorporation, or, if such articles shall not so provide, then by the consent of the holders of two-thirds of every class of stock then outstanding and entitled to vote. In case the articles of incorporation provide, in whole or in part, for non-par-value stock, the articles shall state the amount of capital (herein called "Initial Non-Par-Capital"); with which the corporation will begin to carry on business, which amount shall not be less than Five Hundred Dollars and shall be in addition to any amount of capital which may be designated for stock having par value, if any. Subscription of the amount of designated "Initial Non-Par-Capital" together with the subscription of the full amount of stock having par value, if any, shall be sufficient to authorize the corporation to commence business and, in the case of corporations having the power of eminent domain, to condemn land for corporate purposes. The liability of each subscriber to non-par-value stock, prior to the receipt by the corporation of the consideration to be received therefor as aforesaid, shall be his pro-

Common,  
preferred,  
non-par  
value  
stock.

Capital.

portion (according to the number of shares) of the said designated "Initial Non-Par-Capital," and no more, unless a greater liability is stated in the subscription contract. After the "Initial Non-Par-Capital" shall have been paid up, the liability of a subscriber to non-par-value stock shall be such as shall be, or shall have been, mutually agreed upon between the corporation and the subscriber of the stock. The number of shares of non-par-value stock may be increased or diminished by the corporation from time to time by complying with the provisions of law relating to increases and reduction in capital stock, so far as the same may be applicable. Amendments may be made to the articles of incorporation by a majority vote of its trustees and the vote or written assent of two-thirds of the capital stock of such corporation. If the written assent of two-thirds of the capital stock has not been obtained then the vote of said stock may be taken at any regular meeting of the stockholders, or at any special meeting of the stockholders called for that purpose in the manner provided in the by-laws of such corporation for special meetings of the stockholders. The president and secretary of said corporation shall certify said amendments in triplicate under the seal of said corporation to be correct and file and keep the same as in the case of original articles and from the time of filing said amendments such corporation shall have the same powers and it and the stockholders thereof shall be subject to the same liabilities as if such amendments had been embraced in the original articles of incorporation. Nothing contained in this section shall be construed to cure or amend any defect existing in any original articles of incorporation in that such articles did not set forth the matters required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof. If the articles of incorporation of any corporation state

Non-par  
value  
stock;  
increase or  
decrease of.

Articles  
amended.

Defective  
articles.

a time of existence less than fifty years, its time of existence may be extended by amendment but not beyond a period of fifty years from the date of its incorporation. Such amendment of extension may be made after the expiration, heretofore or hereafter, of the corporate life of any corporation, which for the period following such expiration has or shall have paid annual corporation fees to the state and in such case such amendment when made shall date back to the time of such expiration so that its corporate life shall be continuous, but upon the filing of such amendment made after such expiration the corporation shall pay to the state the same fee as is then required by law for the incorporation of a corporation having the same amount of capital stock.

Existence  
extended

When valid articles of incorporation have heretofore been duly filed with the Secretary of State and errors have been made in the duplicate filed with the county auditor, such defects may be cured by filing with said county auditor, a certified copy of the original articles filed with the Secretary of State, and when said certified copy is filed, it shall have the same force and effect as though the duplicate had been filed with the county auditor at the same time the original was filed with the Secretary of State. Under the provisions of this section relating to amendments any corporation already existing at the time of making such amendment may avail itself of the provisions of this act relating to non-par-value stock, having due regard to the provisions of laws limiting the reduction of capital stock. In the case of a corporation whose stock is wholly or partly without par value, there shall be filed with the articles [articles] of incorporation the affidavit of one of the incorporators, or other representative of the corporation, stating that, to the best of his knowledge and belief, the value of the assets received and to be received by such corporation

Curing  
defective  
articles.

Assets  
received for  
non-par  
value  
stock.

Investigation.

Additional fees.

Court review.

in return for the issuance of its non-par-value stock does not exceed a certain sum therein named, and the sum so named in such affidavit shall be assumed *prima facie* as the amount of capitalization represented by such non-par-value stock for the purpose of fixing the filing fees and annual license fees to be paid by such corporation under the laws of this State; *Provided*, That at any time within two years after the filing of such articles of incorporation, the Secretary of State may investigate and make a finding as to the value of such assets, and if the value of the assets received in consideration of the issuance of such non-par-value stock is found by him to exceed the amount stated in such affidavit, such corporation shall pay to the Secretary of State the additional filing and license fees payable under the laws of this State, based on the excess of the true valuation, as so found, over the value stated in such affidavit, together with interest on such additional sum at the rate of eight (8) per cent per annum from the date when the same became due, such payment to be made within sixty (60) days after notice mailed by the Secretary of State addressed to such corporation at its last known address: *and Provided Further*, That such finding of the Secretary of State shall be subject to review on such evidence as the parties may submit to the court, if an action for such review be begun by such corporation in the Superior Court of Thurston County within said sixty (60) days. If such action be begun, such corporation shall be allowed sixty (60) days, after judgment of the court finally adjudging the matter, in which to pay any additional fees that may be payable.

Passed the Senate December 10, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 7, 1926.



CHAPTER 88.

[S. B. 167.]

DEFICIENCY APPROPRIATION FOR ATTORNEY GENERAL.

AN ACT making an appropriation for the operation of the office of the attorney general, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby appropriated from the general fund of the state treasury the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary for the operation of the office of the attorney general for the balance of the fiscal year ending March 31, 1926. Attorney general.

SEC. 2. That 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 December 10, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 7, 1926.

CHAPTER 89.

[S. B. 214.]

DIKING, DRAINAGE AND SEWERAGE DISTRICT ELECTIONS.

AN ACT relating to diking, drainage, and sewerage improvement districts, the manner of voting therein, and amending section 19, chapter 176, Laws of 1913.

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

§ 1945-75,  
Pierce's  
Code.

SECTION 1. That section 19 of chapter 176, Laws of 1913, the same being section 4424 Remington's Compiled Statutes of Washington be amended to read as follows:

Election.

Section 19. Upon the determination by the board of county commissioners to proceed with the work of construction, said board shall order an election to be held in some place within the district to be designated by the board, and shall appoint an election board to consist of one inspector and two judges, who shall qualify in like manner and receive like compensation as election officers at general elections. Notice of said election shall be given by the clerk of the board of county commissioners by publication once a week for two consecutive weeks in a newspaper to be designated by the board and of general circulation in the district, the last of which publications shall be not less than seven nor more than fourteen days prior to the date of said election, and such notice shall also be posted by the sheriff of the county not less than fourteen days prior to the date of said election, in three of the most public places in the district. That at all elections held within the diking district the polls shall be open from one o'clock [o'clock], P. M. until seven o'clock P. M. All electors of the state owning land in the district shall be entitled to vote at any election held within the district, and each elector owning more than ten (10) acres

Notice.

Voting  
hours.

Acreage  
voting.

of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof; *Provided*, This amendment shall not apply to any districts already constructed and in operation.

At such election the officers may require any person offering to vote to take an oath that he is qualified to vote as in this act provided. An officer or agent of any corporation, organized under the laws of this state owning land in the district, duly authorized thereto in writing, may, upon filing with the election officers such written instrument of authority, cast a vote on behalf of such corporation.

Qualified voter. Oath.

Proxy voting.

Passed the Senate December 17, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 7, 1926.

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CHAPTER 90.

[S. B. 222.]

SALARY OF STATE TREASURER.

AN ACT fixing the salary of the state treasurer.

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

SECTION 1. From and after the second Monday in January, 1929, the annual salary of the state treasurer shall be four thousand dollars (\$4,000.00), to be paid at the times and in the manner provided by law.

Salary. State treasurer.

Passed the Senate December 18, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 7, 1926.

## CHAPTER 91.

[H. B. 252.]

ACQUISITION OF DORMITORIES BY INSTITUTIONS OF  
HIGHER EDUCATION.

AN ACT authorizing the boards of regents of the University of Washington and of the State College of Washington and the boards of trustees of the Washington state normal schools at Ellensburg, Cheney and Bellingham, Washington, and their successors in office to provide dormitory, boarding, housing and student activity buildings and appurtenances for said institutions and to provide for the purchase of land needed in connection therewith; to provide for the purchase or erection of buildings or the lease of lands for said purposes; to provide for the payment of the principal and interest stipulated in such contracts, on the amortization plan, in a period not to exceed twenty years; to provide a maximum rate of interest that may be paid on the principal of any such contracts and to provide for the manner of securing payment of such principal and interest, and declaring an emergency.

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

Authority  
to contract.

SECTION 1. The boards of regents of the University of Washington and of the State College of Washington, and the boards of trustees of the Washington state normal schools at Ellensburg, Cheney and Bellingham, Washington, are hereby authorized to enter into contracts with persons, firms or corporations for the erection of buildings for dormitory, housing and boarding purposes and for student activities; and said boards are further authorized to purchase or lease lands and other appurtenances necessary for the construction of such buildings, and to purchase or lease lands with buildings constructed thereon suitable for the purposes aforesaid; and said boards are also authorized to lease to any persons, firms or corporations such portions of the campus of their respective institutions as may be necessary for the construction of buildings for the purposes aforesaid and the reasonable use thereof: *Provided*, That

the State of Washington shall incur no liability by reason of exercise of the authority hereby granted to the said boards of regents and trustees aforesaid other than as hereinafter specifically set forth, *and Provided Further*, That such lands, buildings or appurtenances shall be used solely for such dormitory, housing, boarding or student activities in such institutions. Said boards of regents and trustees are hereby authorized to contract to pay as rental or otherwise a sum sufficient to pay, on the amortization plan, the principal and interest thereon, of the purchase price of said lands and buildings or the erection costs of said buildings or appurtenances, such contracts to run not over twenty years. The rate of interest on the principal on any such purchase or erection cost shall not exceed seven per cent per annum payable semi-annually or annually as determined by said boards.

Liability not incurred by state.

Building uses limited.

Payment. Amortization.

Rate of interest.

SEC. 2. Said boards of regents and trustees are hereby authorized to expend on the amortization plan any part of the rentals on any or all rooms, dormitories, dining rooms, housing or student activity buildings, lands or the appurtenances thereon, and to pledge on behalf of said institutions aforesaid, the net income from said rentals for the payment of all rental or erection or other contract charges agreed to be paid on account of such dormitory or dormitories, dining room, housing, and student activity buildings, lands or appurtenances.

Authority for expenditure.

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

Emergency.

Passed the House December 19, 1925.

Passed the Senate December 28, 1925.

Vetoed January 5, 1926.

Passed over Governor's veto January 7, 1926.

## CHAPTER 92.

[H. B. 254.]

ACQUISITION OF LAND FOR STATE PARK PURPOSES IN  
ISLAND COUNTIES.

AN ACT relating to parks and parkways and granting to the state parks committee the right of eminent domain in certain cases.

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

Lands in  
island  
counties  
for state  
parks.

SECTION 1. Whenever any tract or tracts of land not to exceed one hundred (100) acres, considered as a whole regardless of ownerships, situated in a county composed entirely of islands and bounded on two or more sides by an established state park, shall in the judgment of the state parks committee be desirable for state park purposes, the committee shall be, and is hereby, authorized to lease, purchase or condemn said tract or tracts for park purposes and incorporate the same within the adjoining established park: *Provided*, That nothing in this act shall in any manner abridge the full effect of any existing powers heretofore granted to the state parks committee.

Passed the House December 31, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 8, 1926.

CHAPTER 93.

[S. S. B. 171.]

ADMISSION TO PUBLIC SCHOOLS OF CHILDREN RESIDING ON UNITED STATES RESERVATIONS.

AN ACT relating to the admission to the public schools of children residing within the boundaries of United States military, naval and lighthouse reservations and national parks, and providing for the taking of an annual census thereof and the reimbursement of school districts for the cost of attendance thereof and declaring an emergency.

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

SECTION 1. That any child who is of school age and otherwise eligible, residing within the boundaries of any United States military, naval or lighthouse reservation or national park within the State of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: *Provided*, The United States authorities in charge of such reservation or park shall cooperate fully with the state, county and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance: *Provided, Further*, That school districts, in the schools of which any child or children residing within any United States military, naval or lighthouse reservation or national park attend under the provisions of this section, shall be reimbursed from the current state school fund and the proceeds of the county school levy, in the proportion of two-thirds and one-third, respectively, up to but not to exceed the average cost per pupil per day of educating pupils for the preceding school year throughout the state in grade schools or high schools, as the case may be.

Children on U. S. reservations: Admission to public schools.

Conditions.

Reimbursement of school district.

SEC. 2. The clerk of any school district entitled to reimbursement as hereinbefore provided shall certify, under oath, as a part of his annual report to the county superintendent of schools, to be made on or before the fifteenth day of July, as required by law, the following facts as nearly as the same can be ascertained, which data shall in turn be included in the report of the county school superintendent to the state superintendent of public instruction: The name, age and postoffice address of each pupil from a United States military, naval or lighthouse reservation or national park enrolled in the school, or schools, of his district during the school year, with the number of days attendance of each such pupil, and whether such pupil was enrolled in a grade school or a high school.

Cost per  
puppl.

For the purpose of ascertaining the average cost of educating pupils in the high schools and grade schools, respectively, throughout the state, the following items of school expenditure shall be used: Salaries of teachers, supervisors, principals, special instructors, superintendents and assistants, janitors, clerks and secretaries, stenographers and all other employes; fuel, light, water, power, telephones, text books, office expenses, janitors' supplies, freight, express, drayage, rents for school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health and such other current expenditures as may be necessary to the efficient operation of the high schools or grade schools, respectively. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating school expenditures for the purposes of this act.

Reservation  
school  
census.

SEC. 3. It shall be the duty of the clerk of the school district contiguous to any United States mili-



tary, naval or lighthouse reservation or national park in which the majority of children residing within such reservation or park attend, to take a census of the children residing within such reservation or park at the time of taking the census of the school children of his district as provided by law and to report such census in the manner provided by law for reporting the school census of his district.

SEC. 4. The apportionment of state and county funds to reimburse the school districts in which any child or children from any United States Military, Naval or Lighthouse Reservation, or National Park attend school, as provided in section one of this Act shall be made at the time of making the annual December apportionment by the superintendent of public instruction and the county superintendent of schools.

Reimburse-  
ment of  
school  
districts.

SEC. 5. This act is necessary for the immediate preservation of the public safety, the support of the state government and its existing institutions, and shall take effect immediately.

Emergency.

Passed the Senate December 18, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 8, 1926.

CHAPTER 94.

[S. B. 34.]

LAW LIBRARIES IN SECOND AND THIRD CLASS COUNTIES.

AN ACT to establish law library funds in counties of the second and third classes and providing for the expenditure and use thereof.

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

Library fund authorized.

SECTION 1. In each county of the second and third classes there shall be established a county law library fund, which said fund may be expended under vouchers approved by the judge or judges of the superior court of said county for the following purposes:

Purposes.

Rules.

(a) For the purchase of books and equipment for the establishment and maintenance of a county law library to be used exclusively by the county officers and others under such rules and regulations as the judge or judges of the superior court of the said county may prescribe.

Vetoed

(b) To be used under the direction of the judge or judges of the superior court of said county in paying dues to or maintenance charges to any duly organized library now maintained or owned by any non-profit corporation formed by or consisting of members of the bar of said county.

State publications receivable.

SEC. 2. State officials charged with the distribution of books, reports and publications are hereby authorized to supply to each county law library or law library maintained by such a corporation as mentioned in Section 1 hereof, the same books, reports and publications in the same quantities as they are authorized to supply to the law library of the State of Washington and the librarian of the State Law Library is hereby authorized and directed to distribute among such county law libraries estab-

lished under this act such duplicates of books and publications as may be in the Supreme Court Library not needed for its purpose.

SEC. 3. In every civil action hereafter commenced in the Superior Courts of the counties in which this act is applicable, there shall be paid to the clerk of the court, in addition to other fees required by law, by the plaintiff or person instituting the action, when the case is entered in the courts, or when the first paper on his part is filed therein, a fee of one dollar, and by the defendant, or other adverse party and by an intervenor or by groups of two or more defendants, or other adverse parties or intervenors, appearing separately from the others, when his or their first appearance is entered in the case or when his or their first paper is filed therein a fee of one dollar, such fee to be costs in the case and taxable as such. The clerk shall pay the same into the county treasury where they shall go into the law library fund and be expended in the manner provided in Section 1 herein.

How fund  
created.

Fees.

Passed the Senate November 24, 1925.

Passed the House December 19, 1925.

Approved with the exception of subdivision b, of Section 1, which is vetoed, December 24, 1925.

## CHAPTER 95.

[S. B. 218.]

## 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 penitentiary revolving fund and for miscellaneous purposes for the fiscal year beginning April 1, 1926, and ending March 31, 1927, except as otherwise provided, and declaring that this act shall take effect immediately.

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

Appropriations authorized.

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 penitentiary revolving fund, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed for the fiscal year beginning April 1, 1926, and ending March 31, 1927, except as otherwise provided.

Penitentiary revolving fund.

"Operation" defined.

SEC. 2. The word "operation," 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.

APPROPRIATED FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE:

Governor.

Salary of Governor.....	\$6,000 00
Operations .....	18,500 00
Investigation and emergency.....	7,500 00
Extradition expenses .....	10,000 00

FOR THE GOVERNOR'S MANSION:

Governor's mansion.

Maintenance and furnishing of every kind, to be distributed on vouchers approved by the Governor.....	6,250 00
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Total..... \$48,250 00

FOR THE LIEUTENANT GOVERNOR:

Lieutenant governor.

Salary of Lieutenant Governor.....	\$1,200 00
Hotel bills and traveling expenses while attending sessions of the legislature and when acting Governor .....	500 00

Total..... \$1,700 00

FOR THE SECRETARY OF STATE:

Secretary of state.

Salary of Secretary of State.....	\$3,000 00
Operations .....	20,000 00
Blue sky .....	15,000 00
Printing expert .....	2,100 00
Initiative and referendums.....	30,000 00
Constitutional amendments .....	7,500 00

Total..... \$77,600 00

FOR THE STATE AUDITOR:

Auditor.

Salary of State Auditor.....	\$3,000 00
Operations .....	44,160 00
Division of Municipal Corporations— Operations .....	12,500 00

Total..... \$59,660 00

FOR THE ATTORNEY GENERAL:

Attorney general.

Salary of Attorney General.....	\$3,500 00
Operations .....	49,800 00
For tax litigation.....	12,000 00

Total..... \$65,300 00

Public instruction.	FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		
	Salary of Superintendent.....	\$3,000 00	
	Operations .....	42,000 00	
	Rural School Department:		
	Operations .....	4,000 00	
	High School Department:		
	Operations .....	10,000 00	
	State Board of Education:		
	Operations .....	3,000 00	
	Vocational Education:		
	Operations .....	18,000 00	
	From Teachers' Retirement Fund:		
	Operations .....	1,000 00	
	Total.....		\$81,000 00
Treasurer.	FOR THE STATE TREASURER:		
	Salary of Treasurer.....	\$3,000 00	
	Operations .....	22,000 00	
	Total.....		\$25,000 00
	FROM THE MOTOR VEHICLE FUND.		
	Operations .....		\$25,300 00
	FROM THE FISHERIES FUND.		
	Operations .....		\$13,200 00
	FROM THE GENERAL FUND.		
Commissioner of public lands.	FOR THE COMMISSIONER OF PUBLIC LANDS:		
	Salary of Commissioner.....	\$5,000 00	
	Operations .....	86,000 00	
	Special surveys and investigations..	2,600 00	
	Total.....		\$93,600 00
Insurance commissioner.	FOR THE INSURANCE COMMISSIONER:		
	Operations .....		\$75,400 00
Supreme court.	FOR THE SUPREME COURT:		
	Operations .....		\$89,087 50
Supreme court reporter.	FOR THE SUPREME COURT REPORTER:		
	Operations .....		\$13,385 00
Superior court judges.	FOR THE SUPERIOR COURT JUDGES:		
	Operations .....		\$115,250 00

FOR DEPARTMENT OF BUSINESS CONTROL:		Business control.
Operations .....	\$43,000 00	
CAPITOL BUILDINGS AND GROUNDS:		Capitol buildings and grounds.
Operations .....	\$90,000 00	
PAROLE DEPARTMENT:		Parole of prisoners.
Operations .....	\$20,000 00	
TRANSPORTATION DEPARTMENT:		Transportation of convicts, etc.
Operations .....	\$42,000 00	
DEPORTATION ALIEN AND NON-RESIDENT INSANE:		Insane deportation.
Operations .....	\$20,000 00	
STATE PENITENTIARY:		Penitentiary.
Operations .....	\$212,000 00	
Extension Industrial Operations:		
Laundry Building and Equipment	58,700 00	
FOR PENITENTIARY REVOLVING FUND,		Penitentiary revolving fund.
which fund is hereby created....	100,000 00	
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Total.....	\$370,700 00	

FROM PENITENTIARY REVOLVING FUND.

Operations .....	\$250,000 00
(Receipts from sale of industrial products of the penitentiary to be deposited in state treasury to credit of Penitentiary Revolving Fund.)	

FROM THE GENERAL FUND.

WASHINGTON STATE REFORMATORY:		Reformatory.
Operations .....	\$120,000 00	
Industrial Operations and Purchase of Land .....		
	25,000 00	
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Total.....	\$145,000 00	
WESTERN STATE HOSPITAL:		Western State Hospital.
Operations .....	\$320,000 00	
For care of U. S. Patients.....	50,000 00	
Replacing shops and garage.....	21,000 00	
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Total.....	\$391,000 00	

Eastern  
State  
Hospital.

## EASTERN STATE HOSPITAL:

Operations .....	\$295,000 00	
Alteration Power House Boiler and Equipment .....	45,500 00	
Total.....		\$340,500 00

Northern  
State  
Hospital.

## NORTHERN STATE HOSPITAL:

Operations .....	\$275,000 00	
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Custodial  
school

## STATE CUSTODIAL SCHOOL:

Operations .....	\$191,000 00	
Completing Ward "A" Building and Equipment .....	60,000 00	
Total.....		\$251,000 00

Training  
school.

## STATE TRAINING SCHOOL:

Operations .....	\$142,000 00	
Purchase of land and completing gymnasium .....	18,000 00	
Completing dining hall, kitchen and school rooms .....	70,000 00	
Total.....		\$230,000 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.

School for  
girls.

## STATE SCHOOLS FOR GIRLS:

Operations .....	\$64,000 00	
New water storage tank.....	5,000 00	
Extension sewer and alteration power house .....	20,000 00	
Total.....		\$89,000 00

School for  
blind.

## STATE SCHOOL FOR BLIND:

Operations .....	\$53,000 00	
Purchase of land.....	4,000 00	
Total.....		\$57,000 00

School for  
deaf.

## STATE SCHOOL FOR DEAF:

Operations .....	\$80,500 00	
Gallaudette College Fund.....	2,500 00	
Total.....		\$83,000 00



<b>STATE SOLDIERS' HOME:</b>		Soldiers'
Operations .....	\$58,000 00	home.
<b>STATE SOLDIERS' COLONY:</b>		Soldiers'
Operations .....	15,400 00	colony.
Total.....		\$73,400 00
<b>WASHINGTON VETERANS' HOME:</b>		Veterans'
Operations .....	\$120,000 00	home.
<b>FOR DEPARTMENT OF EFFICIENCY:</b>		
Operations .....	\$20,000 00	
<b>BUDGET DIVISION:</b>		
Operations .....	7,500 00	
<b>EXAMINATION OF STATE AFFAIRS:</b>		
Operations .....	15,000 00	
Total.....		\$42,500 00
<b>DIVISION OF BANKING:</b>		Banking
Operations .....	\$62,900 00	divisions.
<b>INDUSTRIAL LOAN:</b>		Industrial
Operations .....	\$2,000 00	loan.
(Not to exceed fees collected.)		
<b>DIVISION OF SAVINGS &amp; LOAN ASSOCIATIONS:</b>		Division of
Operations .....	\$30,000 00	saving and
(Not to exceed fees heretofore or here-		
after collected.)		
<b>FROM THE HIGHWAY SAFETY FUND.</b>		
<b>FOR HIGHWAY PATROL:</b>		Highway
Operations .....	\$150,000 00	patrol.
<b>FROM THE GENERAL FUND.</b>		
<b>FOR STATE TAX COMMISSION:</b>		Tax
Operations .....	\$63,600 00	commisson.
Special Investigation Tax Litigation	25,000 00	
<b>INHERITANCE TAX AND ESCHEATS DIVISION:</b>		Inheritance
Operations .....	25,000 00	tax
division.		
Total.....		\$113,600 00
<b>FOR DEPARTMENT OF LICENSES:</b>		Licenses.
Operations .....	\$35,000 00	

## LAWS EXTRAORDINARY SESSION, 1925. [CH. 95.]

## FROM MOTOR VEHICLE FUND.

Operations .....	\$147,500 00
List of auto owners.....	1,200 00

## FROM HIGHWAY SAFETY FUND.

Operations .....	\$16,500 00
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Total.....	\$200,200 00
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## FROM FISHERIES FUND.

## FOR DEPARTMENT OF FISHERIES AND GAME:

## Division of Fisheries:

Operations .....	\$215,000 00
Hatcheries .....	75,000 00
Fisheries Board .....	2,500 00

Total.....	\$292,500 00
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## FROM OYSTER RESERVE FUND.

Improvement and protection oyster reserves .....	\$9,000 00
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## FROM GAME FUND.

## DIVISION OF GAME AND GAME FISH:

Operations .....	\$100,000 00
(Expenditures for Department not to exceed collections by the department.)	

## FROM GENERAL FUND.

## FOR DEPARTMENT OF PUBLIC WORKS:

Operations .....	\$62,500 00
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## FROM PUBLIC SERVICE REVOLVING FUND.

Operations .....	\$50,000 00
(Not to exceed fees collected.)	

## FROM AUTO TRANSPORTATION FUND.

Operations .....	\$50,000 00
(Not to exceed fees collected.)	

## FROM GENERAL FUND.

## FOR DEPARTMENT OF HEALTH:

Operations .....	\$40,000 00
For Sheppard-Towner Act.....	5,000 00

Total.....	\$45,000 00
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Fisheries and game.

Public works.

Health.

FOR DEPARTMENT OF LABOR AND  
[INDUSTRIES] INDUSTRIES:

Labor and  
industries.

Operations ..... \$211,230 00

FROM MEDICAL AID FUND.

Operations ..... \$63,770 00

Revolving ..... \$1,500,000 00

FROM ACCIDENT FUND.

Revolving ..... \$4,000,000 00

FROM GENERAL FUND.

FOR DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT:

Conservation  
and devel-  
opment.

General office operations ..... \$4,350 00

For the Forestry Division..... 80,000 00

For the State Forest Board:

Operations ..... 6,000 00

Geological Survey, operations..... 2,500 00

Hydrographic Survey in cooperation  
with the U. S. Government..... 5,000 00

Total..... \$97,850 00

FROM RECLAMATION REVOLVING FUND.

RECLAMATION DIVISION:

Reclamation.

Operations ..... \$250,000 00

For Soldiers' Land Settlement,

White Bluffs ..... 5,000 00

Columbia Basin Survey..... 22,275 00

Division of Hydraulics:

Operations ..... 20,000 00

Total..... \$297,275 00

FROM GENERAL FUND.

FOR DEPARTMENT OF AGRICULTURE:

Agriculture.

Operations ..... \$164,000 00

FROM AGRICULTURAL SEED REVOLVING FUND.

SEED INSPECTION:

Operations ..... \$5,000 00

Seed  
inspection.

(Not to exceed receipts.)

## FROM GENERAL FUND.

Inspection.	HAY, GRAIN AND OTHER COMMODITIES, INSPECTION SERVICE:	
	Operations .....	\$98,965 00
	(Not to exceed fees heretofore or hereafter collected.)	
Destruction of animals.	DESTRUCTION OF PREDATORY ANIMALS:	
	Operations .....	\$12,500 00
State fair.	WASHINGTON STATE FAIR:	
	Operations .....	\$20,000 00
	Capital outlay .....	20,000 00
	Total .....	\$40,000 00
Bovine tuberculosis deficiency.	ERADICATION OF BOVINE TUBERCULOSIS.....	\$70,000 00
	DEFICIENCY MARCH 31, 1926.....	\$30,000 00

## FROM GENERAL FUND.

Judicial council.	FOR JUDICIAL COUNCIL:	
	Operations .....	\$3,500 00

## FROM MILITARY FUND.

Military department.	FOR MILITARY DEPARTMENT:	
	Operations .....	\$188,000 00
	Capital outlays .....	42,000 00
	Spokane aviation field.....	5,000 00
	Total .....	\$235,000 00

## FROM GENERAL FUND.

Uniform laws commission.	UNIFORM LAW COMMISSION.....	\$300 00
Criminal cost bills.	FOR CRIMINAL COST BILLS.....	\$25,000 00
	Deficiency for fiscal year ending March 31, 1926.....	5,000 00
	Total .....	\$30,000 00
Insanity cases.	FOR COURT COSTS IN INSANITY CASES, including deficiency .....	\$15,000 00
Bounties.	BOUNTIES ON WILD ANIMALS, including deficiency....	\$20,000 00
Tuberculosis.	FOR TUBERCULOSIS HOSPITALS, including deficiency....	\$100,000 00
Historical society.	FOR WASHINGTON HISTORICAL SOCIETY.....	\$7,500 00
Veterans' graves.	FOR CARE OF GRAVES of Spanish war veterans.....	\$90 00
American Legion.	FOR AMERICAN LEGION DEPARTMENT OF WASHINGTON..	\$5,000 00

FROM HARBOR IMPROVEMENT FUND.

Harbor improvement.

To be distributed in accordance with Chapters 168,  
169 and 170, Laws of 1913, based on receipts.. \$50,000 00

FROM VETERANS' COMPENSATION BOND  
RETIREMENT FUND.

Veterans' compensation.

FOR INTEREST ..... \$623,000 00  
FOR BOND RETIREMENT..... \$400,000 00

FROM GENERAL FUND.

FOR STATE CAPITOL COMMITTEE:		Capitol committee.
Operations .....	\$5,000 00	
FOR STATE BOARD OF FINANCE:		Board of finance.
Operations .....	\$3,000 00	
FOR STATE LAW LIBRARY:		Law library.
Operations .....	\$12,250 00	
FOR STATE LIBRARY:		State library.
Operations .....	\$6,500 00	
FOR STATE TRAVELING LIBRARY:		Traveling library.
Operations .....	\$13,000 00	
FOR STATE BOARD OF LAW EXAMINERS:		Law examiners.
Operations .....	\$4,550 00	

FROM PARKS AND PARKWAYS FUND.

FOR STATE PARKS:		Parks.
For all purposes from Park and Parkways Fund..	\$12,900 00	
FROM HIGHWAY SAFETY FUND FOR PARK AND PARKWAYS:		} Vetoed
Operations and all other purposes.....	\$50,000 00	

FROM GENERAL FUND.

FOR LEGISLATIVE EXPENSES:		Legislature journals and session laws.
For indexing and editing Senate and House Journals .....	\$600 00	
For printing and binding Senate and House Journals and Session Laws.....	\$18,000 00	

FROM THE STATE GAME FUND.

FOR RELIEF OF:		Relief.
Ernst Hardware Company, for two 1924 hunting licenses unsold .....	\$15 00	

## FROM FISHERIES FUND.

Relief.

FOR THE FOLLOWING PERSONS for the destruction of seals:

E. A. Chevalier.....	\$36 00
Melvin Frostad .....	\$3 00
Wm. Luhr .....	\$6 00
George Morse .....	\$9 00
Earl L. Stay.....	\$9 00
W. H. Upton.....	\$45 00
Johnnie Williams .....	\$9 00

## FROM THE MOTOR VEHICLE FUND.

STANDARD OIL COMPANY, gasoline furnished Highway Department in 1922.....	\$176 73
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## FROM THE ACCIDENT FUND.

OLLIE M. SMITH, for cancelled Accident Fund Warrant No. 167031 .....	\$20 00
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## FROM THE RECLAMATION REVOLVING FUND.

M. A. DAVIS, for refund of payment on soldiers land settlement tract which Mr. Davis was unable to occupy on account of defect of eyesight contracted in the military service.....	\$250 00
RECORDER PUBLISHING COMPANY, for publishing notice of sale of lands during a previous biennium.....	\$27 82
PACIFIC AUTOMOTIVE SERVICE, for two pairs balloon snubbers furnished Department of Conservation and Development during a previous biennium..	\$25 07

## FROM GENERAL FUND.

RECORDER PUBLISHING COMPANY, for publishing water right application notices for division of hydraulics during a previous biennium.....	\$11 61
RECORDER PUBLISHING COMPANY, for publishing fire prevention regulations for the forestry division during previous biennium.....	\$10 90
DR. SOLON SHEDD, for expenses incurred during a previous biennium for the division of geology.....	\$3 00
BASS-HUETER PAINT COMPANY, for supplies furnished the State Training School during a previous biennium .....	\$90 15
E. B. REGAN & Co., for supplies furnished during a previous biennium .....	\$6 75

	Relief.
PACIFIC COMMERCIAL Co., for refund of duplicate payment of corporation fees for 1925.....	\$150 00
PACIFIC COMMERCIAL Co., for refund of corporation fees overpayment for 1924.....	\$135 00
PACIFIC COAST ELEVATOR Co., for refund of overpayment of corporation fees for 1925.....	\$100 00
DAVID TURTLEDOVE, for refund of application fees for admission to the bar.....	\$50 00
UNION OIL COMPANY OF CALIFORNIA, for gas and oil furnished the department of labor and industries during a previous biennium.....	\$19 44
BYE THOMSON MOTOR COMPANY, for services rendered the Department of Labor and Industries during a former biennium .....	\$93 27
MARCUS LIGHT & WATER COMPANY, for overpayment of corporation fees .....	\$15 00
COFFMAN DOBSON BANK & TRUST Co., for overpayment of taxes.....	\$773 25
NORTHERN PACIFIC RAILWAY Co., et al. vs. Department of Public Works.....	\$12,225 65
HOME TELEPHONE & TELEGRAPH Co. vs. E. V. Kuykendall, Director of Public Works, et al.....	\$431 37
PACIFIC TELEPHONE & TELEGRAPH Co. vs. E. V. Kuykendall, Director of Public Works, et al.....	\$545 80
FOR CLALLAM COUNTY, refund of taxes paid to state on federal property.....	\$7,929 76
GUIDO GROSSI vs. Clarence E. Long, Warden of Washington State Penitentiary.....	\$61 14
STATE OF WASHINGTON vs. James Cerenzis.....	\$79 67
STATE OF WASHINGTON vs. W. J. Van Skike.....	\$251 39
STATE OF WASHINGTON vs. H. J. Shepard.....	\$102 33
SEATTLE FACTORY SITES Co., et al., vs. Annie J. Adams, et al. ....	\$171 05
FOR RELIEF OF CITY OF ABERDEEN, for one year's interest due on local improvement assessment inadvertently omitted at last session of legislature	\$195 13
FOR RELIEF OF N. J. RUST, for expenses incurred in the return of Howard Sherman extradited under date of December 12, 1924, in California.....	\$197 65

Relief.

FOR RELIEF OF THE OREGON-WASHINGTON RAILROAD and  
NAVIGATION COMPANY for refund of money paid for  
state land under right-of-way certificates Nos. 205,  
285, 286, 288, 287 and 209 and since relinquished  
to the State of Washington..... \$3,528 10

SUBMITTED BY INHERITANCE TAX AND ESCHEATS DIVI-  
SION AND ENDORSED BY THEM:

FOR THE RELIEF OF:

Mattie Broderick .....	\$35 89
W. H. Cameron, Centralia.....	\$86 24
Edward P. Prescott.....	\$10 00
Minneapolis Trust Company.....	\$100 00
Louisa Albi, Spokane.....	\$16 83
Martha M. Fordyce, Seattle.....	\$63 00
A. I. Dunlap.....	\$286 47
John F. Lyon.....	\$25 00
John M. Phillips, Executor and Trustee, Seattle..	\$326 80
William H. Caswell, Cordova, Alaska.....	\$158 59
E. M. Orth, Executor, Cathlamet, Washington....	\$124 29
Mrs. A. Shalla, Seattle, Washington.....	\$196 80
Estate John G. Boehmler.....	\$393 50
Fidelity and Deposit Company of Maryland in re James F. Myhan Case.....	\$127 84

CASE OF DEFUNCT BANK, losses incurred by E. J. Trem-  
blay as Clerk of Stevens County..... \$594 72

THE TIETON WATER USERS' ASSOCIATION:

In payment of water right assessments due on  
state lands sold under contracts of sale Nos.  
1561 and 1594, subject to the approval of the  
Commissioner of Public Lands..... \$2,583 22

FOR THE RELIEF OF MRS. THOMAS HEMP.....	\$500 00
Edith Meath .....	\$4,000 00

FROM MILITARY FUND.

PALMER FUEL COMPANY, ELLENSBURG.....	\$123 75
ELLENSBURG TELEPHONE COMPANY.....	\$52 15

FROM HIGHWAY SAFETY FUND.

FOR THE RELIEF OF HOWARD C. LUN for expenses in- curred in, the previous biennium while employed in the Department of Efficiency.....	\$11 60
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University.

FOR THE UNIVERSITY OF WASHINGTON:

(From the University Current Fund until ex-  
hausted balance University of Washington  
Fund.)

Operations .....	\$1,420,064 34
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FROM UNIVERSITY OF WASHINGTON BUILDING FUND:		University.
For erection, alteration, maintenance or furnishing of buildings for the University of Washington .....	\$256,000 00	
FOR THE STATE COLLEGE OF WASHINGTON:		State college.
(From the Scientific School Current and Agricultural Funds until exhausted. Balance from Washington State College Fund.)		
Operations .....	\$867,877 87	
(\$50,000.00 to be allotted to Puyallup Experiment Station of which \$3,000.00 shall be used for the publication of Bulletins.)		
FROM THE GENERAL FUND:		
For amount to secure Smith-Lever Fund from the United States Government for agricultural extension work .....	\$64,868 20	
For crenberry [cranberry] investigation .....	5,330 00	
For apiculture .....	2,000 00	
Total.....	\$90,616 20	
FOR CHENEY STATE NORMAL SCHOOL:		Cheney Normal.
From Normal School Current Fund. ....	\$16,597 07	
From Cheney Normal School Fund. ....	184,126 24	
Operations.....	\$200,723 31	
FOR BELLINGHAM NORMAL SCHOOL:		Bellingham Normal.
From Normal School Current Fund. . . .	\$20,876 83	
From Bellingham Normal School Fund .....	231,605 33	
	\$252,482 16	
FOR ELLENSBURG STATE NORMAL SCHOOL:		Ellensburg Normal.
From Normal School Current Fund. ....	\$12,526 10	
From Ellensburg Normal School Fund .....	138,963 20	
Operations.....	\$151,489 30	
FOR CAPITOL BUILDINGS AND GROUNDS:		Capitol buildings and grounds.
From the Capitol Building Construction Fund:		
For Type "A" painting, fire alarms, telephone and telegraph connections, changing office partitions, lightning rods, real estate authorized by law and the payment of bond interest.....	\$191,423 00	
For electric lighting fixtures.....	\$200,000 00	
For furniture and furnishings.....	\$600,000 00	

Emergency.

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

Passed the Senate December 15, 1925.

Passed the House December 29, 1925.

Approved with the exception of the item "From Highway Safety Fund, for Park and Parkways, Operations and all other purposes, \$50,000," which is vetoed, January 4, 1926.

## CHAPTER 96.

[S. B. 35.]

### GRANT OF LAND TO LOTTIE CRONKHITE.

AN ACT granting to Lottie Cronkhite all right, title and interest of the State of Washington in and to the following land situate in Yakima County, Washington, to wit: Lot 2 in Block 315 of Capitol Addition to North Yakima, now Yakima, according to the official plat thereof on file and of record in the office of the Auditor of Yakima County, Washington.

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

Location.

Description.

SECTION 1. Whereas, upon the decease of Gustave Fleischer, intestate, on or about July 6, 1892, the following described lands in Yakima County, Washington, to wit: Lot 2 in Block 315 of Capitol Addition to North Yakima, now Yakima, according to the official plat thereof on file and of record in the office of the Auditor of Yakima County, Washington, escheated by operation of law to the State of Washington, but no order of escheat was ever made or entered in his estate; and whereas, the State has made no attempt to assert title to the said above described tract of land and said tract of land since the death of said Gustave Fleischer on or about said

6th day of July, 1892, has passed by mesne conveyances to Lottie Cronkhite who is now the record owner thereof; the State of Washington hereby grants unto the said Lottie Cronkhite, her heirs, executors, administrators, successors and assigns, all right, title and interest of the State of Washington in and to the following described lands situate in Yakima County, Washington, to wit: Lot 2 in Block 315 of Capitol Addition to North Yakima, now Yakima, according to the official plat thereof on file and of record in the office of the Auditor of Yakima County, Washington.

Grant to  
Lottie  
Cronkhite.

Passed the Senate November 18, 1925.

Passed the House December 2, 1925.

Vetoed December 14, 1925.

Passed over Governor's veto January 7, 1926.

## CHAPTER 97.

[S. B. 208.]

### LEVY FOR METROPOLITAN PARK DISTRICT FUNDS.

AN ACT relating to Metropolitan Park Districts and amending Section 6724, Remington's Compiled Statutes.

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

SECTION 1. That section 6724 of Remington's Compiled Statutes be amended to read as follows:

§ 1154,  
Pierce's  
Code.

Section 6724. TAX LEVY—LIMIT OF—COLLECTION. Said board of park commissioners are hereby authorized to levy, or cause to be levied, a general tax on all the property located in said park district each year, not to exceed two mills on the assessed valuation of the property in such park district. Said taxes when so levied shall be certified to the proper county officials for collection the same as other general taxes. When such money is collected it shall be placed in a separate fund, to be known as the "Met-

Levy of  
tax.

Fund.

Playgrounds. Metropolitan Park District Fund", and paid out on warrants issued on the board of park commissioners for the purposes specified in this act, *Provided* That not less than one-fourth of the funds so raised shall be used and expended annually exclusively for the acquisition, maintenance and supervision of public playgrounds.

Passed the Senate December 17, 1925.

Passed the House December 30, 1925.

Vetoed January 7, 1926.

Passed over Governor's veto January 7, 1926.

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## CHAPTER 98.

[S. B. 114.]

### TRIAL OF CONDEMNATION PROCEEDINGS; DAMAGES.

AN ACT relating to procedure for acquiring and appropriating land, real estate and other property for public uses of the State of Washington, providing for determination by the court that the proposed use is a public use, providing for occupancy and use of such land, real estate and other property by said state after entry of order adjudicating such public use and before assessment of damages, providing for consolidation of cases for trial by one and same jury, providing for payment of award into the registry of court, amending section 894, 895 and 897 Remington's Compiled Statutes and declaring an emergency.

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

SECTION 1. That section 894 of Remington's Compiled Statutes be amended to read as follows:

Section 894. 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 lands, real estate, premises, or other property described in said petition have been duly served with said notice as prescribed by section 892 of Remington's Compiled Statutes, and shall be fur-

§ 7664,  
Pierce's  
Code.

Hearing.

ther satisfied by competent proof that the contemplated use for which the lands, real estate, premises or other property sought to be appropriated is really necessary for the public use of the State of Washington, the court or judge thereof shall make and enter an order, to be recorded in the minutes of said court and which order shall be final unless review thereof to the supreme court of the state be taken within five days after entry of such order, adjudicating that the contemplated use for which the lands, real estate, premises or other property are sought to be appropriated is really a public use of the State of Washington, and directing that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of such appropriation and use by the State of Washington of such lands, real estate, premises and other property described in the petition, such determination to be made within thirty days after the entry of such order, before a jury if trial by jury be demanded at such hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury: *Provided*, That if no regular venire has been called so as to be available to serve within such time, on application of the petitioner at such hearing, the court may by such order continue such determination to the next regular jury term or may direct the sheriff to summon, from the citizens of the county in which such lands, real estate, premises or other property sought to be appropriated be situated, as many

Order of  
Necessity.

Review.

Damages.

Offsetting  
benefits.

Continuance.

qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent shall be entered by the clerk in the minutes of such hearing: *Provided further*, That, upon application of the petitioner at the time of such hearing and after the entry of such order, the court or judge thereof shall continue said hearing to a day certain not less than six nor more than ten days thereafter, when, if no review of such order has been taken to the supreme court of the state, an additional order shall be entered providing thereby that the petitioner may forthwith enter upon, take possession of and use for the purposes set forth in the petition the lands, real estate, premises or other property so to be appropriated and by the terms of such order binding the petitioner to pay the full amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the lands, real estate, premises or other property described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises or other property from which the same is to be taken by reason of such taking and appropriation after offsetting against any and all such compensation and damage the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the State of Washington of such lands, real estate, premises or other property described in the petition: *And Provided further*, That, at the time of fixing date for trial by jury in any case the court or judge thereof may, on application of the petitioner, order that any one or more of such condemnation cases then pending before such court and requiring determination by a jury of the compensation and damages as aforesaid be consolidated and tried before one and the same jury but with a sep-

Possessory  
order:  
terms.

Consolida-  
tion of  
cases.

arate award to be made in each such case. If necessary to complete the jury, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from citizens of the county where such lands, real estate, premises or other property sought to be appropriated is situated.

Jury.

SEC. 2. That Section 895 of Remington's Compiled Statutes be amended to read as follows:

§ 7665,  
Pierce's  
Code.

Section 895. A judge of the superior court shall preside at the trial to determine the compensation and damage to be awarded, which trial shall be held at the courthouse in the county where the land, real estate, premises or other property sought to be appropriated or acquired is situated: and in the case of each such trial by jury the jurors by their verdict shall fix as a lump sum the total amount of damages which shall result to all persons or parties and to any county and to all tenants, encumbrancers and others interested therein, by reason of the appropriation and use of the lands, real estate, premises or other property sought to be appropriated or acquired. Upon the trial, witnesses may be examined in behalf of either party to the proceedings as in civil actions; and a witness served with a subpoena in each proceedings shall be punished for failure to appear at such trial, or for perjury, as upon a trial of a civil action. In case a jury is not demanded as provided for in Section 894 such total amount of damages shall be ascertained and determined by the court or judge thereof and the proceedings shall be the same as in trials of an issue of fact by the court.

Place of  
trial.

Witnesses.

Jury waived.  
Court trial.

SEC. 3. That Section 897 of Remington's Compiled Statutes be amended to read as follows:

§ 7667,  
Pierce's  
Code.

Section 897. Upon the entry of judgment upon the verdict of the jury or the decision of the court or judge thereof, awarding damages as hereinbefore prescribed, the State of Washington may make pay-

Damages  
awarded.

Payment.

ment of the damages and of the costs of the proceedings by depositing the same with the clerk of said superior court, to be paid out under the direction of the court or judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs to any land, real estate, premises or other property mentioned in said petition, said State of Washington shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or party interested shall recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court and the costs of appeal: *Provided*, That in case the state highway engineer shall certify the amount which the State of Washington has offered to the respondents and continues as a tender into court, which certificate and the amount tendered thereby shall be impounded and shall not be disclosed to any jury or court of judge thereof trying said action, and in case the respondents shall not secure an award of the jury or judgment of the court or judge thereof higher in amount than that which is tendered by said certificate, the costs of said action shall be borne by the respondents instead of the petitioner State of Washington: *Provided, further*, That in case of an appeal to the supreme court of the state by any party to the proceedings, the moneys paid into the superior court by the state as aforesaid shall remain in the custody of said court until the final determination of the proceedings by the said supreme court.

Offer exceeding award.

Costs borne by respondent.

Appeal. Custody of moneys.

Emergency.

SEC. 4. An emergency exists making the provisions of this act necessary for the immediate support of state government and its existing institutions and this act shall take effect immediately.

Passed the Senate January 7, 1926.

Passed the House January 7, 1926.

Approved by the Governor January 9, 1926.



CHAPTER 99.

[H. B. 45.]

CO-OPERATIVE ASSOCIATIONS.

AN ACT relating to Co-operative Associations; authorizing such associations to purchase their own stock under certain conditions; declaring when such associations may engage in business and amending Sections 3907, 3911 and 3921 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 3907 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends  
§ 4596,  
Pierce's  
Code.

Section 3907. For filing articles of association organized under this act there shall be paid to the secretary of state the sum of twenty-five dollars and for the filing of an amendment of such articles there shall be paid the sum of ten dollars. For recording such articles of association or an amendment thereto, the county auditor shall charge the sum of fifteen cents for each one hundred words thereof, and fifteen cents for filing and indexing the same. Associations organized under this act shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Filing fees.

License  
fees.

SEC. 2. That Section 3911 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends  
§ 4600,  
Pierce's  
Code.

Section 3911. No stockholder in any such association shall own more than one-fifth of the stock of the association. For the purpose of equalizing the stock ownership of its stockholders any such association may from time to time purchase the stock in whole or in part of any stockholder. Such association may also purchase the stock of any stockholder who ceases to produce for the association any of the commodities in which it deals. Payment for any

Ownership  
of stock  
limited.

Purchase of  
stock by  
association.

stock purchased may be made out of any available funds whether surplus or not, but such association shall in no event pay more than par for such stock.

Voting.

No stockholder at any meeting shall be entitled to more than one vote.

Amends  
§ 4610,  
Pierce's  
Code.

SEC. 3. That Section 3921 of Remington's Compiled Statutes of Washington be amended to read as follows:

When  
may do  
business.

Section 3921. No co-operative association organized under the provisions of this act shall be permitted to do business until one-fourth of the capital stock of said association shall have been subscribed and paid in to said association. The liability of each stockholder shall be limited to the amount remaining unpaid on his subscription to the capital stock of said association.

Liability of  
stockholders.

Passed the House December 3, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

## CHAPTER 100.

[H. B. 120.]

### DISPOSITION OF UNCLAIMED PERSONAL PROPERTY IN POSSESSION OF POLICE AUTHORITIES.

AN ACT authorizing cities of the first class to sell unclaimed personal property in the possession of their police authorities, fixing the manner of sale thereof, and providing for the disposal of the proceeds of such sale.

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

Unclaimed  
for six  
months.

SECTION 1. Whenever any personal property shall come into the possession of the police authorities of any city of the first class in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken

away for a period of six months from date of written notice to the owner thereof, if known, and in all other cases for a period of six months from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after six months from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided.

City may sell.

SEC. 2. Before said personal property shall be sold, if the name and address of the owner thereof be known, at least ten days' notice of such sale shall be given him either personally or by leaving a written notice at his residence or place of doing business with some person of suitable age and discretion then resident or employed therein; or if the name or residence of the owner be not known, a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in the official newspaper of said city at least ten days prior to the date fixed for said sale. The notice shall be signed by the chief or other head of the police department of such city. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the chief or other head of the police department shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder.

Notice.

Publication.

Public sale.

SEC. 3. The moneys arising from sales under the provisions of this act shall be first applied to the payment of the costs and expenses of the sale and

Disposition of proceeds.

Police  
pension  
fund.

Recovery  
by owner  
of sale  
price.

then to the payment of lawful charges and expenses for the keep of said personal property and the balance, if any, shall be paid into the Police Pension Fund of said city.

SEC. 4. If the owner of said personal property so sold, or his legal representative, shall, at any time within three years after such money shall have been deposited in said Police Pension Fund, furnish satisfactory evidence to the Police Pension Fund Board of said city of the ownership of said personal property he or they shall be entitled to receive from said Pension Fund the amount so deposited therein with interest.

Passed the House December 3, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

## CHAPTER 101.

[H. B. 152.]

### RELATING TO CRIMINAL ACTIONS AGAINST CORPORATIONS.

AN ACT relating to penalties against or punishment of corporations for violations of laws of the State of Washington.

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

Criminal  
penalty not  
enforcible  
against  
corporation.

How  
punished.

SECTION 1. Every corporation guilty of a violation of any law of the State of Washington, where the prescribed penalty is, for any reason, incapable of execution or enforcement against such corporation, shall be punished by a fine of not more than \$10,000.00, if such offense is a felony; or, by a fine of not more than \$1,000.00 if such offense is a gross misdemeanor; or, by a fine of not more than \$500.00 if such offense is a misdemeanor.

Passed the House December 11, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

## CHAPTER 102.

[H. B. 162.]

## CO-OPERATIVE MARKETING ASSOCIATIONS.

AN ACT relating to cooperative marketing associations, providing for active and associate members, authorizing such associations to purchase their own stock, and amending Section 6 of Chapter 115 of the Laws of 1921.

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

SECTION 1. That Section 6 of Chapter 115 of the Laws of 1921, pages 359 and 360, (Section 2883 of Remington's Compiled Statutes) be amended to read as follows:

Amends  
§ 134-51,  
Pierce's  
Code.

Section 6. (a) Under the terms and conditions prescribed in its by-laws, any association may admit as members, or issue common stock only to persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

Membership  
restricted.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual associate, officer or member thereof, duly authorized in writing.

(c) Any association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

(d) Any member of an association organized under the provisions of this act who ceases to be actively engaged in the production for such association of any of the products for the marketing of or dealing in which such association is organized, shall, upon the expiration of thirty days from the date he ceases the production of such products for the association and/or resigns his membership, be classified

Membership  
contingent  
on produc-  
tion for  
association.

as an associate member to distinguish him from other members of the association who shall be known as active members. Associate members shall have all the rights and privileges of active members except that of voting.

Associate members.

Purchase of stock by association.

(e) Any association organized under the provisions of this act may purchase the stock or the membership of any associate member with any available funds of the association, whether surplus or not.

Passed the House December 9, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

CHAPTER 103.

[H. B. 189.]

RELATING TO CONSTRUCTION AND MAINTENANCE OF BRIDGES.

AN ACT relating to bridges in cities and towns in second and third class counties.

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

Bridges within city limits across navigable streams.

SECTION 1. Any bridge across navigable waters or streams, now constructed or which may hereafter be constructed within the corporate limits of any city or town in second or third class counties of the State of Washington, which bridge is essential to the highway system of such county, may be operated, maintained and repaired by and at the expense of the county as provided in this act.

Essential to highway system.

County may maintain and repair.

Election.

SEC. 2. At any general election or any special election called for that purpose, the board of county commissioners of any such county may, or on petition of ten per cent of the qualified electors of such county, based on the total vote cast in the next pre-

Petition.

ceding general county election, shall, by resolution, submit to the voters of such county a proposition of operation, maintenance and repair of such bridges by and at the expense of the county. Such petition shall be filed with the county auditor who shall within fifteen days examine the signatures thereon and certify to the sufficiency or insufficiency of the petition in accordance with the requirements of this act, and for such purpose the county auditor shall have access to all registration books in the possession of officers of any incorporated city or town in such county. If the petition be found to be insufficient it shall be returned to the persons filing the same, who may amend or add names thereto for a period of ten days, when same may be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified by the county auditor as sufficient he shall forthwith transmit the same with his certificate of sufficiency attached thereto to the board of county commissioners, who shall submit such proposition to the voters at the next biennial election, or, if such petition so requests, the board of county commissioners shall at their first meeting after the presentation to them of such petition, by resolution, call a special election to be held not less than thirty nor more than sixty days from the date of such meeting. The manner of conducting and voting, notices, officials, qualification of electors, opening and closing of polls, keeping the poll lists, canvassing the votes, declaring the result and certifying the returns shall be the same as provided by law for the general biennial county election. The notices of such election shall state the proposition to be voted upon, and in submitting the question

Filing  
petition.

Amendment  
of petition.

Withdrawal  
of name  
from  
petition.

Certifying  
of petition  
to county  
commis-  
sioners.

When  
election on  
proposition.

Notices of  
election.

to the voters for their approval or rejection the proposition shall be spread upon the ballot in substantially the following form:

Ballot.	Shall the county of ..... maintain, operate and repair at its own cost and ex- pense such bridges across navigable waters or streams within the corporate limits of all cities and towns in said county, as are essential to the highway system of said county?	Yes <input type="checkbox"/>  No <input type="checkbox"/>
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Creation of fund for maintenance of bridges.

City councils to be notified by county commissioners.

Warrants.

Budgeting bridge expense.

Tax levy limit.

County may not build bridge.

SEC. 3. If a majority of the voters at such election shall vote in favor of the proposition submitted with respect to such bridges, the board of county commissioners shall, at its next regular meeting following the canvass of the returns of such election, create and establish a fund from which shall be paid the expenses of operation, maintenance and repair of such bridges. The board shall at said meeting adopt a resolution that the county is ready to assume the operation, maintenance and repair of such bridges, and shall forthwith transmit a copy of such resolution to the city council of each city in which such a bridge is located, and thereafter the county shall assume the operation, maintenance and repair of such bridges, and for that purpose may issue warrants against such fund, such warrants to be taken up and paid in the regular order of their issuance when there is sufficient money in said fund therefor. Such board of county commissioners shall thereafter each year, at the time of preparing the budget for the next succeeding year, provide for the expense of operation, maintenance and repair of such bridges and shall levy a tax for such purpose on all the taxable property of the county not exceeding one and one-half mills in any one year.

SEC. 4. Nothing in this act shall be construed as authorizing any county to construct or build any bridge or bridges within the corporate limits of any city or town.



SEC. 5. Whenever any city or town located in any second or third class county of the State of Washington shall hereafter desire to construct any bridge over any navigable waters or streams in such city or town, the city or town officials shall submit plans and specifications thereof to the state highway engineer, and no such bridge shall hereafter be constructed except in accordance with plans and specifications approved by the state highway engineer.

City may not build bridge until state highway engineer approves plans.

Passed the House December 15, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

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## CHAPTER 104.

[H. B. 195.]

### RELATING TO ADMINISTRATION OF GUARDIANSHIP ESTATES.

AN ACT relating to probate procedure and guardians for minors, insane and incompetent persons.

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

SECTION 1. At any time after the issuance of letters of guardianship in the estate of any minor, insane or incompetent person, any person interested in said estate, or in such minor, insane or incompetent person, or any relative of such minor, insane or incompetent person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension or other benefit is being paid, or is payable, may serve upon such guardian, or upon the attorney for such guardian, and file with the clerk of the court wherein the administration of such guardianship estate is pending, a written request stating that spe-

Special written notice to parties interested of proceedings in the administration.

cial written notice is desired of any or all of the following matters, steps or proceedings in the administration of such estate:

1. Filing of petition for sales, leases or mortgages of any property of the estate.
2. Filing of all intermediate or final accountings or accountings of any nature whatsoever.
3. Petitions by the guardian for family allowances or allowances for the ward or any other allowance of every nature from the funds of the estate.
4. Petitions for the investment of the funds of the estate.

Service of  
notice.

Such request for special written notice shall designate the name, address and post office address of the person upon whom such notice is to be served and no service shall be required under this act other than in accordance with such designation unless and until a new designation shall have been made.

Time for  
service  
before any  
hearing had.

When any account, petition, or proceeding is filed in such estate of which special written notice is requested as herein provided, the court shall fix a time for hearing thereon which shall allow at least ten days for service of such notice before such hearing; and notice of such hearing, together with a copy of any such account, petition or proceeding, shall be served upon the person designated in such written request at least ten days before the date fixed for such hearing. If the place designated for such service is outside of the city in which is located the court in which such estate is being administered, the service may be made by leaving a copy with the person designated, or by mailing through the United States mail, with postage prepaid to the person and place designated; otherwise the service may be made by leaving a copy with the person or his authorized representative, at the place designated.

How service  
may be  
made.

Person re-  
questing  
special  
written  
notice:

SEC. 2. Whenever any request for special written notice is served as provided in this act, the per-

son making such request may, upon failure of any guardian for any minor, insane or incompetent person, to file any account or report required by law, petition the court administering such estate for a citation requiring such guardian to file such report or account, or to show cause for failure to do so, and thereupon the court shall issue such citation and hold a hearing thereon and enter such order as is required by the law and the facts.

Petition to require guardian to file report.

Passed the House December 15, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

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## CHAPTER 105.

[H. B. 3.]

### RELATING TO COMPENSATION OF MEMBERS OF THE LEGISLATURE.

AN ACT providing for the amendment of Section 23 of Article II, of the constitution of the State of Washington, relating to the compensation of members of the Legislature.

*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 Tuesday next succeeding the first Monday in November, 1926, there shall be submitted to the qualified electors of this state, for their adoption and approval or rejection, an amendment to Article II of the constitution of the State of Washington, so that Section 23 of said Article II when amended shall read as follows:

Proposed amendment § 23, Art. II, State Constitution.

Section 23. Each member of the legislature shall receive for his services three hundred dollars per annum during his term of office, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.

Compensation of legislators.

Referendum.

SEC. 2. The foregoing amendment shall be submitted to the people for their adoption and approval or rejection in the following form:

Shall each member of the Legislature receive three hundred dollars per annum for his services and ten cents per mile mileage. } Yes   
 } No

Passed the House December 4, 1925.  
 Passed the Senate December 30, 1925.

CHAPTER 106.

[H. B. 201.]

CONSOLIDATING OF 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.

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

SECTION 1. That Section 4738 of Remington's Compiled Statutes be amended to read as follows:

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 popula-

Amends § 4930, Pierce's Code.

Consolidated district designated by new number.

Directors' districts.

tion 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 each of such directors' districts 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.

Election.

Canvassing board for school elections.

Passed the House December 15, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.

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## CHAPTER 107.

[H. B. 242.]

### INCORPORATION OF INSURANCE COMPANIES.

AN ACT relating to insurance and amending Section 7130 of Remington's Compiled Statutes.

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

SECTION 1. That Section 7130 of Remington's Compiled Statutes be amended to read as follows:

Amends § 2992, Pierce's Code.

Section 7130. Incorporation of Companies.

The following number of citizens of the United States, two-thirds of which number shall be residents of the State of Washington, may incorporate a company as follows: For a stock company, not less than five; for a mutual company, not less than ten; for an organization on the plan known as "Lloyds," not less than twenty; for an organization of "Inter-Insurers," not less than twenty-five; for one or more of the purposes specified in Section 7128 by making and subscribing written articles of incorporation in quadruplicate and acknowledging the same before an

Incorporation.

Number of incorporators.

Filing articles.	<p>officer authorized to take acknowledgment of deeds, and after having the same approved by the commissioner, by filing one of such articles in the office of the secretary of state, another in the office of the insurance commissioner, another in the office of the auditor of the county in which the principal office of the company is to be located, and retaining the fourth in the possession of the company, which articles shall state:</p>
Contents of articles.	<p>First. The names and addresses of the incorporators.</p>
Kind of company.	<p>Second. The name of the company.</p> <p>Third. (a) The object for which the company is formed; (b) whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan; (c) the class or classes of risks wherein it will make insurance, according to the divisions made in this act.</p>
Amount of capital stock.	<p>Fourth. (a) If a stock company, the amount of the capital stock, and the number of shares, which shall be of the par value of one hundred dollars each; (b) if it be a mutual company, the minimum and maximum liability of its members or policy-holders for the payment of losses occurring under its policies, which liability shall be not less than two nor more than six times the amount of the premium usually charged by solvent stock insurance companies for insuring like or similar risks for the same term, and if that premium is not known, then the premium used shall be according to either the "Dean" schedule or the "Universal Mercantile" schedule for fire risks, and such schedule for other class or classes of risks as may be approved by the commissioner.</p>
Period of existence.	<p>Fifth. The time of its existence, not to exceed fifty years: <i>Provided</i>, That this limit of existence shall not apply to any life insurance company.</p>

Sixth. The number of trustees or directors, which shall not be less than five nor more than fifteen, and their names and addresses, who shall manage the affairs of the company for such length of time, not less than two nor more than six months, as may be designated in such articles of incorporation.

Directors.

Seventh. The name of the city or town in which the principal place of business of the company is to be located in this state, and in what country or countries it intends to transact business.

Place of business.

Amendments may be made to the articles of incorporation of a stock company, by a majority vote of its trustees or directors, and the vote or written assent of two-thirds of the capital stock of the company, and, if a mutual company, by the majority vote of its trustees or directors and the vote or written assent of two-thirds of the members or policy-holders of such company. If the written assent of two-thirds of the capital stock of a stock company, or members or policy-holders of a mutual company has not been obtained, then the vote of the said stock, or of said members may be taken, at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members.

How articles amended.

The president and secretary of said company shall certify said amendments in quadruplicate under the seal of said company to be correct, and shall file and keep the same as in the case of original articles of incorporation and from the time of filing said amendments such company shall have the same powers, and the stockholders thereof shall be subject to the same liabilities as if said amendment had been embraced in the original articles of incorporation. A policy-holder in a mutual insurance company has the same character of interest and occupies the same

Mutual insurance company policy-holder.

Relation to  
the com-  
pany.

relation to the company as the stockholder has and occupies to a stock insurance company.

Defective  
articles.

Nothing in this section shall be construed to cure or amend any defect existing in any articles of incorporation in that such articles did not set forth the matter required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof. The time of existence of such company shall not be extended by amendments beyond the time fixed in the original articles of incorporation.

Extension  
of exist-  
ence.

Duplicating  
names.

No such company shall take the name of a domestic company theretofore organized, nor that of an alien or foreign company admitted to this state, nor one so nearly resembling that or either as to be misleading. The expenses of incorporation and organization, including the placing of the capital stock of any such company incorporated after January 1, 1911, shall not exceed seven and one-half per centum of the par value of the stock actually sold.

Incorpora-  
tion ex-  
penses  
limited.

Passed the House December 19, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 12, 1926.



## CHAPTER 108.

[H. B. 174.]

## PROTECTION OF HORTICULTURE.

AN ACT relating to horticulture and horticultural products, providing for the condemnation of infected premises and shipments therefrom, and amending Section 2848, Remington's Compiled Statutes.

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

SECTION 1. That Section 2848, Remington's Compiled Statutes, be amended to read as follows: Amends  
§ 2716.  
Pierce's  
Code.

Section 2848. In case the officer making the inspection provided for in the preceding section shall find that the premises or property inspected is infected, he shall condemn the same and serve upon the owner or upon the person having possession or charge of said premises or of said property a notice in writing that the same is condemned and ordering the disinfection of any and all thereof which is capable of disinfection and the destruction of such property as is incapable of disinfection, which notice shall describe the premises or property ordered to be disinfected or destroyed with reasonable certainty and shall specify the time within which the same shall be so disinfected or destroyed; and shall give notice that unless the premises or property ordered disinfected or destroyed is disinfected or destroyed as directed, in the manner and within the time specified in said notice, the same will be done by the officer giving the notice and the expense thereof charged against the premises and the owner of said premises or property. In case said premises or property is in the possession or charge of any person upon whom service can be made, the officer making the inspection shall serve a copy of such notice upon such person and, in case the premises or property is in possession or charge of any other person than the owner

Premises  
infected.

Condemned.

Notice to  
disinfect or  
destroy.

Service of  
notice.

thereof, or service cannot be had upon any person in possession or charge thereof, the officer shall serve said notice upon the owner of said premises or property by mailing or telegraphing him a copy thereof, if his home or postoffice address are known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice cannot be had upon any person in possession or charge of said premises or property and the name and address of the owner of such premises or property are not known and cannot with reasonable diligence be ascertained, said notice shall be served by posting the same in a conspicuous place upon the premises where the property to be disinfected or destroyed is situated, as the case may be. In case the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, service of such notice upon the person in possession or charge of said premises or property shall be construed to be substituted personal service upon the owner, and, in case service of such notice upon a person in possession or charge of such premises or property cannot be had and the name and postoffice address of the owner is not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, such posting of the notice upon the premises shall be construed to be constructive personal service upon the owner of such premises or property. Upon the giving of such notice as hereinabove provided it shall become and be the duty of the owner and person having possession or charge of the premises or property described in the notice to, within the time specified in said notice, disinfect said premises or disinfect or destroy said property, as the case may be: *Provided*, That in the case of nursery stock, fruit or vegetables about to be shipped or any shipment

thereof, or which is offered for sale, or held for the purpose of delivery upon any shipment or sale thereof, if the officer making the inspection shall find that only a part thereof is so affected that it cannot be successfully disinfected, he shall state in such notice that the owner or person in charge thereof has the privilege of separating the same into two or more of the following classes, to-wit, such as does not need disinfection, such as can be successfully disinfected, and such as cannot be successfully disinfected, and in such case it shall be the duty of the owner and person in charge of such property to, within the time specified in said notice, disinfect such nursery stock, fruit or vegetables as can be successfully disinfected and destroy such as cannot be successfully disinfected: *And Provided Further*, That in the case of fruit or vegetables that cannot be successfully disinfected the inspector may grant the owner or person in charge thereof the privilege of manufacturing the same into by-products or of shipping the same to a by-product factory located within the State of Washington and issue a permit in writing so to do, and in such case it shall be unlawful for the person receiving such permit to sell or dispose of such infected fruit without having first manufactured the same into a by-product or shipped the same to a by-product factory, or to divert any such shipment when made, and it shall be unlawful for the consignee of any fruit or vegetables shipped to a by-product factory, to sell or dispose of the same without first manufacturing it into a by-product. It shall be unlawful for any person to ship, deliver, sell, barter, give away or otherwise dispose of or part with the possession of or for any common carrier to transport, any nursery stock, fruit or vegetable which has been found infected and condemned until all of the requirements of said notice and order have been complied with, and permission given in

Segregation of partly infected products.

By-products from infected fruit and vegetables.

Unlawful to ship or sell.

Unlawful  
for common  
carrier to  
receive  
without  
inspector's  
certificate.

writing so to do by an inspector. It shall be unlawful for any common carrier to ship or transport or receive for shipment any fruit in bulk or as culls unless the same shall be accompanied by a permit to ship to a by-product factory or by an inspector's written statement that same is free from infection.

Passed the House December 11, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 12, 1926.

## CHAPTER 109.

[H. B. 151.]

### CRIMINAL PROCEDURE.

AN ACT relating to criminal procedure, and amending Sections 2059 and 2285 of Remington's Compiled Statutes.

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

Amends  
§ 9272,  
Pierce's  
Code.

SECTION 1. That Section 2059 of Remington's Compiled Statutes be amended to read as follows:

Joining of  
two or more  
charges in  
indictment.

Section 2059. When there are several charges against any person, or persons, for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses, which may be properly joined, instead of having several indictments or informations the whole may be joined in one indictment, or information, in separate counts; and, if two or more indictments are found, or two or more informations filed, in such cases, the court may order such indictments or informations to be consolidated.

Consolidation of  
indictments  
or informations.

Amends  
§ 8720,  
Pierce's  
Code.

SEC. 2. That Section 2285 of Remington's Compiled Statutes of Washington be amended to read as follows:

Two or  
more  
convictions.

Section 2285. Whenever a person shall be convicted of two or more offenses before sentence has

been pronounced for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction shall commence at the termination of the first or other prior term or terms of imprisonment to which he is sentenced; and whenever a person while under sentence of felony shall commit another felony and be sentenced to another term of imprisonment, such latter term shall not begin until the expiration of all prior terms: *Provided* that whenever a person is convicted of two or more offenses set forth as separate counts in one indictment or information the court may, in pronouncing sentence, provide that sentences therefor shall run concurrently.

Running of sentences.

Passed the House December 9, 1925.

Passed the Senate January 1, 1926.

Approved by the Governor, January 12, 1926.

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## CHAPTER 110.

[H. B. 167.]

### TAXATION OF LANDS DEVOTED TO FORESTATION AND REFORESTATION.

AN ACT relating to forestation and reforestation and the assessment and taxation of lands devoted to that purpose and the assessment and taxation of the products of such lands, and providing for an amendment to the Constitution of the State of Washington.

*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, 1926, there shall be submitted to the qualified voters of this state for their adoption and approval or rejection an amendment to the Constitution of the State of Washington so that the same shall contain a new and additional

Proposed constitutional amendment.

Article to consist of one section to follow Article XXVII, to be known as Article XXVIII, to read as follows:

ARTICLE XXVIII.

Section 1. Nothing contained in this Constitution shall prevent the legislature from enacting, by general laws, legislation for the purpose of encouraging and promoting forestation and reforestation of lands within the state, which laws may provide such methods and means to accomplish that purpose as the legislature may determine, and which laws, in addition to such other means and methods as may be provided by the legislature, may provide on lands devoted to that purpose for a definite and invariable tax during a term of years, and/or for a classification, rate, valuation and/or standard of valuation for taxation and assessment purposes, different from other lands and property; and which laws may provide for a yield tax of a definite percentage on the value of the timber or forest products grown on such lands, to be paid at the end of a definite term of years or period, or upon removal of such products, which yield tax may be in lieu of any other tax on such lands or products, or may be in combination with such other tax as may be provided for; and which laws may provide for contracts between the state and the owners of such lands for a definite and invariable tax on such lands during a term of years, and/or for a classification, rate, valuation and/or standard of valuation for taxation and assessment purposes different from that of other lands and property, and/or a yield tax of a definite percentage on the value of the timber or forest products grown on such lands to be paid at the end of a specified term of years or period, or upon removal of such products, which yield tax may be in lieu of any other tax on such lands or products, or in combination with such other tax as may be provided for.

Forestation and reforestation lands.

Taxation and classification.

Yield tax.

Contracts by state with owners for definite tax.

SEC. 2. The secretary of state shall cause the amendment proposed in Section 1 of this act to be published for three (3) months next preceding the said election therein described in some weekly newspaper in every county where a newspaper is published throughout the state. Publication.

SEC. 3. There shall be provided on all ballots for said election an opportunity for the people to vote for or against such amendment, by means of the following proposition and ballot title: Referendum ballot.

Shall the Constitution be amended by adding thereto a new article to be known as Article XXVIII to permit legislation designed to encourage and promote forestation and reforestation?	}	Yes <input type="checkbox"/>
		No <input type="checkbox"/>

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be adopted and become a part of the constitution of this state from the time of such proclamation. Date amendment effective.

Passed the House December 19, 1925.

Passed the Senate December 31, 1925.

CHAPTER 111.

[H. B. 135.]

RELATING TO COMPENSATION OF INJURED WORKMEN.

AN ACT relating to the compensation of workmen engaged in extra hazardous maritime occupations, defining the plant of such employment, amending the workmen's compensation act, and repealing Section 2 of Chapter 67 of the Laws of 1919.

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

SECTION 1. That Chapter 74 of the Laws of 1911, pages 345 to 374, be amended by adding thereto a new section to be known as Section 18-a (Section 6604-18-a, Remington's Compiled Statutes) to read as follows:

§ 3486-a,  
Pierce's  
Code.

Application  
to maritime  
occupations.

Section 18-a. The provisions of this act shall apply to all employers and workmen engaged in maritime occupations for whom no right or obligation exists under the maritime laws for personal injuries or death of such workmen.

Segregation  
of pay  
rolls.

If an accurate segregation of pay rolls covering any class or classes of workmen engaged in maritime occupations and working part time on shore and part time off shore cannot be made by the employer, the director of the department of labor and industries is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the pay rolls of such class or classes of employes to cover the shore part of their work, and the employer shall pay to the accident fund on that basis for the time such workmen are engaged in their work.

Basis for  
segregation.

Absence of  
federal  
legislation.

Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workmen, such site or place shall be deemed for

Liability.

Common  
plant of  
two or more  
employers.



the purposes of this act to be the common plant of such employers.

SEC. 2. That Section 2 of Chapter 67 of the Laws of 1919, pages 135 and 136, is hereby repealed.

Repeals § 3486-a, Pierce's Code.

Passed the House December 8, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 12, 1926.

CHAPTER 112.

[H. B. 157.]

RELIEF OF AUGUSTA STOCKDER AND WOLDEMAR STOCKDER.

AN ACT for the relief of Augusta Stockder and Woldemar Stockder, and making an appropriation.

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

SECTION 1. That for the purpose of completing the payment of the purchase price of that certain tract of land located adjacent to the grounds of the State Penitentiary at Walla Walla, Washington, and containing approximately five acres of land and which is more fully described in that certain real estate contract dated June 1, 1923, acknowledged February 4, 1924, and recorded May 5, 1924, in Volume 165 of the Deed Records of Walla Walla County, at page 238, wherein the department of fisheries and game contracted to purchase said real estate for the sum of \$3,351.21, payable as therein provided, there is hereby appropriated out of the game fund of the State of Washington the sum of \$2,906.21.

Purchase of land at Walla Walla.

Appropriation.

SEC. 2. When Augusta Stockder and Woldemar Stockder, her husband, shall have made, executed and recorded with the county auditor of Walla Walla county a general warranty deed conveying said real estate (subject only to taxes and assessments levied

Augusta Stockder and husband to make deed.

from and after the 1st day of June, 1923) to the state of Washington, and when an abstract of title is furnished to the state auditor showing that the state of Washington has legal title to said real estate by virtue of such deed, then the state auditor is hereby empowered and directed to draw a warrant upon the state treasurer for said amount hereby appropriated and to issue and transmit the same to said Augusta Stockder and Woldemar Stockder.

Passed the House December 4, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 12, 1926.

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## CHAPTER 113.

[H. B. 68.]

### ORGANIZATION OF PORT DISTRICTS AND ELECTIONS OF OFFICERS THEREOF.

AN ACT relating to port districts, elections therein, the officers thereof and their term of office.

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

Port commissioners to be elected at general biennial county elections.

Special elections.

Term of office of commissioners.

SECTION 1. In every port district the boundaries of which are coextensive with the county in which it is located, except port districts in class A and first class counties, all elections for the election of port commissioners shall be held at the same time as the general biennial election is held in such county: *Provided*, That if the petition for organization of such port district so requests, the first election of commissioners may be held at a special election, which shall be called and held in the manner provided by law for special organization elections for such port districts.

SEC. 2. In every such port district the term of office of each port commissioner shall be six years

and until his successor is elected and qualified, and one port commissioner shall be elected at the time of the general biennial election in each even numbered year for the term of six years from the first day of January following his election: *Provided*, That in any such district hereafter organized the candidate residing in the first commissioner district receiving the highest number of votes in the port district at the election organizing the district shall hold office until the expiration of six years after the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of six years after the first day of January following the next succeeding general biennial election; the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such election shall hold office until the expiration of four years from the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of four years after the first day of January following the next succeeding general biennial election; and the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such election shall hold office until the expiration of two years after the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of two years after the first day of January following the next succeeding general biennial election: *Provided, Further*, That in such port districts already organized no election of port commissioners shall be held until the general biennial election on the first Tuesday following the first Monday in November, 1928, at which election

Six years.

Four years.

Two years.

Election in  
districts  
now or-  
ganized  
Nov., 1928.

three port commissioners shall be elected and shall take office on the first day of January, 1929; and the commissioner elected from the first commissioner district shall hold office for the term of six years and until his successor is elected and qualified, and the commissioner elected from the second commissioner district shall hold office for the term of four years and until his successor is elected and qualified, and the commissioner elected from the third commissioner district shall hold office for a term of two years and until his successor is elected and qualified.

Notices of  
election.

SEC. 3. Notices of such election shall be given in the same manner, for the same time and by the same officials as is provided by law for the general biennial election in such counties; and in the matter of polling places, election board, manner of conducting and voting, time for opening and closing polls, keeping of poll lists, canvassing the votes, declaring the result, certifying the returns and in all other particulars, as nearly as may be, such election shall be called, held and conducted as is provided by law for, and as a part of, the general biennial election in such counties.

Conducting  
of elections.

Passed the House December 9, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 12, 1926.

CHAPTER 114.

[H. B. 188.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and banking and the use of the names "bank" and "trust," providing penalties, and amending Section 3225, Remington's Compiled Statutes.

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

SECTION 1. That Section 3225, Remington's Compiled Statutes, be amended to read as follows:

Amends  
§ 268,  
Pierce's  
Code.

Section 3225. The name of every bank shall contain the word "bank" and the name of every trust company shall contain the word "trust," or the word "bank." No person except:

Restriction  
of use of  
names  
"bank" and  
"trust."

1. A national bank;
2. A bank or trust company authorized by the laws of this state;
3. A foreign corporation authorized by this act so to do, shall,

1. Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to wit: "bank," "banking," "banker," "trust."

2. Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, bill head, note, receipt, certificate, blank, form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor.

Penalty.

Passed the House December 8, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 12, 1926.

CHAPTER 115.

[H. B. 74.]

EMINENT DOMAIN.

AN ACT relating to eminent domain proceedings in cities and towns, and amending Sections 9263, 9265, 9266 and 9277, of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 9263 of Remington's Compiled Statutes of Washington be, and the same is hereby, amended to read as follows:

Section 9263. Such bonds shall be issued only in pursuance of ordinances of the city directing the issuance of the same, and by their terms shall be made payable on or before a date not to exceed twelve (12) years from and after their date, which latter date may be fixed by resolution or ordinance by council or other legislative body of said city and shall bear interest not exceeding eight per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by resolution or ordinance, and each bond shall have attached thereto interest coupons for each interest payment: *Provided*, That the legislative body of any city of the first class having a population of three hundred thousand (300,000) inhabitants, or more, issuing any bonds hereunder may by ordinance, passed by unanimous vote, authorize the issuance of such bonds payable on or before a date not to exceed twenty-two (22) years from and after the date of the issue of such bonds, and shall in such ordinance provide that said bonds shall be sold at not less than par and shall bear interest at not to exceed six (6) per centum per annum.

Such bonds shall be in such denominations as shall be provided in the resolution or ordinance authorizing their issuance and shall be numbered

Amends § 7592, Pierce's Code.

Date of maturity.

Interest coupons.

Time of maturity of bonds may be longer in certain first class cities.

Rate of interest.

Denominations.

from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon a facsimile of the signature of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance authorizing the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Signatures  
of officers.

Against  
which fund  
issued.

Amount of  
issue.

SEC. 2. That Section 9265 of Remington's Compiled Statutes of Washington be, and the same is hereby, amended to read as follows:

Amends  
§ 7594,  
Pierce's  
Code.

Section 9265. In all cases where any city shall issue bonds as provided for in this act, the whole or any portion of the separate assessments for any such improvement may be paid during the thirty (30) day period provided for in Section 9266, and thereafter the sum remaining unpaid may be paid in equal annual installments; the number of which installments shall be less by two than the number of years which the bonds issued to pay for the improvements may run, with interest upon the whole unpaid sum at the bond rate, and each year thereafter one of such installments, together with the interest due thereon and on all installments thereafter to become due, shall be collected in the same manner as shall be provided by law and the resolutions and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued: *Provided, however,* That whenever the legislative body of any city of the first class

Assess-  
ments:  
Payment  
in install-  
ments.

Certain cities of first class: conditions for payments in installments.

having a population of three hundred thousand (300,000) inhabitants, or more, shall have, as provided in Section 9263, as amended by Section 1 hereof, by unanimous vote determined that any bonds issued hereunder shall be payable in twenty-two (22) years, such legislative body may by ordinance provide that the principal sum remaining unpaid after the thirty (30) day period specified in Section 9266 may be paid in ten (10) equal annual installments, beginning with the eleventh year and ending with the twentieth year after said thirty (30) day period, together with interest upon the unpaid installments at the bond rate, and that in each year after the said thirty (30) day period, to and including the tenth year thereafter, one installment of interest on the principal sum of said assessment shall be paid and collected, and that, beginning with the eleventh year after said thirty (30) day period, one installment of the principal, together with the interest due thereon and on all installments thereafter to become due, shall be paid and collected in the same manner as shall be provided by law and the resolutions and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued.

If proceedings already initiated, applicability.

In all cases of improvements authorized in this act, where, at the time this act shall become effective, the notice by the city treasurer of the assessment for such improvement shall not have been published, the city council or other legislative body of such city may by ordinance or resolution provide for the issuance and sale of bonds for such improvement and for the payment of such assessments in installments.

Amends § 7595, Pierce's Code.

SEC. 3. That Section 9266 of Remington's Compiled Statutes of Washington be, and the same is hereby, amended to read as follows:

Section 9266. Whenever the assessment for any such improvement shall be payable in installments,



the owner of any lot, tract, or parcel of land or other property charged with any such assessment may pay such assessment or any portion thereof, without interest, within thirty (30) days after such notice of such assessment.

The city treasurer shall, as soon as the certified copy of the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city for two consecutive daily or two consecutive weekly issues, that the said roll is in his hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty (30) days from the date of the first publication of said notice without penalty, interest or costs, and the unpaid balance, if any, may be paid in equal annual installments, or any such assessment may be paid at any time after the first thirty (30) days following the date of the first publication of such notice by paying the entire unpaid portion thereof with all penalties and costs attached, together with all interest thereon to the date of delinquency of the first installment thereof next falling due.

Such notice shall further state that the first installment of such assessment shall become due and payable during the thirty (30) day period succeeding a date one (1) year after the date of first publication of such notice, and annually thereafter each succeeding installment shall become due and payable in like manner.

If the whole or any portion of any assessment remains unpaid after the first thirty (30) day period herein provided for, interest upon the whole unpaid sum shall be charged at the bond rate, and each year thereafter one (1) of said installments, together with interest due upon the whole of the unpaid balance, shall be collected, except that where the assessment is payable in twenty (20) years, installments of in-

Notice of  
receipt of  
roll.

Installment  
payments:  
How made.

terest only shall be collected for the first ten years, as provided in Section 9265, as amended by Section 2 hereof.

Delinquent  
install-  
ments.

Any installment not paid prior to the expiration of the thirty (30) day period during which such installment is due and payable, shall thereupon become delinquent. All delinquent installments shall be subject to a charge of five per cent (5%) penalty levied upon both principal and interest due on such installments, and all delinquent installments, except installments of interest when the assessment is payable in twenty (20) years, as provided in Section 9265, as amended by Section 2 hereof, shall, until paid, be subject to a charge for interest at the bond rate.

Bonds:  
Time of  
issuance.

The bonds herein provided for shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days first above mentioned, but may be issued at any time thereafter. In all cases where any sum is paid as herein provided, the same shall be paid to the city treasurer, or to the officer whose duty it is to collect said assessments, and all sums so paid shall be applied solely to the payment of the awards, interest and costs of such improvements or the redemption of the bonds issued therefor.

Applying of  
payments.

Selecting  
newspaper  
for publi-  
cation of  
notice.

In case any city has no official newspaper, any publication required under the provisions of this act may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city is located and of general circulation in such city.

Amends  
§ 7606,  
Pierce's  
Code.

SEC. 4. That Section 9277 of Remington's Compiled Statutes of Washington be, and the same is hereby, amended to read as follows:

Terms  
defined.

Section 9277. Whenever the word "person" is used in this act, the same shall be construed to include any company, corporation or association, the

state or any county therein, and the words "city" or "town" wherever used, shall be construed to be either. Whenever the words "installment" or "installments" are used in this act, they shall be construed to include installment or installments of interest, as provided in Section 9265, as amended by Section 2 hereof.

Passed the House December 14, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

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## CHAPTER 116.

[H. B. 54.]

### AUTHORITY TO CITY OF SEATTLE TO DEED CERTAIN LANDS TO THE UNITED STATES.

AN ACT authorizing the City of Seattle to deed certain shorelands on Lake Washington to the United States.

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

SECTION 1. That the City of Seattle is hereby granted the authority to convey to the United States for canal purposes, the following described lands, being part of Block 12 of Lake Washington Shorelands, which was conveyed to the City of Seattle by grant of the State of Washington, under Chapter 233, Laws of 1909: Beginning at the southeast corner of Waterway No. 3-A, said point being the most westerly point of Block 12, Lake Washington Shore Lands, and running thence along the northwesterly line of said block, N 46° 49' 30.6" E 836.265 feet; thence along the arc of a curve to the right having a radius of 200 feet, turning through an angle of 43° 10' 29.4", a distance of 150.709 feet; thence east 40 feet to the northeast corner of said Block 12; thence along the east line of said Block S 14° E

Authority  
to city of  
Seattle to  
convey  
lands to  
U. S.

115.279 feet; thence S 57° 43' 26.9" W 963.464 feet to the point of beginning.

Remainder of grant under ch. 233, L. 1909 not affected.

SEC. 2. The authority granted in Section 1 of this act and a conveyance made in pursuance thereof shall not affect the title of the City of Seattle to the remaining portions of the grant made by Chapter 233, Laws of 1909, but such remaining portions of said grant shall continue to be held by said City under the terms and subject to the conditions of said grant.

Passed the House December 10, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

CHAPTER 117.

[H. B. 73.]

LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns, and amending Sections 9402 and 9421, of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 9402, of Remington's Compiled Statutes of Washington, be, and the same is hereby, amended to read as follows:

Amends § 1037, Pierce's Code.

Payment in installments.

Section 9402. Assessments Payable in Installments. In all cases where any city or town shall issue bonds as provided in this act to pay the cost and expense of any local improvement, the cost and expense shall be assessed against the lots, tracts, and parcels of land and other property, which under the provisions of law and the charter and ordinances of such city or town shall be liable therefor, but the ordinance levying such assessment shall provide that the sum charged thereby against each such lots,

tracts, and parcels of land and other property or any portion of such sum may be paid during the thirty (30) day period provided for in section 9403 and that thereafter the sum remaining unpaid may be paid in equal annual installments, the number of which installments shall be less by two than the number of years which the bonds issued to pay for the improvement may run, with interest upon the whole unpaid sum so charged at a rate fixed by said ordinance, and each year thereafter one of such installments, together with the interest due thereon and on all installments thereafter to become due, shall be collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued: *Provided, however,* That whenever the legislative body of any city of the first class having a population of three hundred thousand (300,000) inhabitants or more shall have, as provided in Section 9400, by unanimous vote determined that the bonds for any improvement shall be payable on or before twenty-two (22) years, and by like vote shall have determined that said period of twenty-two (22) years will not exceed the life of the improvement, such ordinance may provide that the principal sum remaining unpaid after the thirty (30) day period specified in Section 9403 may be paid in ten equal annual installments, beginning with the eleventh year and ending with the twentieth year after said thirty (30) day period, together with interest on the unpaid installments at the rate fixed by said ordinance, and that in each year after the said thirty (30) day period, to and including the tenth year thereafter, one installment of interest on the principal sum of said assessment, at the rate fixed by said ordinance, shall be paid and collected, and that, beginning with the eleventh year after said thirty (30) day period, one installment of

City of first class may provide ten annual installments.

the principal, together with the interest due thereon and on all installments thereafter to become due, shall be paid and collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued.

Amends  
§ 1057,  
Pierce's  
Code.

SEC. 2. That Section 9421, of Remington's Compiled Statutes of Washington, be, and the same is hereby, amended to read as follows:

Terms  
construed.

Section 9421. Word "Council", "Mayor" and "Installment" Construed. Whenever the words "city council" or "town council" are used in this act, they shall be construed to mean the council or other legislative body of such city or town. Whenever the word "mayor" is used in this act, it shall be construed to mean the presiding officer of said city or town. Whenever the words "installment" or "installments" are used in this act, they shall be construed to include installment or installments of interest, as provided for in Section 9402, as amended by Section 1 hereof.

Passed the House December 14, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

## CHAPTER 118.

[H. B. 158.]

## AUTHORITY TO SUPREME COURT TO MAKE RULES.

AN ACT to promote the speedy determination of litigation on the merits and authorizing the Supreme Court to make rules relating to pleading, procedure and practice in the courts of this state.

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

SECTION 1. The Supreme Court shall have the power to prescribe, from time to time, the forms of writs and all other process, the mode, and manner of framing and filing proceedings and pleadings; of giving notice and serving writs and process of all kinds; of taking and obtaining evidence; of drawing up, entering and enrolling orders and judgments; and generally to regulate and prescribe by rule the forms for and the kind and character of the entire pleading, practice and procedure to be used in all suits, actions, appeals and proceedings of whatever nature by the Supreme Court, Superior Courts and Justices of the Peace of the State of Washington. In prescribing such rules the Supreme Court shall have regard to the simplification of the system of pleading, practice and procedure in said courts to promote the speedy determination of litigation on the merits.

Rules of pleading, practice, and procedure; Supreme court to make.

SEC. 2. When and as the rules of courts herein authorized shall be promulgated all laws in conflict therewith shall be and become of no further force or effect.

Effect as legislation.

SEC. 3. This act shall not be construed to deprive the Superior Courts of power to establish

Superior courts: province.

rules for their government supplementary to and not in conflict with the rules prescribed by the Supreme Court.

Passed the House December 8, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

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## CHAPTER 119.

[H. B. 169.]

### HIGHWAYS.

AN ACT providing for the construction and maintenance of highways by counties outside the boundaries thereof.

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

SECTION 1. Whenever two counties are separated by an intervening portion of a third county not exceeding one mile in width, and each of said counties has constructed or shall construct a highway to the boundary thereof, and the authorities of the two counties deem it beneficial to such counties to connect said highways by the construction and maintenance of a highway across such intervening portion of the third county, it shall be lawful for the authorities of the two counties to expend jointly the funds of their respective counties in acquiring right of way for and the construction and maintenance of such connecting highway and any necessary bridge thereon, in the manner provided by law for the expenditure of county funds for the construction and maintenance of highways lying within the county.

Passed the House December 14, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

Construction and maintenance jointly by two counties of connecting highway and bridge not within either county.



CHAPTER 120.

[H. B. 245.]

ASSIGNMENTS OF CONDITIONAL SALE CONTRACTS.

AN ACT relating to assignments of conditional sale contracts.

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

SECTION 1. If a written contract for the conditional sale of personal property be assigned by the vendor to secure a debt or other obligation, the assignee, in the absence of a contrary intent expressed in the assignment, shall have the right to enforce all the vendor's remedies under the contract, and, if such contract and/or assignment thereof shall be filed as provided by law, the assignee shall have a lien upon the property covered thereby as against the vendor and his creditors and subsequent purchasers and encumbrancers, which lien may be enforced as a chattel mortgage is enforced.

Rights of assignee of conditional sale contract.

Filing.

Lien.

Passed the House December 19, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

CHAPTER 121.

[H. B. 234.]

APPOINTMENT AND POWERS OF PARK COMMISSIONERS.

AN ACT relating to the appointment and powers of Park Commissioners in cities of the second, third and fourth class, and amending Section 9200 of Remington's Compiled Statutes of Washington.

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

Amends § 661, Pierce's Code.

SECTION 1. Section 9200 of Remington's Compiled Statutes of Washington is hereby amended to read as follows:

Park commissioners.

Section 9200. City councils of cities of the second, third and fourth class, are authorized to provide by ordinances, for a board of park commissioners, not to exceed three in number, to be appointed by the mayor, with the consent of the City Council, from citizens of recognized fitness for such position. No person shall be ineligible as a commissioner by reason of sex and no commissioner shall receive any compensation. The first commissioners shall determine by lot whose term of office shall expire each year, and a new commissioner shall be appointed annually to serve for a term of years corresponding in number to the number of commissioners in order that one term shall expire each year. Such board of park commissioners shall have control and supervision of all parks belonging to such city and shall have power to prescribe rules and regulations for the government and management thereof, which rules and regulations shall be enforced by the police department of the city.

Sex.

Term of office.

Powers.

Passed the House December 15, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 12, 1926.

## CHAPTER 122.

[H. B. 241.]

## ESTRAYS.

AN ACT relating to estrays, providing for their detention, registration and sale, and prescribing penalties for its violation, and amending Section 5, Chapter 23, of the Laws of 1905.

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

SECTION 1. That Section 5, Chapter 23, of the Laws of 1905, be amended to read as follows:

Section 5. The owner of any estray upon learning that the same has been found, shall pay to the Auditor the fee for registering the estray as found, and take his receipt therefor with his official seal attached, which receipt shall describe the animal registered, and upon exhibiting such receipt and making out his title, and paying the finder the sum of one dollar for taking up the animal and reporting the same to the Auditor, and the further sum of thirty cents per day for keeping the estray, from the time of registering the same as found, shall be allowed to take possession of the animal. The claimant's possession of the Auditor's receipt showing payment of the fee for registering the same as lost, and of the Auditor's receipt, showing payment of the fee for registering the same as found, shall be proof of ownership sufficient to justify the finder in surrendering possession of the estray. Any taker-up of an estray who shall work such animal, or otherwise use the same to derive benefit therefrom shall forfeit all pay for the keep thereof.

Passed the House December 19, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 12, 1926.

Amends  
§ 2, ch. 148 L.  
1919; § 3246,  
R. & B. Code;  
§ 1991,  
Pierce's  
Code;  
§ 3158,  
Rem. Code.

Recovery by  
owner.

Fees  
payable.

Working of  
estrays  
forbidden.

## CHAPTER 123.

[H. B. 282.]

APPROPRIATION FOR THE CITY OF OLYMPIA IN PAYMENT  
OF LOCAL ASSESSMENTS ON STATE LANDS.

AN ACT making an appropriation for certain sums of money in payment of local assessments as provided in Chapter 164, Laws of 1919.

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

SECTION 1. There is hereby appropriated out of the general fund of the state treasury the following sums of money, or so much thereof as may be necessary, for the City of Olympia in payment of local assessments on state lands.

For the City of Olympia:

## Local assessments:

Lot 6, Block 66, Olympia Tide Land.....	\$730 42
Lot 7, Block 66, Olympia Tide Land.....	1,129 56
Lot 8, Block 66, Olympia Tide Land.....	1,028 80
Lot 9, Block 66, Olympia Tide Land.....	753 28
Lot 10, Block 66, Olympia Tide Land.....	670 01
Lot 6, Block 66A, Olympia Tide Land....	326 04
Lot 7, Block 66A, Olympia Tide Land....	695 88
Lot 8, Block 66A, Olympia Tide Land....	656 06
Lot 8, Block 67, Olympia Tide Land.....	18 48
Lot 9, Block 67, Olympia Tide Land.....	78 00
Lot 10, Block 67, Olympia Tide Land.....	151 89
Lot 9, Block 67A, Olympia Tide Land....	39 00
Lot 10, Block 67A, Olympia Tide Land....	75 94
Block 79, Olympia Tide Land.....	620 87
Lot 1, Block 80, Olympia Tide Land.....	783 17
Lot 2, Block 80, Olympia Tide Land.....	762 35
Lot 3, Block 80, Olympia Tide Land.....	723 10
Lot 4, Block 80, Olympia Tide Land.....	683 07
Lot 6, Block 80, Olympia Tide Land.....	1,284 09
Lot 7, Block 80, Olympia Tide Land.....	1,156 18
Lot 8, Block 80, Olympia Tide Land.....	1,147 78
Lot 9, Block 80, Olympia Tide Land.....	1,218 87
Lot 10, Block 80, Olympia Tide Land.....	1,340 28
Lot 6, Block 81, Olympia Tide Land.....	927 72
Lot 7, Block 81, Olympia Tide Land.....	860 45
Lot 8, Block 81, Olympia Tide Land.....	822 71

Appropriation city of Olympia local assessments on state lands.

Lot 9, Block 81, Olympia Tide Land.....	842 88
Lot 3, Block 82, Olympia Tide Land.....	608 26
Lot 8, Block 82, Olympia Tide Land.....	897 03
Lot 9, Block 82, Olympia Tide Land.....	807 36
Lot 10, Block 82, Olympia Tide Land.....	747 30
Lot 12, Block 82, Olympia Tide Land.....	901 90
Lot 11, Block 82, Olympia Tide Land.....	774 63
Lot 5, Block 83, Olympia Tide Land.....	585 45
Lot 6, Block 83, Olympia Tide Land.....	596 00
Block 84, Olympia Tide Land.....	745 30
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Total.....	\$26,190 11

Passed the House January 1, 1926.

Passed the Senate January 5, 1926.

Approved by the Governor January 12, 1926.

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CHAPTER 124.

[H. B. 180.]

DISSOLUTION OF IRRIGATION DISTRICTS.

AN ACT relating to the dissolution of irrigation districts, the determination and discharge of their indebtedness, and the distribution of their property, and declaring that this act shall take effect immediately.

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

SECTION 1. In all instances where fifty per cent of the acreage within an irrigation district has been sold to the district on account of delinquent district assessments, and more than two years have elapsed since the sale of said property to the district without redemption by the owners thereof, and the district is unable to raise sufficient revenue to meet its obligations when the same become due and payable, such district shall be deemed insolvent and the district board shall have authority to call an election in the district to determine whether the district shall discontinue operation and dissolve: *Provided* That in case there are bonds of the district outstanding,

When district deemed insolvent.

Election to determine dissolution.

Notice of election to director of conservation.

written consent of the holders of at least fifty-one per cent (51%) in amount of such outstanding bonds shall be obtained by the district board before calling said election: *Provided further* That if any portion of such outstanding bonds are owned by the state of Washington the board of directors of such district shall give written notice to the director of conservation and development of the intention of the board of directors to call such election, and unless the director of conservation and development shall sign written objection to the calling of such election within ten (10) days after the giving of such notice the state shall be deemed as consenting thereto.

Objection to election.

Election law governing.

Said election shall be called, shall be conducted and the results canvassed in the same manner substantially provided by law for a bond election in the district.

Court action for dissolution.

SEC. 2. If a majority of the votes cast at said election is in favor of dissolution of the district, the district board shall institute an action in the superior court of the county in which the office of the board is located to determine the indebtedness of the district and to adopt a plan of appropriating the available resources of the district to the satisfaction of such indebtedness as in this act provided.

Payment of indebtedness.

Jurisdiction of superior court.

SEC. 3. The superior court in the exercise of its jurisdiction in matters of this kind shall have full authority to determine the indebtedness of the district and to determine the status and priorities thereof in accordance with the laws of the state relating to irrigation districts, shall have power to apportion the obligation of such indebtedness against the district and the several lands included therein; the court may award process and cause to come before it all persons whom it may deem necessary to examine and have and cause to be issued all such writs as may be proper or necessary, and do all

Apportionment of indebtedness.

things proper or incidental to the exercise of such jurisdiction.

SEC. 4. Such action shall be one in rem and personal service of process shall not be required to be made on any interested person: *Provided* That the court shall be authorized in proper instances to order issuance and personal service of process specifying such time for appearance as the court shall require, *And Provided further*, That any owner of land within the district or any creditor of the district or their respective attorneys may file with the receiver provided for in this act, a written request that his name and address be placed on the receiver's mailing list and thereafter the receiver shall mail to such person at his given address at least ten days' written notice of all subsequent hearings before the court. Personal service of said notice may be made in any instance in lieu of mailing at the option of the receiver.

Action in rem.  
Personal service not required.

Written notice of hearings; when.

SEC. 5. The complaint in said action shall recite the holding of the election and the result thereof and shall give in general terms a summary of the district assets and the amount and character of its obligations and the maturities thereof; shall state that the district desires to discontinue operation and dissolve its corporate existence and shall pray that the court take the necessary steps to effect such an object.

Contents of complaint.

SEC. 6. The court shall thereupon fix a time and place for a hearing of said complaint and notice of said hearing shall be published for two successive weeks (three weekly issues) in a newspaper of general circulation published in each county in which any lands in the district are located.

Time and place of hearing.

Publication.

SEC. 7. At the time and place fixed in said notice the court shall hear the objections of interested persons and shall determine whether the district is in-

Hearing to determine dissolution.

Dismissal  
of action.

Dissolution  
ordered.

Receiver  
appointed.

Receiver :  
qualifications,  
compensa-  
tion, powers,  
duties.

Receiver's  
certificates  
first lien.

Publication  
of notice to  
creditors.

solvent within the provisions of this act and whether the district shall be dissolved. If the court concludes that the district shall not dissolve, he shall so find and dismiss the action. If the court concludes that the district should be dissolved, he shall appoint a receiver with bond conditioned for faithful performance of his duties in such sum as the court shall determine, to take charge of the district assets and to perform such other duties as may be required by the court.

SEC. 8. The person appointed by the court as receiver shall not be financially interested in the affairs of the district and shall receive such compensation for his services as the court shall fix. The receiver, upon qualifying, shall under the direction of the court, have authority to maintain and operate the district irrigation system during the period of liquidation, to make all necessary contracts for and in behalf of the district, to sue and be sued in his official capacity, and shall upon written consent of any creditor, have full authority to represent said creditor and shall have power to hire such assistance as the court shall direct. Said receiver shall have authority upon order of the court and upon such notice as the court shall fix to issue receiver's certificates which shall constitute a first lien upon the property of the district, and said receiver shall have full authority to execute all necessary instruments of conveyance and do all things necessary and expedient for the carrying out of this act.

SEC. 9. The receiver immediately after his appointment or within such further time as the court shall fix, shall cause to be published in some newspaper of general circulation printed in the county where the dissolution proceedings are pending, if there be one, if not, then in such newspaper as may be designated by the court, notice to creditors of the



district for two (2) successive weeks (three weekly issues).

SEC. 10. The notice shall contain the caption of the dissolution proceedings, shall state that proceedings to dissolve the ..... district, (naming it) have been instituted in the above entitled action, that the undersigned has been appointed as receiver of the district in such action, and has qualified as such officer; that all creditors of the district are required within a period of ninety (90) days from the date of the first publication of said notice (specifying the date) to serve a statement of their claim of indebtedness against the district on the undersigned receiver at his office address below stated and file the same with proof of such service with the clerk of the above entitled court, or the same will be forever barred, and proof by affidavit of the publisher of the publication of such notice shall be filed with the court.

Contents of notice.

Statement of creditors: time allowed.

SEC. 11. If a statement of claim, except that involving a bond lien on district property, be not filed within the time specified in the notice to creditors, said claim shall be barred and no action shall be commenced or permitted thereon. Any holder or owner of a bond lien on district property who fails to file a statement of his claim with the clerk of the court within the time specified in the notice to creditors, as in this act provided, shall be limited in the enforcement of his lien against the district to the district property to which his lien attaches, and shall not be entitled to the benefits of any judgment of the court, if any, in the dissolution proceedings authorizing additional levies of assessments against the lands in the district for the payment of district obligations remaining unpaid after the exhaustion of district property.

Filing claim. Time limitation.

Bond lien: failure to file within time. Remedy.

SEC. 12. The owner or holder of a claim of indebtedness against the district not yet due or ma-

Filing claim of immature indebtedness.

Accelerates maturity.	<p>tured shall be entitled to serve upon the receiver and file a statement of his claim with the clerk of the court, as in the case of due and matured indebtedness, and the filing of such claim shall constitute an election on the part of the claimant authorizing the court in its discretion to accelerate the maturity of said indebtedness to such date as the court shall determine upon.</p>
Depository of funds.	<p>SEC. 13. All district funds collected or received by the receiver shall be paid into the county treasurer's office of the county in which the action is pending and shall be disbursed by that office on order of the court, <i>Provided</i>, That no claim of indebtedness against the district shall be paid by the county treasurer unless and until the original evidence of indebtedness upon which it is based has been surrendered by the claimant.</p>
Disbursements by county treasurer.	
Report of receiver; when.	<p>SEC. 14. The receiver within four (4) months after the date of the first publication of notice to creditors or within such other time as the court shall fix, shall file a report with the court setting forth a detailed list of the district property and its itemized value according to his best judgment, also a list of the indebtedness of the district specifying the character, amount and maturities of the indebtedness. In addition, the report shall give a description of the lands within the operation of the district remaining in private ownership, listed according to separate ownerships together with an estimated value of designated improvements on each ownership and of the value of the land and the amount of delinquent taxes, if any, against the land. The report also shall recommend in general terms a plan of liquidating the assets of the district and of appropriating them to the payment of the district indebtedness.</p>
Contents.	
Recommendation of plan of liquidation.	
Time and place for hearing report.	<p>SEC. 15. The court thereupon shall fix a time and place for hearing the receiver's report, notice of</p>

such hearing shall be published in a newspaper of general circulation published in each county in which lands within the district are situated, and such other newspapers as the court shall determine for a period of two successive weeks (three weekly issues) and a copy of said notice shall be posted in the office of the board of directors of the district.

Publication  
of notice.

SEC. 16. Said notice shall state in general terms the purpose of the hearing, shall outline briefly the plan of liquidation, shall mention the time and place of the hearing and shall be signed by the receiver and shall give the receiver's office address.

What notice  
shall contain.

SEC. 17. Any interested person shall have the right to file with the clerk of the court and serve upon the receiver at least two days before the time of the hearing, written objections to the report of the receiver, specifying the interest of the objector in the proceedings, the nature of the objection made and the name and address of the objector or his attorney.

Filing  
objections  
to report.

SEC. 18. The clerk of the superior court shall be entitled to a fee of \$1.00 for each objector represented in the written objections filed in his office, and no other fee shall be required of the objectors by said office.

Objectors to  
pay filing  
fee.

SEC. 19. At the time and place stated in the notice of the hearing on the receiver's report, the court shall consider the objections, if any, made to the receiver's report; shall receive such material evidence as shall be offered for or against said report, shall have power to approve, modify or disapprove the same, to correct any errors therein, to order a further or additional report and to adopt the plan submitted or any other plan of liquidation, which under the evidence received may seem proper. The court may continue or adjourn the hearing for further evidence or for any other substantial reason.

Hearing on  
report.

Court's  
powers.

Determina-  
tion by  
court.

SEC. 20. Upon full consideration of all the evidence submitted for or against the report of the receiver, or any modification thereof, the court shall determine the indebtedness of the district, its several classes and portions and the status and priority thereof and shall adopt a plan of liquidation. Said plan shall be fully outlined in writing by the receiver and included in the decree of the court determining the matter.

Adoption of  
liquidation  
plan and  
inclusion in  
decree.

Liquidation.

SEC. 21. In the execution of a plan of liquidation, the court shall have authority to order the sale of any or all of the district property or the exchange of any of the district property for any evidence of district indebtedness in accordance with the rights of the district and of all the creditors concerned, and if upon the exhaustion of the district property in the payment of the district indebtedness including the costs of dissolution and receivership proceedings, any district indebtedness remain undischarged, the court shall have authority to order district assessments against the lands included within the operation of the district to continue to be made in accordance with the rights of the persons interested in the manner provided by law to pay the remaining indebtedness until sufficient revenue has been raised to pay fully all the obligations of the district.

Sale or  
exchange of  
property.

Exhaustion  
of assets.

Assessments  
to be  
ordered.

Owners and  
holders of  
bond liens  
may stipu-  
late judg-  
ment against  
lands.

SEC. 22. Upon stipulation of the owners of lands within the district, and holders of bond liens against said lands, and the district creditors concerned, the court shall have authority in such proceedings in lieu of the plan of liquidation set forth in the preceding section, to determine the amount of the district indebtedness remaining after the exhaustion of the district property and the proportion thereof which each ownership of land within the district shall be obligated to pay, and judgment may be rendered in favor of the respective creditors against the several lands concerned. Said judgment may in

the discretion of the court provide that the payment thereof shall be made by the land owners in one or more annual installments not to exceed ten in all with annual interest on all unpaid installments at such rate as the court shall fix not in excess of the rate to which the respective creditors may be entitled in their original evidences of indebtedness.

SEC. 23. The judgment shall also name a trustee to be nominated by the creditors representing a majority of the indebtedness who shall give bond conditioned for the faithful performance of his duties and the strict accounting of all funds received by him in such amount as the court shall determine, and who shall have authority to receive payment on account of said judgment and to satisfy said judgment against the several lands at the time payment thereon is made by the land owners in proportion to the amount of said payment. When any land owner shall make full payment of the amount of the judgment apportioned against his land, he shall be entitled to full satisfaction thereof of record.

SEC. 24. In case any landowner fails to pay the judgment against his land or any installment thereof, when the same shall become due and payable, said judgment may be enforced by the trustee named in the decree in the manner provided by law for the enforcement of judgments in the superior court, and the costs of execution and sale shall be charged to the defaulting land.

SEC. 25. The trustee named in the decree shall make distribution of all funds collected on account of said decree in such manner as the creditors shall agree upon, or in case of disagreement, then in such manner as the court shall direct, and jurisdiction of the court in the dissolution proceedings shall continue until full disbursement of funds collected on account of said judgment has been made to the judgment creditors.

Payment of judgment in installments.

Trustee to be named in judgment.

Bond.

Authority.

Satisfaction of judgment.

Failure to pay judgment.

Trustee may enforce.

Distribution by trustee of funds.

Disagreement.

Court's jurisdiction continuing.

Compensation of trustee.

SEC. 26. The trustee named in the decree shall receive such compensation for his services as the court shall determine to be paid at such times as the court shall fix from funds collected on account of said judgment.

Stipulated judgment.

Evidences of indebtedness filed.

SEC. 27. Before the court shall enter judgment upon stipulation of the parties as in this act provided, the creditors concerned shall file all evidences of district indebtedness held by them into the registry of the court to be held subject to the order of the court.

When judgment final evidences of indebtedness cancelled by county treasurer.

SEC. 28. If the judgment rendered by the court, upon stipulation, be not appealed from as in this act provided and the time for appeal has expired, or having been appealed from has been finally determined upon appeal, the court shall upon application of the receiver, order all evidences of indebtedness filed in the registry of the court under the provisions relating to judgment upon stipulation to be delivered to the office of the county treasurer, who shall have authority and it shall be his duty to cancel the same, and said evidences of indebtedness shall thereafter cease to be obligations of the district, and the district thereafter shall be discharged of said indebtedness.

Review by supreme court.

SEC. 29. Any interested person feeling aggrieved at the judgment of the superior court dismissing the proceedings or determining the indebtedness of the district and the status and priority thereof and determining the plan of liquidation, may appeal from such judgment to the supreme court in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Time of appeal.

SEC. 30. When all district indebtedness has been discharged as in this act provided, and all expenses of the dissolution proceedings have been paid, the

receiver shall report such fact to the court with a full account of all assets and moneys received and disbursed. The court shall examine said report and if found satisfactory shall approve the same; shall order any funds remaining after the payment of all indebtedness apportioned to the several owners of land within the district in accordance with the ratio of the last assessment roll of the district, and shall enter a decree dissolving and annulling the district, which shall thereafter cease to exist as a corporate entity.

Final report of receiver.

Apportionment of assets.

Decree of dissolution.

SEC. 31. A copy of said decree shall be filed for record forthwith by the receiver in the office of the county auditor and in the office of the county assessor, of the counties in which any of the lands within the district are situated, and said decree shall be recorded by each of said offices without charge of fee.

Where copy of decree shall be filed.

No filing fee.

SEC. 32. This act is designed to provide an alternative method for the dissolution of irrigation districts and shall not be deemed to repeal any other statute or statutes.

Purpose of act.

No statute repealed.

SEC. 33. Nothing in this act contained shall be construed to enlarge, abridge, modify or otherwise affect the rights, privileges or obligations of solvent districts, the lands therein or creditors thereof.

Solvent districts not affected.

SEC. 34. This act is necessary for the immediate preservation of the public peace, health and safety and for the support of the state government and its existing institutions, and shall take effect immediately.

Emergency.

Passed the House January 1, 1926.

Passed the Senate January 4, 1926.

Approved by the Governor January 14, 1926.

## CHAPTER 125.

[H. B. 193.]

## 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.

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

Terms  
construed.

SECTION 1. The terms used in this act shall be construed as follows:

"City or  
cities."

(a) The term "city or cities" shall mean and embrace all cities of the first class in the state of Washington having a population of three hundred thousand or more.

"Council."

(b) The term "council" shall mean and embrace the respective governing officials, city councils or city commissioners of such cities.

"Auditor."

(c) The term "auditor" shall mean the chief auditing officer, comptroller, auditor or clerk of such cities.

"Budget."

(d) The term "budget" shall mean a definite plan for the financing of the city government for a specified fiscal period.

"Item."

(e) The term "item" shall mean a specified sum to be paid for salaries, total of any amount authorized to be paid for any specified kind of labor, the total of any amount authorized to be paid for any specified purpose, or specified sums to be paid for each capital outlay in any department.

Estimates.

SEC. 2. On or before the tenth day of July of each year the heads of all departments shall submit to the finance committee of the city council an estimate of the probable expense of their several departments for the ensuing year.



If any officer or employe charged with the duty of preparing the estimates herein required, shall neglect or refuse to file the same at the time and in the manner herein prescribed, the council is hereby authorized to prepare the estimate for such department from the records of his office and other competent information; shall further be authorized to deduct from the salary of such delinquent officer, or employe, the sum of ten dollars for every day after the tenth day of July up to the time the estimates shall actually be filed: *Provided*, That the sum of fifty dollars shall be the total maximum penalty to be so imposed upon any individual officer or employe during any single year; and all such penalties shall be deducted from the next salary warrant due to such officer or employe upon notice to the auditor, by the council of the period of such delay.

Failure  
to file;  
penalty.

Such estimates shall be designated, grouped and assembled under classifications to be prescribed by the state auditor of the state of Washington, and shall be segregated as follows:

Classifi-  
cations.

(a) Operating and Maintenance Expenses: This class of expenses shall cover in detail the salaries of every officer and employe, the amounts required for the upkeep and maintenance of the respective departments, the maintenance and repair of public streets or highways, buildings, and bridges and similar expenses.

Operating  
and main-  
tenance  
expenses.

(b) Capital or Betterment Outlays: This class of expenditures shall embrace all amounts proposed to be expended for permanent improvements, such as the construction of or addition to every public building, highway or bridge, the acquisition of real estate, purchase of equipment, machinery and furniture, and all similar outlays representing a tangible asset: *Provided*, That the utilities of any city supported wholly by revenues derived from sources other than taxation, shall not be required to confine

Capital or  
betterment  
outlay.

Public  
utilities.

their capital, betterment or emergency outlays to items provided in the budget.

Emergency expenditures.

(c) **Emergency Expenditures:** Except as provided in paragraph (b) above in addition to the various departmental estimates of Operating and Maintenance Expenses and Betterment Outlays, all cities may include in the budget an estimate for an appropriation for emergency purposes for the ensuing year, which appropriation together with any balance in such emergency fund shall not exceed one and one-half mills on each dollar of assessed valuation and shall not be expended except as hereinafter provided.

Revenues, other than taxes.

SEC. 3. In addition to the estimated amount required for the maintenance of the departments for the ensuing year, the council shall also prepare an estimate of the revenues, other than taxes, that are likely to accrue to the city, and the various amounts required to meet interest and redemption payments upon the debt of the city for the ensuing year and the net amount of surplus or deficit, as established at the close of the previous year from the official records. The auditor shall furnish the council such information as it requires in preparing this estimate.

Indebtedness ensuing year.

Consideration by council of estimates.

SEC. 4. Upon the proper assembling of the estimates of the various departments, the council shall, on or before the first Monday in September, proceed with the consideration of such estimates, during which consideration all persons interested shall be given an opportunity for a thorough and complete discussion of the items stated therein. The council shall, after such hearings and not later than the first Monday in September, adopt and cause to be published once each week for two successive weeks, a full and complete copy of such preliminary budget. Subsequent to such publication, and prior to the first Monday in October, the council shall further consider such estimates, at which hearings all per-

Hearings.

Publication preliminary budget.

sons interested shall be given an opportunity for discussion, and suggestions: *Provided*, That the council shall be without power to make any changes in said preliminary budget which would result in increasing the total amount allowed to each department as provided in said preliminary budget, but the council may make transfers as between the items contained therein for any department and reductions in any item or items in said preliminary budget.

Changes in preliminary budget.

SEC. 5. After the public hearings shall have been held, as provided in section 4 hereof, the council shall by proper action determine the changes that have been made in the preliminary budget as published, and, on or before the first Monday in October adopt as the final budget for the succeeding year the preliminary budget as so amended, and each and every city official or employe shall be limited in the making of expenditures and the incurring of liabilities to the amounts of such detailed budget items, except as otherwise provided in section 7 hereof.

Adoption of budget.

SEC. 6. Subsequent to the fixing of the annual tax levy, and not later than December 15th of each year, as provided in section 5 hereof, the council shall by ordinance or ordinances appropriate the specific amounts to the several departments as herein specified, and the several heads of departments, boards and officers shall thereafter be authorized to expend such sums so appropriated for the purposes stated in said ordinance in the proper administration of the city's affairs, subject at all times to such limitations or modifications as are herein provided: *Provided*, That the council shall at all times have the power, by ordinance, to revoke, recall or decrease the whole or any part of any unexpended item or items listed in the budget appropriation ordinance for maintenance or betterments for said year, and

Tax levy.

Appropriations.

also to make transfers as between items in the budget of any department.

Limit of  
monthly ex-  
penditures.

It shall not be lawful for any board, department, officer or employe having the power to incur, authorize or contract liabilities against the city, to incur, authorize, allow or contract for in any one month any expenditure or demand against any budget appropriation, which taken with all other expenditures, indebtedness or liability made or incurred for and during such month against such appropriation, shall exceed one-twelfth part of the amount of the respective appropriation for the fiscal year: *Provided*, That for any sudden or unforeseen demand, accident or seasonal expense, or any other expenditure the nature of which necessitates lump sum appropriations and payments, or whenever any material or supplies can be purchased to better advantage in larger quantities, the one-twelfth restriction may be suspended upon authorization by the council, or its finance committee, but the total appropriation for such item or items for any fiscal year shall never be exceeded.

Emergency.

Unexpended  
appropriation.

If at the beginning of any month, any money remain unexpended in any appropriation, which might lawfully have been expended during the preceding month of the fiscal year, such unexpended sum or sums may be carried forward and expended in any succeeding month of such fiscal year, but not thereafter.

Enumeration  
of  
emergencies.

SEC. 7. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, 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 the 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 his veto as provided by the charter of any such city.

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.

Emergency fund; how supported.

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.

Unexpended  
appropriations.

SEC. 8. All sums provided in the budget for operating and maintenance expenses of any department or activity, 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.

Any and all sums, provided in the budget for capital or betterment outlays, 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.

Legal  
limit of  
indebtedness.

SEC. 9. In computing the legal limit of indebtedness of any city, taxes levied for the purposes set forth in the budget shall not be considered an asset, but shall be deemed for such purposes to have already been pledged and expended for the items set forth in the budget: *Provided*, That all taxes levied for the redemption of bonds or warrants or other public debts, shall be deemed a competent and valid asset of the city to be considered in the calculations of the legal debt limitations.

Assets.

Liabilities  
incurred  
exceeding  
appropriation  
void.

SEC. 10. Except as provided in this chapter, it shall be unlawful for any public officer or employe of a city to contract any indebtedness, or incur any liability in any manner whatsoever, either for a purpose or object not provided for in the budget of such

city, or in excess of the amount appropriated for any specific item or items as set forth in such budget. All orders, authorizations, allowances, contracts, payments made or attempted to be made in violation of this act, shall be void and shall never be the foundation of a claim against the city.

Each and every elective and appointive officer or public official authorizing, auditing, allowing or paying any claims or demands against the city in violation of this act, shall be jointly and severally liable in person and upon their official bonds to the city of which they are officers, to the extent of any payments of such void claims.

All persons and officials shall be charged with notice of the financial condition of the city and the limitations imposed upon expenditures by the budget and claims against same.

SEC. 11. The state auditor of the state of Washington shall prepare the forms required by this act, and it shall be the duty of every auditor to install such forms and prepare the claim sheets, voucher and warrant registers or other records of their respective cities so as to accommodate and classify the revenues and expenses under the classifications recited in the budget, in order that a proper comparison may be had between the amounts listed in the budget and the actual expenditures made against same, and for the further purpose of facilitating the assembly of uniform statistical data of fiscal affairs of all cities in this state.

Auditor to  
supply  
forms.

SEC. 12. Any person violating any of the provisions of this act shall, in addition to any other penalty or liability provided herein, be guilty of a misdemeanor.

Penalty.

Passed the House December 19, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 126.

[H. B. 259.]

RELATING TO ISSUANCE OF PERMITS FOR WINE AND INTOXICATING LIQUORS FOR USE FOR SACRAMENTAL PURPOSES.

AN ACT providing for the issuance of permits for wine and intoxicating liquors for use for sacramental purposes, regulating the distribution thereof, and providing penalties.

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

Wine or intoxicating liquor for sacramental purposes.

SECTION 1. No priest, minister or officer of any church, congregation or religious organization in this state authorized so to do shall apply for or receive any wine or intoxicating liquor for use for sacramental purposes by members of his congregation, without having first secured from the prosecuting attorney in the county in which said church, congregation or religious organization is established and holds its services, a permit authorizing him to receive for use by members of such organization wine or intoxicating liquors for sacramental purposes: *Provided, however,* That no such permit shall be issued until any permit required in such cases under the National Prohibition Act shall have been obtained from the Federal Prohibition Director of the district in which the applicant resides.

Application to prosecuting attorney.

Federal prohibition permit required.

SEC. 2. Every application for such permit shall be accompanied by an affidavit setting forth the location of the applicant's church, congregation or religious organization, and the names of the members thereof, the number of members of each congregant's family, if any, and the approximate wine or intoxicating liquor for use for sacramental purposes required by each congregant. The prosecuting attorney shall issue a permit authorizing the receipt of wine or intoxicating liquors for sacramental purposes by members of a church, congregation or

What application shall contain.

Prosecuting attorney to issue permit.



religious organization to any priest or minister or other officer duly authorized by such religious organization to secure the same, whenever he shall be satisfied that such wine or intoxicating liquor is in good faith intended and will be used only for sacramental purposes by the *bona fide* members of such congregation.

SEC. 3. The prosecuting attorney shall number all permits so issued consecutively and shall keep a record thereof in his office. Both the permit and the record thereof shall show the number and the date thereof, the name and address of the person to whom issued, the name of the religious organization for whose members the wine or intoxicating liquor is intended, and the place where such church, congregation or religious organization holds its services, and the amount of wine or intoxicating liquor to be received. After the issuance of the first permit to any applicant under the terms of this act, such applicant shall upon making further application for subsequent permits for any wine or intoxicating liquor for use for sacramental purposes by members of his religious organization, present to the prosecuting attorney a statement setting forth the disposition of the wine or intoxicating liquor previously received by him under the previous permit, giving the names and addresses of the members of the congregation to whom he disposed of said wine or intoxicating liquor, the quantity disposed of to each individual member, and the price received therefor, and if in the opinion of the prosecuting attorney the application of said applicant shall be for an amount of wine or intoxicating liquor in excess of the reasonable needs of the members of such religious organization, then the said prosecuting attorney may in his discretion give a permit to said applicant for such amount of wine or intoxicating liquor as to the said prosecuting attorney seems reasonable; and if

Permits to be numbered.

What record shall disclose.

Subsequent permits.

Showing to be made by applicant.

Discretion of prosecuting attorney.

there has been a violation of the terms of this act by said applicant, then such additional or subsequent permit shall not be issued.

Affidavit by members of religious organizations of disposition of liquors.

Contents of affidavit.

Affidavits and records to be preserved.

Inspection by prosecuting attorney.

Penalty.

SEC. 4. Every applicant who receives any wine or intoxicating liquor for use for sacramental purposes by the members of his religious organization shall require of each member of such religious organization desiring to use wine or intoxicating liquor for sacramental purposes an affidavit setting forth the name and address of the member, the number of members of his family, if any, the names and the dates of religious ceremonies at which he intends to use the said wine or intoxicating liquor or a portion thereof, and the quantity of wine to be used by himself or the members of his family at each of said religious ceremonies; and he shall keep said affidavit together with a complete record of all wine dispensed by him to members desiring the use of sacramental wine or intoxicating liquors for sacramental purposes in the premises occupied by the church, congregation or religious organization, which affidavits and records shall at all times be open to inspection by the prosecuting attorney; and such applicant or any member or officer of any church, congregation or religious organization is hereby prohibited from dispensing any wine or intoxicating liquor to any person other than a *bona fide* member of his religious organization.

SEC. 5. Any person convicted of violating any of the provisions of this act shall for a first offense be fined not more than one thousand (\$1,000) dollars, or imprisoned not more than six months in the county jail; and for a second or subsequent offense shall be imprisoned in the state prison not less than one year nor more than five years.

Passed the House January 2, 1926.

Passed the Senate January 5, 1926.

Approved by the Governor January 12, 1926.

CHAPTER 127.

[H. B. 53.]

AUTHORITY TO CITY OF SEATTLE TO USE CERTAIN  
HARBOR AREA ON LAKE WASHINGTON.

AN ACT authorizing the city of Seattle to use certain harbor area on Lake Washington for street extension, park and wharf purposes.

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

SECTION 1. The city of Seattle is hereby granted the right to extend Hamlin Street in said city over the following described harbor area in front of Blocks 9, 10 and 11 of Lake Washington Shore Lands and to use the same for street, park and wharf purposes: Beginning at the northeast corner of Block 9, Lake Washington Shore Lands, said point being on the inner harbor line and running thence along said harbor line S 0° 16' 19.3" W 617.933 feet, S 89° 42' 49.4" E 232.247 feet and N 46° 49' 30.6" E 443.176 feet to the northwest corner of Block 11-A, Lake Washington Shore Lands; thence North 213.083 feet to the outer harbor line; thence along said outer harbor line N 89° 42' 46.1" W 303.012, N 0° 17' 13.9" E 100 feet and N 89° 42' 46.1" W 407.031 feet to the place of beginning.

Extension  
of Hamlin  
street.

Passed the House December 14, 1925.

Passed the Senate January 6, 1926.

Approved by the Governor January 14, 1926.

## CHAPTER 128.

[H. B. 281.]

RELATING TO EMINENT DOMAIN PROCEEDINGS IN CITIES  
AND TOWNS.

AN ACT relating to eminent domain proceedings in cities and towns, and amending Sections 9215 and 9216 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 9215 of Remington's Compiled Statutes of Washington be, and the same is hereby, amended to read as follows:

Section 9215. Every city and town and each unclassified city and town within the state of Washington is hereby authorized and empowered to condemn land and property, including state, county and school lands and property for streets, avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares, public markets, city and town halls, jails and other public buildings, and for the opening and widening, widening and extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other property for any such purpose or for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes, tide lands, tide flats or ponds, or filling the same, within the limits of such city, and to condemn land or property, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pesthouses,

Amends  
§ 7545,  
Pierce's  
Code.

Power of  
eminent  
domain  
granted to  
all cities  
and towns.

Vetoed.

What  
includes.

drains and sewers, garbage crematories and destructors and dumping grounds for the destruction, deposit or burial of dead animals, manure, dung, rubbish, and other offal, and for aqueducts, reservoirs, pumping stations and other structures for conveying into and through such city a supply of fresh water, and for the purpose of protecting such supply of water from pollution, and to condemn land and other property and damage the same for such and for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed by this act; and each city of the first class is hereby further authorized and empowered to condemn land and property for public parks and public playgrounds.

Vetoed.

Public parks and playgrounds.

SEC. 2. That Section 9216 of Remington's Compiled Statutes of Washington be, and the same is hereby, amended to read as follows:

Amends § 7546, Pierce's Code.

Section 9216. When the corporate authorities of any such city shall desire to condemn land or other property, or damage the same, for any purpose authorized by this act, such city shall provide therefor by ordinance, and unless such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon property benefited, compensation therefor shall be made from any general funds of such city applicable thereto. If such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon property benefited, the proceedings for the making of such special assessment shall be as hereinafter prescribed, in this act: *Provided*, That no special assessment shall be levied under authority of this act except when made for the purpose of streets, avenues, alleys, or highways or alterations thereof or changes of the grade therein or other improvements in or adjoining the same, or for bridges, approaches, culverts, sewers, drains,

Compensation provided.

Special assessment of property benefited.

Purpose for which assessment levied.

Public parks  
playgrounds  
included.

Excess  
width of  
street pay-  
able from  
general  
fund.

ditches, public squares, public playgrounds, public parks, drives or boulevards or for the purpose of draining swamps, marshes, tide flats, tide lands or ponds or for filling the same: *And It Is Further Provided*, That when a street, avenue, highway or boulevard is established or widened to a width greater than one hundred and fifty feet the excess over and above the one hundred and fifty feet shall be paid out of the general fund of such city without any deduction for benefits of such excess.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor, with the exception of Section 1, which is vetoed, January 14, 1926.

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## CHAPTER 129.

[S. B. 55.]

### REAL ESTATE BROKERS.

AN ACT defining the term "real estate broker," providing for the regulation, supervision and licensing of real estate brokers, providing for the enforcement of this act and penalties for its violation; establishing the office of real estate director, defining his powers and duties and providing for the maintenance of his office from fees collected and not otherwise.

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

Real estate  
director.

SECTION 1. The office of real estate director is hereby created. The director of licenses of the state of Washington shall be real estate director with no additional compensation.

Duties.

SEC. 2. It shall be the duty of the real estate director hereinafter referred to as the "director" to enforce all laws, rules and regulations relating to the licensing of real estate brokers. Subject to the provisions of this act, he shall have full powers to regulate and control the issuing, suspension and re-

Powers.

vocation of licenses to be issued and issued under the provisions of this act and to perform all other acts and duties provided in this act and necessary for its enforcement.

SEC. 3. The director shall have the power to appoint a deputy, whose duties shall be to assist him in administering the provisions of this act. Neither the director nor his deputy shall be interested in any real estate business as director, stockholder, officer, member, agent, employee, or otherwise.

Deputy.

Director and deputy not to have interest in real estate business.

SEC. 4. Within the meaning of this act, a real estate broker is a person who, for a compensation or promise thereof, performs one or more acts of selling or offering for sale, buying or offering to buy, negotiating or offering to negotiate, either directly or indirectly, whether as an employee of another or otherwise, the purchase, sale, exchange, lease or rental of real estate or interest therein for another person. The word "person" as used in this act, shall be construed to mean and include a corporation, co-partnership or unincorporated association. The provisions of this act shall not apply to any person who purchases property for his own use or account, nor to any person who, being the owner of property, sells, exchanges, leases, rents or otherwise disposes of the same for his own account, nor to any person holding a duly executed power of attorney from the owner granting power to consummate the sale, exchange, or leasing of real estate, nor to the services rendered by an attorney-at-law in the performance of his duties as such attorney-at-law, nor to any receiver, trustee in bankruptcy, executor, administrator or guardian, nor to any person acting under the order of any court, nor any person selling under a deed of trust.

Terms defined.

"Real estate broker."

"Person."

Persons to whom act not applicable.

SEC. 5. It shall be unlawful for any person to engage in the business or act in the capacity of real estate broker within this state without first obtain-

Acting without license prohibited.

ing a license therefor and otherwise complying with the provisions of this act.

Fees placed  
in the  
general  
fund.

SEC. 6. All fees under the provisions of this act shall be paid to the state treasurer and shall be placed by him in the general fund of the state of Washington. The state treasurer shall give his duplicate receipt to the director for all moneys so collected.

Seal  
adopted.

SEC. 7. The director shall adopt a seal with the words "real estate director, state of Washington," and such other device as he may approve engraved thereon, by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of the director certified to be a true copy under the hand and seal of the director shall be received in evidence in all cases equally and with like effect as the originals.

Copies of  
records as  
evidence.

Attorney  
general  
legal  
advisor.

SEC. 8. The attorney general shall render to the director opinions upon all questions of law relating to the construction or interpretation of this act, or arising in the administration thereof, that may be submitted to him by the director, and shall act as attorney for the director in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this act.

License not  
transferable.

SEC. 9. No license issued hereunder shall give authority to do any act mentioned in section 5 of this act to any person other than him to whom said license is issued: *Provided, however,* That whenever a license is issued under the provisions of this act to a corporation, said license shall entitle one officer of said corporation to be named by said corporation in its application for said license who shall qualify the same as any other agent, to act as a real estate broker on behalf of said corporation without the payment of additional fees: *And providing further,* That, whenever a license is issued under the provisions of this act to a co-partnership or unincorpor-

License to  
corporation;  
only one  
officer may  
act as  
broker.

Co-partner-  
ship; only  
one may act.



ated association said license shall entitle one member of said co-partnership to be named by said co-partnership in its application for said license who shall qualify the same as any other agent to act as a real estate broker on behalf of said co-partnership without the payment of additional license fees.

SEC. 10. Any person desiring to carry on the business of real estate broker in this state shall make application to the director for license therefor upon a form to be prescribed and furnished by the director giving his full name and business address. With this application to the director, the applicant shall (a) pay a license fee of five dollars (\$5.00) to the state treasurer, who shall immediately transmit his duplicate receipt therefor to the director; (b) deliver to the director a bond to the state of Washington in a form approved by the director in the sum of one thousand dollars (\$1,000.00), executed by a surety company duly authorized to do business in this state, or by two good and sufficient sureties, not connected in business with the applicant, and to be approved by the director guaranteeing the faithful accounting of all funds entrusted to such real estate broker; (c) a recommendation, signed by at least ten free-holders of the county in which the applicant intends to carry on his principal business as a real estate broker, certifying that they are each acquainted with the applicant and that they each believe the applicant to be honest, truthful, and of good moral character; (d) if the applicant is a corporation, a list of its officers and directors and their addresses, and if the applicant is a co-partnership, or unincorporated association, then a list of the members of said co-partnership or association and their addresses; and (e) if the applicant is a non-resident of this state, he shall file an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the

Application  
for license.

Form.

Require-  
ments.

License fee.

Bond.

Certificate of  
character.

Non-  
resident  
acceptance  
of service.

plaintiff having a cause of action or suit against him may reside, and that service of any process or pleadings in said action or suit may be made by delivering same to the director; such service, when so made, shall be held in all courts, as valid and binding upon the applicant who files such "irrevocable consent"; said irrevocable consent shall be in a form prescribed by the director, shall be acknowledged before a notary public and, if the applicant be a corporation, said consent shall be accompanied by a duly certified copy of the resolutions of the board of directors of such corporation authorizing the execution of the same; any process or pleading herein mentioned and so served upon the director shall be served in duplicate copies, one of which shall be filed in the office of the director and the other immediately forwarded by registered mail to the office of the applicant named in his application and service shall be deemed to have been made upon said applicant on the third day following the deposit in the mail of said copy of said process or pleadings. The director may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of a corporation or the members of a partnership or unincorporated association making such application before issuing a license: *Provided, however,* If a real estate broker has once been licensed under this act, upon his application for a renewal of his license for an ensuing year, the director may, in his discretion, waive the filing of new recommendations or references. Every license issued under the provisions of this act shall expire on the thirty-first day of December of the year of its issue.

Duration  
of license.

Approval  
by director  
of bond.

SEC. 11. All bonds given under the provisions of this act, after their approval by the director, shall be filed in his office. Any person who may be dam-

aged by the wrongful conversion of trust funds by such real estate broker, shall, in addition to other legal remedies, have a right of action in his own name on such bond for all damages not exceeding one thousand dollars (\$1,000.00).

Action on bond for damages.

SEC. 12. Each person licensed as a broker under the provisions of this act shall be required to have and maintain a definite place of business in the State of Washington, which shall serve as his office for the transaction of business. The license of said broker shall be prominently displayed in his said office. Notice in writing shall be given the director of any change by the broker of his business location, whereupon the director, upon the surrender of the original license, shall issue a new license covering the new business address, said license to be issued without charge.

Place of business.

Notice of change of address.

New license.

SEC. 13. The director may, upon his own motion, and shall, upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker within this state, and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act at time when the holder thereof in performing or attempting to perform any of the acts mentioned in Section 5 hereof is guilty of:

Investigation by director.

When license may be suspended or revoked.

- (a) Making any substantial misrepresentations; or,
- (b) A continued or flagrant course in misrepresentation or making false promises, whether through agents or salesmen, or otherwise; or,
- (c) Failure to account for or remit any property or moneys coming into his possession which belongs to another; or,
- (d) Any other conduct which constitutes dishonest dealings.

Notice.

Hearing.

Time.

License  
revoked or  
renewal  
refused.When  
operative.Court  
review.

Proceedings.

SEC. 14. Whenever the director shall determine to suspend or revoke a broker's license theretofore issued, or shall refuse to renew a broker's license or accept an application therefor, he shall notify the holder of or the applicant for such license of his intention in writing, and afford him an opportunity to be heard in person or by counsel and to offer evidence in reference thereto. The director shall set a time not less than fifteen days from the date of such notice, and shall designate the time and place when the holder of or applicant for such license may be heard in his own behalf. If the director shall decide, after such hearing, that the license under question shall be revoked; or if he shall determine to withhold the renewal of any such license, he shall enter an order to that effect, setting forth his reasons in writing, and shall file the same in his office and mail a copy thereof to the affected party at the address given in his application. Such order shall not be operative for a period of ten days from the date thereof; and if the broker or applicant shall feel aggrieved by the decision of the director revoking or withholding the license, he may appeal to the superior court in the county in which he has his principal place of business by giving notice of such appeal to the director and giving a bond to the State of Washington which shall be filed with the clerk of court of said county in the sum of two hundred dollars (\$200.00) to be approved by the judge of said superior court, conditioned to pay all costs that may be awarded against such applicant in the event of an adverse decision, said bond and notice to be filed within ten days from the date of the director's decision. The filing of such notice and bond shall supersede the order of the director until the final determination of such appeal. Within fifteen days from the date of filing said notice and bond, the applicant

shall file in said court a transcript of the whole record of the director's office relative to all matters involved in said appeal. The court shall summarily hear and determine the question involved upon said appeal and shall receive and consider any pertinent evidence, whether oral or documentary, concerning the matter. If said aggrieved party shall fail to perfect his appeal or file said transcript as herein provided, said stay of proceedings shall automatically terminate.

SEC. 15. The director shall have the power to administer oaths, certify to all official acts and shall have the power to subpoena and bring before him any person in this state as a witness, to compel the production of books and papers and to take the testimony of any person by deposition within or without the state, in the same manner as is prescribed by law in the procedure of the superior courts of this state in civil cases, in any hearing in any part of the state. Process issued by the director shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record. Each witness, who shall appear by order of the director, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases in the superior court which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness, who has not been required to attend at the request of any party, shall be subpoenaed by the director, his fees and mileage shall be paid from funds appropriated for the use of the real estate department in the same manner as other expenses of said department are paid.

Proceedings  
upon  
hearing.

SEC. 16. The director may prefer a complaint for violation of any section of this act before any court of competent jurisdiction. It shall be the duty of the prosecuting attorney of each county in this

Complaint  
of violation  
of act.

Duty of prosecuting attorney.

state to prosecute all violations of the aforesaid provisions of this act in their respective counties in which such violations occur.

Acting without license.

SEC. 17. Any person acting as a real estate broker within the meaning of this act without a license as herein provided, or violating any of the provisions of this act, shall be guilty of a misdemeanor.

Penalty.

Sharing commission with unlicensed broker.

SEC. 18. It shall be unlawful for any licensed broker to pay any part or share of a commission or other compensation received in the capacity of a real estate broker to any person who is not a licensed broker.

Penalty.

SEC. 19. For violations of the provisions of Sections 12 and 18 of this Act, the director may temporarily suspend or permanently revoke the license of the holder in accordance with the proceedings set forth in Section 14 of this Act.

License revoked.

Essential that broker allege and prove licensed in action for compensation.

SEC. 20. No suit or action shall be brought in the courts of this state for the collection of compensation for the performance of any of the acts mentioned in Section 5 hereof, without alleging and proving that the plaintiff was a duly licensed real estate broker at the time the alleged cause of action arose.

Employer of salesman—broker to file statement of facts as to dismissal.

SEC. 21. When any real estate broker, who is acting in the capacity of salesman, shall be discharged by his employer for a violation of any of the provisions of Section 13 hereof, a written statement of the facts in reference thereto shall be filed forthwith with the director by the employer.

Annual list of brokers published by director.

SEC. 22. The director shall annually publish a list of names and addresses of all licensed brokers under the provisions of this act, together with such other information relative to the enforcement of the provisions of this Act as he may deem of interest to the public, and he shall mail one of such lists to each licensed broker.

SEC. 23. If any section, subdivision, sentence or clause in this Act shall be held invalid or unconstitutional, such fact shall not affect the validity of the remaining portions of this Act.

Partial  
invalidity.

Passed the Senate December 8, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 11, 1926.

## CHAPTER 130.

[S. B. 24.]

### RELATING TO ASSESSMENT, LEVY AND COLLECTION OF TAXES.

AN ACT relating to taxation, regulating the assessment, levy and collection of taxes, prescribing penalties for violations thereof, establishing rules of evidence in certain cases, and repealing certain acts and parts of acts relating to the 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. The word "tax" and its derivatives, "taxes," "taxing," "taxed," "taxation" and so forth, as used in this act, shall be held and construed to mean the imposing of burdens upon property in proportion to the value thereof, for the purpose of raising revenue for public purposes.

Terms  
defined.

SEC. 2. The term "taxing district" as used in this act shall be held and construed to mean and include the state and any county, city, town, township, port district, school district, road district, metropolitan park district, water district or other municipal corporation, now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district in proportion to the value thereof, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for

Taxing  
district  
defined.

which burdens may be imposed, for such purposes, upon property in proportion to the benefits accruing thereto.

Assessed  
value of  
property.

SEC. 3. The term "assessed value of property" as used in this act shall be held and construed to mean the aggregate valuation of the property subject to taxation by any taxing district as placed on the last completed and balanced tax rolls of the county preceding the date of any tax levy.

Real  
property  
defined.

SEC. 4. The term "real property" for the purposes of taxation shall be held and construed to mean and include the land itself, whether laid out in town lots or otherwise, and all buildings, structures or improvements or other fixtures of whatsoever kind thereon, except improvements upon lands the fee of which is still vested in the United States, or in the State of Washington, and all rights and privileges thereto belonging or in any wise appertaining, except leases of real property and leasehold interests therein for a term less than the life of the holder; and all substances in and under the same; all standing timber growing thereon, except standing timber owned separately from the ownership of the land upon which the same may stand or be growing; and all property which the law defines or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law for the purposes of taxation.

Personal  
property  
defined.

SEC. 5. The term "personal property" for the purposes of taxation, shall be held and construed to embrace and include, without especially defining and enumerating it, all goods, chattels, stocks, estates or moneys; all standing timber held or owned separately from the ownership of the land on which it may stand; all fish trap, pound net, reef net, set net and drag seine fishing locations; all leases of real property and leasehold interests therein for a term less than the life of the holder; all improvements



upon lands the fee of which is still vested in the United States, or in the State of Washington; all gas and water mains and pipes laid in roads, streets or alleys; and all property of whatsoever kind, name, nature and description, which the law may define or the courts interpret, declare and hold to be personal property for the purpose of taxation and as being subject to the laws and under the jurisdiction of the courts of this state, whether the same be any marine craft, as ships and vessels, or other property holden under the laws and jurisdiction of the courts of this state, be the same at home or abroad: *Provided*, That mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county, municipal and taxing district bonds and warrants shall not be considered as property for the purpose of this act, and no deduction shall hereafter be made or allowed on account of any indebtedness owed.

Credits  
exempt.

SEC. 6. The term "tax commission," wherever used in this act, shall be held and construed to mean The Tax Commission of the State of Washington. The term "money" or "moneys" wherever used in this act, shall be held to mean gold and silver coin, gold and silver certificates, treasury notes, United States notes, and bank notes. The term "tract" or "lot," and "piece or parcel of real property," and "piece or parcel of lands," wherever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant, person or company. Every word importing the singular number only may be extended to or embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only may be extended and applied to females as well as males. Whenever the word "oath" is used in this act, it may be held to mean affirmation,

General  
definitions.Tax com-  
mission.Money.  
Moneys.Tract.  
Lot.Piece or  
parcel of real  
property.Piece or  
parcel of  
lands.Construction  
and inter-  
pretation  
of words.

Oath.

Swear. and the word "swear" in this act may be held to mean affirm. The term "person," wherever used in this act, shall be construed to include firm, company, association or corporation. The words "county auditor," when used in this act, shall be construed to mean register or recorder, whenever it shall be necessary to use the same to the proper construction of this act. The word "householder" shall be taken to mean and include every person, married or single, who resides within the State of Washington being the owner or holder of an estate or having a house or place of abode, either as owner or lessee.

Property subject to assessment. SEC. 7. All real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for state, county and other taxing district purposes as provided by law, upon equalized valuations thereof, fixed with reference thereto on the first day of March at 12 o'clock meridian, in each and every year in which the same shall be listed, except as hereinafter provided.

When. Exemptions. The following property, to the extent herein limited, shall be exempt from taxation:

Cemeteries. First: All lands used exclusively for public burying grounds or cemeteries, all churches built and supported by donations whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity, together with a parsonage: *Provided*, That in any case the area exempted shall include all ground covered by such churches and parsonages and the structures and ground necessary for street access, light and ventilation, but the area of unoccupied ground exempted in connection with both church and parsonage under this proviso shall not exceed the equivalent of 120 by 120 feet. The parsonage need not be on land contiguous to the church property if the total area exempted does not

exceed the area above designated: *Provided*, That such grounds are used wholly for church purposes and not otherwise; also the property of other non-sectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be wholly used, or to the extent solely used for the religious purposes of such association, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such associations: *Provided*, Such purposes are for the general public good and such properties are devoted to the general public benefit; also all art, scientific or historical collections of associations, maintaining and exhibiting such collections for the benefit of the general public and not for profit.

Non-sectarian organizations for religious purposes.

Art. Scientific and historical collections.

Second. All property, whether real or personal, belonging exclusively to the United States, the state, any county or municipal corporation.

Public property.

Third. All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safekeeping thereof, and for the meetings of fire companies, providing that such belongs to any town or fire company organized therein.

Fire engine houses and equipment.

Fourth. All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions, and the grounds, whenever such libraries, orphanages, institutions, homes and hospitals are built and when used exclusively and not otherwise for the purposes in this subdivision enumerated. In order to determine whether such li-

Libraries, orphanages, reformatories, hospitals, homes for aged.

Investigation by state and local authorities.

braries, orphanages, institutions, homes and hospitals are exempt from taxes, within the true intent of this act, the state board of health, the county and city authorities of the county and city wherein such institutions are respectively situated, shall have access to the books of such institutions, and the institution claiming exemption shall provide by its articles of incorporation that the mayor of the city and the chairman of the board of county commissioners wherein such institution is located shall be ex-officio trustees thereof, and shall be notified of each and every meeting thereof, and shall have the same powers as a trustee of such institution. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that the income and the receipts thereof including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath make annual report to the state board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived and the object to which disbursements have been applied, and shall furnish in the said report full and complete vital statistics for the use and information of the state board of health, who may publish the same in its annual report.

Affidavit of receipts and disbursements.

Annual report on vital statistics.

Schools and colleges.

Limitation on real estate exemption.

Fifth. All property, real and personal, owned by any school or college in this state, supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms: *Provided*, That said property is used solely for educational purposes (or the revenue therefrom be devoted exclusively to the support and maintenance of such in-

stitution): *And Provided, further,* That the real property so exempt shall not exceed ten acres in extent, and shall be used exclusively for college or campus purposes: Except, however, that any school of collegiate grade and accredited by the state board of education shall be entitled to an exemption of not more than forty acres of real property used exclusively for said purposes, but no corporation shall be entitled to more than one such larger exemption, and where the college is under the direction or control of any religious denomination such larger exemption shall be allowed to one college only directed or controlled by such religious denomination: *And Provided, further,* That real property owned or controlled by such institution and leased or rented by them for the purpose of deriving revenue therefrom shall not be exempt from taxation under the provisions of this section: *Provided, further,* That the annual income from such endowment is equal to or exceeds all incomes from tuitions received by said institutions. Before any exemption provided for by this subdivision shall be allowed for any year, the institution claiming such exemption shall file with the county assessor of the county wherein such property is situated and subject to taxation, on or before the first day of March in such year, a statement verified by the oath of the president, treasurer, or other proper officer of such institution, containing a list of all property claimed to be exempt, the purpose for which the same is used, the revenue derived from the same for the preceding year, the use to which such revenue was applied, the number of students in attendance at such school or college, and the total revenues of the same with the source from which the same was derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The county assessor of the

Conditions precedent to allowance of exemption.

File verified statement listing property, revenues, expenditures, etc.

Investigation by county assessor.

county wherein such property is subject to taxation and such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted under the provisions of this section.

Head of family \$300 personal property.

Sixth. The personal property of each head of a family or widow liable to assessment and taxation of which such individual is the actual and *bona fide* owner to an amount of three hundred dollars: *Provided*, That each person shall list all of his personal property for taxation and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of the assessment and assess the remainder.

Humane societies.

Seventh. The property owned by humane societies in this state in actual use by such societies not exceeding ten thousand dollars in taxable value owned by any society.

When property listed and assessed.

SEC. 8. All real property in this state subject to taxation shall be listed and assessed under the provisions of this act in every even numbered year, with reference to its value on the first day of March of the year in which it is assessed. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of March in the year in which it is assessed: *Provided*, That real property becoming subject to taxation since the last assessment, and improvements upon real property made since the last assessment, shall be assessed and included in the assessment list and tax roll in every odd numbered year: *Provided, further*, That the destruction or removal of improvements since the last preceding assessment shall be duly noted by the county assessor and the assessment list and tax rolls herein provided made to conform to such changes: *And Provided, further*, That all real

property subject to taxation shall be listed by the assessor each year in the detail and assessment list and in any odd numbered year the valuation of each tract for taxation shall be the same as the valuation thereof equalized by the county board of equalization in the preceding year.

SEC. 9. At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of Section seven of this act, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitled [entitle] it to exemption, and he shall require from every person claiming such exemption proof of the right to such exemption.

Exempt property. Duty of assessor.

Proof of exemption.

SEC. 10. The assessor of each county shall, on or before the first day of March of each year, obtain from the commissioner of public lands, and from the local land offices of the state, lists of public lands sold or contracted to be sold during the previous year in his county, and certify them for taxation, together with the various classes of state lands sold during the same year, and it shall be the duty of the commissioner of public lands to certify a list or lists of all public lands sold or contracted to be sold during the previous year, on application of the assessor of any county applying therefor.

Land commissioner to certify list to assessor of public lands sold.

SEC. 11. It shall be unlawful for any person, firm or corporation to remove any timber from timbered lands, no portion of which is occupied for farming purposes by the owner thereof, or to remove any building or improvements from lands, upon which taxes are delinquent until the taxes thereon have been paid.

Unlawful to remove timber or improvements from lands if taxes delinquent.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Penalty.

Migratory  
stock.

Where  
assessed.

Taxes  
payable in  
only one  
county.

Payment in  
another  
state does  
not exempt.

Lumber and  
saw logs;  
where taxed.

Owner of  
personal  
property  
removing to  
another  
county.

Owner of  
personal  
property  
moving into  
this state.

Where  
assessed.

SEC. 12. When any cattle, horses, sheep or goats are driven into any county of this state for the purpose of grazing therein at any time after the first Monday in April in any year, they shall be liable to be assessed for all taxes leviable in that county for that year the same as if they had been in the county at the time of the annual assessment, and it shall be the duty of the assessor in any county in which any of said stock are driven, to assess the same, and the taxes on said stock shall become due upon the assessment of the same, and the sheriff shall collect said taxes at once in the manner prescribed by law for the collection of delinquent taxes: *Provided*, That such stock has not been assessed in some other county in this state for that year. The payment of taxes in any other state or territory, or the proof that said stock has been assessed for that year in any other state or territory, shall in no way exempt said stock from the operation of this section.

SEC. 13. Lumber and saw logs shall be assessed and taxed in the county and assessment district where the same may be situated on the first day of March of the assessment year.

SEC. 14. The owner of personal property removing from one county to another between the first day of March and the first day of July shall be assessed in either in which he is first called upon by the assessor. The owner of personal property moving into this state from another state between the first day of March and the first day of July shall list the property owned by him on the first day of March of such year in the county in which he resides: *Provided*, That if such person has been assessed and can make it appear to the assessor that he is held for the tax of the current year on the property in another state or county, he shall not be again assessed for such year.



SEC. 15. Personal property shall be listed in the manner following: First, every person of full age and sound mind, being a resident of this state, shall list all his moneys, shares of stock of joint stock or other companies (when the property of such company is not assessed in the state), franchises, royalties and other personal property; second, he shall also list separately as agent, and in the name of his principal, all personal property in his possession or under his control belonging to his principal who is a nonresident of the State of Washington or of the county where such personal property is situated; third, the property of a minor child shall be listed by his guardian or by the person having such property in charge; fourth, the property of an idiot or lunatic, by the person having charge of such property; fifth, the property of a person for whose benefit it is held in trust by the trustee of the estate of the deceased person, or by the executor or administrator; sixth, the property of corporations whose assets are in the hands of receivers, by such receivers or their agents; seventh, the property of a body politic or corporate, by the president or proper agent or officer thereof; eighth, the property of a firm or company, by a partner or agent thereof; ninth, money and property in litigation, in possession of any county officer, must be assessed to the custodian thereof, and the taxes thereon paid by the custodian thereof under the direction of the court.

Listing of  
personalty.

Who shall  
list.

Resident,  
agent,  
guardian,  
trustee,  
executor,  
adminis-  
trator,  
receiver,  
corporations,  
partnership,  
custodian  
of property  
in litigation.

SEC. 16. Personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated. The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.

Personalty  
listed and  
assessed—  
where.

SEC. 17. The personal property of automobile transportation companies owning, controlling, op-

Personalty of motor vehicle transportation companies.

erating or managing any motor propelled vehicle used in the business of transporting persons and/or property for compensation over any public highway in this state between fixed termini or over a regular route, shall be listed and assessed in the various counties where such vehicles are operated, in proportion to the mileage of their operations in such counties. All vessels of every class which are by law required to be registered, licensed or enrolled, must be assessed and the taxes thereon paid only in the county of their actual situs: *Provided*, That such interest shall be taxed but once. All boats and small craft not required to be registered must be assessed in the county of their actual situs.

Vessels requiring registration.

Vessels not required to be registered.

Personalty of gas, electric and water companies.

SEC. 18. The personal property of gas, electric and water companies shall be listed and assessed in the town or city where the same is located. Gas and water mains and pipes laid in roads, streets or alleys, shall be held to be personal property.

Personalty of road and bridge companies.

SEC. 19. The personal property of plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, town or city where the same is located, and the road or bridge shall be held to be personal property.

Personalty of owner not residing on farm.

SEC. 20. When the owner of live stock or other personal property connected with a farm does not reside thereon, the property shall be listed and assessed in the county or place where the farm is situated; if not listed in said county, then to be taxed where found. All farm or orchard products held in storage on March 1st in a private or public warehouse in the county where grown or produced, the title and ownership of which on said date is in the farmer, orchardist or landowner producing the same, shall be listed and assessed to the owner thereof in the taxing districts where grown or produced. If such products have been sold on March 1st they shall be listed and assessed to the pur-

Farm or orchard products in storage.

chaser in the taxing district wherein they are held in storage on said date.

SEC. 21. In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, or between different counties, or places in different counties, the place for listing and assessing shall be determined and fixed by the tax commission; and when fixed in either case shall be as binding as if fixed by this act.

Question as to proper place to list personalty.

Tax commission to determine.

SEC. 22. Every person required by this act to list property shall make out and deliver to the assessor, when required, a statement, verified by his oath, of all the personal property in his possession or under his control, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; no person shall be required to list for taxation in his statement to the assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the tax commission, or as otherwise required by law.

List made under oath.

Stocks omitted when otherwise listed.

SEC. 23. The tax commission shall from time to time prescribe suitable blank forms of detail and assessment lists or schedules, to be used by the assessors for the listing and assessment and equalization of property, and upon which shall be entered by the assessor, or by the owner or holder, the agent or attorney, the partner, trustee, assignee, receiver, guardian, executor or administrator, or by the president, secretary or principal accounting officer of any company or corporation, a full, true and accurate statement or listing of all property, real and

Blank forms of detail and lists prescribed by tax commission.

personal, as being owned, held or controlled as aforesaid, and as in such detail list directed, with any and all other property that may not be specified therein, if any such there be, that may be liable to assessment and taxation, and including all property that may or shall be deducted therefrom under exemptions. Such listing shall be verified under the oath of the owner or holder of any such listed property or by the duly authorized agent making the same, on the blank form of affidavit prescribed, and the true and fair value of such property having been determined and fixed by the assessor, fifty per cent of such valuation shall be entered opposite each and every item as therein listed and verified, but to which detail and assessment list may and shall be added by the assessor or his deputy, any and all other taxable property that may at any time be thereafter created or discovered, not appearing therein, so that no property shall escape assessment and taxation.

Assessor may add to list other taxable property.

Assessor may examine person making list under oath.

Refusal to answer.

Assessor may list.

Consigned goods.

SEC. 24. When the assessor shall be of opinion that the person listing property for himself or for any other person, company or corporation, has not made a full, fair and complete list of such property, he may examine such person under oath in regard to the amount of the property he is required to list, and if such person shall refuse to answer under oath, and a full discovery make, the assessor may list the property of such person, or his principal, according to his best judgment and information.

SEC. 25. Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this

state for the purpose of being sold at any place within the state, shall be held to be a merchant, and when he is by this act required to make out and to deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The stock of nurserymen, growing or otherwise, shall be listed and assessed as merchandise.

Consignee  
not to list if  
no interest.

Nursery  
stock to  
be listed.

SEC. 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 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

Manufactur-  
er  
defined.

Personalty  
listed by  
manufactur-  
er.

Fixtures,  
tools and  
implements  
excepted.

Ore or metal shipped from another state to smelter or refining works of this state not taxable.

Agent or corporation to make list.

Non-compliance assessor to make.

Bank stock ; where listed.

Shares assessed ; amount exempt.

Deductions.

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.

SEC. 27. The president, secretary or principal, accounting officer or agent of any company or association, whether incorporated or unincorporated, except as otherwise provided for in this act, shall make out and deliver to the assessor a sworn statement of its property, setting forth particularly— First, the name and location of the company or association; second, the real property of the company or association, and where situated; third, the nature and value of its personal property. The real and personal property of such company or association shall be assessed the same as other real and personal property. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

SEC. 28. All the shares of stock in a bank, whether of issue or not, existing by authority of the United States or of the state, and located within the state, shall be assessed to the respective owners thereof in the city, town or other taxing district where such bank is located, and not elsewhere, in the assessment of all state, county, city, town and other taxing district taxes imposed and levied in such place, whether such owner is a resident of said city, town or other taxing district or not; all such shares shall be assessed at fifty per cent of their full and fair value in money on the first day of March in each year, first deducting therefrom the proportionate part of the assessed value of the real property belonging to the bank less any incumbrance thereon, and the person or corporations who

appear from the records of the banks to be owners of shares at the close of the business day next preceding the first day of March in each year shall be taken and deemed to be the owners thereof for the purposes of this section.

Who deemed owners of shares.

SEC. 29. Every such bank shall pay to the county treasurer, or other person authorized to collect the taxes of the state, county, city, town or other taxing district in which the same is located, at the time in each year when other taxes assessed in the said state, county, city, town or other taxing district become due, the amount of the tax so assessed in each year upon the shares in such bank. If such tax is not so paid, such bank shall be liable for the same.

Payment by bank of tax assessed upon shares.

SEC. 30. The shares of such banks shall be subject to the tax paid thereon by the bank or by the officers thereof, and the bank and the officers thereof shall have a lien on all the shares in such bank and on all the rights and property of the shareholders in the corporate property for the payment of said taxes [taxes,] which lien may be foreclosed by a similar proceeding as under chattel mortgages, and the said tax, with interest thereon at the rate of fifteen per cent per annum from the day when the tax became due, together with a reasonable attorney's fee, may be recovered as in a civil action brought by the treasurer of such county.

Tax paid a lien on shares.

Bank may foreclose.

SEC. 31. The cashier of every such bank shall make and deliver to the assessor of the county in which such bank is located, on or before the fifteenth day of March in each year, a statement verified by the oath of such cashier showing the name of each shareholder, with his residence and the number of shares belonging to him at the close of the business day next preceding the first day of March, as the same then appeared on the books of said bank. If the cashier fails to make such statement,

List of shareholders: cashier to make for assessor.

said assessor shall forthwith, upon such failure, obtain a list of shareholders, with the residence of and number of shares belonging to each.

Foreign banks.

SEC. 32. Foreign banks doing business in this state and having no fixed amount of capital paid in and used permanently in the conduct of such business shall be assessed on an amount equal to a general average of money used as exhibited by daily or monthly balance sheets during the year preceding the time of rendering such tax list to the assessor. If such bank shall refuse to make such return of capital as above provided, then the assessor shall proceed to make an arbitrary assessment, which shall be as fair and as equable as he may be able to make from the best information he possesses.

Basis of assessment.

Refusal of bank to make return.

How assessed.

Lands sold by U. S., state or municipal corporation listed to contractee.

SEC. 33. A contract for the purchase of real property belonging to the United States, the state, or any county or municipality, shall for purposes of taxation be considered as personal property of the person holding the same, and no deed of the property described in such contract shall ever be executed and delivered by the state or any county or municipality until all taxes assessed against such contract and local assessments assessed against the land described therein are fully paid.

Considered personal property.

Delinquent taxes; payment condition to delivery of deed.

Improvements on public lands personal property.

SEC. 34. The assessor must assess all improvements on public lands as personal property until the settler thereon has made final proof. After final proof has been made, and a certificate issued therefor, the land itself must be assessed, notwithstanding the patent has not been issued.

When assessed as realty.

Railroad and telegraph companies.

SEC. 35. The tax commission shall make an annual assessment of the operating property of all railroad companies and of the property of all telegraph companies within this state, for the purpose of levying and collecting taxes thereon for state, county and other purposes as hereinafter provided.

Annual assessment by tax commission.



SEC. 36. For the purposes of sections 35 to 49, inclusive, of this act, the following provisions and definitions are made:

1. The term "commission," without other designation, means the tax commission.

Definitions.

"Commission" defined.

2. Any person, copartnership, association, company or corporation owning or operating a railroad in this state, or owning or operating any station, depot, terminal or bridge for railroad purposes, as owner or lessee or otherwise, shall be deemed a railroad company within the meaning of said sections.

Railroad company defined.

3. Any person, copartnership, association, company or corporation owning or operating any telegraph or cable line in this state, with appliances for the transmission of messages and engaged in the business of furnishing telegraph service for compensation, as owner or lessee or otherwise, shall be deemed a telegraph company within the meaning of said sections.

Telegraph company defined.

4. The term "property of the railroad company," as used in this act, shall include all franchises, rights of way, road beds, tracks, terminals, rolling stock equipment and all other real and personal property of such company, used or employed in the operation of the railroad or in conducting its business, and shall include all title and interest in said property, as owner, lessee or otherwise. Real property not adjoining its tracks, stations or terminals, and real property not used in the operation of the railroad is excepted and shall be assessed in the same manner as like property of individuals.

"Property of the railroad company" defined.

Real property excepted.

5. The term "property of a telegraph company," as used in this act, shall include all franchises, rights of way, poles, wires, cables, devices, appliances, instruments, equipment and all other real and personal property of such company used or employed in the operation of the company or in

"Property of a telegraph company" defined.

conducting its business, and shall include all title and interest in such property as owner, lessee or otherwise.

6. A railroad company operating a railroad in this state, and a telegraph company operating a telegraph line or lines in this state, shall be the representative of every title and interest in the property of the railroad or telegraph company, as the case may be, as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the railroad or telegraph property for the purpose of taxation. The assessment and taxation of the property of the railroad or telegraph company, as the case may be, in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind or nature.

Notice for taxation purposes to railroad and telegraph companies.

7. The term "general property of the state" shall be deemed to include all real and personal property appearing upon the assessment rolls and tax rolls throughout the state, upon which the state, county and local taxes are levied and collected, with such changes and corrections made by the tax commission as hereinafter provided.

"General property of the state" defined.

8. The word "railroad" or the words "railroad company," wherever they occur in said sections, shall be considered for all purposes of assessment and taxation, as including every kind of street railway, suburban railroad, or interurban railroad, person, copartnership, association, company or corporation, whether its line of railroad be maintained either at the surface, or above or below the surface of the earth, or by whatever power its vehicles are transported.

"Railroad" and "railroad company" defined.

SEC. 37. The commission shall have access to all books, papers, documents, statements and accounts on file or of record in any of the depart-

Powers of commission. Access to books and records.

ments of the state. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, cities, towns, townships and taxing districts, and the officers thereof shall, in form prescribed by said commission, make returns to it of all information which may be called for by the commission. Said commission shall have the power, by a summons signed by a member of said commission, and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence, and to produce books and papers. Any member of the commission or the secretary thereof, or any employee officially designated by the commission, is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of said commission, upon a proper showing that such witness has been duly served with a summons, and has refused to appear before the said commission. In case of the refusal of a witness to produce books, papers, documents or accounts, or to give evidence on matters material to the hearing, said commission or any member thereof may institute proceedings in the proper superior court, to compel such witness to testify, or to produce such books or papers, and to punish him for the refusal. All summons and process issued by such commission shall be served by the sheriff of the proper county, and such service certified by him to said commission, without any compensation therefor. Persons appearing before said commission in obedience to a summons, shall, in the discretion of the commission, receive the same compensation as witnesses in the superior court, to be audited by the state auditor, on the certificate of said commission. The records, books, accounts and papers of any railroad or tel-

Officers of taxing districts to make returns on prescribed forms.

Summons.

Administer oaths.

Compel attendance of witnesses.

Produce records.

Contempt.

Service of process.

Compensation of witness.

Access to records of railroad and telegraph companies.

egraph company shall be subject to visitation, investigation and examination by said commission, or any employee thereof officially designated by said commission.

Depositions.

SEC. 38. The commission, in any matter material to the valuation, assessment or taxation of the property of a railroad or telegraph company, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the company interested, in like manner as the depositions of witnesses are taken in civil actions in the superior court.

Reports of companies.

SEC. 39. Every railroad company or telegraph company operating a railroad or a telegraph line or lines in this state shall, between the first day of January and the first day of April in each year, under the oath of the president or other chief officer, and the secretary, treasurer, auditor or superintendent, of such company, make and file with the commission, in such form as the commission may prescribe, reports containing the following facts:

Contents of reports.

Name.

1. The name of the company.

Nature of company where and when organized.

2. The nature of the company, whether a person, copartnership, association, company or corporation, and under the laws of what state or country organized, the date of original organization, date of reorganization, consolidation, or merger, with specific reference to laws authorizing the same.

Office.

3. The location of its principal office.

4. The place where its books, papers and accounts are kept.

Officers.

5. The name and postoffice address of the president, secretary, treasurer, auditor, superintendent, general manager, counsel, directors and all other general officers.

6. The name and postoffice address of the chief officer or managing agent of the company in the

state of Washington, and of all other general officers residing in this state.

7. The total number of shares of capital stock. Capital stock.

8. The par value of the shares of capital stock, for the whole system, showing separately: (1) Amount authorized; (2) amount issued; (3) amount outstanding; (4) the dividends paid thereon. Par value of stock.

9. The market value of the shares of capital stock for the whole system, on the dates and for the periods the commission may request or specify, but the average market value, as near as may be, of said shares shall be given at least for one year ending the thirty-first day of December preceding. Market value of stock.

10. If such capital stock has no market value, the actual value on the dates and for the periods designated by the said commission. Actual value of stock.

11. The funded debt of the company for the whole system, and a detailed statement of all series of bonds, debentures and other securities, forming part of the funded debt, at par value, with date of issue, date of maturity, rate of interest, and interest paid. Funded debt.

12. The market value of each series of funded debt for the whole system, on the dates and for the periods designated by said commission; and if the whole, or a part, of such funded debt has no market value, then the actual value thereof for such periods and such dates as the commission may specify, but the average market value, as near as may be, of each series of funded debt shall be given at least for one year ending the thirty-first day of December preceding. Value of funded debt.

13. Such a general description of the real property of the company, owned or operated in the state of Washington, as would be sufficient in a conveyance thereof, under a judicial decree directing a sale Real property description.

for taxes, to vest in the grantee all title and interest in and to said property.

Description  
of personalty.

14. A like description of the personal property, including moneys and credits, held by the company as a whole system, and also the part thereof appor- tioned to the line or lines in this state.

Securities  
held in  
trust.

15. A statement in detail of all capital stock, bonds or other securities of such company, owned by or held in trust for the company, and the capital stock, bonds, and other securities of other persons, companies or corporations, owned by or held in trust for it, and the par value, and the market or actual value of the same.

Reports of  
directors.

16. The annual reports of the board of direc- tors, or other officers to the stockholders of the com- pany.

17. Such other facts and information as said commission may require, in the form of returns pre- scribed by it.

Railroad to  
file reports.

Contents :

Every company operating a railroad in this state shall also file reports containing the following facts :

Mileage  
within and  
without  
state.

1. The whole length of the railroad system op- erated by the company, and the length of the line in this state, whether operated as owner, lessee or otherwise. The length of the line owned and the length of the line operated for the whole system in this state shall be separately reported.

Gross  
earnings :  
Income  
within and  
without  
state.

2. The entire gross earnings of the railroad company from operation, income from operation, and income from other sources for the whole sys- tem, and in this state, and the disposition made of such income.

Gross  
earnings in  
state.

3. The entire gross earnings of such company in the state of Washington, for each and every month, for each calendar year, ending on the 31st day of December.

4. Duplicate of the annual reports made to the interstate commerce commission, to the department of public works in this state, and to the railway commissioners or state officers or boards of other states in or through which the line of said railroad is operated.

Duplicate of reports to other state and federal regulatory bodies.

Every telegraph company operating a telegraph line or lines in this state shall also file reports containing the following facts:

Telegraph companies to file reports.

1. The description and true value and assessed value of real property within and without the state and the gross and net income therefrom if the company claims any deduction in the value of its property on account thereof.

Description and value of realty within and without state.

2. A detailed description of all capital stock, bonds, mortgages, securities, credits and other personal property, if any, with the value thereof, owned by the company which is not used or employed in the business and is claimed to be exempt in the valuation of its property for taxation under this act.

Description and value of personality.

3. Every such company shall also report:

Length of lines of poles.

(a) The whole length of the lines of poles, single wire of the entire system and separately in this state.

(b) The length of wire underground and on buildings of the entire system and in this state.

Wire underground and on buildings.

(c) The length of wire and cable submarine for the entire system and in this state.

Wire and cable submarine.

(d) The number of miles of all wires and cables of the entire system and the miles of all wires and cables in this state.

Wires and cables.

(e) The number of offices for the entire system and the number of offices in this state.

Number of offices.

(f) The number of messages received and transmitted for the entire system and the number received and transmitted in this state.

Messages received and sent.

Earnings and income.

4. The entire gross earnings of the company from operation, expenses of operation, net earnings from operation and the income from other sources for the whole system and in Washington, and the disposition made of such net earnings and income.

5. Such other facts or information as the company may deem material upon the question of the taxation of its property in this state.

Corporation or company controlling. Operating company to report as commission requires.

6. Any company, association or corporation owning all or a majority of the capital stock of the company operating in this state or having practical control of any such company may be required to make report of such facts and information specified in this section as may be deemed necessary by the commission to a correct valuation and assessment of the property of such operating company.

Blanks supplied by commission.

Blanks for making the above reports shall be furnished to such railroad and telegraph companies by said commission except for the copies of the reports required under the provisions of subdivision sixteen of this section and the duplicates of reports to the interstate commerce commission, to the department of public works in this state and to the railway commissioners or state officers or boards of other states required of railway companies. In case any company refuses or neglects to furnish any information requested, the commission shall inform itself the best it may on the matters necessary to be known, in order to discharge its duties with respect to the valuation and assessment of the property of such company.

Failure of company to furnish information.

Telegraph company property taxed as personalty.

SEC. 40. The property of a telegraph company, as defined in paragraph 5 of section 36, subject to taxation under the provisions of this act, is declared to be personal property and the place of assessment and taxation of such property is fixed at the capital of the state.

Place of assessment.



SEC. 41. If any railroad or telegraph company or its officers or agents, shall refuse or neglect to make any reports required by this act, or said commission, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts or papers when requested by said commission, or shall refuse or neglect to appear before the commission in obedience to a summons such company shall be estopped to question or impeach the action or determinations of the commission upon any grounds not affecting the substantial justice of the tax.

Failure of companies to report.

Bars impeachment of commission's determinations.

SEC. 42. No telegraph company shall be allowed in any action or proceeding to question the amount or valuation of its property as assessed by the commission, unless such company shall have made and filed with such commission a full, true and complete report of the facts and information prescribed by section 36 of this act, and called for by the commission thereunder: *Provided*, The refusal or neglect of such company to file the report in time may, on application of the company and for good cause shown, be excused by the commission on condition that such company shall make a full and complete report of all facts and information mentioned in said section 36 within fifteen days after notice by mail of the amount of the preliminary valuation of the property of such company, and shall appear before the commission before the time of the final hearing and make a full disclosure of all property liable to assessment and taxation under this act and show the value of such property to the satisfaction of the commission.

Telegraph company may not question valuation if report not filed.

Extension of time for filing report.

Conditions.

SEC. 43. The commission, between the first day of March and the first day of June, in each year, shall, according to its best knowledge and judgment, ascertain and determine the value of the property of each railroad company within this state. The

When commission ascertains value of property.

commission, between the first day of April and the first day of July, in each year, shall, according to its best knowledge and judgment, ascertain and determine the value of the property of each telegraph company within the state. Every such railroad company shall be entitled on its own motion, to a hearing and to present evidence before such commission, at any time between the first day of April and the first day of May, relating to the value of the property of such company, or to the value of the general property in the state. Every such telegraph company shall be entitled on its own motion, to a preliminary hearing and to present evidence before said commission at any time between the first and fifteenth days of June, relating to the value of the property of such company, or to the value of the general property in the state. On request in writing for such hearing or presentation, the commission shall appoint a time and place therefor, within the respective periods aforesaid, the same to be conducted in such manner as the commission shall direct. Such hearing shall not impair or affect the right to a further hearing before the state board of equalization, as hereinafter provided. The value of property of railroad and telegraph companies for assessment shall be made as of the same time, on the same basis and in like manner, as near as may be as the value of the general property of the state, is ascertained and determined.

Hearings.

Further hearing before board of equalization.

Basis of assessment.

Assessment rolls.

Railroad company property.

SEC. 44. The commission shall prepare assessment rolls and place thereon, after the name of each railroad company assessed, the general description of the property of such railroad company, which shall include its real property, rights of way, tracks, stations, terminals, appurtenances, rolling stock, equipment, franchises and all other real and personal property of such company, which shall be

deemed and held to include the entire property and franchises of such railroad company within the state, and all title and interest therein. The commission shall prepare assessment rolls and place thereon, after the name of each telegraph company assessed, the following general description of the property of such company, to-wit: real property, rights of way, poles, wires, cables, devices, appliances, instruments, franchises and all other real and personal property of such company, which shall be deemed and held to be the entire property and franchises of such company within the state, and all title and interest therein. For the purpose of determining the value of the property of each railroad and telegraph company appearing on the assessment rolls, the commission may, if deemed necessary, view and inspect the property of such company, and shall consider the reports filed in compliance with this act, and the reports and returns of the company filed in the office of any officer of this state, and such other evidence or information as may have been taken or obtained bearing upon the value of the property of the company assessed. In case of railroad or telegraph companies which own or operate railroad or telegraph lines lying partly within and partly without the state, the said commission shall only value and assess the property within this state. In determining the value of the portion within the state, the commission shall take into consideration the value of the entire system, the mileage of the whole system, and of the part within this state, together with such other information, facts and circumstances as will enable the commission to make a substantially just and correct determination. When the value of the property of a railroad or telegraph company within this state shall have been ascertained and determined, the amount thereof shall be entered upon said assess-

Telegraph  
company  
property.

Determining  
value of  
property.

Only, prop-  
erty in  
state  
valued and  
assessed.

Value of  
entire sys-  
tem factor  
in assessing.

Entry of  
value upon  
assessment  
rolls.

ment rolls, opposite the name of the company, and shall be and constitute the valuation of the entire property of such railroad or telegraph company within this state, for the levy of taxes thereon, subject to revision and correction by the state board of equalization as hereinafter provided. Upon the completion of such assessment, the commission shall give notice by mail to each railroad and telegraph company assessed, of the amount of its assessment as entered upon such rolls.

Notice of  
assessment.

Sessions of  
commission.

SEC. 45. In making the investigation and holding the hearings provided for in this act, the commission may hold its sessions at such times and in such places throughout the state as it may deem proper or necessary for the convenient performance of its duties, and may adjourn from time to time and from place to place.

Equalization  
of assess-  
ment.

SEC. 46. The assessment rolls of railroad and telegraph companies shall, by the commission, be submitted to the state board of equalization at its annual meeting held for the purpose of equalizing the assessed valuation of the taxable property of the state; and any railroad or telegraph company interested shall have the right to appear and be heard as to the assessment of the property of such company, and as to the value and assessment of the general property of the state, and the said board of equalization may, on application or of its own motion, correct the valuation or assessment of the property of such company, in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state. The assessed valuation of the property of any railroad or telegraph company as it appears on such rolls, shall not be increased without notice to the company, by registered letter, that such increase is contemplated, and fixing a time for a hearing in relation thereto.

SEC. 47. Upon the completion of the equalization of the property of railroad companies and other property in the state it shall be the duty of the commission to apportion the value of the operating properties of each railroad company to the county or counties through or into which the lines thereof may extend, according to the classification and value thereof, in such proportion to the entire value thereof, as the length of the line in each county may bear to the entire length of line within the state, which valuation, together with the description of the railroad property assessed, giving the name of the company and the length of line in said county, shall be certified by the commission, to the county assessor of the proper county. The county assessor shall in like manner distribute the value so certified to him, to the several taxing districts in his county entitled to a proportionate value of the operating property of such railroad; and each assessment so apportioned shall be placed upon the tax rolls of such county and the taxes extended against the same as against other property in said county and taxing districts.

Apportionment to counties of value of railroad property.

County assessor to distribute value.

SEC. 48. Upon the completion of the equalization of the property of telegraph companies and other property in the state, it shall be the duty of the commission to apportion the value of the properties of such telegraph companies to the county or counties into which the lines thereof may extend, according to the value thereof, in such proportion to the entire value as the length of line in each county may bear to the entire length of line within the state, computed on a wire mileage basis, which valuation, together with a description of the property assessed, giving the name of the company, the length of line and wire mileage in said county, shall be certified by said commission to the county assessor of the proper county. The county assessor

Apportionment to counties of value of telegraph property.

Distribution  
of value by  
county  
assessor.

shall in like manner distribute the value so certified to him to the several taxing districts in his county entitled to a proportionate value thereof, and each assessment so apportioned shall be placed upon the tax rolls of said county, and the taxes extended against the same as against other property in said county and taxing districts.

Operating  
property of  
railroads.

SEC. 49. In making the assessments of the operating property of railroads, and in the apportionment of the values and the taxation thereof, as hereinbefore provided, all land occupied and claimed exclusively as the right of way for railroads, with all the tracks, and substructures and superstructures which support the same, together with all side tracks, second tracks, turn-outs, station houses, depots, round houses, machine shops, or other buildings belonging to the road, used in the operation thereof, without separating the same into land and improvements, shall be assessed and taxed as real property. And the rolling stock and other movable property belonging to any railroad company shall be considered as personal property and shall be assessed and taxed as such: *Provided*, That all of the operating property of street railroads shall be assessed and taxed as personal property.

What  
realty.

What  
personalty.

Street  
railroads  
all operating  
property is  
personalty.

Annual  
return by  
telephone  
and electric  
companies  
to county  
assessor.

Contents.

SEC. 50. Any person, company, power company or corporation using or operating a telephone, electric line or electric light line in this state shall annually, in the month of March, return to the county assessor a map and a schedule or statement, under oath, as follows: First, the amount of capital stock authorized and the number of shares into which said capital stock is divided; second, the amount of capital stock paid up; third, the market value, or if no market value, then the actual value of the shares of stock; fourth, the total amount of all indebtedness, except current expenses for operating the line; fifth, the length of the line operated

in each county, and the total length in the state; sixth, the total assessed valuation of its tangible property in this state. Such schedule shall give the date, character, extent and value of such franchise, the gross income, the number of poles per mile, the number of wires, and every electric light company shall give the kind of lights and the number of each kind supplied, the location and value of the electric plant, whether the ground is owned or leased, and if leased, the owner's name, and the value of the plant separate from such ground. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the tax commission, and with reference to amounts and values on the first day of March of the year for which the return is made, and it shall be the duty of the county assessor to transmit a copy of such schedule to the tax commission on or before the first Monday in July of each year. All property, real and personal, owned by such person, company or corporation and situated in this state must be listed and assessed for taxation and shall be subject to the same levies as the property of individuals and the same rules that govern other companies and corporations.

Forms prescribed by commission.

County assessor to transmit schedule to company.

Listing and assessment:

Rules governing.

SEC. 51. If any person or corporation shall give a false or fraudulent list, schedule or statement required by this act, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand dollars, to be recovered in any proper form of action in the name of the state of Washington on the complaint of any person, such fine, when collected, to be paid into the county treasury to the credit of the current expense fund.

Penalty for giving false or fraudulent list or failing to list taxable personalty.

SEC. 52. All property shall be assessed fifty per cent of its true and fair value in money. In

All property assessed 50% of true value.

Ascertain-  
ment of  
value.

determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the same shall be valued at such price as such property, including the mine or quarry, would sell at a fair, voluntary sale for cash. Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash.

True cash  
value  
defined.

Land  
improve-  
ments.

Crops.

Mines and  
quarries.

Leaseholds.

County  
assessor  
shall outline  
plat of  
irregular  
subdivided  
tracts.

Notice to  
owner for  
surveying  
and platting.

When new  
survey not  
necessary.

SEC. 53. In all cases of irregular subdivided tracts or lots of land other than any regular government subdivision the county assessor shall outline a plat of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county engineer, and cause the same to be platted into numbered (or lettered) lots or tracts; *Provided, however,* That where any county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts may



be mapped from such field notes. In case the owner of such tracts or lots neglects or refuses to have the same surveyed or platted, the county assessor shall notify the board of county commissioners in and for the county, who may order and direct the county engineer to make the proper survey and plat of the tracts and lots. A plat shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered), which numbers (or letters) together with number of the section, township and range shall be distinctly marked on such plat, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The plat shall be given a designated name by the surveyor thereof. When the survey, plat, field notes and name of plat, shall have been approved by the board of county commissioners, the plat and field notes shall be filed and recorded in the office of the county auditor, and the description of any tract or lot of land described in said plats by number (or letter), section, township and range, shall be a sufficient and legal description for revenue and all other purposes.

Failure of owner to plat.

County engineer to survey and plat.

Plat named.

Plat and field notes to be filed with county auditor.

SEC. 54. The assessor shall list all real property according to the largest legal subdivision as near as practicable. The assessor shall make out in the plat and description book in numerical order a complete list of all lands or lots subject to taxation, showing the names and owners, if to him known and if unknown, so stated; the number of acres and lots or parts of lots included in each description of property and the value per acre or lot; *Provided*, That the assessor shall give to each tract of land where described by metes and bounds a number, to be designated as Tax No. —, which

Listing and description of realty by assessor.

Tracts numbered.

said number shall be placed on the tax rolls to indicate that certain piece of real property bearing such number, and described by metes and bounds in the plat and description book herein mentioned, and it shall not be necessary to enter a description by metes and bounds on the tax roll of the county, and the assessor's plat and description book shall be kept as a part of the tax collector's records; *And provided, further,* That the board of county commissioners of any county may by order direct that the property be listed numerically according to lots and blocks or section, township and range, in the smallest platted or government subdivision, and when so listed the value of each block, lot or tract, the value of the improvements thereon and the total value thereof, including improvements thereon, shall be extended after the description of each lot, block or tract, which last extension shall be in the column headed "Total value of each tract, lot or block of land assessed with improvements as returned by the assessor." In carrying the values of said property into the column representing the equalized value thereof, the county assessor shall include and carry over in one item the equalized valuation of all lots in one block, or land in one section, listed consecutively, which belong to any one person, firm or corporation, and are situated within the same taxing district, and in the assessed value of which the county board of equalization has made no change. Where assessed valuations are changed, the equalized valuation must be extended and shown by item.

Numerical listing.

Extension of equalized valuation.

Bond of assessor.

SEC. 55. Every person elected or appointed to the office of assessor shall file with the board of county commissioners, within the time provided by law, his bond, payable to the state of Washington, with good and sufficient surety, to be approved by the said board, in the penal sum to be fixed by

the board of county commissioners, conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by law; and he shall, moreover, take and subscribe an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this act; and if any person so elected or appointed fails to give bond or fails to take the oath required within the time prescribed, such failure shall be deemed a refusal to serve.

Oath of office.

SEC. 56. Any assessor who deems it necessary, to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, may appoint one or more well qualified citizens of his county to act as his assistants or deputies and assign them to such portion of his county as he thinks proper; and each assistant so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors by the provisions of this act; and each of such deputies shall receive for his services while actually employed in such work the sum which may be designated and allowed by the board of county commissioners; *Provided*, That no assessor shall appoint any deputy unless the same be actually necessary, and then for no longer time than may be actually needed: *Provided, further*, That the county commissioners may limit the number of deputies to be employed by the assessor: *Provided, further*, That the assessor may with the consent of the county commissioners appoint one or more expert assistants in the valuation of any particular class of property in the county, which assistants need not be residents of said county.

Deputies.

Compensation.

Tenure of office.  
Number of deputies.

Experts.

SEC. 57. For the purpose of instruction on the subject of taxation, the county assessors of the state

County assessors.

Annual meeting with commission.

Expenses in attending.

When assessor shall list property.

Data required.

Lists shall be verified.

Lists: How made.

shall meet with the tax commission at the capital of the state, or at such place within the state as they may determine at their previous meeting, on the third Monday of January of each year. Each assessor shall be paid by the county of his residence his actual expenses in attending said meeting, upon presentation to the county auditor of proper vouchers. The assessor shall begin the preliminary work for each assessment not later than the first day of February of each year in all counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each even numbered year, and in the following manner, to-wit: He shall actually determine as nearly as practicable the true and fair value of each tract or lot of real property listed for taxation and shall enter fifty per cent of the value thereof, including fifty per cent of the value of all improvements and structures thereon, opposite each description of property. He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property, and the assessor shall thereupon determine the value of the property included in such statement and enter fifty per cent of the same in the assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and post office address of the party listing the property, and if the party reside in a city the assessor shall give the street and number or other brief description of his residence or place of business. •

SEC. 58. The assessor shall call at the office, place of doing business or residence of each person required by this act to list property, and list his

name, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this act; and every person so required shall enter a true and correct statement of such property in the form prescribed, which statement shall be signed and verified by the oath of the person listing the property, and shall deliver to the assessor, who shall thereupon assess the value of such property and enter fifty per cent of the same in his books: *Provided*, If any property is listed or assessed on or after the fourth Monday of May, the same shall be legal and binding as if listed and assessed before that time: *Provided, further*, That if from any reason the assessor shall fail to visit any such person, firm or corporation, the said failure shall not impair or invalidate such assessment.

Verification required.

Amendment of list.

Failure to visit person. Assessment valid.

SEC. 59. The assessor, upon his own motion, or upon the application of any taxpayer, shall enter in the detail and assessment list of the current year, any property shown to have been omitted from the assessment list of any preceding year, at the valuation of that year, or if not then valued, at such valuation as the assessor shall determine from the preceding year, and such valuation shall be stated in a separate line from the valuation of the current year.

Listing omitted property.

SEC. 60. If any person required by this act to list property shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office, or usual place of residence or business of such person, a written or printed notice requiring such person to make out and leave at the place named by said assessor, on or before some convenient day named therein, the statement or list required by this act. The date of leaving such notice and the name of the person required to list the property, shall be noted by the assessor in his assessment book.

Sick or absent persons.

Notice to list property.

List of sick or absent persons.

Failure to  
obtain  
list.

Assessor  
shall list  
property.

Assessor  
may admin-  
ister oaths.

May exam-  
ine upon  
oath.

Assessor to  
report to  
county  
board of  
equalization  
failure of  
owner to  
make state-  
ment.

Taxing  
and road  
districts to  
be entered  
in roll.

SEC. 61. In every case where any person whose duty it is to list personal property for taxation has refused or neglected to list the same when called on by the assessor for that purpose, or to take and subscribe an oath in regard to the truth of his statement of personal property, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person, in an appropriate column, the words "refused to list," or "refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent or unable from sickness to list the same, the assessor shall list the property of such person and enter opposite the name of such person, in an appropriate column, the words "absent or sick." The assessor is hereby authorized to administer oaths to all persons who, by the provisions of this act are required to swear, or whom he may require to testify in any case, and he may examine upon oath any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or to verify his list of personal property. The assessor shall report to the county board of equalization all cases where the owner or agent of property assessed was, at the time of assessment, either absent or sick, or refused to make a sworn statement in reference thereto.

SEC. 62. It shall be the duty of assessors, when assessing real or personal property, to designate the name or number of each taxing and road district in which each person and each description of property assessed is liable for taxes, which designation shall be made by writing the name or number of the districts opposite each assessment in the column provided for that purpose in the detail and assessment list. When the real and personal property of any person is assessable in several taxing districts

and/or road districts, the amount in each shall be assessed on separate detail and assessment lists, and all property assessable in incorporated cities or towns shall be assessed in consecutive books, where more than one book is necessary, separate from outside property and separately, and the name of the owner, if known, together with his postoffice address, placed opposite each amount.

Separate lists.

SEC. 63. The county commissioners of each county shall furnish the assessor with a map of the county, showing the boundaries of each taxing and road district therein named or numbered. And the board of county commissioners in fixing, changing or revising the boundaries of any road district or districts, shall, wherever practicable, make the boundaries of such road district or districts conform to the boundaries of the school district nearest coincident thereto, to the end that the several school and road districts in each county shall correspond in territory one with the other: *Provided*, That any road district may include more than one school district.

Map of taxing and road districts.

School and road districts to coincide.

SEC. 64. In all cases of failure to obtain a statement of personal property, from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property and assess the same at such amount as he believes to be the true value thereof. The assessor, when requested, shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor.

Failure to obtain list of personalty.

Copy of estimated list supplied: When.

SEC. 65. The assessor shall add up and note the amount of each column in his detail and assessment lists, which he shall have bound in book form. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down

Return of lists by assessor.

under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on the first Monday of July he shall file the same, properly indexed, with the clerk of the county board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

Filed with county board of equalization.

State of Washington, \_\_\_\_\_ County, ss.

Form of verification.

I, \_\_\_\_\_, assessor of \_\_\_\_\_, do solemnly swear that the books No. 1 to No. \_\_\_\_\_, to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in \_\_\_\_\_ county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case fifty per cent of the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

\_\_\_\_\_, Assessor.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(L. S.) \_\_\_\_\_, Auditor of \_\_\_\_\_ County.

Failure to attach oath.

*Provided*, That the failure of the assessor to attach his certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county and state board of equalization, the same shall be delivered to the county assessor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided.

Delivery of lists to assessor after equalization.

Correction of lists before equalization.

SEC. 66. If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such



person or his agent having charge of such property, may, at any time before the close of the session of the board of equalization, make out and deliver to said board a statement of the same as required by this act, and the board shall, in such case, make an entry thereof, and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the said board from any person who refused or neglected to make oath to his statement when required by the assessor as provided herein; nor from any person unless he makes and files with the said board an affidavit that he was absent from his county, without design to avoid the listing of his property, or was prevented by sickness from giving the assessor the required statement when called on for that purpose.

No correction if person has refused to list.

Acceptable explanation of failure to list.

SEC. 67. Any oath authorized to be administered under this act may be administered by any assessor or deputy assessor, or by any other officer having authority to administer oaths. Any person wilfully making a false list, schedule or statement under oath shall be liable as in case of perjury.

Oaths: Who may administer.

Perjury to falsify list.

SEC. 68. The county commissioners, or a majority of them, shall form a board for the equalization of the assessment of the property of the county: *Provided*, That in counties having a city or cities of the first or second class, the city council or other governing body thereof shall select a committee of three members of such council or other governing body to act with the board of county commissioners as a board of equalization, as to all property in their respective cities: *Provided, further*, That in counties under township organization, the chairman of the township supervisors of the several townships, at a meeting called by the county auditor for that purpose, shall select a committee of three, one from each county commissioner's district, to sit with the

County board of equalization.

Cities of first and second class board of equalization.

Township boards of equalization.

county board of equalization as members of said county board of equalization as to all property outside the corporate limits of any city or town. The members of said board shall receive five dollars (\$5.00) per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county.

Compensation of members of board.

Sessions. The board of equalization shall meet in open session for this purpose annually on the first Monday in July at the office of the county assessor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

Assessor to act as clerk.

Oaths.

Duties.

Valuations increased. First: They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Notice to owner.

Valuations reduced. Second. They shall reduce the valuation of each tract or lot which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Valuation may be increased by item or total. Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than

the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, being a nonresident of the county in which his property is assessed, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Reduce non-resident's valuation.

Reduction of valuation in the aggregate.

The county assessor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. Having corrected the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the first Monday in August next following the meeting of the county board of equalization.

Records of board.

To be published.

Copy to state board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in ses-

Time of session.

sion and adjourn from time to time during two weeks, but shall remain in session not less than three days.

When extension may be made.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

Boards of county commissioners no power to change valuation.

Boards of county commissioners as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Abstract of tax rolls by assessor to state auditor.

SEC. 69. The county assessor shall, on or before the 15th day of January in each year, make out and transmit to the state auditor, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized and the total amount of taxes levied in the county for state, county, city and other taxing district purposes, for that year. Should the assessor of any county fail to transmit to the state board of equalization the abstract provided for in the preceding section by the time the state board of equalization convenes, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the state board of equalization shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and certify the same to the state auditor, who shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge; said sum shall

Data required.

Assessor's failure to send abstract to state board of equalization in time.

Failure of county to pay state taxes.

Amount certified to state auditor.

Collection from county by state.

be due and payable immediately by warrant in favor of the state on the current expense fund of said county.

SEC. 70. The members of the tax commission shall constitute the state board of equalization; the chairman of the tax commission shall be the president of the board, and the secretary of the tax commission shall be the secretary thereof. The board shall remain in session not to exceed twenty days; it may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first Tuesday in September at the office of the tax commission, and shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and telegraph companies, and proceed to equalize the same, so that each county in the state shall [shall] pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

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

Second. The secretary shall keep a full record of the proceedings of the board, and the same shall be published annually by the state tax commission.

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

State board of equalization constituted.

Sessions.

Time and place of meeting.

Duties.

Classify property.

Fix valuations.

Records of board. To publish.

Rules and regulations.

Shall levy state taxes.

Maximum levy limit.

Levy on counties.

Record certified to state auditor.

Certified record to county assessors.

Taxes due each state fund and delinquent taxes for 7th preceding year.

Delinquent taxes: How applied.

The state board of equalization shall levy the state taxes authorized by law: *Provided*, That the amount levied in any one year for general state purposes shall not exceed five mills on the dollar of the assessed value of the property of the entire state; and shall apportion the amount of tax for state purposes levied by the board, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the board.

Within three days after the completion of the duties hereinabove prescribed, the president and secretary of the board shall certify the record of the proceedings of the board, the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.

SEC. 71. Within three days after the receipt of the record of the proceedings of the state board of equalization, the state auditor shall transmit to each county assessor a transcript of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto he shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The state auditor shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

SEC. 72. It shall be the duty of the county assessor of each county, when he shall have received from the state tax commission the assessed valuation of the property of railroad and telegraph companies apportioned to the county, and placed the same on the tax rolls, and received the report of the state auditor of the amount of taxes levied for state purposes, to compute the required percentum on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: *Provided*, That the rates so computed shall not be such as to raise a surplus of more than five per cent over the total amount required by the state board of equalization.

When taxes of railroad and telegraph companies extended by assessor on rolls.

Limit of rate of taxation.

SEC. 73. It shall be the duty of the county assessor of each county, when he shall have received from the state tax commission the certificate of the assessed valuation of the property of railroad and/or telegraph companies apportioned to the county, and shall have distributed the value so certified to him to the several taxing districts in his county entitled to a proportionate value thereof, and placed the same upon the tax rolls of the county, to certify to the board of county commissioners and to the officers authorized by law to estimate expenditures and/or levy taxes for any taxing district co-extensive with the county, the total assessed value of property in the county as shown by the completed tax rolls, and to certify to the officers authorized by law to estimate expenditures and/or levy taxes for each taxing district in the county not coextensive with the county, the total assessed value of the property in such taxing district.

Distribution of value of railroad and telegraph property by assessor.

SEC. 74. All taxes shall be levied or voted in specific amounts, and the rate per centum of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county

Rates of taxation: How fixed.

Rates for state and county purposes.

assessors of the respective counties, within the limitations hereinafter prescribed, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate per centum of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations hereinafter prescribed, upon the assessed valuation of the property of the taxing districts respectively.

Assessment in cities of first, second and third class, school districts of the first class, port districts, other taxing districts.

SEC. 75. It shall be the duty of the city council or other governing body of cities of the first class, except cities having a population of 300,000 or more, the city councils or other governing bodies of cities of the second or third class, the board of directors of school districts of the first class, commissioners of port districts, and of all officials or boards of taxing districts within or coextensive with any county, except school districts of the second or third class, required by law to certify to boards of county commissioners, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the city or district, through their chairman and clerk, or secretary, to make and file such certified budget or estimates with the clerk of the board of county commissioners on or before the Wednesday next following the first Monday in October in each year.

Certify estimates to county commissioners.

Estimates of school districts of second and third class to be filed with county superintendent of schools.

SEC. 76. It shall be the duty of the board of directors of each school district of the second or third class, on or before the first day of September in each year, to make and file with the county superintendent of schools an estimate or budget in detail of the amount of funds which will be required by their district for all purposes, except interest and/or sinking fund debt or bond redemption and/or non high school district tax purposes, for the ensuing



fiscal year, and it shall be the duty of the county superintendent of schools to carefully examine such estimates and, if any thereof are not in proper form or the estimated amount is in excess of the limit of tax levy allowed by law, to cause the board of directors making such estimate to file a corrected estimate in proper form and, on or before the first Monday in October in each year, compute and endorse on such estimates the amounts required by the respective districts for interest and/or sinking fund debt or bond redemption and/or non high school district tax purposes, if any, and file all such estimates with the clerk of the board of county commissioners for the purpose of levying district taxes.

Corrected estimate.

Estimates filed with county commissioners.

SEC. 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 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; the county river improvement tax shall not exceed one mill; the intercounty 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

Tax levy shall be sufficient.

State tax levy fixed by state board of equalization.

Rates for indebtedness.

Current expenses, school tax, roads and bridges, river improvement, intercounty river improvement, soldiers' relief, road district, school district.

Rates : 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.

Levy by county commissioners.

SEC. 78. It shall be the duty of the board of county commissioners of each county, on or before the second Monday in October in each year, to certify to the county assessor of the county the amount of taxes levied upon the property in the county for county purposes, and the respective [respective] amounts of taxes levied by the board for each taxing district, within or coextensive with the county, for district purposes, and it shall be the duty of city councils of cities of the first class having a population of 300,000 or more, and of city councils of cities of the fourth class, or towns, and of all officials or boards of taxing districts within or coextensive with the county, authorized by law to levy taxes directly and not through the board of county commissioners, on or before the second Monday in October in each year, to certify to the county assessor of the county the amount of taxes levied upon the property within the city or district for city or district purposes.

Cities and taxing districts authorized to levy taxes directly to certify levy to assessor.

Form of rolls.

SEC. 79. The county assessor shall extend the

taxes upon the tax rolls in the form herein prescribed. The rate per cent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate per cent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate per cent necessary to raise the consolidated or total tax and the total tax assessed against the property.

Computation of rate.

Fractional part of a cent.

Totals.

Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

Certificate of assessor.

I, \_\_\_\_\_, assessor of \_\_\_\_\_ county, State of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of \_\_\_\_\_ for the year one thousand nine hundred and \_\_\_\_\_:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_, County Assessor.

The county assessor shall deliver said tax rolls to the county auditor on or before the 15th day of December, taking his receipt therefor.

When rolls delivered to auditor.

SEC. 80. The county assessor shall make a record of all errors in descriptions, double assessments,

Assessor to certify record of errors in lists.

or manifest errors in assessment appearing on the assessment list at the time of the extension of the rolls, and after duly verifying the same, file said record with the county board of equalization on the third Monday in November next succeeding the annual meeting of the county board of equalization. The county board of equalization shall reconvene on such day for the sole purpose of considering such errors in description, double assessments, or manifest errors appearing on the assessment list at the time of the extension of the rolls and shall proceed to correct the same, but said board shall have no authority to change the assessed valuation of the property of any person or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, except only in so far as the same may be affected by the corrections ordered based on the record submitted by the county assessor.

Correction of lists by county board of equalization.

No authority to change assessed valuation.

Assessment year.

SEC. 81. The assessment year contemplated in this act shall commence on the first day of March and end on the last day of February in each year and the fiscal year contemplated in this act shall commence on January 1st and end on December 31st in each year.

Rolls delivered to treasurer.

SEC. 82. On the first Monday in January next succeeding the date of levy of taxes the county auditor shall deliver to the county treasurer the tax rolls of his county for such assessment year, with his warrant thereto attached, authorizing the collection of said taxes, taking his receipt therefor, and said books shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax Roll Account" for ....., and said rolls with the warrants for collection shall be full and sufficient authority for the

Treasurer charged with amount.

county treasurer to receive and collect all taxes therein levied: *Provided*, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the first Monday in said February following.

When collections shall be made.

SEC. 83. The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, birdge [bridge], road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real property made payable by the provisions of this act shall be due and payable to the treasurer as aforesaid on or before the thirty-first day of May in each year, after which date they shall become delinquent, and interest at the rate of twelve per cent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, however*, When the total amount of tax payable by one person is two dollars or more, then if one-half of such taxes be paid on or before said thirty-first day of May, then the time of payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirtieth day of November following; but if the remaining one-half of such taxes be not paid on or before the thirtieth day of November, then such remaining one-half shall be delinquent, and interest at the rate of twelve per cent per annum shall be charged thereon from the first day of June preceding until paid: *Provided, further*, There shall be an allowance of three per cent rebate to all payers of taxes who shall pay the taxes on real property in one payment and in full on or before the fifteenth day of March next prior to the date of delinquency. All rebates allowed under this section shall be charged to the county

Treasurer to collect all taxes.

When taxes upon realty delinquent.

Interest rate.

Semi-annual payments.

Rebate on realty taxes prepaid.

current expense fund and all collections from penalties and interest on delinquent taxes shall be credited to the current expense fund.

Real property ledger.

Delinquent taxes on current roll.

Notice by publication of taxes due.

Notice to each taxpayer when requested.

County treasurer sole collector of all taxes.

Tax receipt.

May pay current tax and not pay delinquent taxes.

SEC. 84. On receiving the tax books from the county auditor the treasurer shall post all real property taxes from said assessment books to the treasurer's tax roll or ledger, and shall carry forward to the current tax roll a memorandum of all delinquent taxes on each and every description of property, and enter the same opposite the property upon which the said taxes are delinquent, in a column provided for that purpose, showing the amounts for each year, and shall then give notice by publication in some newspaper having general circulation in the county, once in each of three consecutive weeks, that the tax books have been turned over to him for the collection of taxes thereon, on and after the first Monday in February. He shall, when requested, notify each taxpayer in his county, at the expense of the county, having printed on said notice the name of each tax and the levy made on the same, of the amount of his real and personal property, and the total amount of tax due on the same; and from and after the taking effect of this act the county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax lists of the county.

SEC. 85. The county treasurer upon receiving any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, city or town lot, or other real and personal property on which the tax so paid was levied according to its description on the treasurer's tax roll and the year for which the tax was levied. The owner or owners of property against which there are delinquent taxes, shall have the right to pay the current tax without paying any delinquent taxes there may be against said property: *Provided, however,* That in

issuing a receipt for such current tax the county treasurer shall endorse upon the face of such receipt a memorandum of all delinquent taxes against the property therein described, showing the year for which said tax is delinquent and the amount of delinquent tax for each and every year. Such receipts shall be numbered consecutively for such year and such numbers and amount of taxes paid shall be immediately entered upon the treasurer's tax roll opposite or under each and every piece of property therein for which such receipt was given; it shall contain the name of the party paying, with the amount and date of payment and the description of the property upon which the tax is paid. Such receipt shall be made out with a stub, which shall be a summary of the receipt. He shall post such collections into his cash or collection register, provided for that purpose, to thus keep an accurate account not only of the gross amount of collections, but also the amount collected upon the consolidated fund and upon each and every separate fund. The treasurer shall also keep a separate register for the purpose of entering therein all collections made on account of delinquent taxes.

Current tax receipt to show delinquent taxes.

Form of receipts: To be numbered.

Collection register.

Delinquent tax collection register.

SEC. 86. On the first Monday in February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid on or before the 15th day of March of such year, he shall forthwith proceed to collect the same. In the event that he is unable to collect the same in due course, he shall prepare papers in distraint, which shall contain a description of the personal property, the amount of the tax, the amount of accrued interest at the rate of twelve per cent per annum from March 15th, and the name of the owner or reputed owner, and shall file the same with the

Distraint for personal property taxes.

Notice.

Sale.

Standing timber and fishing appliances deemed distrained after notice.

county sheriff, who shall immediately without demand or notice distrain sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate of twelve (12) per cent per annum from the 15th day of March of such year, together with all accruing costs, and shall immediately proceed to advertise the same by posting written notices in three public places in the county in which such property has been levied upon, one of which places shall be at the county court house, such notices to state the time when and place where such property will be sold. The county sheriff, or his deputy, shall tax the same fees for making distress and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making the distress. If the taxes for which such property is distrained and the interest and costs accruing thereon are not paid before the date appointed for such sale, which shall not be less than ten (10) days after the taking of such property, such sheriff shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes with interest and costs, and shall pay to the treasurer the money so collected at such sale, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall immediately pay such overplus to the owner of the property so sold, or to his legal representative: *Provided*, That whenever it shall become necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fishtrap, pound net, reef net, set net or drag seine fishing location, it shall be deemed to have been distrained and taken into possession when the said sheriff shall have, at least



thirty (30) days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located, a notice in writing reciting that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of tax due with interest, and the time and place of sale. A copy of said notice shall also be sent to the owner or reputed owner at his last known address by registered letter at least thirty (30) days prior to the date of sale: *And provided, further,* That if any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, the county treasurer may demand such taxes without the notice provided for in this section, and if necessary may distrain sufficient goods and chattels to pay the same as provided in this act.

Notice.

Removing property from county.

SEC. 87. In the event of the destruction of personal property by fire after the fifteenth day of March of any year, the lien of the personal property tax shall attach to and follow any insurance that may be upon said property and the insurer shall pay to the county treasurer from the said insurance money all taxes, interest and costs that may be due, against the identical property so destroyed.

Lien of personalty tax shall follow insurance.

SEC. 88. After personal property has been assessed, it shall be unlawful for any person to remove the same from the state until taxes and interest are paid, or until notice has been given to the county treasurer describing the property to be removed and in case of public sales of personal property, a list of the property desired to be sold shall be sent to the treasurer, and no property shall be sold at such sale until the tax has been paid, the tax to be computed upon the consolidated tax levy for the previous year. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Unlawful to remove personalty from state without paying taxes.

Penalty.

Removal of property without the state anticipated.

Distrain and sale for taxes without notice.

If removing prior to levy, how taxes computed.

Treasurer to certify to treasurer of county to which personalty removed. Tax statement.

SEC. 89. Whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, the treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property being or about to be removed or dissipated, the amount of the tax, the amount of accrued interest at the rate of twelve per cent per annum from March 15th, and the name of the owner or reputed owner, and shall file the same with the county sheriff who shall immediately without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate of twelve per cent per annum from the 15th day of March of such year, together with all accruing costs, and shall advertise and sell said property as provided in Section 86 of this act.

If said personal property is being removed or is about to be removed from the limits of the state, is being dissipated or about to be dissipated at any time subsequent to the first day of March in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year.

SEC. 90. If any person, firm or corporation shall remove from one county to another in this state personal property which has been assessed in the former county for a tax which is unpaid at the time of such removal, the treasurer of the county from which the property is removed shall certify to the treasurer of the county to which the property has been removed a statement of the tax together with all delinquencies and penalties.

SEC. 91. The treasurer of any county of this state shall have the power to certify a statement of

taxes and delinquencies of any person, firm, company or corporation, or of any tax on personal property together with all penalties and delinquencies, which statement shall be under seal and contain a transcript of the warrant of collection and so much of the tax roll as shall affect the person, firm, company or corporation or personal property to the treasurer of any county of this state, wherein any such person, firm, company or corporation has any real or personal property.

Taxes and delinquencies to be certified to treasurer of county where person has realty or personalty.

SEC. 92. The treasurer of any county of this state receiving the certified statement provided for in Sections 90 and 91 of this act, shall have the same power to collect the taxes, penalties and delinquencies so certified as he has to collect the personal taxes levied on personal property in his own county, and as soon as the said taxes are collected they shall be remitted, less the cost of collecting same, to the treasurer of the county to which said taxes belong, by the treasurer collecting them, and he shall return a certified copy of the certified statement to the auditor of the county to which the taxes belong, together with a certified statement of the amount remitted to the said treasurer.

Power of collection.

Amount to be remitted to treasurer of county to which taxes belong.

SEC. 93. On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor. On the 10th day of each month the county treasurer shall turn over to the respective city treasurers all taxes collected for the previous month for such cities, respectively, and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate

Treasurer to monthly distribute to each fund taxes collected.

Monthly return to cities of taxes collected by county treasurer.

one copy of the receipt of the city treasurer therefor.

Personalty  
tax not col-  
lectible.

SEC. 94. If the county treasurer is unable, for the want of goods or chattels whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or an executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of January following, a list of such taxes, with an affidavit of himself or of the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected.

Taxes  
canceled.

Failure  
of treasurer  
to collect  
personalty  
tax.

SEC. 95. If any county treasurer shall willfully refuse or neglect to collect any taxes assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as herein provided, he shall be held, in his next settlement with the auditor, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his salary and applied to the several funds for which they were levied.

Liability.

Delinquent  
tax to be  
collected  
any time.

SEC. 96. The power and duty to levy on property and collect any tax due and unpaid shall continue in and devolve upon the county treasurer and his successors in office after his return to the county auditor, and until the tax is paid; and the warrant attached to the assessment roll shall continue in force and confer authority upon the treasurer to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected

thereon. This section shall apply to all assessment rolls and the warrants thereto attached, which have been heretofore issued, upon which taxes may be due and unpaid, as well as those hereafter issued.

SEC. 97. Immediately after the last day of each month, the county treasurer shall pay over to the state treasurer the amount collected by him and credited to the various state funds, but every such payment shall be subject to correction for error discovered upon the quarterly settlement next following. The county auditor shall at the same time ascertain and report to the state auditor by ordinary letter or other written memorandum, the amounts due to the various state funds. If the same be not paid to the state treasurer before the tenth day of the month he shall then make a sight draft on the county treasurer for such amount. On the first Mondays of January, April, July and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which such settlement is made, notify the state auditor of the result of the quarterly settlement with the county treasurer, as above specified. Should any county treasurer fail or refuse to honor such draft or make payment of the amount thereon (except in case of manifest error or other good and sufficient cause) he shall be guilty of nonfeasance in office and upon conviction thereof shall be punished according to law. Whenever any tax shall be cancelled, reduced or modified in any final judicial proceeding, the state's portion thereof, if paid to the state treasurer, shall be by him certified to the state auditor on receipt of a certified copy of the judgment or decree in such judicial proceeding. The

Treasurer's settlements with state treasurer.

Report of county auditor to state auditor.

Sight draft on county treasurer by state treasurer.

County treasurer's settlements with county auditor.

Non-feasance if county treasurer fails to make payment.

Penalty.

Reimbursement of counties for payment of state taxes cancelled in court proceeding.

state auditor shall certify to the legislature, next convening, all such items by counties for reimbursement from the state treasury.

Report of county treasurer to county auditor.

SEC. 98. On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund. He shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with his collection and credits on account of errors and double assessments, should balance his roll accounts as he stands charged. He shall then report the amount of collections on account of interest since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. He shall also at the same time submit to the auditor his collection register, showing all taxes collected by him since the last preceding annual settlement of current and delinquent taxes. The county auditor shall thereupon proceed to compare the stub tax receipts of the treasurer with the treasurer's tax rolls and the collection register submitted to him, and shall note if the tax rolls are properly marked opposite each tract or tax with the date and number of the treasurer's receipt that he gave in discharge of any tax, if same is properly entered to the credit of each tract or tax described in such receipt, and if the description, amount, names and numbers and funds agree. The auditor shall also compare such receipts with the treasurer's cash book or collection register, upon which he is required to post them, and if properly credited to the several funds, and also coincides in all re-

Report of collections, delinquents, errors, etc.

Reports to be verified.

To file collection registers with county auditor.

Checking of registers.

spects with the tax rolls, he shall then test the footings upon the treasurer's collection register to see that no errors have been made or frauds perpetrated. He shall then satisfy himself that the collections of the interest required to be added after taxes have become delinquent have become collected and properly accounted for, and if so to charge the treasurer with the same. If the treasurer's receipts in all respects are correct and true, and the collections fully and properly accounted for on the same, the auditor shall enter the credits and debits upon the treasurer's roll accounts and properly balance the same up to date.

SEC. 99. All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real property upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this act, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which said real property may become charged or liable.

Lien of taxes.

Priority.

SEC. 100. Any person being the owner or having an interest in an estate or claim to real property against which taxes shall have been unpaid may pay the same and satisfy the lien at any time before execution of a deed to said real property. The person or authority who shall collect or receive the same shall give a certificate that such taxes have been so paid to the person or persons entitled to demand such certificate.

Interested person may pay taxes and receive certificate.

SEC. 101. All lots, tracts and parcels of land heretofore sold to counties for delinquent taxes, which taxes are due and remaining unpaid at the date of the approval of this act, or for the collection

Present proceedings: How affected by this act.

of which suit has been instituted, but no judgment ordering such property sold for said taxes has been rendered, as shown by the register of unpaid taxes on file in the offices of the several county treasurers, shall be deemed to be delinquent; and payment of such unpaid taxes, together with interest, costs and expenses, shall be enforced under the provisions of this act.

Occupant  
paying may  
collect  
from  
owner.

SEC. 102. When any tax on real property is paid by or collected of any occupant or tenant, or any other person, which, by agreement or otherwise, ought to have been paid by the owner, lessor or other party in interest, such occupant, tenant or other person may recover by action the amount which such owner, lessor or party in interest ought to have paid, with interest thereon at the rate of ten per cent per annum, or he may retain the same from any rent due or accruing from him to such owner or lessor for real property on which such tax is so paid; and the same shall, until paid, constitute a lien upon such real property.

Interest  
rate.

Lien.

Mortgagee  
may pay  
tax.

SEC. 103. Any person who has a lien by mortgage or otherwise, upon any real property upon which the taxes have not been paid, may pay such taxes and the interest, penalty and costs thereon; and the receipt of the county treasurer shall constitute an additional lien upon such land, to the amount therein stated; and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument shall be collectible with, or as a part of, and in the same manner as the amount secured by the original lien. Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county treasurer, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on

Lien for  
payment  
made.

Payment  
on part of  
tract.

When  
permissible.



which basis the assessment must be divided, and taxes collected accordingly: *Provided*, Where the assessed valuation of the tract to be divided exceeds two thousand dollars, a notice by registered mail must be given to the several owners interested in said tract, if known, and if no protest against said division be filed with the county treasurer within twenty days from date of notice, the county treasurer shall duly accept payment and issue receipt on apportionment as by him made. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Notice to interested owners.

Protest against division.

Appeal to county commissioners.

Payment on undivided interest in realty.

SEC. 104. The taxes assessed upon real property shall be a lien thereon from and including the first day of March in the year in which they are levied until the same are paid, but as between a grantor and grantee such lien shall not attach until the first Monday in February of the succeeding year. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the sheriff as provided in Section 86 of this act, from and after the date of the distraint and no sale or transfer of such personal

Life of lien. Lien between grantor and grantee.

Lien of personalty tax.

Lien follows property.

Personalty  
tax a lien  
upon  
realty.

property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in Section 112 of this act, from and after the date of such selection and charge, and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.

Recent  
arrival to  
notify  
assessor.

SEC. 105. Whenever any person, firm or corporation, shall, subsequent to the first day of March of any year, bring or send into any county from outside the state any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon fifty per cent of such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation bringing into any county of this state from outside the state any goods or merchandise after the first day of March shall be deemed subject to the provisions of this section.

Assessment  
shall be  
made.

Unlawful to  
sell any of  
goods until  
assessor  
notified.

SEC. 106. In case any such owner, consignee or person in charge of such stock of goods and merchandise as is mentioned in the foregoing section, shall fail or neglect to notify the proper assessor, or to pay the said tax as herein required, or shall proceed to sell or dispose of such stock, or any portion thereof, before the payment of the tax levied on account thereof, the owner of such goods or merchandise shall forfeit to the county for the benefit of the taxing districts entitled to said tax, a sum equal to twice the amount of tax assessable as aforesaid on account of such stock. Such forfeiture may be recovered in the same manner as delinquent personal property tax in any court having jurisdiction, to the amount thereof, and in such action the said penalty shall be preferred above all other debts or claims. Any mistake in the name of the owner of the said goods or merchandise shall not affect the right to recover such penalty.

Failure to notify assessor :

Penalty.

Recovery of forfeiture.

Right to recovery not affected by mistake in name of owner.

SEC. 107. If the county treasurer has reason to believe or is informed that any person has given to the county assessor a false statement of his personal property, or that the county assessor has not returned the full amount of personal property required to be listed in his county, or has omitted or made erroneous return of any property which is by law subject to taxation, or if it shall come to his knowledge that there is personal property which has not been listed for taxation for the current year, he shall prepare a record setting out the facts with reference to the same and file such record with the county board of equalization at its meeting on the third Monday in April, and for this purpose it is authorized and empowered to issue compulsory process and to require the attendance of any person having knowledge of the articles or value of the property erroneously or fraudulently returned, and to examine such person on oath in relation to the

If false statement made :

Duty of treasurer.

Erroneous list.

To file record with county board of equalization.

Compulsory process to obtain information.

Notice to  
owner not  
making  
list.

statement or return of assessment, and the board of equalization shall in all such cases notify every such person affected before making a finding, so that such person may have an opportunity of showing that his statement or the return of the assessor is correct.

Treasurer  
to make  
record  
of errors  
in rolls.

The county treasurer shall also make a record, setting forth the facts relating to such manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family, as shall come to his attention after the rolls shall have been turned over to him for collection.

Corrections  
by county  
board of  
equalization.

The county board of equalization shall reconvene on the third Monday in April for the sole purpose of considering such matters as shall appear in the record filed with it by the county treasurer; and shall only correct such matters as set forth in such record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors hereinbefore mentioned. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

Failure to  
collect  
tax.

SEC. 108. If 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, or other cause, the amount of such tax which such property should have

paid shall be added to the tax on such property for the next succeeding year, and if any tax is adjudged void for want of form or manner of procedure on the part of the taxing officers, the county commissioners shall cause such property to be placed on the assessment and tax roll of the current year, to be collected as other taxes of that year are collected: *Provided*, There shall be if necessary a re-listing, re-assessment and a re-levy of the proper tax in the manner and by the person now authorized by law to list property and levy and assess a tax: *Provided, further*, That such re-listing, re-levying and sale shall take place within five years from the date such tax would have been delinquent, had such property been properly listed, assessed and tax levied thereon: *Provided, further*, That if the question is raised in the courts as to the legality of such tax then said five years shall not commence to run until such question is finally determined by such court or courts.

Property to be re-listed.

Must be done within five years.

Tolling of limitation statute.

SEC. 109. Every county auditor, county assessor and county treasurer who in any any case refuses or knowingly neglects to perform any duty enjoined on him by this act, or who consents to or connives at any evasion of its provisions whereby any proceeding herein provided for is prevented or hindered, or whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered on the tax roll at less than its true taxable value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of competent jurisdiction upon the complaint of any citizen who is a taxpayer; and the county attorney shall prosecute such suit to judgment and execution.

Failure of county officers to perform duties:

Penalty.

Counsel fees and expenses to be allowed county officers in civil suit.

SEC. 110. Whenever a civil action is commenced against any person holding the office of county treasurer, county auditor, or any other officer, for performing or attempting to perform any duty authorized or directed by any statute of this state for the collection of the public revenue, such treasurer, auditor or other officer may, in the discretion of the court before whom such action is brought, by an order made by such court and entered in the minutes thereof, be allowed and paid out of the county treasury, reasonable fees of counsel and other expenses for defending such action.

Forms prescribed by the commission.

With advice of attorney general to construe tax code.

SEC. 111. The tax commission shall prescribe the forms of all blanks and books required under the provisions of this act and shall, with the advice of the attorney general, decide all questions that may arise in reference to the true [true] construction or interpretation of this act, or any part thereof, with reference to the powers and duties of taxing district officers, and such decision shall have force and effect until modified or annulled by the judgment or decree of a court of competent jurisdiction.

How personalty tax charged against realty.

SEC. 112. When it becomes necessary, in the opinion of the county treasurer, to charge the tax on personal property against real property, in order that such personal property tax may be collected, such county treasurer shall select for that purpose some particular tract or lots of real property owned by the person owing such personal property tax, and in his tax roll and certificate of delinquency shall designate the particular tract or lots of real property against which such personal property tax is charged, and such real property shall be chargeable therewith. In all proceedings relative to the levy, assessment or collection of taxes, and any entries required to be made by any officer or by the clerk of the court, letters, figures and characters may be used to denote townships, ranges, sections, parts of

Abbreviations.

sections, lots or blocks, or parts thereof, the year or years for which taxes were due, and the amount of taxes, assessments, penalties, interest and costs. Whenever the abbreviation "do." or character "" or any other similar abbreviations or characters shall be used in any such proceedings, they shall be construed and held as meaning and being the same name, word, initial, letters, abbreviations, figure or figures, as the last preceding such "do." and "" or other similar characters.

SEC. 113. On the first business day after the expiration of the eleven months after the taxes charged against any real property are delinquent, the board of county commissioners shall determine whether it will be for the best interest of the county to carry or further carry the delinquent taxes on the books of the county or to permit certificates of delinquency for the same to be sold to any person, and should it be deemed advisable to permit the sale of certificates of delinquency they shall pass a resolution to that effect and publish a copy of the same in the next issue of the official newspaper of the county and on the first day of the month next following, the treasurer shall have the right, and it shall be his duty, upon demand and payment of the taxes and interest, to make out and issue a certificate or certificates of delinquency against such property and such certificate or certificates shall be numbered and have a stub, which shall be a summary of the certificate, and shall contain a statement.

- (1) Description of the property assessed.
- (2) Year or years for which assessed.
- (3) Amount of tax and interest due.
- (4) Name of owner, or reputed owner, if known.
- (5) Rate of interest the certificates shall bear.
- (6) The time when a deed may be had, if not sooner redeemed.

Delinquent  
realty  
taxes.

Sale for  
delinquent  
taxes.

Certificate  
of delin-  
quency.

Contents.

Indemnity  
if certificate  
void.

Interest  
payable.

Certificates  
to be reg-  
istered by  
treasurer.

Redemption  
of certifi-  
cate.

Time of  
foreclosure  
extended.

Delinquency  
certificates  
bear inter-  
est of  
twelve  
per cent.

(7) A guaranty of the county or municipality to which the tax is due that if for any irregularity of the taxing officers this certificate be void, then such county or municipality will repay the holder the sum paid thereon with interest at rate of six per cent per annum from the date of the issuance: *Provided*, That nothing herein contained shall prevent the running of interest during the said period of twelve months from the date of delinquency, at the rate of interest provided by law on delinquent taxes: *Provided, further*, That all certificates of delinquency sold to persons shall be registered by the county treasurer in a book provided for that purpose, in which shall also be recorded the name and address of the purchaser of each certificate of delinquency. Thereafter at any time before the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency issued to a person, the owner of the property may pay to the county treasurer the amount of taxes due for one or more subsequent years, with delinquent interest, if any, to the date of payment, and if the same shall have been paid by the holder of the certificates of delinquency the county treasurer shall forward the amount of payment or payments made by such owner to the holder of the certificate of delinquency at his registered address. The payment of taxes for such subsequent year or years shall thereby extend the time of the foreclosure of the particular certificate of delinquency one year for each subsequent year's taxes so paid.

SEC. 114. Certificates of delinquency shall bear interest from the date of issuance till redeemed, at the rate of twelve per cent per annum, and shall be sold to any person applying therefor, upon the payment of the value in principal and interest thereof: *Provided*, That when, from the failure of the taxing



officers to do or perform any act in listing or assessing property, or in issuing such certificates, the same is declared void and the same is redeemed by the county or municipality issuing the same, such rate of interest shall be six per cent per annum.

Interest if indemnity paid.

Certificates of delinquency shall be prima facie evidence that—

Certificates as evidence.

1. The property described was subject to taxation at the time the same was assessed;
2. The property was assessed as required by law;
3. The taxes or assessments were not paid at any time before the issuance of the certificate;
4. Such certificate shall have the same force and effect as a judgment execution and sale of and against the premises included therein.

SEC. 115. Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of any certificate of delinquency may give notice and summons to the owner of the property described in such certificate that he will apply to the superior court of the county in which such property is situated for a judgment foreclosing the lien against the property mentioned therein. Such notice and summons shall contain—

Foreclosure of certificate.

Procedure.

1. The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof, and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amount.

Summons and contents:

2. A direction to the owner summoning him to appear within sixty days after service of the notice and summons, exclusive of the day of service, and defend the action or pay the amount due, and

when service is made by publication a direction to the owner, summoning him to appear within sixty days after the date of the first publication of the notice and summons, exclusive of the day of said first publication, and defend the action or pay the amount due.

3. A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien of such taxes and costs against the land and premises named.

The notice and summons shall be subscribed by the holder of the certificate of delinquency, or by some one in his behalf, and residing within the state of Washington, and upon whom all process may be served.

Redemption  
by owner.

A copy of said notice and summons shall be delivered to the county treasurer. Thereafter when any owner of real property or person interested therein seeks to redeem as provided in section 119 of this act, the treasurer shall ascertain the amount of costs accrued in foreclosing said certificate and include said costs as a part of the redemption required to be paid.

Service of  
summons.

The notice and summons shall be served in the same manner as a summons in a civil action is served in the superior court.

Duty of  
prosecuting  
attorney.

SEC. 116. The county prosecuting attorney shall furnish to holders of certificates of delinquency, at the expense of the county, forms of applications for judgment and forms of notice and summons when the same are required, and shall prosecute to final judgment all actions brought by holders of certificates under the provisions of this act for the foreclosure of tax liens, when requested so to do by the holder of any certificate of delinquency: *Provided*, said holder has duly paid to the clerk of the court the sum of two dollars for each action brought as per section 130: *Provided, further*, That nothing

Fee payable  
by certifi-  
cate holder.

herein shall be construed to prevent said holder from employing other and additional counsel, or prosecuting said action independent of and without assistance from the prosecuting attorney, if he so desires, but in such cases, no other and further costs or charge whatever shall be allowed than the costs provided in this section and section 130 of this act: *And provided, also,* That in no event shall the county prosecuting attorney collect any fee for the services herein enumerated.

No other costs allowed if additional counsel employed.

No fee payable to prosecuting attorney.

SEC. 117. After the expiration of five years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county, and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county commissioners shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: *Provided,* That notice and summons may be served or notice given exclusively by publication in one general notice, describing the property as the same is described on the tax rolls. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen (15) days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may

Delinquency certificates to county.

Foreclosure by county.

Notice.

One certificate covering all delinquents may issue.

Parties.

Publication of notice.

Publication charges not to exceed that fixed for county printing.

be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made co-defendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice 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 treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls 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, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder. The publication of the notice and summons required by this section shall be made by the county treasurer in the official newspaper of the county: *Provided*, The price charged by any such newspaper for such publication, for the whole number of issues, shall not exceed in any case the price stated in the contract of the county with such newspaper for county printing, and that, if such publication cannot be made in said newspaper at said price, the county treasurer may cause such publication to be made in any other newspaper printed, published and of general circulation in the county, at a cost for the whole number of issues not to exceed in any case the maximum rate for county printing fixed by contract for such year.

SEC. 118. Any person owning an interest in lands or lots upon which judgment is prayed, as pro-

vided in this act, may in person or by agent pay the taxes, interest and costs due thereon to the county treasurer of the county in which the same are situated, at any time before the execution of the deed; and for the amount so paid he shall have a lien on the property liable for taxes, interest and costs for which judgment is prayed; and the person or authority who shall collect or receive the same shall give a receipt for such payment, or issue to such person a certificate showing such payment.

Payment before execution of deed may be made by interested persons.

SEC. 119. Real property upon which certificates of delinquency have been issued under the provisions of this act, may be redeemed at any time before the issuance of tax deed, by payment, in legal money of the United States, to the county treasurer of the proper county, for the benefit of the owner of the certificate of delinquency against said property, of the amount for which same was sold, together with interest at twelve per cent per annum thereon from date of issuance of said certificate of delinquency until paid. The person redeeming such property shall also pay the amount of all taxes, interest and costs accruing after the issuance of such certificate of delinquency, and paid by the holder of said certificate of delinquency or his assignee, together with twelve per cent interest on such payment from the day the same was made. No fee shall be charged for any redemption after the passage of this act. Tenants in common or joint tenants shall be allowed to redeem their individual interest in real property for which certificates of delinquency have been issued under the provisions of this act, in the manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making

Redemption.

Amount payable by redemptioner.

No fee for redemption.

Redemption of property of persons under disability.

the same to be reimbursed by the person benefited. If the real property of any minor, or any insane person, be sold for non-payment of taxes, the same may be redeemed at any time within three (3) years after the issuance of the tax deed upon the terms specified in this section, on the payment of interest at the rate of twelve per cent per annum on the amount for which the same was sold, from and after the date of sale, and in addition the redemptioner shall pay the reasonable value of all improvements made in good faith on the property, less the value of the use thereof, which redemption may be made by themselves or by any person in their behalf.

Charges payable by redemptioner.

Judgment of forfeiture to be examined by court.

SEC. 120. The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as it may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by

Pleadings.

Continuances.

Correction of errors and irregularities.

law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him to proceed to sell said property or so much of each tract or lot as may be necessary for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed

Judgment.

Signing and  
attesting  
of order.

Certified  
copy to  
county  
treasurer.

Treasurer to sell property. Time of sale.

to sell said property as provided in this act. All sales shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon, and shall continue from day to day (Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively by posting notice thereof in three public places in such county, one of which shall be in the office of said treasurer. Said notice shall be substantially in the following form:

Notice.

TAX JUDGMENT SALE.

Form of notice.

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of....., in the state of Washington, and an order of sale duly issued by said court, entered the.....day of....., ....., in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the.....day of....., ....., at .....o'clock....., at the front door of the court house in the city of....., and county of....., state of Washington, sell the following described lands or lots, or so much of each of them as shall be sufficient to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to-wit: (Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this.....day of....., .....

Treasurer of.....county.

State of Washington.

Purchaser.

The person at such sale offering to pay the amount on each tract or lot for the least quantity thereof shall be the purchaser of such quantity, which shall be taken from the easterly side of such tract or lot, and the remainder thereof shall be dis-



charged from the lien, except when said easterly side of such tract or lot abuts upon or is the natural outlet to the public highway; in which event, such quantity shall be taken from the northerly or southerly side of such tract or lot at the option of the purchaser at such sale: *Provided*, That no county officer or employee shall directly or indirectly be a purchaser of such property at such sale. In determining such piece or parcel of such tract or lot, a line is to be drawn northerly and southerly, or easterly and westerly, as the case may be, parallel to the boundary of the tract or lot on the side from which the portion is sold under this proceeding and far enough therefrom to make the requisite quantity. The treasurer may include in one notice any number of separate tracts or lots. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

County officers and employees shall not purchase.

One notice may include several tracts. Deed by county treasurer.

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

This indenture, made this.....day of....., ..... , between....., as treasurer of.....county, State of Washington, party of the first part, and....., party of the second part:

Form of deed.

Witnesseth, that, whereas, at a public sale of real property held on the.....day of....., ..... , pursuant to a real property tax judgment entered in the superior court in the county of.....on the.....day of....., ..... , in proceedings to foreclose tax liens

upon real property and an order of sale duly issued by said court,.....duly purchased in compliance with the laws of the state of Washington, the following described real property, to-wit: (Here place description of real property conveyed) and that said.....has complied with the laws of the state of Washington necessary to entitle (him, her or them) to a deed for said real property.

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 provided, do hereby grant and convey unto....., his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this..... day of....., A. D.....

.....  
*County Treasurer.*

Appeals to supreme court.

SEC. 121. Appeals from the judgment of the court may be taken to the Supreme Court at any time within thirty days after the rendition of said judgment by giving notice thereof orally in open court at the time of the rendition of the judgment, or by giving written notice thereof at any time thereafter, and within thirty days from the date of the rendition of such judgment, and the party taking such appeal shall execute, serve and file a bond payable to the State of Washington, with two or more sureties, to be approved by the court, in an amount to be fixed by the court, conditioned that the appellant shall prosecute his said appeal with effect, and will pay the amount of any taxes, interest and costs which may be finally adjudged against the real property involved in the appeal by any court having jurisdiction of the cause, which bond shall be so

Bond ;

Conditions of.

served and filed at the time of the service of said notice of appeal, and the respondent may, within five days after the service of such bond, object to the sureties thereon, or to the form and substance of such bond, in the court in which the action is pending, and if, upon hearing of such objections to said bond, it is determined by the court that the sureties thereon are insufficient for any reason, or that the bond is defective for any other reason, the court shall direct a new bond to be executed with sureties thereon, to be justified before the court as in bail upon arrest, but no appeal shall be allowed from any judgment for the sale of land or lot for taxes, and no bond given on appeal as herein provided shall operate as a supersedeas, unless the party taking such appeal shall before the time of giving notice of such appeal, and within thirty days herein allowed within which to appeal, deposit with the county treasurer of the county in which the land or lots are situated, an amount of money equal to the amount of the judgment and costs rendered in such cause by the trial court. If, in case of an appeal, the judgment of the lower court shall be affirmed, in whole or in part, the supreme court shall enter judgment for the amount of taxes, interest and costs, with damages not to exceed twenty per cent, and shall order that the amount deposited with the treasurer as aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the Supreme Court shall transmit to the county treasurer of the county in which the land or lots are situated a certified copy of the order of affirmance, and it shall be the duty of such county treasurer upon receiving the same to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of

Supersedeas.

Damages  
if judgment  
affirmed.

Remittitur.

Judgment reversed. Cause remanded. Proceedings. Certificate of county treasurer to county clerk. Credit on judgment. Appeals: one deposit for all. Balance of deposit remitted to appellant. Subsequent taxes to be paid by certificate holder.

the Supreme Court, and to account for the same as collected taxes. If the judgment of the superior court shall be reversed and the cause remanded for a re-hearing, and if, upon a re-hearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, as herein provided, the clerk of such superior court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit such judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein shall be construed as requiring an additional deposit in case of more than one appeal being prosecuted in said proceeding. If, upon a final hearing, judgment shall be refused for the sale of the land or lots for the taxes, penalties, interest and costs, or any part thereof, in said proceedings, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the land or lots in respect to which such deposit shall have been made.

SEC. 122. Every purchaser of a certificate of delinquency shall before applying for judgment, pay all taxes that have accrued on the property included in said certificate since the issuance of said certificate, or any prior taxes that may remain due and unpaid on said property, and any purchaser of delinquent certificates that shall suffer a subsequent tax to become delinquent and a subsequent certificate of delinquency to issue on the same property in-

cluded in his certificate, such first purchaser shall forfeit his rights thereunder to the subsequent purchaser, and such subsequent purchaser shall at the time of his obtaining his certificate redeem said first certificate of delinquency outstanding by depositing with the county treasurer the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of delinquency and draw interest at the rate of twelve per cent per annum from the date of payment. Said holder of a certificate of delinquency permitting a subsequent certificate to issue on the same property, shall, on notice from the county treasurer, surrender said certificate of delinquency on payment to him of the redemption money paid by the subsequent purchaser: *Provided*, That this section shall not apply to counties or municipalities.

Rights forfeited to subsequent certificate purchaser.

Counties and municipalities excepted.

SEC. 123. The books and records belonging to the office of county treasurer, certified by said treasurer, shall be deemed *prima facie* evidence to prove the issuance of any certificate, the sale of any land or lot for taxes, the redemption of the same or payment of taxes thereon. The county treasurer shall, at the expiration of his term of office, pay over to his successor in office all moneys in his hands received for redemption from sale for taxes on real property.

Copies of treasurer's records as evidence.

SEC. 124. Whenever it shall be made to appear to the satisfaction of a county treasurer that any tract or lot was sold which was not subject to be taxed or upon which taxes have been paid previous to the sale, he shall make an entry opposite to such tracts or lots in the sale or redemption record that the same was erroneously sold, and such entry shall be *prima facie* evidence of the fact therein stated.

Erroneous sales.

SEC. 125. The receipt of the redemption money

Land released by payment of redemption money to treasurer.

of any tract or lot by any purchaser, or by the county treasurer for the benefit of such purchaser or the return of the certificate of delinquency for cancellation, shall operate as a release of all the claims to said tract under or by virtue of the issuance of said certificate of delinquency, and the county treasurer, upon the receipt of any such redemption money, shall immediately endorse upon the proper records the fact that such taxes, interest and costs have been paid and the property therein described redeemed by said payment, and shall deliver to the person redeeming the same a certificate of redemption therefor.

Payments for publication are costs.

SEC. 126. In case any person shall be compelled to publish a notice in a newspaper under the provisions of this act, then, before any person who may have a right to redeem lands or lots from sale shall be permitted to redeem, he shall pay to the officer who by law is authorized to receive such redemption money the amount paid for publishing such notice for the use of the person compelled to publish such notice, as aforesaid, the fee for such publication.

Deeds by county treasurer as evidence.

SEC. 127. Deeds executed by the county treasurer, as aforesaid, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs and assigns, to the real property thereby conveyed of the following facts: First, that the real property conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law; second, that the taxes were not paid at any time before the issuance of deed; third, that the real property conveyed had not been redeemed from the sale at the date of the deed; fourth, that the real property was sold for taxes, interest and costs, as stated in the deed; fifth, that the grantee in the deed was the purchaser, or assignee of the purchaser; sixth, that the sale was conducted in the

manner required by law. And any judgment for the deed to real property sold for delinquent taxes rendered after the passage of this act, except as otherwise provided in this section, shall estop all parties from raising any objections thereto, or to a tax title based thereon, which existed at or before the rendition of such judgment, and could have been presented as a defense to the application for such judgment in the court wherein the same was rendered, and as to all such questions the judgment itself shall be conclusive evidence of its regularity and validity in all collateral proceedings, except in cases where the tax has been paid, or the real property was not liable to the tax.

Judgment  
and deed as  
estoppel.

Conclusive-  
ness of  
judgment.

SEC. 128. Whenever it shall be necessary in any action in any court of law or equity, wherein the title to any real property is in controversy, to prove the conveyance to any county of such real property in pursuance of a foreclosure of a tax certificate and sale thereunder, a copy of the tax deed issued to the county containing a description of such real property, exclusive of the description of all other real property therein described, certified by the county auditor of the county wherein the real property is situated, to be such, shall be admitted in evidence by the court, and shall be proof of the conveyance of the real property in controversy to such county, to the same extent as would a certified copy of the entire record of such tax deed.

Certified  
copy of  
tax deed  
to county  
as evidence.

SEC. 129. All lots, tracts and parcels of land upon which taxes levied prior to the taking effect of this act remain due and unpaid at the date when such taxes would have become delinquent as provided in the act under which they were levied shall be deemed to be delinquent under the provisions of this act, and the same proceedings may be had to enforce the payment of such unpaid [unpaid] taxes, with interest and costs, and payment enforced and liens

When taxes  
deemed  
delinquent.

Foreclosure.

foreclosed under and by virtue of the provisions of this act. For the purposes of foreclosure under this act, the date of delinquency shall be construed to mean the date when the taxes first became delinquent. At all sales of property for which certificates of delinquency are held by the county, if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, interest and costs due thereon, and where no bidder appears, acquire title thereto as absolutely as if purchased by an individual under the provisions of this act; all bidders except the county at sales of property for which certificates of delinquency are held by the county shall pay the full amount of taxes, interests and costs for which judgment is rendered, together with all taxes, interests and costs for all subsequent years due on said property at the date of sale.

County a bidder and acquires title if no other bidders appear.

County a certificate holder.

Bidders to pay all costs and taxes to date.

Fees of officers.

SEC. 130. 1. The treasurer shall upon the issuance of a certificate of delinquency collect fifty cents. 2. For making a deed, to include not more than ten tracts or lots, including all services rendered, including sales and posting notices, three dollars. 3. The clerk of the court shall upon filing application for judgment and for all services rendered to and including judgments, collect two dollars. 4. The clerk of the court shall collect from each contestant at time of filing such contest, five dollars.

Property deeded to county exempt from taxation.

SEC. 131. All property deeded to the county under the provisions of this act shall be stricken from the tax rolls as county property and exempt from taxation and shall not be again assessed or taxed while the property of the county.

Disposition of proceeds from sale.

SEC. 132. No claims shall ever be allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this act, but all



taxes shall at the time of deeding said property be thereby cancelled: *Provided*, That the proceeds of any sale of any property acquired by the county by tax deed shall be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

Proceeds from sale to county apportionment.

SEC. 133. Real property hereafter or heretofore acquired by the several counties of the state 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 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 a notice of the sale of such property in a weekly newspaper printed and published in the county where the land is situated for three consecutive publications: *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, 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 for cash to the highest and best bidder at such sale, and sales to be made

Real property acquired by counties for taxes subject to sale.

Procedure for sale.

Notice.

Sales for cash.

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.

Deed to purchaser.

SEC. 134. The county treasurer shall 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.

State of Washington }  
County of } ss.

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.

Form.

Witnesseth, That whereas, at a public sale of real property, held on the.....day of....., A. D. 19....., pursuant to an order of the board of county commissioners of the County of....., State of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale, and, whereas, in pursuance of said order of the said board of county commissioners, and of the laws of the state of Washington, and for and in consideration of the sum of.....dollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this day sold to..... the following described real property, and which said real property is the property of..... county, and which is particularly described as follows, to-wit: ....., the said .....being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale:

Now, therefore, know ye that I,.....,  
 county treasurer of said county of.....,  
 State of Washington, in consideration of the  
 premises and by virtue of the statutes of the State  
 of Washington, in such cases made and provided,  
 do hereby grant and convey unto.....,  
 .....heirs and assigns, forever, the said real prop-  
 erty 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.*

SEC. 135. If any property owner shall pay taxes  
 on the property of another by mistake of any kind,  
 and the owner of such property fails or refuses, after  
 thirty days' demand, to reimburse such payer before  
 the date on which the delinquency certificates are  
 issued, as provided in this act, the payer, or his  
 assignee, may surrender the tax receipt given for  
 such tax payment to the county treasurer and take  
 a certificate of delinquency in lieu thereof, on pay-  
 ment of the accrued interest thereon.

Taxes paid  
 by mistake.

Remedy.

SEC. 136. Certificates of delinquency issued to  
 counties shall be assignable to individuals by the  
 county treasurer on demand and payment of the full  
 amount due thereon, and said assignee shall have the  
 same rights and proceed in the same manner as if  
 said certificate had been originally issued to him.

Assignment  
 of certifi-  
 cates issued  
 to county.

SEC. 137. Certificates of delinquency shall be  
 assignable in law, and an assignment thereof shall  
 vest in the assignee or his legal representatives all  
 the right and title of the original purchaser.

Certificates  
 assignable  
 by any  
 owner.

SEC. 138. The acts and parts of acts relating to  
 taxation and the assessment, levy and collection of  
 taxes, enumerated in the following schedule, are  
 hereby repealed.

Acts  
 repealed.

## SCHEDULE.

Chapters 219 to 228, both inclusive, the same being Sections 2829 to 2969, both inclusive, of the Code of Washington Territory of 1881;

An act entitled "An act to amend Sections 2829, 2830, 2831, 2848, 2861, 2869, 2872, 2873, 2877, 2880, 2881, 2894, 2901, 2902, 2915, 2916, 2941, 2945, 2947, 2948, 2958 and 2962, of the Code of Washington Territory, relating to the revenue," approved February 4, 1886, Laws of Washington Territory, 1885-6, pp. 47-53;

An act entitled "An act to amend sections 2930 and 2931 of the Code of Washington Territory, in relation to the redemption of lands sold for taxes," approved January 9, 1886, Laws of Washington Territory, 1885-6, pp. 90-91;

An act entitled "An act to amend Section 2934 of Chapter 226 of the Code of Washington Territory, relating to conveyance of real estate sold for taxes," approved February 3, 1886, Laws of Washington Territory, 1885-6, pp. 92-93;

An act entitled "An act to amend Sections 2924, 2933, 2934 of the Code of Washington Territory," approved February 4, 1886, Laws of Washington Territory, 1885-6, pp. 93-94;

An act entitled "An act to provide for the assessment and taxation of migratory stock," approved January 29, 1886, Laws of Washington Territory, 1885-6, pp. 94-95;

Chapter CVI (106) of the Laws of Washington Territory, 1887-8, p. 192;

Chapter CVII (107) of the Laws of Washington Territory, 1887-8, pp. 194-195;

Chapter CXXV (125) of the Laws of Washington Territory, 1887-8, pp. 220-221;

Chapter XVIII (18), Laws of 1889-90, pp. 530-592;

Chapter CXL (140), Laws of 1891, pp. 280-326;

Chapter CXXIV (124), Laws of 1893, pp. 323-385;

Chapter LXI (61), Laws of 1895, pp. 105-106;

Chapter CLXXVI (176), Laws of 1895, pp. 508-525;

Chapter LXXI (71), Laws of 1897, pp. 136-193;

Chapter XXXII (32), Laws of 1899, pp. 43-44;

Chapter CXLI (141), Laws of 1899, pp. 285-305;

Chapter LXXIX (79), Laws of 1901, pp. 167-168;

Chapter CXXIV (124), Laws of 1901, pp. 265-266;

Chapter CXXXIII (133), Laws of 1901, pp. 273-278;

Chapter CLXXVI (176), Laws of 1901, pp. 367-369;

Chapter CLXXVIII (178), Laws of 1901, pp. 383-387;

Chapter II (2), Laws of Extraordinary Session of 1901, pp. 3-5;

Chapter 59, Laws of 1903, pp. 73-78;

Chapter 83, Laws of 1903, p. 123;

Chapter 164, Laws of 1903, p. 338;

Chapter 165, Laws of 1903, p. 339;

Chapter 178, Laws of 1903, pp. 379-381;

Chapter 181, Laws of 1903, pp. 384-385;

Chapter 183, Laws of 1903, pp. 388-389;

Chapter 128, Laws of 1905, pp. 243-244;

Chapter 136, Laws of 1905, p. 252;

Chapter 143, Laws of 1905, p. 266;

Chapter 29, Laws of 1907, p. 32;

Chapter 46, Laws of 1907, p. 61;

Chapter 48, Laws of 1907, pp. 69-70;

Chapter 78, Laws of 1907, pp. 132-140;

Chapter 108, Laws of 1907, p. 206;

Chapter 129, Laws of 1907, pp. 239-241;

Chapter 131, Laws of 1907, pp. 243-252;

Chapter 206, Laws of 1907, pp. 453-454;

Chapter 215, Laws of 1907, pp. 496-498;

Chapter 163, Laws of 1909, pp. 620-624;  
 Chapter 230, Laws of 1909, pp. 818-820;  
 Chapter 21, Laws of 1911, pp. 62;  
 Chapter 24, Laws of 1911, pp. 90-92;  
 Chapter 112, Laws of 1913, p. 346;  
 Chapter 117, Laws of 1913, pp. 351-353;  
 Chapter 140, Laws of 1913, pp. 438-439;  
 Chapter 7, Laws of 1915, pp. 20-21;  
 Chapter 122, Laws of 1915, pp. 343-347;  
 Chapter 131, Laws of 1915, pp. 358-360;  
 Chapter 137, Laws of 1915, pp. 370-372;  
 Chapter 146, Laws of 1915, pp. 403-404;  
 Chapter 25, Laws of 1917, pp. 73-74;  
 Chapter 26, Laws of 1917, pp. 74-75;  
 Chapter 55, Laws of 1917, pp. 211-212;  
 Chapter 113, Laws of 1917, pp. 417-418;  
 Chapter 142, Laws of 1917, pp. 582-587;  
 Chapter 87, Laws of 1919, pp. 202-203;  
 Sec. 4 of Chapter 142, Laws of 1919, p. 393;  
 Chapter 3, Laws of Extraordinary Session of  
 1920, pp. 16-18;  
 Chapter 60, Laws of 1921, pp. 178-179;  
 Chapter 117, Laws of 1921, p. 377;  
 Chapter 124, Laws of 1921, pp. 401-406;  
 Chapter 84, Laws of 1923, pp. 247-250;  
 Chapter 31, Laws of 1925, pp. 70-73;

The following sections of Remington & Bal-  
 linger's Annotated Codes and Statutes of Wash-  
 ington (A. D. 1909), and of Remington's Codes and  
 Statutes of Washington (A. D. 1915); 9091 to 9152,  
 both inclusive; 9169 to 9181, both inclusive; 9200 to  
 9207, both inclusive; 9212 to 9273, both inclusive;  
 9277 to 9279, both inclusive; also the following sec-  
 tions of Remington's Codes and Statutes of Wash-  
 ington (A. D. 1915); 9099-1, 9099-2, 9222-1, 9223-a,  
 9223-1, 9223-2, 9238-1;

The following sections of Remington's Compiled  
 Statutes of Washington: 11097 to 11171, both inclu-

R. & B.  
 1909 Code;  
 Rem. 1915  
 Code.

Rem. Comp.  
 Stat.

sive; 11188 to 11200, both inclusive; 11219 to 11225, both inclusive; 11234 to 11241, both inclusive; 11252 to 11311, both inclusive; and 11315 to 11317, both inclusive;

Rem. Comp. Stat.

And the following sections of Pierce's Washington Code (1919); 6883 to 6934, both inclusive; 6936 to 6962, both inclusive; 6963 to 7023, both inclusive; 7069 to 7080, both inclusive; and 7089 to 7099, both inclusive:

Pierce's Code.

*Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of any of said acts, or parts of acts, or the validity of any act done or proceeding had under and by virtue of any of said acts, or parts of acts, or as affecting any assessments or levies heretofore made under and by virtue of any of said acts, or parts of acts, or as affecting any proceeding instituted under any of said acts, or parts of acts, or as affecting the validity of any certificate of delinquency, tax deed or other instrument issued under any of said acts, or parts of acts, but all proceedings for the assessment or levy or collection of any tax, remaining incomplete at the time of the taking effect of this act, may be completed pursuant to the provisions of this act, and all things required by any of said acts, or parts of acts, to be done within any specified time, which time has begun to run at the time of the taking effect of this act, shall be done within such specified time unless such time is expressly extended by the provisions of this act, and the provisions of this act, so far as the same shall be applicable, shall apply to redemptions from sales made for taxes previous to the taking effect of this act, and the mode of giving notice and issuing deeds upon certificates of sales made for taxes: *Provided, further*, That the repeal hereby of any act which amended or repealed any former act, or part thereof,

Existing rights protected.

Completion under this act of proceedings commenced.

Former acts not revived.

shall not operate to revive such former act or part thereof so amended or repealed.

Emergency.

SEC. 139. 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 December 31, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 9, 1926.

## CHAPTER 131.

[S. B. 115.]

### PRIVATE OCCUPANCY OF RIGHTS OF WAY OF STATE HIGHWAYS.

AN ACT providing against private occupancy of rights of way of state highways, declaring such occupancy unlawful and providing penalty and for confiscation of encroaching property, prescribing court procedure to remove and dispose of such property or for redelivery thereof and declaring an emergency.

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

Resolution by highway committee to free right of way of obstructions.

SECTION 1. Whenever the state highway committee of the state of Washington shall by resolution specify that it is necessary in the opinion of such committee for the convenience and safety of public travel and use of any state highway to have the full width of right of way of any such highway or of any portion of such highway free from any and all obstructions, encroachments and occupancy, other than pole lines, pipe lines or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise, and shall cause to be posted on any structure, building, improvement or other means of occupancy of any of the right of way of such highway or portion thereof within ten days after the date of such posting, exclusive of the date of posting, such obstructions,

Exceptions.

Notice to remove.



encroachments and means of occupancy, any such structure, building, improvement or other means of occupancy of any of the right of way of said highway not removed within such time shall become thereby and be an unlawful property and may be confiscated, removed and sold or destroyed by the state of Washington without any right in anyone to make any claim therefor, either by reason of the removal thereof or the sale or destruction thereof or otherwise. And any person who shall keep or maintain or occupy any such unlawful structure shall be guilty of a misdemeanor.

Confiscation and sale of encroachments.

Penalty for obstructing right of way.

SEC. 2. Whenever the state highway committee shall adopt a resolution as provided for by section 1 of this act, the state highway engineer shall forthwith cause to be posted by a competent person over twenty-one years of age upon any and all structures, buildings, improvements or other means of occupancy of such highway or portion thereof other than by poles, pipe lines or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise a notice, with a copy of such resolution attached and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting the same, and shall require the filing with him of duplicate affidavits in proof of such postings, showing upon what structures, buildings, improvements or other means of occupancy of such highway or portion thereof respectively copies of such notice were posted and the date of each such posting.

Duty of state highway engineer.

Posting notice to vacate.

SEC. 3. In case the property or any thereof described in such notice is not removed from such right of way within ten days after the date of such posting, exclusive of the date of posting, all such property upon the right of way of said highway or

Failure to remove.

Property becomes unlawful.

Attorney general to commence proceedings for removal.

portion thereof shall thereupon become unlawful and in case the state highway committee shall request the attorney general of the state to commence proceedings for the removal thereof by court action under the provisions of this act, the state highway engineer shall thereupon deliver to the attorney general two certified copies of such resolution together with two copies of such notice and affidavits in proof of posting thereof and duplicate copies of a certificate by said state highway engineer describing with reasonable certainty and with due reference to center line stationing of said highway and to proper legal subdivisional points, each structure, building, improvement, encroachment or other means of occupancy, other than pole lines, pipe lines or other structures maintained for public and quasi-public utilities, on the state highway or portion thereof specified in such resolution and remaining upon such right of way unlawfully as aforesaid. Thereupon the attorney general shall commence an action *in rem* for the purpose of removal of all such property so certified, in the superior court of the county in which such state highway or portion thereof is situated, entitled and in the name of the state of Washington as plaintiff and describing each such unlawful structure, building, improvement, encroachment or other means of occupancy as defendants.

Action in superior court.

Petition filed by attorney general.

SEC. 4. The attorney general shall file with the clerk of court and present to such superior court a petition in which the property unlawfully remaining upon the right of way of such highway or portion thereof shall be described with reasonable certainty by reference to the certificate of the state highway engineer, which certificate together with a certified copy of the resolution of the state highway committee as above prescribed shall be attached to and filed with said petition, and praying that order be entered for the removal from the right of way of

Contents.

such highway or portion thereof of all property unlawfully thereon and the disposal thereof as prescribed by this act.

SEC. 5. It shall not be necessary to issue summons or other notice for any personal service upon any person, firm, association or corporation claiming any such property or any interest therein, but instead notice shall be given by publication of notice once a week for two successive weeks in a newspaper printed, published and of general circulation then and for more than six months prior thereto in the county in which such action is commenced, which notice shall briefly state the objects of the petition and contain a description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the state highway or any portion thereof described in the petition and shall also state the time and place when and where the same will be presented to the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of such hearing upon each structure, building, improvement, encroachment or other means of occupancy of such highway or portion thereof described in such notice. Such notice shall be signed by the attorney general of the state of Washington, and may be posted by any competent person more than twenty-one years of age. Due proof of posting by affidavit of the person posting the same, and due proof of publication by affidavit of publication as required by law, shall be filed with the clerk of such superior court before or at the time of presentation of such petition. Want of posting of such notice upon, or failure to describe in the published notice, any such structure, building, improvement or other encroachment or means of occupancy of any such highway or portion thereof shall render subsequent proceedings void as to any such property not posted

Personal service of summons not required.

Notice by publication.

Posting notice on obstructions.

Notice to be signed by attorney general.

Proof of posting.

Want of posting voids proceedings.

or described but all others described in such publication and posting as above prescribed shall be bound by the subsequent proceedings.

Continuance.

May order  
new or  
further  
notice.

SEC. 6. The court may, for reasonable cause shown, on the application of the attorney general or otherwise, adjourn the proceedings from time to time, and may order new or further notice to be given if deemed requisite.

Hearing.

Highway  
committee's  
resolution  
as evidence.

SEC. 7. At the time and place appointed for hearing said petition, if the court or judge thereof shall have satisfactory proof and shall find that due notice has been given by posting and publication as above prescribed and that the act of the state highway committee in passing the resolution above described was free from bad faith, arbitrary, capricious or fraudulent action, of which fact and of the passage of such resolution the certified copy of such resolution attached to such petition shall be *prima facie* evidence, and shall be further satisfied and shall find that the highway or portion thereof described in such petition is legally a state highway having the width of right of way specified in such resolution, of which facts the certified copy of such resolution shall be *prima facie* evidence, and that the structures, buildings, improvements or other means of occupancy of such highway or portion thereof as stated in the certificate of the state highway engineer attached to such petition, do in fact encroach, or that any thereof encroach, upon such highway right of way, of which fact of encroachment said certificate shall be *prima facie* evidence, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements and other means of occupancy specified in such order is unlawfully maintained within the right of way and is subject to confiscation and sale and that the same be forthwith confiscated, removed from such right of way and

Court order  
of unlawful  
occupancy.

Property  
subject to  
confiscation  
and sale.

sold, and providing that six days after the entry of such order a writ shall issue out of said court directed to the sheriff of such county commanding such sheriff to seize and remove from the right of way of said highway each such structure, building, improvement or other means of occupancy specified in such order forthwith on receipt of writ based on said order and to take and hold the same in his custody for a period of ten days unless sooner redelivered as hereinafter provided for and if not then so redelivered to sell the same to the highest and best bidder for cash at public auction in the manner provided by law for sale of personal property under execution, and to make return of such writ together with notation of costs of removal, custody and sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of such writ, and further in said order providing that the proceeds of such sales after payment of the costs taxed in such action, including the costs of posting original notices of the state highway engineer and the costs of posting and publishing notices of hearing as part thereof, be paid by the clerk into the general fund of such county. Such order shall be filed with the clerk of such court and recorded in the minutes of said court and shall be final unless review thereof to the supreme court of the state to be taken within five days after the filing thereof.

Sheriff to take property.

Public sale of property.

Sheriff's return.

Order for disposition of proceeds of sale.

Subject to court review.

SEC. 8. Six days after filing of the order above provided for, if no review thereof be taken to the supreme court of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make return thereof as provided for such writ by said order. And on receipt of such writ it shall be the duty of such sheriff to obey the command

Duty of sheriff.

thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. And if by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when if not sold the same may on order of court be destroyed.

Property unsold or of no value to be destroyed.

May offer property second time for sale.

Owner's demand for possession.

SEC. 9. At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such highway any person, firm, association or corporation claiming ownership or right to possession of any such property may have the right to demand and to receive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to such sheriff, or which value shall be raised to a value satisfactory to said sheriff, shall be endorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and delivering to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and

Delivery to owner.

Bond.

Claimant to prove property and pay all costs.

the state of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the highway in question.

Sheriff and state not liable for any claims.

SEC. 10. The sureties on such bond shall justify as in other cases if the sheriff require it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the bail to justify, he shall stand good for their sufficiency. He shall date and endorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be plaintiff and the sheriff and the state of Washington defendants.

Sureties to justify as in other cases.

Acceptance of bond.

Hearing.

SEC. 11. If the claimant makes good such claimant's title to or right to possession of the property, upon payment into the registry of the clerk of the cost of service or posting of original notice issued by the state highway engineer with respect to such property, the cost of posting notice of hearing in such court on the petition of the attorney general and such proportion of the cost of publication of such notice as the court may fix and direct to be entered and the clerk's fees of filing such affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring such property to such claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the same and making return thereon, and continuing the effect of such bond for a period of six years thereafter for the benefit of such adverse claimants to said property, if any, as may thereafter make claim to such

Claimant's title established.

Costs to be paid.

No confirmation of title.

Bond continued six years.

Claimant fails to establish.

property. If such claimant shall not make good such claim of title to or right to possession of such property, judgment shall be rendered against such claimant and the sureties of such claimant for the value of such property as finally shown by the affidavit as above provided for, together with such fees for filing such affidavit and bond as a separate [separate] action and for entry of judgment therein and the other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from necessity of selling such property or making return thereon.

Costs and fees payable.

Emergency.

SEC. 12. An emergency exists making the provisions of this act necessary for the immediate support of state government and its existing institutions and this act shall take effect immediately.

Passed the Senate December 2, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 12, 1926.

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## CHAPTER 132.

[S. B. 101.]

### JUDGES OF THE SUPERIOR COURT FOR THE COUNTIES OF COWLITZ, SKAMANIA AND KLICKITAT.

AN ACT relating to the superior court of the counties of Cowlitz, Skamania and Klickitat and the appointment and election of judges therein, and providing that this act shall take effect immediately.

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

Two judges authorized.

SECTION 1. From and after the taking effect of this act there shall be two judges of the superior court of the state of Washington in and for the counties of Cowlitz, Skamania and Klickitat.

Additional Judge; appointment.

SEC. 2. Upon the taking effect of this act the governor shall appoint one additional judge of said



superior court, who shall hold office until the next general election to be held in the state of Washington, and until his successor is elected and qualified.

SEC. 3. At the general election to be held in the year 1926 there shall be elected in said counties of Cowlitz, Skamania and Klickitat one superior judge who shall hold his office until the second Monday in January, 1929, and until his successor is elected and qualified.

Election.

SEC. 4. At the general election to be held in the year 1928 there shall be elected two superior judges for the counties of Cowlitz, Skamania and Klickitat whose terms of office shall be for four years from the second Monday in January, 1929, and every four years thereafter there shall be two superior judges elected for said counties.

Election of two judges; term.

SEC. 5. This act is necessary for the immediate preservation of the public health and safety and the support of the state government and its existing public institutions and shall take effect immediately.

Emergency.

Passed the Senate December 10, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 12, 1926.

## CHAPTER 133.

[S. B. 42.]

## RELATING TO ADMISSION TO AND RETENTION IN STATE HOSPITALS FOR THE INSANE.

AN ACT relating to and prescribing the procedure, terms and conditions for admission or commitment to and/or retention in state hospitals for the insane, providing for certain charges to be paid by persons and counties for the care and maintenance of insane persons and amending Section 6930 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6930 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Section 6930. The superior court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summon to appear at the same time and place two or more witnesses, who shall testify, under oath, as to conversations, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the time and place, two reputable physicians, before whom the judge shall examine the charge, unless the accused, or anyone in his or her behalf, shall demand a jury to decide upon the question of insanity. If such demand be made, the trial shall be by jury. If no jury is demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms, the said insane person would be

§ 2827,  
Pierce's  
Code.

Application  
for com-  
mitment.

Hearing.

Trial by  
jury.

Examination  
by  
physicians.

Certificate of  
physicians.

dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large, or if the trial has been by jury, and the accused declared insane by said jury, and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to a hospital for the insane, upon the following conditions; namely, that at the time of and as a part of such proceedings, the court shall summon the guardian, if any, of such alleged insane person, also the relatives of such alleged insane person, to-wit: husband or wife, parents, children or other interested persons to appear in court. If there is no guardian for such alleged insane person, the court shall appoint such guardian. Such persons shall be examined as witnesses under oath for the purpose of determining the financial ability of said insane person, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the hospital for the insane to which he may be committed. Findings of fact shall be made relative to the financial ability to pay such costs as above set out and a judgment entered therein against the proper party or estate so found responsible. Every insane person, his estate or relatives, as above set

Ordered to hospital.

Guardian, relatives and interested persons examined.

Financial ability of insane person.

Hospital expenses to be paid by patient or relatives.

forth, found to have the financial ability to pay the expenses above enumerated, shall pay therefor the sum of \$4.50 per week during the time such insane person is committed to a state hospital for the insane and as directed by order of the court, and in addition thereto shall pay the cost of transportation of such insane person and all court costs. The charge of \$4.50 shall be made to apply in all cases from the day the insane person is received at the institution. Remittance therefor shall be made to the Director of Business Control in advance on the first day of each calendar month during the time the insane person remains committed. Pending such trial and before judgment, the court may make such disposition of such alleged insane person as may seem proper. When such patient is received at the hospital for the insane to which he is committed, he shall be forthwith examined by the superintendent thereof, who shall determine whether or not such insane person is violently insane and dangerous to life and property, and shall thereupon notify the county commissioners of the county from which such person was committed, and the Director of Business Control, of the results of such examination. If the court finds that such insane person or his estate or relatives have not the financial ability to pay said sum, and the superintendent of such hospital shall determine that such insane person is violently insane and dangerous to life and property, the charges and costs referred to in this section shall be borne by the State of Washington. If, however, the court finds that the insane person or his estate or relatives have not the financial ability to pay said charges and costs, and the superintendent of such insane hospital shall determine that such insane person is not violently insane and dangerous to life and property, such charges and costs above referred to shall be paid by the county from which the commitment is made. The relatives of such insane person shall be

Amount fixed.

Examination on arrival at hospital.

County commissioners to be notified.

When state to pay.

When county to pay.

liable for the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the following order: first, husband or wife; second, parents; third, children.

Order in which relatives are liable.

Passed the Senate December 17, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 12, 1926.

CHAPTER 134.

[S. B. 62.]

CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF WASHINGTON TO BE TAUGHT IN THE SCHOOLS OF THIS STATE.

AN ACT relating to the teaching of the Constitution of the United States and the Constitution of the State of Washington in the schools of this state and prescribing duties for the State Board of Education.

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

SECTION 1. Loyalty and patriotism being necessary to the security and perpetuity of free government and a knowledge of the fundamental law being a chief source of such loyalty and patriotism, the study of the Constitution of the United States and the Constitution of the state of Washington shall after January 1, 1927 be a condition pre-requisite to graduation from the common and high schools of this state and from all private and denominational and other schools whose work is accepted in lieu of the work of the schools under public and state management.

Study of constitution of U. S. and state pre-requisite to graduation.

All schools included.

SEC. 2. The State Board of Education shall have the power, and it is hereby made its duty, to provide by appropriate rules and regulations for the carrying into effect of the provisions of this act.

Rules to be prescribed by state board of education.

Passed the Senate December 22, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 12, 1926.

## CHAPTER 135.

[S. B. 19.]

## SALES IN BULK.

AN ACT relating to and regulating the purchase, sale and transfer of stocks of goods, wares, and merchandise, and fixtures and equipment in bulk, providing penalties for violations thereof, and repealing certain acts in relation thereto.

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

A sale and transfer in bulk defined.

SECTION 1. Any sale, exchange or transfer, or attempted sale, exchange or transfer, of all or substantially all of any stock of goods, wares or merchandise, and/or all or substantially all of the fixtures and equipment used in and about the business of a vendor engaged in the business of buying and selling and dealing in goods, wares or merchandise, of any kind or description, made out of the usual and ordinary course of business of the vendor, or the sale, exchange or transfer, or attempted sale, exchange or transfer of substantially the entire business of buying, selling and dealing in goods, wares or merchandise conducted by the vendor, or the sale, exchange or transfer, or attempted sale, exchange or transfer, of the interest of the vendor in any such business, shall be deemed a sale and transfer in bulk, in contemplation of this act: *Provided*, That nothing contained in this act shall apply to sales or transfers of property by executors, administrators, receivers, or public officers acting under judicial process.

Exception.

Duty of buyer and seller.

SEC. 2. It shall be the duty of every person who shall bargain for or purchase all or substantially all of any stock of goods, wares or merchandise, and/or all or substantially all of the fixtures and equipment used in and about the business carried on by the vendor, in bulk, for cash or on credit, before paying

the vendor, or his agent or representative, or delivering to the vendor, or his agent, any of the purchase price thereof, or any promissory note or other evidence of indebtedness therefor, to demand of and receive from such vendor, or his agent, or, if the vendor or agent be a corporation, then from the president, vice-president, secretary, treasurer, or managing agent of such corporation, a statement in writing, sworn to substantially as hereinafter provided, giving the names and addresses of all of the creditors of the vendor, to whom the vendor may be indebted, for or on account of any goods, wares or merchandise, and/or fixtures and equipment, used in and about the business of the vendor, purchased upon credit, or for or on account of money borrowed to carry on the business of the vendor, of which the goods, wares and merchandise, and/or fixtures and equipment, bargained for or purchased, are a part, together with the amount of indebtedness due and owing and to become due and owing, by the vendor, to each of said creditors; and it shall be the duty of said vendor, or agent, to furnish such statement, which shall be verified under oath, to the following effect:

Vendor to give list of creditors and liabilities.

Statement under oath.

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

....., being first duly sworn, on oath says: I am the vendor (or the agent of .....), the vendor, or the officer, naming him, of the corporation vendor, as the case may be) of that certain stock of goods, wares and merchandise, and/or fixtures and equipment, situated at No....., .....Street, in the city (or town) of....., county of....., state of Washington, this day bargained to be sold to....., the vendee; that the foregoing statement contains the names of all of the creditors of said....., the vendor, to whom the

Form of affidavit.

vendor is indebted, for or on account of any goods, wares or merchandise, and/or fixtures and equipment, used in and about the business of the vendor, purchased upon credit, or for or on account of money borrowed to carry on the business of the vendor, of which the goods, wares and merchandise, and/or fixtures and equipment, bargained for or purchased, are a part, together with their addresses, and that the amounts set opposite the names of said creditors are the correct amounts now due and owing and which shall become due and owing by said....., the vendor, to such creditors respectively; that there are no creditors holding claims for or on account of any goods, wares or merchandise, and/or fixtures and equipment, so purchased upon credit, or for or on account of money so borrowed, to carry on the business of the vendor, due or to become due from said vendor, other than as set forth in said statement; and that the matters set forth in said statement and in this affidavit are within my personal knowledge.

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

.....  
(Title of officer taking oath.)

Copy of statements to be filed with and recorded by county auditor.

The verified statements above provided for shall be made in duplicate and the vendee shall file one of such statements in the office of the county auditor of the county in which the stock and/or fixtures proposed to be purchased are situated, at least five days before the consummation of such purchase and the same shall be indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

SEC. 3. Whenever any person shall bargain for, or purchase, all or substantially all of any



stock of goods, wares or merchandise, and/or all or substantially all of the fixtures and equipment used in and about the business of the vendor, in bulk, for cash or credit, and shall pay any part of the purchase price, or execute or deliver to the vendor thereof, or to his order, or to any person for his use, any promissory note or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from said vendor or from his agent, the statement provided for in section 2 of this act, verified as therein provided, and without applying or causing to be applied such purchase price pro rata to the payment of the *bona fide* claims of the creditors of the vendor as shown upon such verified statement, and without filing the verified statement in the office of the county auditor at least five days before the consummation of the purchase as provided in the preceding section, such sale, or transfer, shall be fraudulent and void as to the creditors of the vendor, of the character specified in section 2: *Provided*, That if such vendor produces and delivers a written waiver of the provisions of this act, from his creditors, as shown by such verified statements, then, in that case, the provisions of this section shall not apply.

Part payment of purchase price.

Vendor's statement as to creditors and liabilities.

Application of payment to creditors' claims.

Filing statement with auditor.

Sale may be void.

Written waiver by creditors of vendor.

SEC. 4. Any vendor of all or substantially all of any stock of goods, wares or merchandise, and/or all or substantially all of the fixtures and equipment used in and about the business of the vendor, sold or transferred in bulk, or any other person who is acting for or in behalf of such vendor, who shall knowingly or wilfully make or deliver, or cause to be made or delivered, a statement as provided for in section 2 of this act, which shall not include the names of all of the creditors of such vendor, of the character specified in section 2, together with their addresses, and the correct amounts due, and to be-

False statement as to creditors and liabilities in perjury.

Perjury.

come due each of them respectively, or which shall contain any false statement, shall be deemed guilty of perjury.

Repeals  
§§ 7748 to  
7751-a,  
Pierce's  
Code.

Law viola-  
tions and  
accrued  
rights under  
repealed acts  
not affected.

SEC. 5. That Chapter CIX (109) of the Laws of 1901, pages 222-224, and chapter 175 of the Laws of 1913, pages 608-611, are hereby repealed; *Provided*, That such repeal shall not affect any transaction had, violation committed, or criminal or civil action begun, under or on account of anything in said repealed acts contained; but all such violations shall be prosecuted, as though said acts had not been repealed, and all rights accruing out of any transactions affected by said repealed acts, shall survive and recovery be had thereon, as though said acts had not been repealed.

Passed the Senate December 31, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 12, 1926.

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## CHAPTER 136.

[S. B. 120.]

### RE-CONVEYANCE TO THE YESLER ESTATE AND TO J. J. BONNELL OF CERTAIN KING COUNTY LANDS.

AN Act authorizing and directing the Governor to re-convey certain premises secured as a part of the proposed location of former state road No. 7 which location was afterwards abandoned.

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

Quit claim  
deed to the  
Yesler  
estate and  
to J. J.  
Bonnell.

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 the Yesler Estate, Incorporated, a corporation, and to J. J. Bonnell, the following described premises situate in King County, Washington, said premises

having heretofore been acquired by the state as a part of the proposed location of former state road No. 7 which is now state road No. 2 and which said proposed location was afterward abandoned:

A strip of land 60 feet wide, being 30 feet on each side of the following described center line: Description.

Beginning at a point on the line between Sections 7 and 8, Township 23 North, Range 5 E.W.M., 680 feet north of the corner common to Sections 7, 8, 17 and 18, Twp. 23, N.R. 5 E.W.M.; thence north  $70^{\circ}43'$  West 1700 feet to a point on the line between Lots 3 and 4 of Section 7, Twp. 23, N.R. 5 E.W.M.

SEC. 2. That all that portion of said strip of land described in Section 1 hereof lying east of the right of way of Commercial Waterway, District No. 2 of King County, Washington, shall be deeded to Yesler Estate, Incorporated, a corporation, and all that portion of said strip lying west of said right of way shall be deeded to J. J. Bonnell. To Yesler estate.  
To J. J. Bonnell.

Passed the Senate December 2, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 12, 1926.

## CHAPTER 137.

[S. B. 79.]

AUTHORIZING CITIES OF THE FIRST CLASS TO AMEND  
THEIR CHARTERS.

AN ACT amending Sections 8955, 8956 and 8957 of Remington's Compiled Statutes of Washington relating to elections, choosing or declining to choose fifteen electors to revise the city charter of cities of the first class, and providing for the submissions of such charter to the electors of such city, and relating to the publication of new, altered, changed or revised charters of the cities of the first class, and declaring that this act shall take effect immediately.

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

§ 688,  
Pierce's  
Code.

SECTION 1. That section 8955 of Remington's Compiled Statutes of Washington be amended to read as follows:

How com-  
mission  
to revise  
charter  
created.

Section 8955. Upon the petition of one-fourth of the qualified electors, as shown by the last general city election, of any city of the first class, the city council of said city shall, and without such petition the city council in joint session may, cause an election to be held, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to commence within ten days after their election, and within sixty days thereafter prepare a new charter for said city by altering, changing, revising, adding to or repealing their existing charter, together with any amendments thereto, and file the same with the city clerk: *Provided*, That at such election the ballots shall be so prepared that the qualified electors of such city may vote for or against choosing fifteen freeholders with the duties aforesaid, and unless a majority of all the votes cast on both propositions so submitted shall result

Time in  
which  
revision  
must be  
made.

Revision  
filed with  
city clerk.

Form of  
ballots to  
permit re-  
jection or  
acceptance  
of proposed  
commission.

in the election of fifteen freeholders qualified as aforesaid, no new, altered, changed or revised charter shall be prepared or submitted to the electors of such city.

SEC. 2. That section 8956 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 689,  
Pierce's  
Code.

Section 8956. If the election provided for in the foregoing section results in the election of fifteen freeholders as aforesaid, then such new, altered, changed and revised charter shall be submitted to the qualified electors of said city at an election to be called therefor pursuant to the provisions of law applicable to holding elections in such city, and if a majority of such qualified electors voting thereon ratify the same it shall become the charter of said city, and shall become the organic law thereof and supersede any existing charter.

If commis-  
sion created  
revised  
charter to  
be submitted  
to electors  
for ratifica-  
tion.

SEC. 3. That section 8957 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 690,  
Pierce's  
Code.

Section 8957. Such new, altered, changed or revised charter shall be published in two daily newspapers in said city for at least thirty days prior to the day of submitting the same to the electors for their approval.

Publication  
of proposed  
charter.

SEC. 4. This act is necessary for the immediate support of the existing public institutions of the state and shall take effect immediately.

Emergency.

Passed the Senate January 6, 1926.

Passed the House January 5, 1926.

Approved by the Governor January 14, 1926.

## CHAPTER 138.

[H. B. 277.]

IRRIGATION DISTRICTS UNDER CONTRACT WITH THE  
STATE RECLAMATION SERVICE.

AN ACT relating to irrigation districts under contract with the state reclamation service, authorizing the exclusion of lands therefrom, the repayment and cancellation of assessments upon excluded lands, and the modification of contracts with and reductions of claims against such districts in certain cases, and defining the powers and duties of certain officers in relation thereto.

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

Irrigation district whose bonds are all owned by state.

SECTION 1. Whenever any irrigation district organized and existing under the laws of this state, shall have entered into a contract, or contracts, with the department of conservation and development of the state of Washington, for the sale to and purchase by the department of an entire authorized issue of the bonds of the district, for the purpose of procuring funds for district purposes, including the construction of an irrigation system for the district, and the department of conservation and development has advanced, under such contract, or contracts, funds for such purposes, and such funds have been expended for the purposes advanced, and there are no outstanding bonds of the district other than those which the district has contracted to sell the department of conservation and development, and it shall appear to the satisfaction of the board of directors of the district that the irrigation system, for the construction of which such funds were advanced and expended, will not furnish sufficient water for the successful irrigation of all of the lands within the district and that the district as constituted will be unable by assessments upon the lands of the district, as provided by law, to collect sufficient funds to meet the interest payments upon and pay the bonds at

Funds advanced by state for development expended.

District board of directors find irrigation system inadequate for entire district.

Funds may not be available by assessments to pay bonds.

maturity, the board of directors of the district shall have the power by unanimous resolution to adopt a comprehensive proposed plan for reducing the boundaries of the district, excluding therefrom such portions of the lands of the district as in the judgment of the board cannot be furnished with sufficient water for successful irrigation, and refunding to the owners of such excluded lands, respectively, any moneys paid for assessments levied by the district upon the lands excluded, and to release any such excluded lands from all unpaid assessments levied by the district, which resolution shall give the boundaries to which it is proposed to reduce the district and the description of the lands it is proposed to exclude from the district by government subdivisions, or metes and bounds.

Resolution by directors to reduce boundaries of district.

Owners of excluded lands to be reimbursed.

SEC. 2. Upon the adoption of the resolution as provided in the preceding section, the board of directors of the district shall cause to be served upon the director of conservation and development, and to be published for four successive weeks in a weekly newspaper published and of general circulation in the county in which the district is situated a notice that at the time and place fixed in the said notice, the board will hold a public hearing for the further consideration of the plan proposed, which notice shall set forth a copy of the resolution adopted by the board, and state that at such hearing the board will receive and consider any objections to the proposed plan and/or suggestions for modification thereof, of any person interested, and at the conclusion of the hearing, or the final adjournment thereof, the board will proceed by resolution to adopt the plan proposed, or such modification of such plan as may be determined by the board, and reduce the boundaries of the district and exclude therefrom such lands as cannot be furnished with sufficient water for successful irrigation, and pro-

Adoption of resolution.

Copy to director of conservation.

Publication of notice of proposed hearing.

Contents of notice.

vide for the repayment to the owners of such excluded lands of any assessments paid thereon, and the cancellation of all unpaid assessments against excluded lands.

Adoption of  
plan for  
reduction of  
boundaries.

SEC. 3. At the conclusion, or final adjournment, of the hearing provided for in the preceding section, the board of directors of the district shall have the power, by unanimous resolution, to adopt the proposed plan, or such modification thereof as may be determined by the board, and reduce the boundaries of the district to such area as, in the judgment of the board, can be furnished with sufficient water for successful irrigation by the irrigation system of the district, and to exclude from the district all lands lying outside of such reduced boundaries, and provide for the repayment to the owners of any such excluded lands, respectively, of any sums paid for assessments levied by the district, and to cancel all unpaid assessments levied by the district against the lands excluded and release such lands from further liability therefor. Any person interested and feeling himself aggrieved by the adoption of such final resolution reducing the boundaries of the district and excluding lands therefrom, shall have a right of appeal from the action of the board to the superior court of the county in which the district is situated, which appeal may be taken in the manner provided by law for appeals from justices' courts, and if upon the hearing of such appeal it shall be determined by the court that the irrigation system of the district will not furnish sufficient water for the successful irrigation of the lands included within the reduced boundaries of the district, or that any lands have been excluded from the district unnecessarily, arbitrarily, capriciously or fraudulently or without substantial reason for such exclusion, the court shall enter a decree cancelling and setting aside the proceedings of the board of

Court  
review.



directors, otherwise the court shall enter a decree confirming the action of the board. Any party to the proceedings on appeal in the superior court, feeling himself aggrieved by the decree of the superior court confirming the action of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, shall have the right of appeal therefrom to the supreme court of the state of Washington within thirty days after the entry of the decree of the superior court in the manner provided by law. If, at the expiration of thirty days from the entry of the final resolution of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, no appeal has been taken to the superior court of the county in which the district is situated, or if, after hearing upon appeal the superior court shall confirm the action of the district, and at the expiration of thirty days from the entry of such decree, no appeal has been taken to the supreme court, the boundaries of the district shall thereafter be in accordance with the resolution of the board reducing the boundaries, and all lands excluded from the district by such resolution shall be relieved from all further liability for any indebtedness of the district or any unpaid assessments theretofore levied against such lands, and the owners of excluded lands, upon which assessments have been paid, shall be entitled to warrants of the district for all sums paid by reason of such assessments, payable from a special fund created for that purpose, for which levies shall be made upon the lands remaining in the district, as the board of directors may provide.

Appeal to  
supreme  
court.

Time for  
appeal.

Finality.

Levies  
upon re-  
main-  
ing  
lands for  
payment to  
owners of  
excluded  
lands.

SEC. 4. Whenever it shall appear, to the satisfaction of the director of conservation and development, that the irrigation system of any irrigation district, to which the department of conservation and development of the state of Washington under

Irrigation  
system  
found  
inadequate.

Boundaries  
reduced.

Director of  
conservation  
to cancel  
and reduce  
obligation  
of the dis-  
trict to the  
state.

Terms of  
cancellation  
or modifica-  
tion of  
obligation.

a contract with the district for the purchase of its bonds, has advanced funds for the purpose of constructing an irrigation system for the district, has been found incapable of furnishing sufficient water for the successful irrigation of all of the lands of such district, and that the board of directors of such district has reduced the boundaries thereof and excluded from the district, as provided in the preceding sections, sufficient lands to render such irrigation system adequate for the successful irrigation of the lands of the district, and that more than thirty days have elapsed since the adoption of the resolution by the board of directors reducing the boundaries of the district and excluding lands therefrom, and no appeal has been taken from the action of the board, or that the action of the board has been confirmed by the superior court of the county in which the district is situated and no appeal has been taken to the supreme court, or that upon appeal to the supreme court the action of the board of directors of the district has been confirmed, the director of conservation and development shall be and he is hereby authorized to cancel and reduce the obligation of the district to the department of conservation and development, for the repayment of moneys advanced for the construction of an irrigation system for the district, to such amount as, in his judgment, the district will be able to pay from revenues derived from assessments upon the remaining lands of the district, and to accept, in payment of the balance of the obligation of the district, the authorized bonds of the district, in numerical order beginning with the lowest number, on the basis of the percentage of the face value thereof fixed in contracts between the district and the department of conservation and development, in an amount equal to said balance of the obligation of

the district, in full and complete satisfaction of all claims of the department of conservation and development against the district.

SEC. 5. Whenever the boundaries of any irrigation district have been reduced and lands excluded from such district, as provided in this act, the directors of such district shall be authorized and directed to execute and deliver to the owners, respectively, of any lands excluded from the district, which have been deeded to the district for the non-payment of assessments theretofore levied, deeds of reconveyance and quit claim of all right, title and interest of the district in such lands, respectively.

Deeds of reconveyance to owners of excluded lands deeded to district for non-payment of assessments.

Passed the House January 1, 1926.

Passed the Senate January 4, 1926.

Approved by the Governor January 14, 1926.

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## CHAPTER 139.

[H. B. 182.]

### APPORTIONMENT OF PUBLIC SCHOOL FUNDS.

AN ACT relating to apportionment of public school funds.

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

SECTION 1. Whenever any pupil attends a public school of the state of Washington and such pupil resides in any home or institution devoted exclusively to providing a home for orphan children which is exempt from taxation under the laws of the state of Washington, and is located in the same school district as the school such pupil attends, the attendance of such pupil in such school shall entitle the district to receive from the state's current school fund and the proceeds of the county school levy, in

Apportionment to district of state current school fund and county school levy for public school attendance of resident of tax-exempt orphan home.

Amount  
receivable  
by district.

Clerk of  
district to  
certify to  
county  
Supt. of  
schools  
names of  
such pupils.

How cost  
ascertained.

Items  
included.

Items  
excluded.

the proportion of two-thirds and one-third, respectively, in addition to the amounts received for attendance of such pupil, an amount up to but not to exceed the average cost per day per pupil of educating pupils for the school year throughout the state in grade schools or high schools, as the case may be. The clerk of any such school district entitled to receive additional funds as hereinabove provided shall certify, under oath, as a part of his annual report to the county superintendent of schools, to be made on or before the 15th day of July, as required by law, the following facts as nearly as the same can be ascertained, which data shall in turn be included in the report of the county school superintendent to the state superintendent of public instruction: the name and age of each pupil residing in any such home or institution, with the number of days' attendance of each such pupil, and whether such pupil was enrolled in a grade school or a high school. For the purpose of ascertaining the average cost of educating pupils in the high schools and grade schools, respectively, throughout the state, the following items of school expenditure shall be used: Salaries of teachers, supervisors, principals, special instructors, superintendents and assistants, janitors, clerks and secretaries, stenographers and all other employes; fuel, light, water, power, telephones, text books, office expenses, janitors' supplies, freight, express, drayage, rents for school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health and such other current expenditures as may be necessary to the efficient operation of the high schools or grade schools, respectively. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in

estimating school expenditures for the purposes of this act.

Passed the House December 15, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 15, 1926.

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## CHAPTER 140.

[H. B. 233.]

### COUNTY BONDS OWNED BY THE STATE OF WASHINGTON.

AN ACT relating to county bonds, purchased and owned by the state of Washington, to be paid from and secured by assessments upon the property included in drainage improvement districts and authorizing extensions of time and cancellation of interest thereon in certain cases.

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

SECTION 1. Whenever the department of conservation and development of the state of Washington shall have purchased and the state of Washington owns the entire issue of any series of bonds of any county in the state, the payment of which is to be made from and is secured by assessments upon the property included within any drainage improvement district organized and existing in such county, and it shall appear to the satisfaction of the director of conservation and development that owing to and by reason of the nature of the soil within and the topography of such drainage improvement district the lands contained therein were not or will not be drained sufficiently to permit the cultivation thereof within the time when assessments for the payment of the interest on said bonds and to constitute a sinking fund to retire said bonds as provided by law became or will become due, and that by reason thereof the owners of said lands were or will be unable to meet said assessment, the director of conservation

Drainage improvement district bonds of county owned by state.

Probable failure to retire bonds when due because of adverse conditions.

Land owners unable to meet assessments.

Director of conservation authorized to cancel interest and extend time of payment.

and development shall have the power and he is hereby authorized under such terms and conditions as he shall deem advisable to enter into a contract in writing with the board of county commissioners of the county issuing such bonds, waiving the payment of interest upon such bonds from the date of their issue for not to exceed five (5) years, and extending the time of payment of said bonds for not to exceed five (5) years; and upon the execution of said contract the board of county commissioners of said county shall have the power and is hereby authorized to cancel all assessments made upon the lands included within such drainage improvement district for the payment of principal and/or interest on said bonds prior to the date of said contract, and to omit the levy of any assessments for said purposes until the expiration of the time of the waiver of interest payments upon said bonds specified in said contract.

County commissioners to cancel assessments.

To omit levy until time of waiver expired.

Passed the House January 2, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 141.

[H. B. 216.]

### PROHIBITING SLANDEROUS STATEMENTS ABOUT FINANCIAL INSTITUTIONS.

AN ACT relating to false statements and making the same a gross misdemeanor and amending Section 2432-1 of Remington's Compiled Statutes.

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

SECTION 1. That section 2432-1 of Remington's Compiled Statutes be amended to read as follows:

Section 2432-1. Any person who shall wilfully and maliciously instigate, make, circulate, or trans-

mit to another or others any false statement concerning the moral or financial condition, or affecting the solvency or financial standing of any bank, banking institution, savings and loan association, savings and loan society, industrial loan company or trust company doing business in this state, or who shall wilfully counsel, aid, procure or induce another to start, transmit, or circulate any such statement or rumor shall be guilty of a gross misdemeanor.

False statements affecting financial institutions prohibited.

Penalty.

Passed the House December 10, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 142.

[H. B. 34.]

UNIFORM SALES ACT.

AN ACT relating to sales of personal property, making the law thereof uniform with that of other states, and repealing Section 5826 of Remington's Compiled Statutes of Washington.

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

PART I.

FORMATION OF THE CONTRACT.

SECTION 1. *Contracts to Sell and Sales.* (1)

A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

Contract to sell goods.

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

Sale of goods defined.

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

Capacity to  
buy and sell.

SEC. 2. *Capacity; Liabilities for Necessaries.*  
Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Liability of  
infants and  
mental in-  
competents.

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries  
defined.

Necessaries in this section means goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

#### FORMALITIES OF THE CONTRACT.

Contract  
may be oral  
or in  
writing.

SEC. 3. *Form of Contract or Sale.* Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

Statute of  
frauds.

SEC. 4. *Statute of Fraud.* (1) A contract to sell or a sale of any goods or choses in action exceeding the value of \$50 shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

When  
contract  
enforceable.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering

Goods  
non-existent  
or future  
delivery  
intended.



the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

To be manufactured especially for buyer.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

Acceptance.

SUBJECT MATTER OF CONTRACT.

SEC. 5. *Existing and Future Goods.* (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

Goods which may form subject of contract.

"Future goods" defined.

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

Seller's acquisition contingent.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

Present sale of future goods.

SEC. 6. *Undivided Shares.* (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

Sale of an undivided share of goods.

Intention to effect a present sale.

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight

Fungible goods: sale of undivided share.

If mass contains less amount bought deficiency exacted.

or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass, and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

When agreement is void.

Goods sold destroyed.

SEC. 7. *Destruction of Goods Sold.* (1) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

Partially destroyed.

Buyer's option.

(2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a) As avoided; or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

When contract to sell may be avoided.

Goods destroyed.

SEC. 8. *Destruction of Goods Contracted to be Sold.* (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

Partially destroyed.

Buyer's option.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(a) As avoided; or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE.

SEC. 9. *Definition and Ascertainment of Price.*

(1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

Price fixed by contract or otherwise.

(2) The price may be made payable in any personal property.

Price payable in personalty.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

If interest in realty part consideration this act inapplicable.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Reasonable price :  
When must pay—  
What is—

SEC. 10. *Sale at a Valuation.* (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer, can not or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

Contract to sell or a sale at a valuation—when may be avoided.

Part of goods delivered.

Price to be paid.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts IV and V of this act.

Fixing price prevented by either party.

Remedy.

## CONDITIONS AND WARRANTIES.

Non-per-  
formance of  
conditions.

SEC. 11. *Effect of Conditions.* (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the nonperformance of the condition as a breach of warranty.

Waiver.

Treat as  
breach of  
warranty.

Obligation to  
furnish a  
condition to  
payment.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

Express  
warranty  
defined.

SEC. 12. *Definition of Express Warranty.* Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

Implied  
warranties  
of title.

SEC. 13. *Implied Warranties of Title.* In a contract to sell or a sale, unless a contrary intention appears, there is: (1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass.

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

SEC. 14. *Implied Warranty in Sale by Description.* Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description, and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods correspond with the sample if the goods do not also correspond with the description.

Implied warranty in sale by description.

SEC. 15. *Implied Warranties of Quality.* Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows: (1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

No implied warranty or condition except in certain cases.

Particular purpose for which goods required made known to seller.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

Bought by description.

(3) If the buyer has examined the goods, there is

Examination of goods by buyer.

Patent defects.

no implied warranty as regards defects which such examination ought to have revealed.

Sale under patent or trade name.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

Usage of trade.

(5) An implied warranty or condition as to the quality or fitness for a particular purpose may be annexed by the usage of trade.

Implied warranty not negatived by express warranty.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

#### SALE BY SAMPLE.

Sale by sample:

SEC. 16. *Implied Warranties in Sale by Sample.*

Implied warranties.

In the case of a contract to sell or a sale by sample:

Quality of bulk and sample correspond.

(a) There is an implied warranty that the bulk shall correspond with the sample in quality.

Opportunity for comparison.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

Defects.

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

#### PART II.

##### TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

Sale of unascertained goods.

SEC. 17. *No Property Passes Until Goods Are Ascertained.* Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

SEC. 18. *Property in Specific Goods Passes When Parties So Intend.*

(1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

Sale of specific or ascertained goods.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

Intention of parties:

How ascertained.

SEC. 19. *Rules for Ascertaining Intention.* Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Intention of parties:

Rules for ascertaining.

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Unconditional contract to sell goods in deliverable state.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Specific goods seller is to put into deliverable state.

Rule 3. (1) When goods are delivered to the buyer "on sale or return" or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

Delivered "on sale or return."

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer:

Delivered on approval.

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction; (b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Unascertained or future goods by description.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

Delivery to bailee for buyer.

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

"Collect on delivery."

Delivery of goods requisite to pass title.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or have reached the place agreed upon.



SEC. 20. *Reservation of Right of Possession of Property, When Goods Are Shipped.* (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

Seller may reserve right of possession.

Conditions must be fulfilled.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

Goods deliverable to seller or order.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

Bill of lading retained by seller.

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading,

Where seller draws on buyer.

Purchaser in good faith from consignee.

Rights of purchaser.

or goods from the buyer, will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Sales by auction.

SEC. 21. *Sale by Auction.* In the case of a sale by auction: (1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

When complete.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid, and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

Seller's right to bid.

(3) A right to bid may be reserved expressly by or on behalf of the seller.

Notice not given that sale subject to seller's right to bid.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

Goods to remain at seller's risk:

SEC. 22. *Risk of Loss.* Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that:

When.

Delivery to buyer or bailee for buyer.

(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods

has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

Delivery delayed by fault of either party.

TRANSFER OF TITLE.

SEC. 23. *Sale by a Person Not the Owner.* (1) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

Buyer's title no better than seller's in certain cases.

Estoppel.

(2) Nothing in this act, however, shall affect: (a) The provisions of any factor's acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof; (b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Factor's, recording and other acts not affected.

Validity of contract under common law, statute or court order.

SEC. 24. *Sale by One Having a Voidable Title.* Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

Seller having voidable title:

Buyer's title.

SEC. 25. *Sale by Seller in Possession of Goods Already Sold.* Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person

Delivery or transfer of goods held in possession of seller.

receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

Sale of goods fraudulently held in possession of seller.

SEC. 26. *Creditors' Rights Against Sold Goods in Seller's Possession.* Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

Negotiable document of title defined.

SEC. 27. *Definition of Negotiable Documents of Title.* A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

Negotiable documents of title may be negotiated by delivery in certain cases.

SEC. 28. *Negotiation of Negotiable Documents by Delivery.* A negotiable document of title may be negotiated by delivery: (a) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer; or (b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

Negotiable documents of title may be negotiated by indorsement.

SEC. 29. *Negotiation of Negotiable Documents by Indorsement.* A negotiable document of title may be negotiated by the indorsement of the person to

whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

SEC. 30. *Negotiable Documents of Title Marked "Not Negotiable."* If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "Not negotiable," "Non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman or other bailee issuing a document of title or placing therein the words "Not negotiable," "Non-negotiable" or the like.

Negotiability of certain documents of title containing words "not negotiable" or the like.

SEC. 31. *Transfer of Non-Negotiable Documents.* A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document can not be negotiated and the indorsement of such a document gives the transferee no additional right.

Non-negotiable documents of title may be transferred.

SEC. 32. *Who May Negotiate a Document.* A negotiable document of title may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the document, the bailee issuing it undertakes to deliver the goods to the order of such person, or if at the time of negotiation the document is in such form that it may be negotiated by delivery.

By whom a negotiable document of title may be negotiated.

Rights of person to whom document has been negotiated.

SEC. 33. *Rights of Person to Whom Document Has Been Negotiated.* A person to whom a negotiable document of title has been duly negotiated acquires thereby: (a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value; and (b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

Rights of transferee of negotiable document of title.

SEC. 34. *Rights of Person to Whom Document Has Been Transferred.* A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

Transferee of non-negotiable document of title.

If the document is non-negotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Transferee of negotiable document without indorsement.

SEC. 35. *Transfer of Negotiable Document Without Indorsement.* Where a negotiable document of title is transferred for value by delivery,

and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Right to compel transferor to indorse.

SEC. 36. *Warranties on Sale of Document.* A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

Warranties on negotiation or transfer of document of title.

(a) That the document is genuine;

(b) That he has a legal right to negotiate or transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the document; and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

SEC. 37. *Indorser Not a Guarantor.* The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

Indorser not a guarantor.

SEC. 38. *When Negotiation Not Impaired by Fraud, Mistake or Duress.* The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress or conversion, if the person to whom the document was negotiated or a person to whom the document was subsequently

When validity of negotiation not impaired.

negotiated paid value therefor, in good faith, without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress or conversion.

Attachment  
or levy  
upon goods.

SEC. 39. *Attachment or Levy Upon Goods for Which a Negotiable Document Has Been Issued.* If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they can not thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

When  
creditor  
may attach  
negotiable  
documents.

SEC. 40. *Creditors' Remedies to Reach Negotiable Documents.* A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

### PART III.

#### PERFORMANCE OF THE CONTRACT.

Duty of  
seller and  
buyer.

SEC. 41. *Seller Must Deliver and Buyer Accept Goods.* It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

Delivery  
and payment  
concurrent  
conditions.

SEC. 42. *Delivery and Payment Are Concurrent Conditions.* Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the



buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

SEC. 43. *Place, Time and Manner of Delivery.*

(1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business, if he have one, and if not, his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

Taking  
possession  
or delivery  
of goods.

(2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expense of and incidental to putting the goods in a deliverable state must be borne by the seller.

Delivery in quantities greater or less than contract provides.

SEC. 44. *Delivery of Wrong Quantity.* (1)

Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties.

Delivery by installments.

SEC. 45. *Delivery in Installments.* (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract

is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken.

SEC. 46. *Delivery to a Carrier on Behalf of the Buyer.* (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, rule 5, or unless a contrary intent appears.

When delivery to a carrier deemed delivery to a buyer.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case; if the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

SEC. 47. *Right to Examine the Goods.* (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the

Buyer to have opportunity to examine goods.

purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "Collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

When buyer deemed to have accepted goods.

SEC. 48. *What Constitutes Acceptance.* The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Acceptance as bar to action for damages.

SEC. 49. *Acceptance Does Not Bar Action for Damages.* In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know, of such breach, the seller shall not be liable therefor.

SEC. 50. *Buyer is Not Bound to Return Goods Wrongly Delivered.* Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Notice to seller of refusal to accept sufficient.

SEC. 51. *Buyer's Liability for Failing to Accept Delivery.* When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

When buyer liable for failure to accept delivery.

#### PART IV.

##### RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

SEC. 52. *Definition of Unpaid Seller.* (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act: (a) When the whole of the price has not been paid or tendered. (b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of dishonor of the instrument, the insolvency of the buyer, or otherwise.

"Unpaid seller" defined.

(2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

What "seller" includes.

Rights of unpaid seller.

SEC. 53. *Remedies of an Unpaid Seller.* (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has: (a) A lien on the goods or right to retain them for the price while he is in possession of them. (b) In case of the insolvency of the buyer, a right of stopping the goods *in transitu* after he has parted with the possession of them. (c) A right of resale as limited by this act. (d) A right to rescind the sale as limited by this act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage *in transitu* where the property has passed to the buyer.

#### UNPAID SELLER'S LIEN.

When unpaid seller may retain possession of goods until paid.

SEC. 54. *When Right of Lien May be Exercised.*

(1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely: (a) Where the goods have been sold without any stipulation as to credit. (b) Where the goods have been sold on credit, but the term of credit has expired. (c) Where the buyer becomes insolvent.

Right of lien.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Right of lien after partial delivery.

SEC. 55. *Lien After Part Delivery.* Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

When lien is lost.

SEC. 56. *When Lien is Lost.* (1) The unpaid seller of goods loses his lien thereon: (a) When he

delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof. (b) When the buyer or his agent lawfully obtains possession of the goods. (c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

#### STOPPAGE IN TRANSITU.

SEC. 57. *Seller May Stop Goods on Buyer's Insolvency.* Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them *in transitu*; that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

When unpaid seller may stop goods in transit.

SEC. 58. *When Goods Are in Transit.* (1) Goods are in transit within the meaning of Section 57: (a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee; (b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

When goods are in transit.

(2) Goods are no longer in transit within the meaning of Section 57: (a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination; (b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledged to

When not in transit.

the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer; (c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If the goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case whether they are in the possession of the master as a carrier or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped *in transitu*, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

SEC. 59. *Ways of Exercising the Right to Stop.*

How right of stoppage in transitu may be exercised.

(1) The unpaid seller may exercise his right of stoppage *in transitu* either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

Notice by seller to bailee.

(2) When notice of stoppage *in transitu* is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or



be justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER.

SEC. 60. *When and How Resale May Be Made.*

When unpaid seller may resell goods.

(1) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods *in transitu* may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

Title of buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

Notice not essential.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

Sale may be public or private.

## RESCISSIION BY THE SELLER.

When unpaid seller may rescind transfer of title and resume property in goods.

SEC. 61. *When and How the Seller May Rescind the Sale.* (1) An unpaid seller having the right of lien or having stopped the goods *in transitu*, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default; or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

Unpaid seller's right of lien and of stoppage not affected in certain cases.

SEC. 62. *Effect of Sale of Goods Subject to Lien or Stoppage in Transitu.* Subject to the provisions of this act, the unpaid seller's right of lien or stoppage *in transitu* is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage *in transitu* shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage *in transitu*.

## PART V.

ACTION FOR BREACH OF THE CONTRACT—REMEDIES  
OF THE SELLER.

SEC. 63. *Action for the Price.* (1) Where, under a contract to sell, or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods, according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

Action  
for the  
price.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they can not readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

SEC. 64. *Action for Damages for Non-Acceptance of the Goods.* (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

Action for  
damages  
for non-  
acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary

course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing toward carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

Rescission  
of contract  
or sale.

SEC. 65. *When Seller May Rescind Contract or Sale.* Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

#### REMEDIES OF THE BUYER.

Action for  
conversion  
or detention  
of goods.

SEC. 66. *Action for Converting or Detaining Goods.* Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of

similar kind when wrongfully converted or withheld.

SEC. 67. *Action for Failing to Deliver Goods.*

Action for damages for non-delivery.

(1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery. (2) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods, at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

SEC. 68. *Specific Performance.* Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

Court may require specific performance by seller.

SEC. 69. *Remedies for Breach of Warranty.* (1) Where there is a breach of warranty by the seller the buyer may, at his election: (a) Accept or keep the goods and set up against the seller the breach of warranty by way of recoupment in diminution or extinction of the price; (b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty; (c) Refuse to ac-

Remedies for breach of warranty.

cept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty; (d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he can not rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure

the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed an unpaid seller by section 53.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

Measure  
of damages.

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

Measure  
of damages.

SEC. 70. *Interest and Special Damages.* Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

Interest and  
special  
damages.

## PART VI.

### INTERPRETATION.

SEC. 71. *Variation of Implied Obligations.* Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

Certain  
rights or  
duties may  
be neg-  
atived.

SEC. 72. *Rights May Be Enforced by Action.* Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

Rights  
may be  
enforced  
by action.

SEC. 73. *Rule for Cases Not Provided for by this Act.* In any case not provided for in this act, the rules of law and equity, including the law mer-

Rules of  
law and  
equity to  
continue to  
apply to  
certain  
cases.

chant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

Interpretation and construction.

SEC. 74. *Interpretation Shall Give Effect to Purpose of Uniformity.* This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Not applicable to certain transactions.

SEC. 75. *Provisions Not Applicable to Mortgages.* The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge or other security.

Terms defined: "Action."

SEC. 76. *Definitions.* (1) In this act, unless the context or subject matter otherwise requires:

"Action" includes counterclaim, setoff and suit in equity.

"Buyer."

"Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person.

"Defendant."

"Defendant" includes a plaintiff against whom a right of setoff or counterclaim is asserted.

"Delivery."

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible contract to sell or sale."

"Divisible contract to sell or sale" means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Document of title to goods."

"Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize



the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

“Fault” means wrongful act or default. “Fault.”

“Fungible goods” means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit. “Fungible goods.”

“Future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale. “Future goods.”

“Goods” includes all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale. “Goods.”

“Order” in sections of this act relating to documents of title means an order by indorsement on the document. “Order.”

“Person” includes a corporation or partnership or two or more persons having a joint or common interest. “Person.”

“Plaintiff” includes defendant asserting a right of setoff or counterclaim. “Plaintiff.”

“Property” means the general property in goods, and not merely a special property. “Property.”

“Purchaser” includes mortgagee and pledgee. “Purchaser.”

“Purchases” includes taking as a mortgagee or as a pledgee. “Purchases.”

“Quality of goods” includes their state or condition. “Quality of goods.”

“Sale” includes a bargain and sale as well as a sale and delivery. “Sale.”

“Seller” means a person who sells or agrees to sell goods, or any legal successor in the interest of such person. “Seller.”

“Specific goods” means goods identified and agreed upon at the time a contract to sell or a sale is made. “Specific goods.”

"Value."

"Value" is any consideration sufficient to support a simple contract. An antecedent or preexisting claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof or as security therefor.

"In good faith."

(2) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

"Insolvent."

(3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

"Deliverable state."

(4) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

Not applicable to existing sales or contracts.

SEC. 76-a. *Act Does Not Apply to Existing Sales or Contracts to Sell.* None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act.

Does not repeal certain acts.

§§ 7748-7751-a, Pierce's Code.

§§ 7141-7201, Pierce's Code.

§§ 428-482, Pierce's Code.

SEC. 76-b. *No Repeal of Certain Acts.* Nothing in this act shall be construed to repeal, limit or modify any of the provisions of the bulk sales act, being Sections 5832 to 5836 inclusive of Remington's Compiled Statutes, nor the uniform warehouse receipts act, being sections 3587 to 3646 inclusive of Remington's Compiled Statutes, nor the uniform bills of lading act, being sections 3647 to 3701 inclusive of Remington's Compiled Statutes.

Repeals § 7746, Pierce's Code.

SEC. 77. *Repealed.* Section 5826 of Remington's Compiled Statutes is hereby repealed.

When act effective.

SEC. 78. *Time When the Act Takes Effect.* This act shall take effect as provided by law.

SEC. 79. *Name of Act.* This act may be cited as the "Uniform Sales Act." To be cited as "Uniform Sales Act."

Passed the House November 25, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 143.

[S. H. B. 51.]

COUNTY BUDGET.

AN ACT relating to county budgets, tax levies and expenditures, and amending Sections 5 and 6 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:*

SECTION 1. That section 5, Chapter 164, Laws of Washington, 1923, be and the same is hereby amended to read as follows:

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

Amends Rem. 1923 Sup. § 3997-5.

Pierce's 1923 Sup. § 1652-5.

Appropriations.

Vetoea

Transfers within classes.

Salaries may not be increased.

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 operations, and (3) capital outlay may be made.

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.

Vetoed

Borrowed monies.

Monies received from borrowings shall be used for no other purpose than that for which borrowed except that if any surplus shall remain after the accomplishment of the purpose for which borrowed, it shall be used to redeem the county debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditures shall be made or incurred until such bonds have been duly authorized.

Expenditures void if in excess of budget.

Expenditures made, liabilities incurred or warrants issued in excess of any of the detailed budget appropriations or as revised by transfer as

herein provided shall not be a liability of the county but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The county auditor shall issue no warrant and the county commissioners shall approve no claim for any expenditure in excess of said detailed budget appropriation or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. Any county commissioner, or commissioners, or county auditor approving any claim or issuing any warrant in excess of any such budget appropriation except as above provided shall forfeit to the county four-fold 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.

Penalty.

Vetoed

SEC. 2. That section 6, Chapter 164, Laws of Washington, 1923, be and the same is hereby amended to read as follows:

Amends  
Rem. 1923  
Sup.  
§ 3997-6.  
Pierce's  
1923 Sup.  
§ 1652-6.

Section 6. When a public emergency other than such as are specifically described hereinafter, and which could not reasonably have been foreseen at the time of making the budget, shall require the expenditure of money not provided for in the budget, the county commissioners by unanimous vote of the commissioners present at any meeting the time and place of which all the commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet the emergency, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the

Emergency  
expenditures.

Notice and  
hearing.

expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official county newspaper, or if there be none, in a newspaper of general circulation in the county. Upon the conclusion of said hearing, if the county commissioners shall approve of said emergency expenditure, they shall make and enter upon their official minutes by a unanimous vote of all the members of the board of county commissioners an order setting forth the facts constituting the emergency, together with the amount of expenditure authorized by them therefor, which order, so entered, shall be lawful authorization for them to expend said amount for said purpose, subject, however, to the following limitations: No expenditure shall be made or liability incurred pursuant to said order until a period of five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of such county feeling aggrieved by said order may appeal therefrom to the superior court of such county by filing with the clerk of such court a verified petition, a copy of which shall have theretofore been served upon the County Auditor of such county as clerk of the board of county commissioners. Such petition shall set forth in detail the objections of petitioner or petitioners to such order and his or their reasons why the alleged emergency does not exist. The service and filing of such petition shall operate to suspend said emergency order and the authority to make any expenditure or incur any liability thereunder until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing such petition which shall be at the earliest convenient date. At said hearing the court shall hear the matter *de novo* and may take such testimony as it deems necessary. Its proceedings shall be summary and in-

formal and its determination as to whether an emergency such as is contemplated within the meaning and purpose of this act exists or not and whether the expenditure authorized by said order is excessive or not shall be final.

Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by any law the county commissioners may, upon the adoption by the unanimous vote of the commissioners present at any meeting the time and place of which all of such commissioners shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, make the expenditures necessary to meet such emergency without further notice or hearing.

Enumeration  
of emer-  
gencies.

All emergency expenditures shall be paid for by the issuance of emergency warrants which shall be paid from any monies on hand in the county treasury in the fund properly chargeable with such expenditures and the county treasurer is hereby authorized and directed to pay such warrants out of any monies in the treasury in such fund. If at any time there shall be insufficient monies on hand in the treasury to pay any of such warrants, then such warrants shall be registered, bear interest and be called in the manner provided by law for other county warrants.

Emergency  
warrants.

The county auditor shall include in the annual budget to be submitted to the county commissioners

Levy to pay  
emergency  
warrants.

the total amount of emergency warrants issued during the preceding fiscal year and the county commissioners shall include in their tax levy a levy sufficient to raise an amount equal to the total of such warrants: *Provided*, That the county commissioners, if they deem it advisable, instead of including the amount of such emergency warrants in their budget levy may fund the same or any part thereof into bonds in the manner provided by law.

Appropriations  
lapse.

All appropriations shall lapse at the end of the fiscal year: *Provided*, That the appropriation accounts shall remain open for a period of thirty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year. After said period shall have expired all appropriations shall become null and void and any claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget: *Provided, however*, That this shall not prevent payments upon uncompleted improvements in progress at the close of the fiscal year.

Emergency.

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

Passed the House December 15, 1925.

Passed the Senate January 6, 1926.

Approved by the Governor, with the exception of section 1, which is vetoed, January 15, 1926.



CHAPTER 144.

[H. B. 123.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations, prescribing the qualifications of directors, limiting membership fees, regulating loans and defining the powers and duties of the director of efficiency and amending Sections 3716, 3718, 3719, 3722, 3723, 3726, 3728 and 3735½ of Remington's Compiled Statutes, and providing a penalty for violation thereof.

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

SECTION 1. That section 3716 of Remington's Compiled Statutes be amended to read as follows:

§ 4565, Pierce's Code.

Section 3716. Ten or more persons, citizens of the state of Washington, may form a savings and loan association or savings and loan society for the purpose of accumulating the savings and funds of its members and lending its shareholders or others the funds so accumulated by making and acknowledging in quadruplicate and by filing as hereinafter required articles of incorporation specifying:

Ten or more citizens may organize.

(a) The name of the proposed association, which shall terminate "Savings and Loan Association," or "Savings and Loan Society."

Articles of incorporation.

Name.

(b) The city, town or village and the county wherein the principal place of business of the association is to be located and which must be within the state of Washington.

Place of business.

(c) The number of its directors, which shall not be less than seven nor more than fifteen. The first board of directors shall hold office for a term to be specified in said articles of not less than two, and not more than six months from the time said association is authorized to do business.

Directors.

(d) The names, occupation and post office addresses of its first directors.

Names.

(e) The names, occupation and post office

Stock-holders.

addresses of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take. The matured value of the total number of shares so subscribed shall be at least \$25,000.00.

Value of shares.

Capital.

(f) The amount of capital actually paid in, which in no case shall be less than \$3,000.00.

Life of company.

(g) The time of duration of said association, which shall not exceed fifty years.

Articles filed with director of efficiency.

Said articles shall be filed in the first instance in the office of the director of efficiency pending his approval thereof and of the by-laws of said association as hereinafter provided for.

Amendments.

The articles of incorporation may be amended by a vote of at least two-thirds in number of the shareholders voting at any general meeting, or by a special meeting called for that purpose, and a copy of the resolution making said amendment shall be certified in quadruplicate by the president and secretary under the seal of said corporation, and when so certified shall be so filed and kept the same as in the case of original articles, and from the time of said filing, said amendment shall have the same effect as if embraced in the original articles of incorporation.

Authorized capital not limited.

The amount of authorized capital shall be unlimited and the capital shall be divided into shares of the ultimate value of \$100.00 each.

Actual accumulated capital.  
Authorized capital.  
Filing fees.

The actual accumulated capital at any time shall be deemed to be the authorized capital at such time and the filing fees as provided by law to be paid to the secretary of state shall be fixed by the amount of such actual accumulated capital, *Provided however* That whenever the amount of such actual accumulated capital is increased to an amount which under the statute fixing the filing fees of corporation would require the payment of a larger filing fee, within thirty days thereafter a certificate shall

Increase of capital.

Larger filing fee.

be executed by such association or society showing the amount of such actual accumulated capital, one copy of which shall be filed with the secretary of state and one copy with the county auditor of the county in which the chief place of business of said association or society is located, and the filing fee for such increased amount paid to the secretary of state.

To file certificate showing capital with secretary of state and county auditor.

SEC. 2. That section 3718 of Remington's Compiled Statutes be amended to read as follows:

§ 4567, Pierce's Code.

Section 3718. Whenever said articles of incorporation are in due form and regularly executed and the by-laws have been duly approved as above required, and it shall be made to appear to the satisfaction of the director of efficiency that at least three thousand dollars have been actually paid in in cash upon the subscription for shares, the director of efficiency thereupon shall ascertain from the best source of information at his command, and by such investigation as he may deem necessary, whether the character, responsibility and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed savings and loan association will be honestly and efficiently conducted in accordance with the intent and purpose of this act; whether the public convenience and advantage will be promoted by allowing such proposed savings and loan association to be incorporated and engage in business, whether greater convenience and access to a savings institution would be afforded to any considerable number of persons by opening a savings and loan association in the place designated, and whether the population in the neighborhood of such place and in the surrounding country affords a reasonable promise of adequate support for the proposed savings and loan association. If he shall be satisfied concerning the several matters specified

Certification of articles of incorporation by director of efficiency.

Investigation by director.

above he shall within a reasonable time issue under his hand and official seal a certificate reciting in substance the filing in his office of the articles of incorporation and by-laws; that said articles and by-laws conform to all the requirements of law; that he has approved the same, and that he verily believes the incorporators are fit and proper to conduct the business of a savings and loan association as defined in this act and said by-laws. Said certificate shall be made in quadruplicate and attached to each copy of the articles of incorporation, one of which shall be retained by the director of efficiency and the other three shall be returned to the incorporators, who shall forthwith file one copy thereof in the office of the secretary of state, one in the office of the auditor of the county in which the chief place of business of said association is located, and the other shall be retained by the association, whereupon the incorporation of said association shall be deemed complete.

Filing of  
certificates.

Refusal of  
certificate  
by director  
of efficiency.

If the director of efficiency shall not be satisfied by such examination that it is expedient and desirable to permit such proposed savings and loan association to engage in business he shall endorse upon each copy of the articles of incorporation the word "refused," with the date of such endorsement, and shall forthwith return one of such quadruplicates to the proposed incorporators from whom the same was received, and such refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of Thurston County, which appeal shall be triable *de novo* in said court.

Court  
review.

§ 4568,  
Pierce's  
Code.

Directors:  
require-  
ments.

SEC. 3. That section 3719 of Remington's Compiled Statutes be amended to read as follows:

Section 3719. No person shall be a director of an association unless he shall have subscribed and paid in in cash at least \$200.00 on his stock subscription, and no person shall be a director of an

association whose accumulated capital is \$1,000,000.00 unless he shall have subscribed and paid in in cash at least \$500.00 on his stock subscription, or of an association having an accumulated capital of \$5,000,000.00 unless he shall have subscribed and paid in in cash at least \$1,000.00 on his stock subscription, and such amount shall not be reduced either by withdrawal or by pledge for a loan with the association, or in any other manner, so long as he remains a director of the association. Any officer or director may be removed by the director of efficiency for cause. Any officer or director so removed by the director of efficiency and feeling himself aggrieved by such removal shall have a right of appeal from the order of removal to the superior court of Thurston County by filing a written notice of appeal with the director of efficiency who shall, upon the filing of such notice, certify to the court the causes upon which the order of removal was based, and all records and files in his office pertaining to the matter of the removal. The court shall hear the matter *de novo* and enter an order affirming or cancelling the order of removal. Each officer and director, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association, and will not knowingly violate the by-laws or any of the provisions of law applicable to such association.

Removal of director.

Court review.

Oath of officers and directors.

Each officer or agent having the custody of money or securities of any association shall be required to give bond to such association in an amount to be determined by the board of directors of such association commensurate with his liability, and said bonds shall be deposited with the director of efficiency.

Bond required.

SEC. 4. That section 3722 of Remington's Compiled Statutes be amended to read as follows:

§ 4571,  
Pierce's  
Code.

Dividends.

Not computed on less than monthly balances.

Undivided earnings.

Extra dividend.

§ 4572, Pierce's Code.

How loans made.

Section 3722. Profits and losses shall be ascertained semi-annually. Dividends shall be computed in the manner determined by the board of directors and shall be distributed semi-annually and paid on June 30th and December 31st of each year. Such dividends shall be distributed ratably to all classes of shares and may be distributed for the proportionate part of the dividend period that funds have been in the association. *Provided*: That dividends shall not be computed on less than monthly balances. *And provided further*, That funds paid into the association on or before the date in any month fixed by the association may be deemed to have been paid in on the first day of such month for the purpose of computation of dividends. Dividends shall be taken from the net earnings of the association and, subject to the provisions of Section 3721 relating to reserve fund stock. No dividends shall be credited or paid except by a vote of the board of directors duly entered upon the minutes, whereupon shall be recorded the vote by ayes and nays. It shall be lawful for the association, in addition to the contingent fund required by section thirteen of this act, to hold in its fund of undivided earnings, such sum as the board of directors may from time to time deem necessary or wise: *Provided, however*, That when the undivided earnings, including the contingent fund, exceed fifteen per cent of the dues and dividends credited to members, the board of directors shall declare such extra dividend in excess of the dividend regularly apportioned as may be necessary to distribute among the shareholders the accumulation in excess of such authorized surplus.

SEC. 5. That section 3723 of Remington's Compiled Statutes be amended to read as follows:

Section 3723. For every loan made, except a loan from one association to another, a note or bond specifying the amount loaned and the rate of

interest to be paid thereon, secured by first mortgage on improved real estate shall be taken, which security shall be conservatively worth at least twice the value of the loan. A complete abstract of title for such real estate signed by the person or corporation furnishing such abstract (which abstract shall be examined by a competent attorney at law 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. No mortgage loan shall be made except upon the report in writing of an appraiser or a committee of appraisers appointed by the board of directors, which report shall state the conservative value of the mortgage security. The directors in their discretion may also loan upon the security of the shares in the association to the amount of ninety per cent of their withdrawal value, and may loan upon or invest in bonds of the United States and the state of Washington, and in such classes of bonds and warrants of the counties, school districts and other municipalities, as well as local improvement districts, in this state, as the director of efficiency may from time to time approve, but no association shall loan any of its funds to an officer or director of such association.

Any association having a surplus for which there is no demand for loaning purposes or for the payment of withdrawals or matured shares, may loan the same to another domestic association, and such association may borrow from other associations or otherwise for loaning purposes or for the payment of withdrawals or matured shares: *Provided*, that no association shall borrow any amount or amounts which in the aggregate shall exceed

Investments.

Bonds of U. S., this state and other approved securities.

May not lend to its officers.

May lend to other associations.

Authority to borrow.

Limitation.

twenty-five per cent of the actual value of the mortgages on deposit with the director of efficiency as shown by the last preceding semi-annual statement of the borrowing associations as provided in Section 3724.

Borrowing.

In borrowing said amount or amounts for the purposes specified, any such association may, at its election, borrow the same or any part thereof upon its debenture bonds, maturing on or before five years after date and bearing interest not exceeding six per cent per annum, interest payable semi-annually. In no case shall any such bonds be issued when there are sufficient funds on hand or receivable in time to meet approved applications for loans or for the payment of maturing stock or withdrawals of stock. Such debenture bonds may be retired by action of the board of directors at any time after one year from date of issue, by the secretary of the association giving notice in writing sixty days or more prior to the next interest date to the recorded holders thereof, and on return of said retired bonds, together with the coupons attached, said holders shall receive their par value. At the expiration of said interest period, the bonds so called shall cease to draw interest. Whenever the director of efficiency shall deem any indebtedness incurred under the provisions of this section to be detrimental to the interests of the shareholders of any such association, he shall notify such association to reduce its indebtedness to such amount as he shall consider reasonable, giving such association such reasonable time as may be necessary to effect such reduction of indebtedness.

Director of efficiency may order reduction of indebtedness.

§ 4575, Pierce's Code.

SEC. 6. That section 3726 of Remington's Compiled Statutes be amended to read as follows:

Section 3726. Any savings and loan association may purchase at any sale, public or private, any real estate upon which it may have a mortgage,

May hold real estate.



judgment, lien, or other incumbrance, or in which it may have any interest, and may sell, convey, lease or mortgage the same at pleasure to any person or persons, but shall not otherwise acquire or deal in real estate: *Provided*, That any such association may acquire such real estate or a leasehold interest therein as may be necessary or convenient for a location for the transaction of its business: *Provided further*, that no such association shall use more than ten per cent of its assets at any time in acquiring real estate for its business location: *Provided further*, that all real estate except that used for its business location shall be sold by said association within five years from and after the time that title thereto is acquired: *Provided further*, that all real estate purchased, acquired or taken in settlement of any mortgage, judgment, lien, other incumbrance, or in which any savings and loan association may have any interest, shall be conveyed to it directly by name and the conveyance immediately recorded in the office of the proper recording officer of the county in which such real estate is located: *Provided further*, that no exchange of real estate shall ever be made by any such association unless authorized by a vote of two-thirds of its directors and the written approval of the director of efficiency.

Except business location, realty must be sold within five years.

Recordation in name of association.

When exchange of realty permitted.

SEC. 7. That section 3728 of Remington's Compiled Statutes be amended to read as follows:

§ 4577, Pierce's Code.

Section 3728. At each periodical distribution of profits, unless such association already has issued paid up reserve fund stock equal to five per cent of the amount credited to members to which losses may be chargeable as provided in section 3721, Remington's Compiled Statutes, the board of directors shall reserve and carry to a contingent fund, a sum equal to at least five per cent of the net earnings during the period since the last previous

Contingent fund.

Limit on  
dividends.

dividend was declared, until such contingent fund shall be equal to at least five per cent of the amount credited to members; but no association shall pay a dividend in excess of five per cent per annum until the board of directors shall have reserved and carried to the contingent fund a sum equal to at least seven and one-half per cent of the net earnings during the period since the last previous dividend was declared, until such contingent fund be equal to at least five per cent of the amount credited to members. The directors may at any time carry to such contingent fund any further portion of the undivided earnings that in their discretion may seem wise, except as herein provided. Losses of the association may be paid therefrom and when such payment reduces the contingent fund below 5 per cent of the amount credited to members said fund shall be restored as above provided.

Losses.

§ 4-54a,  
Pierce's  
Code.

Duties  
imposed  
upon and  
powers  
vested in  
director of  
efficiency.

SEC. 8. That section 3735½ of Remington's Compiled Statutes be amended to read as follows:

Section 3735½. The director of efficiency shall have the power and it shall be his duty through and by means of the division of savings and loan which is hereby created: To exercise all the powers and perform all the duties in relation to the organization, inspection, supervision and dissolution of savings and loan associations formerly vested in and required to be performed by the state auditor or the director of taxation and examination. The director of efficiency shall appoint an assistant to be known as the supervisor of savings and loan associations who shall hold office during his pleasure, and shall have power to appoint and employ such inspectors, auditors, accountants and such other clerical assistants as may be necessary for the general administration of the division of savings and loan. No person shall be eligible to

Appointment  
of super-  
visor of  
savings and  
loan  
associations  
authorized.

Qualifica-  
tions re-  
quired.

appointment, as, or hold the office of, supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of this state and has had at least two years' practical experience in savings and loan employment, examination or supervision.

The supervisor of savings and loan associations, when appointed, shall execute a surety bond to the state of Washington in an amount not less than \$10,000.00 conditioned upon the faithful discharge of the duties of such office, and each inspector of savings and loan associations shall execute a surety bond to the state of Washington in an amount not less than \$5,000.00. Neither the supervisor of savings and loan associations nor any inspector of savings and loan associations shall be personally liable for any act done by him in good faith in the performance of his duties.

Bond.

Bond of inspectors.

Supervisor's and inspectors' liability.

Passed the House December 19, 1925.

Passed the Senate January 6, 1926.

Approved by the Governor January 15, 1926.

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## CHAPTER 145.

[H. B. 194.]

### TAX LEVIES IN CERTAIN CITIES.

AN ACT relating to tax levies in certain municipalities, and amending Section 5637 of Remington's Compiled Statutes.

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

SECTION 1. That Section 5637 of Remington's Compiled Statutes be amended to read as follows:

Section 5637. Such municipal corporations shall 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

§ 958,  
Pierce's  
Code.

Second and  
third class  
cities.

Tax levy  
for current  
expenses.  
Limit.

Levy for indebtedness.

of indebtedness (if any indebtedness exists) not exceeding six mills on the dollar, and all moneys collected from the taxes levied for payment of current expenses shall be credited and applied by the treasurer to "Current Expense Fund"; and all moneys collected from the taxes levied for the payment of indebtedness shall be credited and applied to a fund to be designated as the "Indebtedness Fund": *Provided*, that the city council, by unanimous vote of all its members at a regular meeting may levy a property tax for the payment of current expenses not exceeding eighteen mills on the dollar: *And Provided Further*, that if the qualified electors of any such municipality 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 eighteen mills on the dollar of assessed valuation, such larger levy for such purpose may be made accordingly.

Current expense levy increased on unanimous vote.

Special election for increase of current expense levy.

Passed the House December 14, 1925.

Passed the Senate January 6, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 146.

[H. B. 257.]

PROCEDURE FOR CHANGING NAME OF CITIES AND TOWNS.

AN ACT relating to cities and towns and providing a procedure for change of name.

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

May change name.

SECTION 1. Any city or town may change its name in accordance with the procedure hereinafter provided.

Petition for change.

SEC. 2. The city or town council or other legislative body of any city or town may, and upon presentation of a petition signed by not less than

fifty electors of such city or town, shall, cause to be placed upon the ballot at the next succeeding municipal election the question whether such city or town shall change its name. Such question may be in substantially the following form:

Shall the name of the city (or town) of.....(Insert name).....be changed?  
Yes.   
No.

SEC. 3. If the majority of the votes cast upon the proposition shall be in favor of the change, nominations for a new name may thereafter, and until twenty days before the next succeeding municipal election, be made by filing with the city or town clerk a petition therefor signed by not less than twenty-five electors of such city or town.

SEC. 4. All names so filed shall be placed upon the ballot at the next succeeding municipal election under the heading:—

Proposed names for the city (or town) of.....(Insert name).....  
Vote for one.

SEC. 5. The name receiving the highest number of votes shall become the name of such city or town at the time when the officers elected at such election begin their terms; *But provided*, that if no such name shall receive at least forty per cent of the votes cast upon the proposition the two names receiving the highest vote shall again be submitted at the next succeeding municipal election in the same manner and with the same effect.

SEC. 6. Whenever any city or town shall have changed its name, the clerk shall certify the same to the secretary of state prior to the date when the change takes effect.

Passed the House January 2, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 14, 1926.

## CHAPTER 147.

[H. B. 294.]

## FOREIGN CORPORATIONS.

AN ACT relating to foreign corporations and amending Section 3853 of Remington's Compiled Statutes.

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

SECTION 1. That section 3853 of Remington's Compiled Statutes be amended to read as follows:

Section 3853. Such corporation shall cause to be filed and recorded in the office of the secretary of state certified copy of its charter, articles of incorporation, memorandum of association, or certificate of incorporation, and a certified copy of each and all of the amendments or supplements to such charter, articles of incorporation, memorandum of association, or certificate of incorporation, and a certified copy of each and all of its certificates of increase or decrease of its capital stock, each of said instruments to be certified to by the officer who is the custodian of the same according to the laws of the state or territory, country or colony, where such corporation is incorporated, or who is authorized to issue certificates of incorporation according to the laws of such state, territory, or foreign country or colony. The instruments herein required to be filed and recorded shall be attested by such certifying officer under his hand and seal of office, which attestation shall be *prima facie* proof of the facts therein stated, and of the genuineness of the certificate. If such officer has no official seal, his certificate shall state that fact over his signature, and thereupon the secretary of state, or of the territory, in case of corporations within the United States, and the consul general, consul, vice-consul, deputy consul, consular agent, or commer-

§ 4658,  
Pierce's  
Code.

Foreign  
corporations  
to file  
papers with  
secretary  
of state.

Instruments  
to be  
certified.

If officer has  
no seal  
genuineness  
of his  
signature  
to be  
certified.

cial agent of the United States, at or nearest to the place where such certificate is made, in the case of corporations not within the United States, shall certify under his hand and seal of office to the genuineness of the signature of the officer making the certificate, and to the fact that at the time of making such certificate the person making the same held the office described in the certificate.

Passed the House January 2, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 148.

[S. H. B. 209.]

CLASSIFICATION OF COUNTIES, FIXING THE COMPENSATION OF COUNTY OFFICERS AND CONSOLIDATION OF CERTAIN COUNTY OFFICES.

AN ACT classifying counties by population, providing for the election of county officers and in certain classes of counties of certain officers who shall exercise the powers and perform the duties of two or more officers, and defining their powers and duties, and fixing the compensation of county officers, and repealing Sections 4200, 4201, 4202 and 4203 of Remington's Compiled Statutes.

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

SECTION 1. The several counties of the state are hereby classified by population as follows:

Classification.

Counties containing a population of 210,000 or more shall belong to and be known as Class A counties;

Class A.

Counties containing a population of 125,000 and less than 210,000 shall belong to and be known as counties of the first class;

First class.

Counties containing a population of 70,000 and less than 125,000 shall belong to and be known as counties of the second class;

Second class.

Third  
class.

Counties containing a population of 40,000 and less than 70,000 shall belong to and be known as counties of the third class;

Fourth  
class.

Counties containing a population of 18,000 and less than 40,000 shall belong to and be known as counties of the fourth class;

Fifth  
class.

Counties containing a population of 12,000 and less than 18,000 shall belong to and be known as counties of the fifth class;

Sixth  
class.

Counties containing a population of 8,000 and less than 12,000 shall belong to and be known as counties of the sixth class: *Provided*, That

Sixth-C  
class.

counties containing a population of 10,000 and less than 11,000 shall belong to and be known as counties of the sixth-C class;

Sixth-B  
class.

Counties containing a population of 5,000 and less than 8,000 shall belong to and be known as counties of the sixth-B class: *Provided*, That counties containing a population of 5,600 and less than 6,000 shall belong to and be known as counties of the sixth-A class;

Sixth-A  
class.

Seventh  
class.

Counties containing a population of 4,000 and less than 5,000 shall belong to and be known as counties of the seventh class;

Eighth  
class.

Counties containing a population of less than 4,000 and more than 3,300 shall belong to and be known as counties of the eighth class;

Ninth  
class.

Counties containing a population of less than 3,300 shall belong to and be known as counties of the ninth class.

Offices of  
prosecuting  
attorney  
and coroner  
consolidated.

SEC. 2. At the general election in the year 1926 and quadrennially thereafter there shall be elected in each county of the fourth, fifth, sixth, sixth-A, sixth-B, sixth-C, seventh, eighth and ninth classes a prosecuting attorney who shall, in addition to the powers and duties of prosecuting attorney, exercise all the powers and perform all the duties now, or that may be, by law vested in or imposed upon the



coroner of such county, and no coroner shall be elected in such counties in the year 1926 or thereafter.

SEC. 3. At the general county election in the year 1926 and quadrennially thereafter there shall be elected in each county of the sixth-B, sixth-C, seventh, eighth and ninth classes a county clerk who shall, in addition to the powers and duties of clerk, exercise all the powers and perform all the duties now, or that may be, by law vested in or imposed upon the county auditor of such county, and no county auditor shall be elected in such counties in the year 1926 or thereafter.

Offices of county clerk and county auditor consolidated.

SEC. 4. At the general county election in the year 1926 and quadrennially thereafter there shall be elected in each county of the sixth-B, sixth-C, and eighth classes a county treasurer who shall, in addition to the powers and duties of treasurer, exercise all the powers and perform all the duties now, or that may be, by law vested in or imposed upon the county assessor of such county, and no assessor shall be elected in such county in the year 1926 or thereafter.

Offices of county treasurer and county assessor consolidated.

SEC. 5. At the general county election in the year 1926 and thereafter no county engineer shall be elected in counties of the second, third, fourth, fifth, sixth, sixth-A, sixth-B, sixth-C, seventh, eighth and ninth classes, and after the expiration of the present term of the county engineer in counties of the second, third, fourth, fifth, sixth, sixth-A, sixth-B, sixth-C, seventh and eighth classes the board of county commissioners of such counties shall exercise all the powers and perform all the duties now, or that may be, by law vested in or imposed upon the county engineer of such county. Whenever necessary to the performance of any powers and duties herein vested in the board of county commissioners, such board shall have power to employ such assist-

Office of county engineer abolished.

Board of county commissioners may employ.

Competent engineer.

Ex officio duties of county engineer.

ants and engineers as are necessary and to fix their compensation, but no engineer shall be employed unless he shall have special qualifications in the matter of road building and shall be a civil engineer of recognized standing. *Provided*, That whenever by law the county engineer is required to act *ex officio* as a member of any board, commission or other body, he is required to execute or certify any instrument in writing, such duties shall be performed by the chairman of the board of county commissioners.

Salaries :

SEC. 6. The salaries of county officers of Class A counties and counties of the first, second, third, fourth, fifth, sixth, sixth-A, sixth-B, sixth-C, seventh, eighth and ninth classes, as determined by the last preceding Federal census, or as may be determined under the provisions of chapter 177 Session Laws 1923 shall be per annum respectively as follows :

Class A.

Vetoed

Class A Counties: Auditor, clerk, treasurer, sheriff, assessor, engineer, superintendent of schools, members of board of county commissioners, thirty-six hundred dollars (\$3600.00); coroner, two thousand dollars (\$2000.00); attorney, five thousand dollars (\$5000.00).

First class.

Vetoed

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, engineer, superintendent of schools, members of board of county commissioners, three thousand three hundred dollars (\$3300.00); coroner, fifteen hundred dollars (\$1500.00); attorney, four thousand dollars (\$4000.00).

Second class.

Counties of the second class: Auditor, clerk, treasurer, sheriff, attorney, assessor, superintendent of schools, members of board of county commissioners, twenty-four hundred dollars (\$2400.00); coroner, twelve hundred dollars (\$1,200.00).

Third class.

Counties of the third class: Auditor, clerk, treasurer, sheriff, attorney, assessor, superintendent of schools, twenty-two hundred and fifty dollars

(\$2,250.00); members of board of county commissioners, two thousand dollars (\$2,000.00); coroner, eight hundred dollars (\$800.00).

Counties of the fourth class: Auditor, clerk, treasurer, attorney, assessor, superintendent of schools, two thousand dollars (\$2,000.00); sheriff, twenty-four hundred dollars (\$2,400.00); members of the board of county commissioners, fifteen hundred dollars (\$1,500.00).

Fourth class.

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, attorney, assessor, superintendent of schools, eighteen hundred dollars (\$1,800.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

Fifth class.

Counties of the sixth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, attorney, fifteen hundred dollars (\$1,500.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

Sixth class.

Counties of the sixth-C class: Clerk, two thousand dollars (\$2,000.00); treasurer, twenty-one hundred dollars (\$2,100.00); sheriff, attorney, superintendent of schools, eighteen hundred dollars (\$1,800.00); and members of the board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

Sixth-C class.

Counties of the sixth-B class: Clerk, treasurer, fifteen hundred dollars (\$1,500.00); sheriff, eighteen hundred dollars (\$1,800.00); prosecuting attorney, superintendent of schools, fifteen hundred dollars (\$1,500.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

Sixth-B class.

Counties of the seventh class: Clerk, treasurer, attorney, sheriff, fifteen hundred dollars (\$1,500.00); assessor, superintendent of schools, twelve hundred dollars (\$1,200.00); members of board of county

Seventh class.

commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

Eighth class.

Counties of the eighth class: Treasurer, clerk, fifteen hundred dollars (\$1,500.00); sheriff, superintendent of schools, twelve hundred dollars (\$1,200.00); said superintendent to give full time to duties; attorney, one thousand dollars (\$1,000.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

Ninth class.

Counties of the ninth class: Treasurer, clerk, assessor and attorney, fifteen hundred dollars (\$1,500.00); sheriff, eighteen hundred dollars (\$1,800.00); superintendent of schools, twelve hundred dollars (\$1,200.00); said superintendent to give full time to duties; members of the board of county commissioners, seven dollars (\$7.00) per day for time actually spent in the performance of their duties.

Traveling Expenses.

All county officers shall be entitled to their necessary traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners.

Elective officers may employ assistant.

In all cases where the duties of any office are greater than can be performed by the person elected to fill the same, said officer may employ, with the consent of the county commissioners, the necessary help, who shall receive such compensation as shall be fixed by the board of county commissioners.

Responsibility for deputies.

The officer appointing such deputies or clerks shall be responsible for the acts of such appointee upon his official bond.

§§ 1570, 1570a, 1567-2, and 1567-3,

Vetoed.

Pierce's Code.

SEC. 7. That Sections 4200, 4201, 4202 and 4203 of Remington's Compiled Statutes are hereby repealed.

Passed the House January 2, 1926.

Passed the Senate January 5, 1926.

Approved by the Governor, with the exception of the second and third paragraphs of section 6, and all of section 7, which are vetoed, January 15, 1926.

CHAPTER 149.

[H. B. 276.]

CORPORATIONS.

AN ACT relating to corporation fees and amending Sections 3836, 3837 and 3841 of Remington's Compiled Statutes, as amended by Chapter 144, Laws of 1923.

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

SECTION 1. That Section 3836 of Remington's Compiled Statutes, as amended by Section 1, Chapter 144, Session Laws of 1923, be amended to read as follows:

Amends  
§ 4641,  
Pierce's  
Code.

Section 3836. Every corporation incorporated under the laws of this state, or of any state or territory in the United States or of any foreign state or country, required by law to file articles of incorporation in the office of the secretary of state, shall pay to the secretary of state a filing fee in proportion to its authorized capital stock as follows:

Filing fee.

Capital not exceeding \$50,000.00, fee \$25.00;

Capital of more than \$50,000.00, and less than \$100,000.00, fee \$40.00;

Capital of \$100,000.00, or more, and less than \$150,000.00, fee \$75.00;

Capital of \$150,000.00, or more, and less than \$200,000.00, fee \$100.00;

Capital of \$200,000.00, or more, and less than \$300,000.00, fee \$150.00;

Schedule.

Capital of \$300,000.00, or more, and less than \$400,000.00, fee \$200.00;

Capital of \$400,000.00, or more, and less than \$500,000.00, fee \$250.00;

Capital of \$500,000.00, or more, and less than \$1,000,000.00, fee \$500.00;

Capital of \$1,000,000.00, or more, and less than \$2,000,000.00, fee \$750.00; and \$10.00 additional for each \$1,000,000.00, or major fraction thereof, of capital stock in excess of \$2,000,000.00: *Provided,*

*however*, That the total filing fee for filing such articles of incorporation shall in no case exceed the sum of \$3,000.00.

Amends  
§ 4642,  
Pierce's  
Code.

SEC. 2. That section 3837 of Remington's Compiled Statutes, as amended by section 2, chapter 144, Session Laws of 1923, be amended to read as follows:

Fees for  
amendatory  
articles.

Section 3837. Every corporation, foreign or domestic, desiring to file in the office of the secretary of state articles amendatory or supplemental articles increasing its capital stock, or certificates of increase of capital stock, shall pay to the secretary of state the fees prescribed in the preceding section for the total amount to which the capital stock of the corporation is so increased, less the amount already paid for filing the original articles of incorporation, or original articles and amendatory or supplemental articles, or certificates of increase, and every such corporation desiring to file amendatory or supplemental articles decreasing, or certificate of decrease of capital stock, shall pay to the secretary of state a filing fee of \$25.00. For filing of other amendatory or supplemental articles, it shall pay a fee of \$10.00: *Provided, however*, That the total amount paid by any corporation for filing its original articles of incorporation and all of its articles amendatory or supplemental articles increasing its capital stock or certificates of increase of capital stock, shall in the aggregate in no case exceed the sum of \$3,000.00, plus \$10.00 for each separate instrument filed in addition to its original articles of incorporation.

Maximum  
fees for  
original and  
amendatory  
articles.

Amends  
§ 4646,  
Pierce's  
Code.

SEC. 3. That section 3841 of Remington's Compiled Statutes, as amended by section 4, chapter 144, Session Laws of 1923, be amended to read as follows:

Annual  
license.

Section 3841. Every corporation incorporated under the laws of this state, and every foreign cor-

poration, having its articles of incorporation on file in the office of the secretary of state, shall, on or before the first day of July of each and every year, pay to the secretary of state, for the use of the state, the following license fees in proportion to its authorized capital stock, as follows:

Capital of \$50,000.00, or less, fee \$15.00;

Capital in excess of \$50,000.00 and up to and including \$100,000.00, fee \$25.00;

Capital in excess of \$100,000.00 and up to and including \$500,000.00, fee \$50.00; Schedule.

Capital in excess of \$500,000.00 and up to and including \$1,000,000.00, fee \$100.00;

Capital in excess of \$1,000,000.00 and up to and including \$2,000,000.00, fee \$150.00; and \$10.00 for each \$1,000,000.00 or fraction thereof of capital in excess of \$2,000,000.00: *Provided, however,* That the total amount of such annual license fee shall in no case exceed \$3,000. Maximum fee \$3,000.

Every corporation failing to pay the said annual license fee, on or before the first day of July of any year, and desiring to pay the same thereafter, and before the first day of January next following, shall pay to the secretary of state, for the use of the state, in addition to the said license fee the following further fee, as a Delinquent.

penalty for such failure, the sum of two dollars and fifty cents: *Provided, however,* That building and loan and savings and loan associations paying special fees provided for in the act under which same Penalty.

are incorporated shall not be required to pay the regular fee provided herein: *Provided, further,* Building and savings associations excepted.

That the annual fee required to be paid to the department of public works by any public service company shall be deducted from the annual fee provided herein, and the excess only shall be collected under this act. Public service companies deduction.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 14, 1926.

## CHAPTER 150.

[H. B. 149.]

## CRIMINAL PROCEDURE.

AN ACT relating to procedure in criminal cases, amending Sections 2042 and 2050 of Remington's Compiled Statutes; and amending Chapter XIII, Title XIII, of Remington's Compiled Statutes, by adding a new section to be known as Section 2050-1; and amending Sections 2186, 2181 and 2183 of Remington's Compiled Statutes; and amending Chapter XVIII, Title XIII, of Remington's Compiled Statutes, by adding two new sections to be known as sections 2183-1 and 2183-2 of Remington's Compiled Statutes, and repealing Section 2043 of Remington's Compiled Statutes.

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

Amends  
§ 9249,  
Pierce's  
Code.

SECTION 1. That Section 2042 of Remington's Compiled Statutes of Washington be amended to read as follows:

Indictment.  
Twelve  
jurors must  
concur.

Section 2042. An indictment cannot be found without the concurrence of at least twelve grand jurors, and when so found, it must be endorsed "a true bill," and such endorsement, signed by the foreman of the jury before it is presented to the court. Upon a true bill or indictment being presented to the court, the clerk of the court must, within one day after demand made, furnish the defendant, or his counsel, a copy thereof without charge, or permit the defendant's counsel, or the clerk of such counsel to take a copy.

Indorsement  
signed by  
foreman.

Defendant  
entitled to  
copy.

Amends  
§ 9258,  
Pierce's  
Code.

SEC. 2. That Section 2050 of Remington's Compiled Statutes of Washington be amended to read as follows:

Filing of  
information  
by prosecut-  
ing attorney.

Section 2050. All informations shall be filed in the court having jurisdiction of the offense specified therein by the prosecuting attorney of the proper county as informant; he shall subscribe his name thereto, and at the time the case is set for trial the prosecuting attorney shall file with the clerk a list of the witnesses which he intends to use at the trial

When set for  
trial list of  
witnesses  
filed with  
clerk.



and serve a copy of the same upon the defendant, and within five days thereafter the defendant shall file with the clerk and serve upon the prosecuting attorney a list of the witnesses which the defendant intends to use at the trial. Either party may add such additional names at any time before trial as the court may by order permit, and the said court shall possess and may exercise the same powers and jurisdiction to hear, try, and determine all such prosecutions upon information, to issue writs and process, and do all other acts therein, as it possesses and may exercise in cases of like prosecution upon indictments.

Copy to defendant.

Defendant to file list of witnesses.

Additional names may be added.

SEC. 3. That Chapter XIII, Title XIII, of Remington's Compiled Statutes be amended by adding thereto a new section to be known as Section 2050-1, and to read as follows:

§ 9258-a, Pierce's Code.

Section 2050-1. No pleading other than an indictment, information or complaint shall be required on the part of the state in any criminal proceedings in any court of the state, and when such pleading is in the manner and form as provided by law the defendant shall be required to plead thereto as prescribed by law without any further action or proceedings of any kind on the part of the state.

Pleadings required of state.

Defendant's pleading.

SEC. 4. That Section 2186 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends § 9346, Pierce's Code.

Section 2186. Exceptions may be taken by the defendant, as in civil cases, on any matter of law by which his substantial rights are prejudiced: *Provided*, That exceptions to a charge to a jury, or to a refusal to give as a part of such charge instructions requested in writing must be taken by any party by stating to the court, in open court after the jury shall have retired to consider of their verdict, and before any verdict has been returned, that such party excepts to the same, specifying by numbers

Exceptions as in civil cases.

Exceptions: How taken.

of paragraphs or otherwise the parts of the charge excepted to, and the requested instructions the refusal to give which is excepted to; whereupon the judge shall note the exceptions in the minutes of the trial, or cause the stenographer (if one be in attendance) so to note the same.

Judge to  
note  
exceptions.

Amends  
§ 9341,  
Pierce's  
Code.

SEC. 5. That Section 2181 of Remington's Compiled Statutes of Washington be amended to read as follows:

Grounds  
for new  
trial.

Section 2181. An application, or motion, for a new trial must be made within two (2) days after a verdict of guilty is returned, and may be granted for the following causes, where it affirmatively appears that a substantial right of the defendant was affected, whereby he, or she, was illegally or unjustly convicted:

Misconduct  
of party or  
jury.

1. When the jury has received any evidence, paper document, or book not allowed by the court;

2. Misconduct of the jury;

New  
evidence.

3. Newly discovered evidence material for the defendant, which he could not have discovered with reasonable diligence, and produced at the trial;

Accident or  
surprise.  
Error of law.

4. Accident or surprise;

5. Error of law occurring at the trial and excepted to by the defendant;

Verdict  
contrary  
to law and  
evidence.

6. When the verdict is contrary to law and evidence; but not more than two new trials shall be granted for these causes alone.

Amends  
§ 9343,  
Pierce's  
Code.

SEC. 6. That Section 2183 of Remington's Compiled Statutes of Washington be amended to read as follows:

Arrest of  
judgment.

Section 2183. Judgment may be arrested on the motion of the defendant, made at the time the verdict is returned and noted by the court or the clerk upon the minutes of the trial, for the following causes:

1. No legal authority in the grand jury to in-

quire into the offense charged, by reason of its not being within the jurisdiction of the court;

2. That the facts as stated in the indictment or information do not constitute a crime or misdemeanor.

SEC. 7. That Chapter XVIII, Title XIII, of Remington's Compiled Statutes be amended by adding thereto a new section to be known as Section 2183-1, and to read as follows:

Section 2183-1. The state may have a right of appeal to the Supreme Court, upon giving the same notice as is required of other parties, when the error complained of is based on the following: (1) The setting aside of an indictment or information; (2) The sustaining of a demurrer to an indictment or information; (3) An order arresting judgment on any grounds; (4) An order granting to any one, convicted by a jury, a new trial on any grounds; (5) Any order which in effect abates or determines the action, or discontinues the same, otherwise than by an acquittal of the defendant by a jury: *Provided*, That in no case shall the state have a right to an appeal where the defendant has been acquitted by a jury.

When state may have right of appeal.

No appeal by state when jury acquits defendant.

SEC. 8. That Chapter XVIII, Title XIII, of Remington's Compiled Statutes be amended by adding thereto a new section to be known as Section 2183-2, and to read as follows:

Section 2183-2. Should any section of this act, or any portion of any section be for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the act as a whole or any of the remaining portions thereof.

Part of act invalid remainder not affected.

SEC. 9. Section 2043 of Remington's Compiled Statutes of Washington is hereby repealed.

Repeals § 9250, Pierce's Code.

Passed the House December 9, 1925.

Passed the Senate January 5, 1926.

Approved by the Governor January 14, 1926.

## CHAPTER 151.

[H. B. 160.]

## 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.

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

Amends  
§ 98-30,  
Pierce's  
Code.

Tax levy  
for  
reclamation  
purposes.

Revolving  
fund.

SECTION 1. That Section 12 of Chapter 158 of the Laws of 1919, (Section 3015 of Remington's Compiled Statutes) be amended to read as follows:

Section 12. For the purpose of raising revenue for the carrying out of the provisions of this act, the state board of equalization shall, beginning the fiscal year of 1919, and annually thereafter, except in the year 1926, at the time of levying taxes for state purposes, levy upon all property subject to taxation, and the proper officers shall collect, a tax of one-half of one mill. The revenue so raised shall be paid into the state treasury and credited to the state reclamation revolving fund.

Passed the House December 15, 1925.

Passed the Senate January 7, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 152.

[S. B. 95.]

AUTHORIZING THE SALE OF SURPLUS LANDS OF CERTAIN  
PORT DISTRICTS.

AN ACT relating to certain port districts and authorizing the sale  
of surplus lands thereof.

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

SECTION 1. Any port district having a population of not less than forty-five thousand nor more than one hundred thousand, according to the last preceding Federal census, shall, in addition to the powers otherwise provided by law, have the power to sell at private sale or at public auction for cash, or upon terms not to exceed ten annual payments with interest at not less than four per cent on deferred payments, any surplus lands belonging to the district upon which there are no docks, warehouses or other buildings belonging to the district: *Provided*, That the port commissioners shall declare by unanimous resolution that the lands desired to be sold are surplus lands and are not needed for the purposes of the district: *Provided, further*, That the question of authorizing the sale of such lands shall have been submitted to a vote of the electors of the district in the manner provided by law for the submission of other questions to a vote of the electors of the district, giving a description by lot and block number, if platted, or by metes and bounds and the price and terms at which it is proposed to sell the lands at private sale, or the terms of sale in case of sale at public auction, and shall have been so authorized by a majority vote of the electors of the district voting on the question: *Provided*, That nothing in this act shall authorize the sale by the port of Grays Harbor of any lands

Port districts may sell surplus lands at public or private sale.

Terms.

Rate of interest on deferred payments.

Unanimous resolution lands not needed.

Election to authorize sale.

Grays Harbor port lands excluded.

granted to it by Chapter 27 of the Laws of 1913, pages 69 and 70.

Passed the Senate December 18, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

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## CHAPTER 153.

[S. B. 251.]

### HOQUIAM RIVER BRIDGE AUTHORIZED.

AN ACT relating to state road No. 9 and authorizing the expenditure of certain funds for acquiring right of way for, and the construction of a bridge across the Hoquiam River in conjunction with the city of Hoquiam.

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

Authority to expend \$100,000 from appropriation for state road No. 9 for right of way and for bridge across Hoquiam river.

SECTION 1. The state highway committee is hereby authorized to expend from any unobligated portion of the funds appropriated from the motor vehicle fund by Chapter 20 of the Laws of 1925, for the maintenance, engineering, construction, improvement and/or paving of state road No. 9 between Perry Creek and Queets, the sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary for the purpose of acquiring right of way by condemnation in the manner provided by law, within or without the corporate limits of any city, and to aid in the construction of a bridge across the Hoquiam River in the city of Hoquiam, County of Grays Harbor, on the line of said state road No. 9, in cooperation with the expenditure by the city of Hoquiam of the sum of two hundred and fifty thousand dollars (\$250,000.00) raised by said city for the construction of said bridge: *Provided*, That the plans and specifications for said bridge shall be prepared by the state highway engineer, and

City of Hoquiam to expend \$250,000.

State highway engineer to prepare plans.

all contracts for the construction of said bridge shall be awarded by the state highway committee, and the state highway engineer shall have full charge, supervision and control of the construction of said bridge: *Provided, further,* That said bridge when constructed shall be operated and maintained by the city of Hoquiam or the county of Grays Harbor, 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.

Highway committee to award contract.

No responsibility on state for bridge maintenance.

Passed the Senate December 30, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

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CHAPTER 154.

[S. B. 152.]

FOREST PRODUCTS AND BOOMING EQUIPMENT.

AN ACT relating to forest products and booming equipment, regulating the branding, transportation, reclaiming and sale or other disposition thereof, 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. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of this act or the section in which used, shall be construed as follows:

Terms construed.

(1) "Person" shall include the plural and all corporations, foreign and domestic, copartnerships, firms and associations of person.

"Person."

(2) "Waters of this State" shall include any and all bodies of fresh and salt water within the jurisdiction of the state capable of being used for the transportation of forest products, and all rivers and lakes and their tributaries, harbors, bays, bayous and marshes.

"Waters of this state."

"Forest products."

(3) "Forest products" shall be taken to mean and include logs, spars, piles, and poles, boom sticks and shingle bolts and every form into which a fallen tree may be cut before it is manufactured into lumber or run through a sawmill, shingle mill or tie mill, or cut into cord wood, stove wood or hewn ties.

"Catch brand."

(4) "Catch brand" shall be taken to mean a mark or brand used by a person as an identifying mark upon forest products and booming equipment previously owned by another.

"Booming equipment."

(5) "Booming equipment" shall include boom sticks and boom chains.

Owner must mark forest products and booming equipment.

SEC. 2. Every person who shall put into any of the waters of this state, or ship on any common carrier railroad for the purpose of floating or rafting in any of said waters, any forest products, or use any booming equipment as a part of his operation in securing, rafting or floating forest products, shall have a mark or brand, previously selected by him and registered in the manner hereinafter provided, plainly impressed or cut in a conspicuous place on each stick or piece of forest products so shipped on any common carrier railroad or put into any of said waters and on each piece of booming equipment so used.

Selection of mark or brand.

SEC. 3. Every person so selecting a mark or brand, before using it, shall make application for the registration thereof in the office of the secretary of state by depositing in the office of said secretary of state an impression burned in a piece of leather of appropriate size or a drawing thereof, together with, in duplicate, a written statement duly signed and verified by him or his agent, and containing a description of said mark or brand and declaring that such mark or brand is not, and at the time of its adoption by him was not in use, to his knowledge, by any other person, and that he has selected it in good faith for marking or branding forest products

Drawing and description of mark to be filed.

Not then in use by others.



to be transported on the common carrier railroads, or floated or rafted in the waters, of this state or booming equipment to be used by him as a part of his operations in securing, rafting or floating forest products, and the secretary of state, upon the receipt of such application and the fee hereinafter provided, if he finds that said mark or brand is not identical with any other mark or brand registered in his office or does not so closely resemble one registered therein as to be confounded therewith, shall file in his office said impression or drawing and one copy of said written statement and register said mark or brand in a book to be provided by him and kept for the purpose and known as the "Forest Products Brand Register," entering therein the name of the owner, character of the mark or brand, date of registration, and such other details as he may see fit to enter therein, and shall return to the applicant the other copy of said written statement, with a certificate attached thereto and signed by him or his deputy to the effect that said mark or brand has been duly registered in accordance with the provisions of this act and that the applicant is the registered owner thereof. The secretary of state, in the event of his refusal to register a mark or brand on account of confliction with, or resemblance to, one already registered, shall immediately give notice of that fact to the applicant, who may select another mark or brand and apply for its registration in the manner of an original application.

To be filed with secretary of state.

Registration of mark or brand.

Certificate of registration.

Registration refused.

Notice.

Selection of another mark.

SEC. 4. Every mark or brand registered under this act shall be assignable in law; and the secretary of state, upon presentation to him, in duplicate, of an assignment transferring said mark or brand to a person therein named and duly executed and acknowledged by the owner thereof and the payment of the fee hereinafter mentioned, shall file one copy of such assignment in his office and make an entry

Registered marks assignable.

Assignment to be filed with secretary of state.

in said forest products brand register of the fact of such assignment and the date thereof and the name of the assignee and such other details as he may see fit to enter therein, and shall return to the assignee the other copy of said assignment, with a certificate attached thereto and signed by him or his deputy to the effect that said mark or brand has been duly registered in accordance with the provisions of this act and assigned to said assignee, and that said assignee is the registered owner thereof. Said assignee, upon the due registration of said assignment as herein provided, shall be and become the owner of said mark or brand with the full right of exclusive use to the same extent as though he had been the original owner.

Certificate of registration to assignee.

Right of assignee to exclusive use.

Certificate of secretary of state as evidence of registration and ownership.

SEC. 5. The certificate of the secretary of state, attached to the original or copy of said written statement or assignment and signed by him or his deputy as herein provided, shall be received in all the courts of this state as evidence of the due and proper registration of said mark or brand and of the ownership thereof without proof of the signature thereto.

Impression of mark presumption of ownership of products.

SEC. 6. All forest products and booming equipment having impressed thereupon a registered mark or brand as herein provided shall be presumed to belong to the person appearing on the records in the office of said secretary of state as the owner of said mark or brand: *Provided*, That all forest products having impressed thereupon also a registered catch brand shall be presumed to belong to the owner of such registered catch brand, unless there shall be impressed thereupon more than one registered catch brand, in which event they shall be presumed to belong to the owner whose registered catch brand was placed thereupon latest in point of time.

Impression of registered catch brand.

Presumption.

Cancellation of registration.

SEC. 7. The secretary of state, upon the petition of the owner of a registered mark or brand, may cause the registration thereof to be cancelled, and, in

the event of such cancellation, said mark or brand shall be open to registration by any person subsequently applying therefor.

SEC. 8. The fees to be paid to the secretary of state shall be as follows: Fees.

For filing an application to register a mark or brand and registering the same, including the certificate, \$3.00;

For filing an application for an assignment of a registered mark or brand and registering such assignment, including the certificate, \$3.00;

For every other certificate of registration, including a copy of said written statement or assignment, \$2.50;

For each copy of any drawing, reasonable expense of preparing the same.

SEC. 9. Every person, desiring to use a catch brand as an identifying mark upon forest products or booming equipment purchased or lawfully acquired by him from another, shall, before using it, make application for the registration thereof in the office of the secretary of state in the manner prescribed for the registration of other marks or brands as herein required, and the provisions contained in the foregoing sections in reference to registration, certifications, assignment and cancellation and the fees to be paid to the secretary of state shall apply equally to catch brands: *Provided*, That the certificate of said secretary of state shall designate said mark or brand as a catch brand and provided that the mark or brand selected by the applicant as a catch brand shall be enclosed in the letter C, which letter C shall identify said mark or brand as, and shall be used only in connection with, a catch brand.

Catch brand may not use until application for registration.

Catch brand to be so designated in certificate.

How catch brand to be used.

SEC. 10. The owner of any mark or brand registered as herein provided, by himself or his duly authorized agent or representative, shall have

Right of owner of registered brand to enter upon tidelands, mill yards, etc., to retake his marked property.

a lawful right, at any time and in any peaceable manner, to enter into or upon any tidelands, marshes and beaches of this state and any mill, mill yard, mill boom, rafting or storage grounds and any forest products or raft or boom thereof, for the purpose of searching for any forest products and booming equipment having impressed thereupon or cut therein a registered mark or brand belonging to him and to retake any forest products and booming equipment so found by him.

SEC. 11. Every person:

Unlawful to float or raft if registered brand not impressed on products and equipment.

1. Who shall put into any of the waters of this state, or ship on any common carrier railroad for the purpose of floating or rafting in any of said waters, any forest products, or use any booming equipment as a part of his operation in securing, rafting or floating forest products, without having plainly impressed or cut in a conspicuous place on each stick or piece of forest products so put into any of the waters of this state or shipped on any common carrier railroad, and on each piece of booming equipment so used, a mark or brand previously registered as required by the terms of this act; or,

Boom companies and log patrol companies excepted.

2. Except boom companies and log patrol companies organized as corporations for the purpose of catching or re-claiming and holding or disposing of forest products for the benefit of the owners, and authorized to do business under the laws of this state, who shall have or take in tow or into his custody or possession or under his control, without the authorization of the owner of a registered mark or brand thereupon, any forest products or booming equipment having thereupon a mark or brand registered as required by the terms of this act, or, with or without such authorization, any forest products or booming equipment required to be branded under the terms of this act

Towing or possessing without authority of owner of registered brand unlawful.

Unlawful to tow if not bearing registered brand.

with a registered mark or brand and having no registered mark or brand impressed thereupon or cut therein; or,

3. Who shall impress upon or cut in any forest products or booming equipment a mark or brand that is false, forged or counterfeit; or, False or counterfeit branding.

4. Who shall interfere with, prevent or obstruct the owner of any registered mark or brand, or his duly authorized agent or representative, entering into or upon any tidelands, marshes or beaches of this state or any mill, mill site, mill yard or mill boom or rafting or storage grounds or any forest products or any raft or boom thereof for the purpose of searching for forest products and booming equipment having impressed thereupon a registered mark or brand belonging to him or retaking any forest products or booming equipment so found by him; or, Interference with entry and retaking by registered brand owner of property prohibited.

5. Who shall impress or cut a catch brand that shall not have been registered under the terms of this act upon or into any forest products or booming equipment upon which there is or should be a registered mark or brand as required by the terms of this act or a catch brand, whether registered or not, upon any forest products or booming equipment that shall not have been purchased or lawfully acquired by him from the owner; shall be guilty of a gross misdemeanor. Catch brand unlawful use.

SEC. 12. Every person who, with an intent to injure or defraud the owner:

1. Shall falsely make, forge or counterfeit a mark or brand registered as herein provided and use it in marking or branding forest products or booming equipment; or, Forgery of mark.

2. Shall cut out, destroy, alter, deface, or obliterate any registered mark or brand impressed upon or cut into any forest products or booming equipment; or, Destroying or defacing mark.

3. Shall sell, encumber or otherwise dispose of

Penalty.

Unlawful to appropriate and dispose of marked products and equipment.

or deal in, or appropriate to his own use, any forest products or booming equipment having impressed thereupon a mark or brand registered as required by the terms of this act; or

Unlawful buying or or selling of marked or branded products or equipment. Penalty.

4. Shall buy or otherwise acquire or deal in any forest products or booming equipment having impressed thereupon a registered mark or brand;

Shall be guilty of a felony.

Sufficiency of mark or brand.

SEC. 13. A mark or brand cut in boom sticks with an ax or other sharp instrument shall be sufficient for the purposes of this act, if it substantially conforms to the impression or drawing and written description on file in the office of the secretary of state.

Act not applicable to eastern Washington.

SEC. 14. In view of the different conditions obtaining in the logging industry of this state between the parts of the state lying respectively east and west of the crest of the Cascade mountains, forest products may be put into the waters of this state or shipped on common carrier railroads without having thereon a registered mark or brand, as herein required, within that portion of the state lying east of the crest of the Cascade mountains and composed of the following counties, to wit: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima; and the penalties herein provided for failure to mark or brand such forest products shall not apply: *Provided, however,* that any person operating within the said east side portion of the state may select a mark or brand and cause the same to be registered in the office of the secretary of state pursuant to the terms of this act and use it for the purpose of marking or branding forest products and booming equipment; and, in the event of the registration of such mark or brand and the use of it in marking or branding forest

Counties comprising excluded section.

Persons of eastern section may register brand and come within purview of act.

products or booming equipment, the provisions hereof shall apply as to the forest products and booming equipment so marked or branded.

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

Invalidity of part of act.

SEC. 16. Act entitled "An Act to protect the title of the owners of floating logs, timber and lumber and declaring an emergency" approved March 28, 1890, (Laws of 1889-90, pages 110-112, Sections 8381 - 8394 of Remington's Compiled Statutes) and Chapter CXXIII (123) of the Laws of 1901, pages 262 to 264, are hereby repealed.

Repeals §§ 3689 to 3702, Pierce's Code.

Passed the Senate December 11, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 18, 1926.

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## CHAPTER 155.

[S. B. 150.]

### COAL MINES.

AN ACT relating to the prospecting for and mining of coal belonging to the State of Washington.

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

SECTION 1. The commissioner of public lands may execute option contracts and leases for the mining and extraction of coal from any lands belonging to the State of Washington, 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, in accordance with the provisions of this act.

Option contracts for mining coal from state lands.

Must be  
a citizen.

Application  
for option  
contract.

Fees.

Contract  
refused.

Amount  
returnable  
to applicant.

Commis-  
sioner to  
investigate  
lands  
applied for.

Discretion.

Contract  
holder  
allowed  
one year for  
prospecting.

May use  
state timber  
upon the  
land.

Proviso.

No coal to  
be removed  
during  
period  
option  
contract.

SEC. 2. Any citizen of the United States believing coal to exist upon any of the lands described in section one hereof 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.

SEC. 3. 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.

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.

Applicant to fill in abandoned holes.

Report to land commissioner result of investigation.

SEC. 4. 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 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.

Reserved mineral rights in lands sold.

Ascertainment by superior court of damages accruing to owner from coal prospecting or mining.

SEC. 5. 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

Application for coal mining lease.

Limit of lease.

Form of lease.

Rights of lessee.

Payment of royalty to state for coal taken.

Lignite.

Sub-bituminous.

High grade bituminous and coking coal.

Minimum royalty.

Graduated royalty.

Royalty payable in advance.

Reports and remittances by lessee to land commissioner.

Forfeiture of lease for non-compliance with this act and lease.

Provisions of lease.

Mining rules and regulations to be prescribed by commissioner.

Lands containing workable coal.

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.

Failure on the part of any lessee to comply with the provisions of this chapter, or of his lease, shall work a forfeiture of the lease, and no such forfeiture may be waived. The commissioner shall incorporate in every such 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.

SEC. 6. In the case of lands known to contain workable coal, the commissioner may, in his dis-

cretion, issue coal mining leases under the provisions of this act although no option contract has been theretofore issued for such lands.

Option contract not pre-requisite to mining lease.

SEC. 7. 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 obtained to any person other than the commissioner of public lands and his employees, except the attorney general and prosecuting attorneys of the State of Washington.

Inspection by land commissioner of mines, etc.

Access to books.

Disclosure of information unlawful.

SEC. 8. The State of Washington 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 provisions of this act, 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 lessee.

State may sell timber, stone, etc., upon the land during option contract or lease.

Lessee to pay for timber used for mining purposes.

SEC. 9. Should the lessee for any reason, except strikes or inability to mine or dispose of his output without loss, suspend mining operations upon the

Suspension of mining operations by lessee.

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 canceled.

Lessee may terminate lease.

Conditions.

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.

Lease terminated.

Duties of lessee.

SEC. 10. Upon the termination of any lease issued under the provisions of this act, 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 to do so, leave open to the face all main entires [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.

May remove personalty.

Application for renewal of lease or re-leasing contents of application.

SEC. 11. If at the expiration of any lease for the mining and extraction of coal or any renewal thereof the lessee desires to release 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 in-

Investigation.

terests of the state to re-lease said lands, he shall fix the royalties for the ensuing term in accordance with the provisions of this act 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 any 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.

Duty of commissioner.

Preference given application for re-lease.

SEC. 12. It shall be unlawful for the holder of any 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 by contract holder or lessee.

Passed the Senate December 4, 1925.

Passed the House December 17, 1925.

Approved by the Governor January 18, 1926.

## CHAPTER 156.

[S. B. 258.]

### REGULATION OF SALMON FISHING.

AN ACT relating to fisheries and amending sections 5683 and 5704-a of Remington's Compiled Statutes, as enacted by Section 9, Chapter 90, Laws of 1923.

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

SECTION 1. That Section 5683 of Remington's Compiled Statutes be amended to read as follows:

Amends § 2440, Pierce's Code.

Section 5683. No lead of any pound-net, trap, fish-wheel, or other fixed appliance used for catching salmon in the Columbia River and its tributaries, Willapa Harbor and its tributaries, and Grays Harbor and its tributaries shall exceed eight hundred feet in length, and there shall be an end

Fixed appliances in Columbia river, Willapa and Grays harbors.

passageway of at least thirty feet and a lateral passageway of at least nine hundred feet between all such pound-nets, traps, fish-wheels, or other fixed appliances. The lead of any pound-net or trap may be extended to high-water mark only on the tide lands owned by the state, providing such extension does not exceed the length provided in this act. Should the locator or owner neglect to construct his appliances for two consecutive years, said location shall be deemed abandoned.

SEC. 2. That Section 5704-a of Remington's Compiled Statutes, as enacted by Section 9, Chapter 90 of the Laws of 1923, be amended to read as follows:

Amends  
§ 2460-2,  
Pierce's  
Code.

License fees  
Columbia  
river.

Section 5704-a. There shall be paid to the state treasurer of the state of Washington the following license fees and taxes in the Columbia River district or the Columbia River or the waters of the Columbia River over which the state of Washington has jurisdiction or concurrent jurisdiction:

Gill net.

For each gill net license for the taking of salmon, smelt or herring, seven and fifty one-hundredths dollars (\$7.50);

Boat  
puller.

For each boat puller license for the taking of salmon, smelt or herring, one dollar (\$1.00);

Licenses  
issued only  
to applicants  
personally  
operating.

*Provided, however,* that no such gill net licenses or boat puller licenses shall be issued in the name of or to any applicant unless the said applicant is to be engaged personally in the operation of said gill net or boat used in the operation thereof.

Poundage  
fee.

Every person, firm or corporation operating as a canner, receiver, buyer, or wholesaler of salmon, shad or sturgeon shall pay in addition to all other licenses or fees provided by law, the sum of one-half cent ( $\frac{1}{2}c$ ) per pound on sturgeon and on each and every specie of salmon except dog or chum salmon and one-eighth cent ( $\frac{1}{8}c$ ) per pound on all shad and dog or chum salmon caught in the Colum-

bia River district or the waters of the Columbia River over which the state of Washington has jurisdiction or concurrent jurisdiction. The poundage fee herein required shall be paid to the state treasurer on March first and September first or at such other times as the supervisor of fisheries may order and direct, and the fee shall be accompanied by a report showing the total number of pounds of all varieties of fish, stated separately upon blanks furnished by the supervisor of fisheries.

It is the intention of this act that only one poundage fee shall be collected for each and every pound of fish purchased or received and in order that this end may be accomplished, the supervisor of fisheries and the state treasurer are hereby authorized to determine finally any dispute arising out of the operation and enforcement of this section.

Only one poundage fee.

The poundage fee herein required shall constitute a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the said fish.

Lien of poundage fee.

The state treasurer and the supervisor of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the poundage fee herein required, and may in their discretion require a bond from any person, firm or corporation licensed, guaranteeing the payment of said poundage fee.

Rules and regulations.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the supervisor of fisheries, or to violate any of the provisions of this section. Every person, firm or corporation licensed to operate as a canner, packer, buyer, receiver or wholesaler by the director of licenses shall keep a record in triplicate in such

Unlawful to falsify reports or to violate rules or orders.

Record to be kept.

form so that the following information and facts shall be found thereon:

1. Name of person from whom any of said fish are obtained.

2. The license number and kind of gear operated by said person.

3. The license number shall be preceded by the letter "W" in case the license has been issued by the state of Washington, and the letter "O" in case the license has been issued by the state of Oregon.

4. The number of pounds of each variety of fish purchased or received from said person, said weights to be the gross weight, figured in the whole or round.

5. The date when said fish was purchased or received.

6. The name of the purchaser or receiver.

At least one copy of this record must be kept on each scow, pick-up boat or other craft used in buying, receiving or transporting said fish and by the canner, or packer and the wholesaler or his buyer or receiver, and shall be subject to inspection by the supervisor of fisheries and the state treasurer or their deputies or agents.

Failure on the part of any person, firm or corporation to keep the record herein required shall be good and sufficient reason for the director of licenses to suspend or revoke the license granted to said person, firm or corporation, and any person, firm or corporation failing to pay the poundage fee required herein shall be denied a renewal of said license or the issuance of any other license which may be issued by the director of licenses hereunder.

Any tax received hereunder shown by the reports to have been collected under a license issued by the state of Oregon shall not be deposited in the state treasury, but shall be deposited in a fund to be known as the Oregon License Fund; and the state treasurer of the state of Washington shall, each

Where  
copies of  
record to  
be kept.

Subject to  
inspection.

Suspension  
or revoca-  
tion of  
license for  
failure to  
keep record  
or pay  
fees.

Refund to  
Oregon.



month, make a statement of all such tax received by him, and shall pay the same to the state fish commission of Oregon. This provision shall not become effective, however, unless a similar and reciprocal statute of the state of Oregon shall become effective in favor of the state fisheries board of the state of Washington.

Conditional  
on refund  
by Oregon to  
Washington.

It shall be unlawful to take or catch any food fish with a gill net or to operate as a boat puller in the Columbia River district, or in the waters in the Columbia River, over which the state of Washington has jurisdiction or concurrent jurisdiction without first obtaining the license as in this section provided.

Gill net  
and boat  
puller  
license  
required.

No license shall be granted to any person, firm or corporation to operate a whip seine in the Columbia River district or in the waters of the Columbia River, over which the state of Washington has jurisdiction or concurrent jurisdiction.

Whip  
seine.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty.

Passed the Senate December 29, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 157.

[S. B. 233.]

## PROTECTION OF CLAMS.

AN ACT relating to clams and amending section 5750 of Remington's Compiled Statutes.

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

SECTION 1. That section 5750 of Remington's Compiled Statutes be amended to read as follows:

Section 5750. It shall be unlawful for any person or persons whomsoever to take or dig any clams, except mud clams, from the beaches of the Pacific Ocean in this state or from the beaches of Grays Harbor or Willapa Harbor, or to have in their possession if the same have been taken for the purpose of canning or fore [for] sale, between the first day of June of each year and the first day of March of the following year, both dates inclusive; or to take or dig any mud clams upon the beaches of the Pacific Ocean in this state or from the beaches of Grays Harbor or Willapa Harbor, or to have in their possession if the same have been taken for the purpose of canning or for sale, between the first day of May and the thirty-first day of October, both dates inclusive, of each year; or to take or dig clams at any time except with fork, pick or shovel operated by hand.

On or before the first day of February of each year the commissioner may reserve and withdraw for said year from use for the taking of clams such portion of the tide lands owned by the state and such portion of the beaches of the Pacific Ocean as he may deem necessary, and shall give notice of such reserve and withdrawal from use by publication for one week in a newspaper published in the county in which such tide land or beach is situated, such notice to be given within ten days after making such re-

Amends  
§ 2508,  
Pierce's  
Code.

Closed  
season for  
ocean beach,  
Grays and  
Willapa  
harbors.

Mud  
clams.

May use  
only fork,  
pick or  
shovel  
hand  
operated.

Reservation  
from use  
state tide  
lands and  
ocean  
beaches.

Notice by  
publication  
of with-  
drawal of  
lands.

serve or withdrawal; and it shall be unlawful for any person or persons whomsoever to take or dig clams except for the use of himself and family from any tide lands or beaches so reserved or withdrawn by the commissioner from and after the first of March of each year, in which such notice shall be published: *Provided*, that nothing herein shall be construed to prevent the state from selling or leasing any of its tide lands in the manner now provided by law: *And Provided further*, That if any of the tide lands of the state are sold or leased which are included within the reservation or withdrawal herein provided for, that the said reservation shall thereupon cease to be effective as to said tide lands when sold or leased.

Unlawful to dig clams except for family use.

Does not prevent state selling or leasing its tide lands.

Sale or leasing of tide lands nullifies reservation.

Nothing in this section shall prevent the taking of clams for the consumption of the taker or his family or guests at all times without a license, and nothing in this section shall prevent the holder of a crab-fishing license or any persons designated by him from taking clams for use as bait only between the first day of October and the thirty-first day of May following, upon the payment of a special license fee of one dollar (\$1) for each such digger of clams.

Clams may be taken any time for family use.

Crab-fishing license, clams for bait.

Fee.

Passed the Senate December 18, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 158.

[S. B. 186.]

ELECTION OF PRECINCT COMMITTEEMEN.

AN ACT relating to the election of precinct committeemen and amending section 5198 of Remington's Compiled Statutes.

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

Amends § 2243, Pierce's Code.

Election of party precinct committeemen.

Who may file.

Fee.

Form.

Names of candidates printed.

Voter may write in name.

Party county committee.

State committee.

Organization meeting.

SECTION 1. That section 5198 of Remington's Compiled Statutes be amended to read as follows:

Section 5198. 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 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 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 meet-

ing 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.

Called meeting.

Power to make rules.

Convention may not nominate candidate for primary election.

City committeemen elected at city elections.

Passed the Senate December 18, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 159.

[S. B. 141.]

POWERS OF MUNICIPAL CORPORATIONS OF THE FOURTH CLASS.

AN ACT relating to the powers of municipal corporations of the fourth class, authorizing the granting of certain franchises, validating certain existing franchises, and amending Section 9175 of Remington's Compiled Statutes.

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

SECTION 1. That section 9175 of Remington's Compiled Statutes be amended to read as follows:

Amends § 837, Pierce's Code.

The council of said town shall have power—

Powers of city council. 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, dis-

To acquire and dispose of property for municipal purposes.

No power  
to sell  
waterfront.

pose 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;

Water.

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;

Highways.

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;

Drains and  
sewers.

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;

Fire  
extinguish-  
ment.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

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;

Poll 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;

Dog tax.

9. To levy and collect annually a property tax. The levy for all purposes, for any one year, shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such town;

Property tax.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, 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;

License taxes.

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 pollu-

River improvement.

tion of streams of 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;

Municipal  
buildings.

12. To erect and maintain buildings for municipal purposes;

Tracks,  
pipes,  
wires.

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 light 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.

Prohibit  
prostitution  
and  
gambling.

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;

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;

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.

General  
welfare  
ordinance.

SEC. 2. All franchises, permits and rights of way heretofore granted by any municipality of the fourth class to any person, firm or corporation, to construct, maintain or operate surface, underground and aerial tramways and other means of conveyance over, above, across, upon and along its streets, highways and alleys are hereby validated, ratified and confirmed.

Validation  
of franchise  
previously  
granted.

SEC. 3. If any section, or provisions 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.

Effect of  
partial  
invalidity.

Passed the Senate December 9, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 160.

[S. B. 116.]

STATE HIGHWAYS.

AN ACT relating to the acquirement of lands for rights of way and drainage of and unobstructed vision for state highways and for the purpose of securing sand pits, gravel pits, borrow pits, stone quarries and maintenance camp sites, and rights of way to gain access thereto, amending section 6766 of Remington's Compiled Statutes, and declaring an emergency.

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

Amends § 6786, Pierce's Code.

SECTION 1. That Section 6766 of Remington's Compiled Statutes as amended by Chapter 139 of the Laws of 1923 of Washington be amended to read as follows:

Lands for right of way, drainage, to afford view of railway crossing or other point of danger to public travel, or sand, gravel or borrow pits and quarries.

Section 6766. Whenever it is necessary to secure any lands for a right of way for a state highway, or for the drainage thereof or so as to afford unobstructed vision therefor toward any railway or another highway crossing or any point of danger to public travel or another highway crossing or any point of danger to public travel or for the purpose of acquiring sand pits, gravel pits, borrow pits and stone quarries for the construction or maintenance, or both, or any site for the erection upon and use as a maintenance camp, of any state highway together with right of way to reach such property and gain access thereto, the state highway engineer is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands the action shall be brought in the name of the state under the provisions of Sections 891 to 900, both inclusive, of this code, and in such action the selection of the lands by the state highway engineer shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge

Highway engineer to acquire by purchase or condemnation.

Eminent domain.

§§ 7661-70, Pierce's Code.

Selection by highway engineer conclusive.

before which the action is brought that said lands are for a public use for the purpose sought. The cost of such lands may be paid from the fund apportioned to the state road for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries and maintenance camp sites are acquired. Whenever it is necessary to locate and construct a state road over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any state road to have additional land for drainage thereof or to afford unobstructed vision therefor toward any railway or another highway or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit or stone quarry necessary to be located within any such public lands of the state together with any necessary right of way to reach such property and gain access thereto, the state highway engineer shall file in the office of the commissioner of public lands a map showing the location of such road over and across such lands or the area needed for drainage thereof or for unobstructed vision as above provided therefor, or the location of any such sand pit, gravel pit, stone quarry or maintenance camp site together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map the easement for such right of way or for such area for drainage thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit or stone quarry or for the erection and occupancy of any such maintenance camp together with any such required right of way thereto, shall be reserved to the state and such land

Lands are for a public use.

Funds from which cost payable.

Across public lands.

Highway engineer's duty.

when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional area for drainage or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit or stone quarry together with any such required right of way thereto and to the right in the state to use and remove materials therefrom for the construction and maintenance of any state road, and subject to the occupancy and use of any such maintenance camp site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry or maintenance camp site it shall be the duty of the state highway engineer forthwith to so certify to the commissioner of public lands, and from and after receipt and filing of such certificate in the office of said commissioner of public lands the lands described therein shall thereafter be freed from state use and occupancy for such purposes.

When no longer required freed from state use.

Emergency.

SEC. 2. An emergency exists making the provisions of this act necessary for the immediate support of state government and its existing institutions and this act shall take effect immediately.

Passed the Senate December 2, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 18, 1926.

CHAPTER 161.

[S. B. 106.]

WATER CODE.

AN ACT relating to the use of water in the State of Washington, providing for the filing of applications therefor, fixing fees, making appropriations, providing for the disposition thereof, and amending sections 7381 and 7399, Remington's Compiled Statutes.

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

SECTION 1. That section 7381, Remington's Compiled Statutes, be amended to read as follows:

Amends  
§ 7232,  
Pierce's  
Code.

Section 7381. Upon filing an application which complies with the provisions of this act and the rules and regulations established hereunder, the Supervisor of Hydraulics shall instruct the applicant to publish notice thereof in a form and within a time prescribed by said Supervisor of Hydraulics, in one newspaper of general circulation published at the county seat of the county or counties in which the storage, diversion and use is to be made, and in such other newspapers as the Supervisor of Hydraulics may direct, once a week for two consecutive weeks.

Publication  
of notice of  
proposed  
use.

SEC. 2. That section 7399, Remington's Compiled Statutes, be amended to read as follows:

Amends  
§ 7246,  
Pierce's  
Code.

Section 7399. The following fees shall be collected by the Supervisor of Hydraulics in advance (a) For the examination of an application for permit to appropriate water a five dollars (\$5.00) fee shall be paid upon filing the application, which shall be a minimum fee but shall be a credit to the extent of five dollars whenever the fee due upon direct diversion or storage totals more than five dollars under the schedule hereinafter provided and in such case the further fee due shall be the total computed amount less five dollars. Not later than five days

Fees.

after receipt of such an application the Supervisor of Hydraulics shall notify the applicant by registered mail of the further amount of fee, if any, due under the following schedule of fees, and if there is a further amount due and said amount is not received within thirty (30) days after the date of filing said application in the office of the Supervisor of Hydraulics, said application shall be rejected. After notice and within the time hereinabove provided, such further fee as may be due shall be paid in amounts determined as follows: For all amounts in excess of one cubic foot per second up to and including five hundred cubic feet per second, at the rate of one dollar (\$1.00) per cubic foot per second. For all amounts in excess of five hundred cubic feet per second up to and including two thousand cubic feet per second, at the rate of twenty-five cents (25c) per cubic foot per second. For all amounts in excess of two thousand cubic feet per second, at the rate of ten cents (10c) per cubic foot per second. For each acre-foot of storage up to and including one hundred thousand acre-feet, at the rate of one-half cent ( $\frac{1}{2}c$ ) per acre-foot. For each acre-foot of storage over one hundred thousand acre-feet, at the rate of one-tenth cent per acre-foot. (b) For filing and recording permit to appropriate water for irrigation purposes, ten cents (10c) per acre for each acre to be irrigated up to and including one hundred acres, and five cents (5c) per acre for each acre in excess of one hundred acres up to and including one thousand acres, and two and one-half cents ( $2\frac{1}{2}c$ ) for each acre in excess of one thousand acres; and also ten cents (10c) for each theoretical horsepower up to and including one thousand H. P. and two cents (2c) for each theoretical horsepower in excess of one thousand H. P. For logging, mining other than power, fish culture, municipal and domestic purposes, except individual household use, the fee shall

be twice the amount of the examination fee. (c) For filing and recording any other water right instrument, one dollar (\$1.00) for the first hundred words and ten cents (10c) for each additional hundred words or fraction thereof; (d) For making copy of any document recorded or filed in the office of the Supervisor of Hydraulics, ten cents (10c) for each hundred words or fraction thereof, but where the amount exceeds five dollars (\$5.00), then only the actual cost in excess of that amount shall be charged; (e) For certifying to copies, documents, records or maps, one dollar (\$1.00) for each certification; (f) For blueprint copies of any map or drawing, ten cents (10c) per square foot or fraction thereof. For such other work of a similar nature as may be required of his office, at actual cost of the work. (g) For granting each extension of time (under section 7385, Remington's Compiled Statutes) for beginning construction work under a permit to appropriate water, the permittee shall pay an amount equal to one-half of the filing and recording fee. (h) For the inspection of any hydraulic works to insure safety to life and property as provided in section 7358, Remington's Compiled Statutes, subsection 2, the owner of such works shall pay the actual cost of such inspection, together with the expense incident thereto. (i) For the examination of plans and specifications as to safety as provided in section 7388, Remington's Compiled Statutes, a minimum fee of five dollars (\$5.00) shall be charged; if the cost of such examination exceeds five dollars (\$5.00), the actual cost of such work shall be paid.

See § 7210,  
Pierce's  
Code.

See § 7240,  
Pierce's  
Code.

SEC. 3. All fees, collections and revenues derived hereunder or by virtue of section 7371, Remington's Compiled Statutes, shall be used exclusively for the purpose of carrying out the work and performing the functions of the Division of Hydraulics.

Purpose for  
which rev-  
enue used.

See § 7223,  
Pierce's  
Code.

SEC. 4. For the purpose of defraying the ex-

Appropriation,  
\$5,000.00.

pense of operation and management and performing the duties to be performed by the Department of Conservation and Development, Division of Hydraulics, there is hereby appropriated from the revenues derived under Sections 2 and 3 hereof and paid into the state treasury, the sum of \$5000.00, or so much thereof as may be necessary, but in no event to exceed the revenue collected.

Passed the Senate December 18, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

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## CHAPTER 162.

[S. B. 105.]

### APPOINTMENT OF STREAM PATROLMAN.

AN ACT relating to the use of water in the state of Washington and the right to the use thereof and providing for a stream patrolman.

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

Stream patrolman to be appointed by supervisor of hydraulics.

SECTION 1. Where water rights of a stream have been adjudicated a stream patrolman shall be appointed by the supervisor of hydraulics upon application by interested parties making a reasonable showing of the necessity therefor, which application shall have been approved by the district watermaster if one has been appointed, at such time, for such stream, and for such periods of service as local conditions may indicate to be necessary to provide the most practical supervision and to secure to water users and owners the best protection in their rights.

Powers of patrolman.

The stream patrolman shall have the same powers as a water master appointed under section 7359, Remington's Compiled Statutes, but his dis-



trict shall be confined to the regulation of waters of a designated stream or streams. Such patrolman shall be under the supervision of the supervisor of hydraulics, deputy supervisor of hydraulics, or the district watermaster appointed for the district in which said stream is located. He shall also enforce such special rules and regulations as the supervisor of hydraulics may prescribe from time to time.

District.

SEC. 2. Each stream patrolman shall receive a wage not to exceed \$6.00 per day for each day actually employed in the duties of his office, or if employed continuously, he shall receive a salary not to exceed one hundred fifty dollars (\$150.00) per month, which shall include necessary transportation expenses.

Compensation.

SEC. 3. The salary of the stream patrolman shall be borne by the water users receiving the benefits and shall be paid monthly in the following manner:

Water users to pay salary of patrolman.

Each water user shall pay his proportionate share of the total expense in the same ratio that the amount of water diverted by him bears to the total amount diverted from the stream during each monthly period. The stream patrolman shall keep an accurate record of the amount of water diverted by each water user coming under his supervision. On the first of each month the stream patrolman shall present to each water user a statement of his proportionate share of the expense of maintaining such services for the preceding month. Where the water users are organized into an irrigation district or water users' association, the statement shall be presented to the proper officers of such organization for payment.

Apportionment of expense to water users.

Record of water diverted.

Monthly statements to users or to officers of organization or association.

SEC. 4. Upon failure of any water user to pay his proportionate share of the expense referred to in sections 2 and 3 hereof, the stream patrolman

Failure of water user to pay share of expense.

Patrolman  
to sue in  
own name.

thus appointed shall be entitled in his own name to sue for and recover any such unpaid portion in any court of competent jurisdiction.

Passed the Senate December 18, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

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## CHAPTER 163.

[S. B. 37.]

### SALARY OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT fixing the salary of the Superintendent of Public Instruction.

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

Salary of  
superin-  
tendent.

SECTION 1. The Superintendent of Public Instruction shall receive an annual salary of four thousand dollars (\$4,000.00), payable monthly, upon warrant of the State Auditor, drawn upon the State Treasurer, in the same manner as other state officers are paid.

Passed the Senate November 24, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 164.

[S. B. 127.]

DEPARTMENT OF PUBLIC WORKS.

AN ACT relating to the department of public works and authorizing the appointment of examiners, and amending Title LXXV of Chapter I of Remington's Compiled Statutes, and declaring an emergency.

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

SECTION 1. That Title LXXV of Chapter I of Remington's Compiled Statutes be amended by adding two new sections to be known as sections 10779-1 and 10779-2, to read as follows:

Section 10779-1. The director of public works shall have the power to designate employees of the department of public works as examiners when the director deems such action necessary for the general administration of the department. Such examiners shall have power to administer oaths, to issue subpoenas for the attendance of witnesses and the production of papers, way bills, books, accounts, documents and testimony, to examine witnesses, and to receive testimony in any inquiry, investigation, hearing or proceeding in any part of the state, under such rules and regulations as the department of public works may adopt.

Director may appoint examiners.

Powers of examiners.

Section 10779-2. 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 January 5, 1926.

Passed the House January 4, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 165.

[S. B. 121.]

## RE-CONVEYANCE TO OLE GARDNER.

AN ACT authorizing and directing the Governor to re-convey certain premises secured as a part of the proposed location of state road No. 1, the width of which location was afterwards reduced.

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

Re-convey-  
ance to Ole  
Gardner.

Premises  
described.

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 Ole Gardner of Thurston County, Washington, the following described premises situate in Thurston County, Washington, said premises having been heretofore conveyed by Mary M. Miller, et al., for part of the right of way of said state road No. 1, together with an area southeasterly of said road triangular in form and abutting thereon to said Ole Gardner in exchange for an equal area theretofore belonging to said Gardner and lying northwesterly of the proposed route of said state road No. 1, which said area to be conveyed has been abandoned and should be conveyed to said Ole Gardner so as not to deprive him of his existing frontage upon said highway:

A tract of land in the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 8, Twp. 18, N., R. 1 E., W. M., being more particularly described as follows:

Commencing at the one quarter corner on the south side of said Section 8 and running in an easterly direction 343.5 feet along the southerly boundary line of the said Section 8 to an intersection with the centerline of State Road No. 1 (Pacific Highway) as now located and of record in the office of the State Highway Engineer at Olympia; thence N. 43° 38' E., 870.0 feet; thence turning an angle of

90° to the right and running S. 46° 22' E., 40.0 feet to the true point of beginning.

Thence continuing S. 46° 22' E., 10.0 feet; thence turning an angle of 90° to the left and running N. 43° 38' E., 467.0 feet to an intersection with the easterly boundary line of the said SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 8; thence turning an angle of 43° 38' to the left and running due north along the easterly boundary line of the said SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 8 a distance of 14.5 feet; thence turning an angle of 136° 22' to the left and running S. 43° 38' W., 477.5 feet to the true point of beginning, and containing 0.11 acres, more or less.

Passed the Senate December 2, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 18, 1926.

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## CHAPTER 166.

[S. B. 119.]

### WIDTH OF RIGHT OF WAY OF HIGHWAYS.

AN ACT fixing the width of right of way of state roads; repealing all acts and parts of acts in conflict therewith and declaring an emergency.

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

SECTION 1. That a width of one hundred feet, exclusive of such additional widths as may be required for cuts and fills, is necessary and the proper width for all state roads hereafter unless the state highway committee in the instance of any road may adopt and designate a different width.

Width of  
highway  
rights  
of way.

SEC. 2. That all acts or parts of acts of the state of Washington in conflict with this act are hereby repealed.

Repeal of  
conflicting  
acts.

Emergency.

SEC. 3. That an emergency exists making the provisions of this act necessary for the immediate support of state government and its existing institutions and this act shall take effect immediately.

Passed the Senate December 2, 1925.

Passed the House January 4, 1926.

Approved by the Governor January 18, 1926.

CHAPTER 167.

[S. B. 109.]

COUNTY ENGINEER.

AN ACT relating to certain county officers in certain counties, defining their powers and duties, abolishing the elective office of county engineer and vesting the powers and duties of that office in the board of county commissioners.

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

Elective office of county engineer abolished.

Class A and first class counties excepted.

Powers and duties to be exercised and performed by county commissioners.

County commissioners may employ engineers.

Qualifications required of engineer.

SECTION 1. From and after the second Monday in January, 1927, the elective office of county engineer shall be abolished, except in class A counties and counties of the first class, and no county engineer shall be elected in any county, other than class A and first class counties, at the general county election in November, 1926. From and after the second Monday in January, 1927, boards of county commissioners in all counties, except in Class A and first class counties, shall exercise all the powers and perform all the duties now vested in and required to be performed by the county engineer; and whenever necessary to the performance of any powers and duties herein vested in the board of county commissioners, such board shall have the power to employ such assistants and engineers as are necessary and to fix their compensation, but no engineer shall be employed unless he shall have special qualifications in the matter of road building, shall be a civil

engineer of recognized standing, shall hold a degree conferred by some college or university having recognized professional courses in engineering, and shall have practiced his profession for two years or longer, or, in case he does not hold such degree, shall have actually practiced engineering for at least give [five] years: *Provided*, That whenever by law the county engineer in any county, except Class A or first class counties, is required to act *ex-officio* as a member of any board, commission or other body, or is required to execute or certify any instrument in writing, such duties shall be performed by the chairman of the board of county commissioners.

*Ex officio* duties of engineer to be performed by chairman of board of county commissioners.

Passed the Senate December 18, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 16, 1926.

CHAPTER 168.

[S. B. 100.]

SUBWAYS IN CITIES OF THE FIRST CLASS.

AN ACT authorizing cities of the first class in the State of Washington to construct, operate and maintain tunnels and/or subways and providing for the levy and collection of assessments upon property specially benefited thereby to pay therefor in whole or in part.

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

SECTION 1. Any city of the first class shall have power to provide for the construction, maintenance and operation within such city of tunnels and/or subways with or without roadways, sidewalks, street railway tracks or any combination thereof therein, together with all necessary approaches thereto; and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches," as used in this section, shall include any arterial highway or highways or streets connecting with any such tunnel and/or subway

Cities of first class authorized to construct and maintain tunnels or subways.

"Approaches" defined.

which may be necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement, and which is liable to assessment for such improvement.

Improvement district established by ordinance.

All property specially benefited included in district.

Initiating improvements and levy of assessments: Procedure prescribed.

Collection of assessments and issuance of bonds.

Act cumulative of existing laws.

No existing law repealed.

May proceed under this or other existing laws.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall, in the ordinance ordering such improvement, fix and establish the boundaries of the improvement district, the property in which is to bear such assessment, which district shall include as near as may be all the property specially benefited by such improvement.

SEC. 2. Any such improvement may be initiated and assessments therefor determined and levied as prescribed in Sections 9002, 9003 and 9004 of Remington's Compiled Statutes.

SEC. 3. Any assessments so levied shall be collected, and bonds may be issued for the payment of the whole or any part of the cost of such improvement, in the manner now or hereafter provided for the collection of assessments and the issuance of bonds for other local improvements.

SEC. 4. The provisions and remedies provided by this act are and shall be cumulative of existing provisions and remedies, and nothing in this act contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this act.

Passed the Senate December 18, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.



CHAPTER 169.

[S. B. 126.]

ALIENS.

AN ACT relating to and defining the duties of certain officers with reference to aliens committed for violation of law.

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

SECTION 1. Whenever any person shall be committed to the state penitentiary, the state reformatory, the county jail or any other state or county institution which is supported wholly or in part by public funds, it shall be the duty of the warden, superintendent, sheriff or other officer in charge of such state or county institution to at once inquire into the nationality of such person, and if it shall appear that such person is an alien, to immediately notify the United States immigration officer in charge of the district in which such penitentiary, reformatory, jail or other institution is located, of the date of and the reasons for such alien commitment, the length of time for which committed, the country of which he is a citizen, and the date on which and the port at which he last entered the United States.

Nationality of person committed to state or county institutions to be ascertained.

If an alien U. S. immigration officer to be notified.

SEC. 2. Upon the official request of the United States immigration officer in charge of the territory or district in which is located any court committing any alien to any state or county institution which is supported wholly or in part by public funds, it shall be the duty of the clerk of such court to furnish without charge a certified copy of the complaint, information or indictment and the judgment and sentence and any other record pertaining to the case of the convicted alien.

Clerk of court to certify to immigration officer in case of convicted alien.

Passed the Senate December 1, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 170.

[S. B. 205.]

## ASSESSMENTS FOR LOCAL IMPROVEMENTS.

AN ACT relating to assessments for local improvements, and amending section 9393 of Remington's Compiled Statutes.

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

SECTION 1. That section 9393 of Remington's Compiled Statutes be, and the same is hereby amended to read as follows:

Section 9393. *Local Assessments Included in Certificate of Delinquency.*

The holder of any certificate of delinquency for general taxes shall, before commencing any action to foreclose the lien of such certificate, pay in full all local assessments or installments thereof outstanding against the whole or any portion of the property included in such certificate of delinquency, or, he may elect to proceed to acquire title to such property subject to certain or all local assessments a lien thereon, in which case, the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If such holder shall pay such local assessments, he shall be entitled to fifteen per cent interest per annum on the amount of the delinquent assessments or delinquent installments thereof so paid, from date of payment.

It shall be the duty of the county treasurer to mail a copy of the published summons within fifteen days after the first publication thereof to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed. In any case where any property shall be struck off to or bid in by the county at any sale for general taxes, and such property shall sub-

Amends  
§ 1028,  
Pierce's  
Code.

Holder of  
certificate  
may pay  
local  
assessments  
outstanding.

He may  
acquire  
title  
subject to  
assessments.

Deed.

Rate of  
interest  
allowed  
holder  
paying  
assessments.

Copy of  
summons to  
treasurer  
of each  
town or  
city where  
property  
situated.

Not juris-  
dictional.

Sale to  
county for  
general  
taxes.

sequently be sold by the county, the proceeds of such sale shall first be applied to discharge in full the lien or liens for general taxes for which the same was sold, and the remainder, or such portion thereof as may be necessary, shall be paid to the city to discharge all local assessment liens upon such property, and the surplus, if any, shall be distributed among the proper county funds: *Provided*, That in any case where property subject to local improvement assessments, or taken over by a city or town on foreclosure of local improvement assessments, shall have been struck off to or bid in by any county at a sale for general taxes, the city or town levying such assessments may, at any time before resale by the county, redeem such property from the lien of general taxes upon payment of the face of such taxes with costs without penalty or interest: *Provided, further*, That where any city or town shall have bid in any property on sale for local improvement assessments, such city or town may redeem the property so bid in from the lien of any outstanding general taxes, where no certificates of delinquency have been issued to private persons, upon payment of the face of such taxes with costs, without penalty or interest.

Subsequent sale by county.

Order of distribution of proceeds.

Foreclosure by municipality for local assessments or sold to county for general taxes:

City may redeem before re-sale by county: conditions.

When city may redeem without paying penalty or interest.

Passed the Senate December 31, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 18, 1926.

## CHAPTER 171.

[S. B. 145.]

## TAX FORECLOSURE.

AN ACT relating to the determination of title to lands deeded to the county in general tax foreclosure proceedings, and to redemption in such cases, and declaring that this act shall take effect immediately.

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

Action to quiet title to lands deeded to county in general tax foreclosure.

Authority granted to county.

All tracts included in one action.

Action *in rem*.

Adverse interest of person in possession excepted.

SECTION 1. In any and all instances in this state in which a treasurer's deed to real property has been or shall be issued to the county in proceedings to foreclose the lien of general taxes and the county still retains the title or an interest in the real property thus acquired, and for any reason a defect in title exists or adverse claims against the same have not been legally determined, the county shall have authority to institute an action in the superior court in said county to correct such defects, and to determine such adverse claims and the priority thereof as in this act provided.

SEC. 2. The county shall have authority to include any and all tracts of land involved in one action. Such action shall be one *in rem* as against every right and interest in and claim against any and every part of the real property involved, except so much thereof as may be at the time the summons and notice is filed with the clerk of the superior court in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: *Provided*, That the possession required under the provisions of this act shall be construed to be that by personal occupancy only, and not merely by representation or in contemplation of law. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the

summons and notice, except as in this act provided, and no pleadings other than the summons and notice and the written statements of those claiming a right, title and interest in and to the property involved shall be required.

Specific naming of claimants in summons.

SEC. 3. Upon filing a copy of the summons and notice in the office of the county clerk, service thereof as against every interest in and claim against any and every part of the property described in such summons and notice, and every person or corporation, except one who is in the actual, open and notorious possession of any of said properties, shall be had by publication in the official county newspaper for six consecutive weeks; and no affidavit for publication of such summons and notice shall be required. In case there are outstanding local improvement assessments against any of the real property described in the summons and notice, a copy of the same shall be served on the treasurer of the city or town within which such real property is situated within five days after such summons and notice is filed.

Filing copy of summons and notice with county clerk.

Notice by publication.

Outstanding local assessments: City treasurer to be served.

The summons and notice in such action shall contain the title of the court; specify in general terms the years for which the taxes were levied and the amount of the taxes and the costs for which each tract of land was sold; give the legal description of each tract of land involved, and the tax record owner thereof during the years in which the taxes for which the property was sold were levied; state that the purpose of the action is to foreclose all adverse claims of every nature in and to the property described, and to have the title of existing liens and claims of every nature against said described real property, except that of the county, forever barred.

Summons and notice: What shall contain.

Said summons and notice shall also summon all persons, firms and corporations claiming any right, title and interest in and to said described real

All claiming interest included in notice.

Publication. property to appear within sixty days after the date of the first publication, specifying the day and year, and state in writing what right, title and interest they have or claim to have in and to the property described, and file the same with the clerk of the court above named; and shall notify them that in case of their failure so to do, judgment will be rendered determining that the title to said real property is in the county free from all existing adverse interests, rights or claims whatsoever: *Provided*, That in case any of the lands involved is in the actual open and notorious possession of anyone at the time the summons and notice is filed, as herein provided, a copy of the same modified as herein specified shall be served personally upon such person in the same manner as summons is served in civil actions generally. Said summons shall be substantially in the form above outlined, except that in lieu of the state relative to the date and day of publication it shall require the person served to appear within twenty days after the day of service, exclusive of the date of service, and that the day of service need not be specified therein, and except further that the recitals regarding the amount of the taxes and costs and the years the same were levied, the legal description of the land and the tax record owner thereof may be omitted except as to the land occupied by the persons served.

Personal service on adverse claimant in possession. Required summons in such case. Recitals of summons. Prosecuting attorney shall subscribe summons and notice. When interested party may redeem.

Every summons and notice provided for in this act shall be subscribed by the prosecuting attorney of the county, followed by his post office address.

SEC. 4. Any person, firm or corporation who or which may have been entitled to redeem the property involved prior to the issuance of the treasurer's deed to the county, and his or its successor in interest, shall have the right, at any time after the commencement of, and prior to the judgment in the action authorized herein, to redeem such property by

paying to the county treasurer the amount of the taxes for which the property was sold to the county, and the amount of any other general taxes which may have accrued prior to the issuance of said treasurer's deed, together with interest on all such taxes from the date of delinquency thereof, respectively, at the rate of twelve per cent per annum, and by paying for the benefit of the assessment district concerned the amount of principal, penalty and interest of all special assessments, if any, which shall have been levied against such property and by paying such proportional part of the costs of the tax foreclosure proceedings and of the action herein authorized as the county treasurer shall determine.

Redemption  
require-  
ments.

Upon redemption of any property before judgment as herein provided, the county treasurer shall issue to the redemptioner a certificate specifying the amount of the taxes, special assessments, penalty, interest and costs charged describing the land and stating that the taxes, special assessments, penalty, interest and costs specified have been fully paid, and the lien thereof discharged. Such certificate shall clear the land described therein from any claim of the county based on the treasurer's deed previously issued in the tax foreclosure proceedings.

Certificate  
issued to  
redemp-  
tioner.

Recitals.

Claim of  
county  
discharged.

SEC. 5. At any time after the return day named in the summons and notice the county shall be entitled to apply for judgment. In case any person has appeared in such action and claimed any interest in the real property involved adverse to that of the county, such person shall be given a three days' notice of the time when application for judgment shall be made. The court shall hear and determine the matter in a summary manner similar to that provided in section 11298 of Remington's Compiled Statutes, relating to judgment and order of sale in general tax foreclosure proceedings, and shall pro-

Motion for  
judgment.

Notice to  
defendant.

Motion to  
be made.

Hearing  
rules  
governing.

nounce and enter judgment according to the rights of the parties and persons concerned in the action. No order of sale shall be made nor shall any sale on execution be necessary to determine the title of the county to the real property involved in such action.

Order of sale or sale on execution not necessary.

Validity of taxes determines county's right of action.

Proof required of county.

Presumptions.

Appearance fee.

Tender of taxes, etc., required.

Court review.

Final judgment.

Conclusiveness.

Rights of persons under disability foreclosed.

SEC. 6. The right of action of the county under this act shall rest on the validity of the taxes involved, and the county shall be required to prove only the amount of the former judgment foreclosing the lien thereof, together with the costs of the foreclosure and sale of each tract of land for said taxes, and all the presumptions in favor of the tax foreclosure sale and issuance of treasurer's deed existing by law shall obtain in said action.

SEC. 7. Any person filing a statement in such action shall pay the clerk of the court an appearance fee in the amount required by the county for appearances in civil actions, and shall be required to tender the amount of all taxes, interest and costs charged against the real property to which he lays claim, and no further costs in such action shall be required or recovered.

SEC. 8. Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court of the state substantially in the manner and within the time prescribed for appeals in section 11299 of Remington's Compiled Statutes.

SEC. 9. The judgment rendered in such action, unless appealed from within the time prescribed herein and upon final judgment on appeal, shall be conclusive, without the right of redemption upon and against every person who may or could claim any lien or any right, title or interest in or to any of the properties involved in said action, including minors, insane persons, those convicted of crime, as well as those free from disability, and against those



who may have at any time attempted to pay any tax on any of the properties, and against those in actual open and notorious possession of any of said properties.

Such judgment shall be conclusive as to those who appeal therefrom, except as to the particular property to which such appellant laid claim in the action and concerning which he appealed, and shall be conclusive as to those in possession of any property and who were not served except as to the property which such person is in the actual, open and notorious possession of, and in any case where it is asserted that the judgment was not conclusive because of such possession, the burden of showing such actual, open and notorious possession shall be on the one asserting such possession.

Conclusive-  
ness of  
judgment  
on appellant  
and those  
not served.

SEC. 10. Nothing in this act contained shall be construed to deprive any city or town, local improvement or special assessment district of its right to reimbursement for special assessments out of any surplus over and above the taxes, interest and costs involved.

Right of  
municipal-  
ity, local  
improvement  
or special  
assessment  
district to  
reimburse-  
ment for  
special  
assessments.

SEC. 11. 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 January 6, 1926.

Passed the House January 5, 1926.

Approved by the Governor January 18, 1926

## CHAPTER 172.

[S. B. 247.]

## LOCATION OF COUNTY ROADS.

AN ACT providing for the definite determination of county roads, the true location, course or width whereof is uncertain.

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

Determina-  
tion of  
location  
and width  
of county  
road.

Duty of  
county  
engineer.

SECTION 1. Whenever the board of county commissioners shall by resolution declare that the true location, course or width of any county road is uncertain and that it is in the public interest to determine the same, they shall direct the county engineer to make an examination and survey thereof. Such examination and survey shall embrace an examination of the original petition, report and field notes on the establishment of such road; a survey of the traveled roadway in its present state, with all topography within a reasonable distance from said traveled roadway having a bearing on the original location; such survey to show the distance from the traveled roadway to the nearest section and quarter section corners; a map on sufficient scale accurately showing the above with the field notes thereon; a map on the same scale showing the original field notes, the field notes if possible to be transposed and the same meridian used on both maps.

Hearing by  
superior  
court.

Plat of  
road to  
be filed.

SEC. 2. The superior court of any such county, after proper proceedings had on complaint of such county shall hear and determine such matter and order a plat of the road as so determined to be filed with the county auditor, platted in the highway plat book of such county and a copy of the map furnished to the county assessor and the county engineer. Upon such hearing the court shall consider all such survey and other data of the county engineer and may direct him or such other engineer as the court

may select to prepare such further engineering data as may be necessary for the purpose of such proceeding. The court in its discretion shall assess the cost, fees and expenses of such proceedings to the general road and bridge fund of such county, or to the appropriate road district fund as the case may be, wholly, or in part to such fund and in part to the several defendants, each of whom shall be assessed such sums as may be just and equitable.

Assessment by court of costs of proceedings.

SEC. 3. The following acts and parts of acts are hereby repealed: Sections 6473 and 6474 of Remington's Compiled Statutes of Washington; Sections 18 and 27, Chapter XIX (19), Laws of 1889-1890, (pp. 599-601).

Repeals §§ 6037a and 6044, Pierce's Code.

Passed the Senate December 28, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 173.

[S. B. 248.]

PROCEDURE TO ESTABLISH COUNTY ROADS.

AN ACT relating to establishing county roads, acquiring rights of way therefor by condemnation or otherwise and repealing certain acts and parts of acts.

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

SECTION 1. County roads shall be laid out and established as provided in this act. The board of county commissioners by unanimous vote of such board may by resolution entered upon their minutes declare their intention to lay out and establish or widen any county road and that the same is considered a public necessity and shall direct the county engineer to report upon such project.

Resolution to establish or widen.

Public necessity.

SEC. 2. Ten or more freeholders of the county residing in the vicinity of a proposed road may

Petition of freeholders.

Bond to accompany petition.

petition the board of county commissioners for the establishment or widening thereof, describing its terminal points, width and general course. The petition shall be accompanied by a bond in the penal sum of three hundred dollars (\$300) payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury all costs and expenses incurred in examining and surveying the proposed road and in the proceedings in case the road shall not be established by reason of the same being impracticable. When the cost is assessed against the principal or principals on such bond, the clerk of such board shall file the cost bill with the county treasurer, who shall proceed to collect the same. The board may require the petitioners to secure waivers for the right of way from the land owners, and, in such case, before an examination or survey by the county engineer is ordered, such waivers shall be filed with the board of county commissioners.

Cost bill filed with treasurer.

Waivers for right of way from land owners.

County engineer to examine and survey.

SEC. 3. Whenever directed, the county engineer shall make an examination of such proposed road and if necessary a survey thereof. After examination, if he deems the same to be impracticable, he shall so report to the board of county commissioners without making any survey, or he may examine or examine and survey any practicable route which would serve such purpose. Whenever he shall consider any such road or modified route practicable he shall report thereon in writing to such board, giving his opinion (1) as to the necessity of the road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of the road, which shall be not less than thirty feet nor more than one hundred twenty feet, exclusive of slopes for cuts and fills; (4) as to the probable cost of construction of the road including all neces-

Report required of engineer.

Minimum width.

sary bridges, culverts, clearing, grubbing, drainage and grading; (5) and such other facts, matters and things as he may deem of importance to be considered by such board. He shall file with such report a correctly prepared map of said road as surveyed, which map must show the tracts of land over which said road passes, with the names, if known, of the several owners thereof, and shall file therewith his field notes and profiles of such survey.

SEC. 4. The board of county commissioners shall fix a time and place for hearing upon such report and cause notice thereof to be published once a week for three successive weeks in the county official newspaper and to be posted for at least twenty days at each of the termini of such road as recommended by the county engineer. Such notice shall set forth the termini and width of such road as recommended in such report and state that all persons interested may appear and be heard at such hearing upon such report and upon the matter of the establishment of such road. On the day fixed for such hearing, or adjourned hearing, the said board, upon due proof to the satisfaction of the board, made by affidavit, of due publication and posting of such notice of hearing, shall consider said report and all evidence relative to such establishment and, if said board finds that such proposed road is a public necessity, they may establish the same by resolution or other order. The cost and expense of such establishment and of the right of way thereof shall be paid from the general road and bridge fund, unless the board of county commissioners shall, in the order of establishment, direct that the same be paid from the fund of the particular road district or districts in which such road may be located. The county engineer shall cause stone monuments to be placed at the termini of all such roads.

Hearing:  
time and  
place  
fixed.

Notice.

Hearing.

Finding of  
public  
necessity.

Resolution  
establishing  
road.

From what  
fund cost  
of road  
payable.

Prosecuting attorney in eminent domain proceedings to acquire property needed.

SEC. 5. After the establishment of such highway, the prosecuting attorney, when directed by the board of county commissioners, shall proceed under the power of eminent domain to acquire such lands and other property and property rights as may be necessary for such highway purposes in the manner provided by law for the taking of private property for public use.

Proceedings begun under law repealed by this act.

SEC. 6. Any matter or proceeding begun under any law repealed by this act shall proceed under such former law, except in cases where a hearing thereon is by such former law required to be had before the board of county commissioners and the date fixed for such hearing shall be subsequent to the date this act takes effect.

Acts repealed.

SEC. 7. All acts and parts of acts relating to establishing county roads and acquiring rights of way therefor, enumerated in the following schedule, are hereby repealed:

An act entitled "An Act to provide for laying out, establishing, altering, changing the width of, or vacating any county road, and providing for assessment, payment of damages, and providing for appeals," approved March 7, 1890, Laws of 1889-1890, pp. 593-611;

- Chapter L (50), Laws 1895, pp. 82-88;
- Chapter XVI (16) Laws 1899, pp. 23-24;
- Chapter XCVI (96) Laws 1901, pp. 200-203;
- Chapter 54, Laws 1911, pp. 305-308;
- Chapter 71, Laws 1911, p. 342.

§§ 5993 to 6015, 6037, 6040 to 6043, 6046, 6048 and 6049, Pierce's Code.

Rights acquired under or validity of proceeding under repealed acts not affected.

The following sections of Remington's Compiled Statutes: 6447 to 6472, both inclusive; 6477 to 6481, both inclusive; 6488 to 6490; 6493: *Provided*, that nothing herein contained shall be construed as affecting any existing right acquired under the provisions of any of said acts or parts of acts or the validity of any act done or proceeding had under and by virtue of any of said acts or parts of acts in the

establishment of county roads or acquiring rights of way therefor by condemnation heretofore made under and by virtue of any of said acts or parts of acts or as affecting any proceeding instituted under any of said acts or parts of acts remaining incomplete at the time of the taking effect of this act may be completed pursuant to the provisions of this act and all things required by any of said acts or parts of acts to be done within any specified time which time has begun to run at the time of the taking effect of this act, shall be done within such specified time unless such time is expressly extended by the provisions of this act: *Provided, further,* That the repeal hereby of any act which amended or repealed any former act or part thereof shall not operate to revive such former act or part thereof so amended or repealed.

Repeal of amendatory or repealing act not operative as revivor.

Passed the Senate December 28, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 174.

[S. B. 146.]

COUNTY AND CITY HOSPITALS.

AN ACT relating to and regulating the establishment, maintenance and operation of hospitals for the care of persons suffering from general diseases, by counties and counties and cities jointly.

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

SECTION 1. The board of county commissioners of any county shall have the power to establish, provide and maintain alms houses and hospitals for the care and treatment of the indigent, sick, injured and maternity cases, and for this purpose said board of county commissioners shall have the following powers: To purchase or lease real property there-

County may maintain hospitals for indigent.

Powers:

May purchase property.

Site to be approved by state board of health.

Plans to be approved by state board of health.

Levy taxes. Issue bonds.

Board of trustees.

Gifts and donations.

Counties or county and city may jointly maintain hospital.

for or to use for this purpose lands already owned by the county providing such site shall first be approved by the state board of health; to erect all necessary buildings, make all necessary improvements and repairs and alter any existing building for the use of said hospitals: *Provided*, That such buildings be separate and apart from those designated as alms houses or county infirmaries: *Provided, further*, That the plans for such erection or alteration shall first be approved by the state board of health; to use county moneys, levy taxes and to issue bonds as authorized by law, to raise a sufficient amount of money to cover the cost of procuring the site, constructing and operating hospitals and for the maintenance thereof and all other necessary and proper expenses herein authorized for shall be paid; to appoint a board of trustees for said hospital, as hereinafter provided, to accept and hold in trust for the county any grant of land, gift or bequest of money or any donation for the benefit of the purposes of this act, and apply same in accordance with the terms of the gift. Any number of counties or any county and any city in which the county seat of the county may be situated may contract one with the other for the joint purchase, acquisition, ownership, control and disposition of land and other property suitable as a site for a county hospital. Therefore, the joint construction, ownership, control, management and disposition of a building or buildings thereon for the use of such county and city as a county and city hospital, and such county or city now owning a site, or any interest therein, or a site with buildings thereon, may upon such terms as may appear fair and just to the board of county commissioners of such county or to the city council or commission or other governing body of such city contract with reference to the joint ownership, acquisition, leasing, control, improvement and occupation



of such property, as herein provided. For the purposes of this act the word hospital shall be deemed to include alms houses.

Hospital includes alms houses.

SEC. 2. All contracts made in pursuance hereof shall be for such period of time and upon such terms and conditions as shall be agreed upon. Such contract shall fully set forth the amount of money to be contributed by such county and city towards the acquisition of such site and the improvement thereof and for the manner in which said property shall be improved and the character of the building or buildings to be erected thereon. Such contract may provide for the amount of money to be contributed annually by such county and city for the upkeep and maintenance of such property and the building or buildings thereon, or it may provide for the relative proportion of such expense, which such county and city shall annually pay. Such contract may specify the parts of such building or buildings which shall be set apart for the exclusive use and occupation of such county and city. The money to be contributed by such county or city may be raised by a sale of the bonds of such county or city or by general taxation as now or may be hereafter authorized by law. Any such county or city now possessing funds or having funds available for a county or city hospital from a sale of bonds or otherwise is hereby authorized to contract for the expenditure of such funds, as herein provided. Such contract shall be made only after a proper resolution of the board of county commissioners of such county and ordinance of such city duly passed specifically authorizing the same, such contract when made shall be binding upon such county or city during the life of the same or until the same be modified or abrogated by mutual consent evidenced by a proper resolution and ordinance of such county and city.

Contract of county and city for joint acquisition and operation.

Apportionment of expense.

Exclusive use of parts of building.

Money raised by sale of bonds or general taxation.

Funds now available may be used.

Contract for expenditures:

Resolution of commissioners and ordinance of council essential.

Petition to  
establish  
hospital.

SEC. 3. When it is proposed to establish in any county any such hospital, a petition shall be presented to the board of county commissioners, signed by three hundred or more resident taxpayers of such county, requesting said board to submit to the electors the proposition to issue bonds for the purpose of procuring a site, and erecting, equipping, and maintaining such hospital, and specifying the amount of bonds proposed to be issued for such purpose and the number of hospital beds, which number shall not exceed one bed for each thousand population in counties of more than fifty thousand population.

Number of  
hospital  
beds lim-  
ited.

Bond  
election.

SEC. 4. Upon the presentation of such petition and the board of county commissioners unanimously so order, the board of county commissioners may submit to the voters of the county at the next general election the question of issuing bonds and levying a tax for such hospital.

Bonds.

Denomina-  
tions.

Rate of  
interest.

Serial  
bonds.

SEC. 5. Should a majority of all the votes cast upon the proposition at a general election be in favor of establishing such hospital, the board of county commissioners shall proceed to issue bonds of the county not to exceed the amount specified in said proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, drawing interest at a rate not to exceed six per cent per annum, payable annually or semi-annually. Said bonds shall be serial bonds finally maturing in twenty years from date of issuance.

Tax levy  
not to  
exceed  
two mills.

SEC. 6. If the hospital be established, the board of county commissioners, at the time of levying general taxes, shall levy a tax at the rate voted, not to exceed two mills in any one year for the maintenance of the hospital.

Bonds not  
to sell  
for less  
than par.

SEC. 7. The county treasurer shall dispose of the bonds in the same manner as other county bonds, and the same shall not be sold for less than par with accrued interest.

SEC. 8. All questions as to the character of patients who shall occupy said wards so established and all rules regulating the occupancy thereof shall be determined by the board of county commissioners in the same manner and with the same force and effect as in the case of patients assigned to the county hospital in counties having such hospital.

Rules and regulations.

Passed the Senate January 6, 1926.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 175.

[S. B. 92.]

HORTICULTURE.

AN ACT relating to horticulture and horticultural products, providing for markings of grades, condemnation, unlawful sales, and evidence, and amending Section 2855, Remington's Compiled Statutes.

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

SECTION 1. That Section 2855, Remington's Compiled Statutes, be amended to read as follows:

Amends § 2723, Pierce's Code.

Section 2855. 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.

Rules and regulations establishing standard for grades.

Inspection :

Fruits, etc.,  
not meeting  
established  
standards.

Condemned.

Notice  
to change  
markings or  
recondition  
fruits, etc.

May not  
sell without  
inspector's  
permission.

Evidence of  
non-com-  
pliance with  
order  
condemning.

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, vegetables or nursery stock that he may change the markings of the boxes or recondition the fruits, vegetables or nursery stock so that it meets the standards of the general obligatory rules and regulations of the state of Washington but 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.

False  
marking  
or labeling.

It shall be unlawful (1) to mark or place upon any package of vegetables the name of any other place or locality than the place where the same were grown, except the place to which shipped; or to falsely mark any such package as to variety, name of grower, or place where grown, or to represent for purposes of sale that said vegetables were grown in any locality other than that in which they were actually grown, or by any other person than the person by which they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any vegetables as graded according to, or by the name of any of the grades promulgated by the director of agriculture unless they conform to such grades; (3) to mark, brand, advertise, offer for sale or sell any vegetables

by the name of any grade that imitates or approaches the name of any of the grades promulgated by the director of agriculture; or (4) to have in his possession any packages or vegetables thus misbranded.

Possession unlawful if package misbranded.

But it shall not be unlawful to sell vegetables as ungraded, or as graded according to other standards than those adopted by the director of agriculture, *Provided*, the name of such other grades or standards does not closely resemble or imitate the name of any of the official grades.

May sell ungraded vegetables.

The general obligatory rules and regulations shall be based on the official hearing held December 15, 1922, and shall be adopted, issued and published not later than July 1, 1923, and thereafter the director of agriculture is authorized and directed to hold a public hearing in the principal districts affected, to consider proposed changes in these obligatory rules and regulations for any kind of fruit, 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

Rules and regulations.

Hearing on proposed changes in rules:

Petition for.

Hearing.

Advice of experts.

Rules for  
hearing.

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 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.

Legal effect  
of estab-  
lished rules  
and regula-  
tions.

Passed the Senate December 11, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 176.

[S. B. 91.]

HORTICULTURE.

AN ACT relating to horticulture and horticultural products, prescribing rules to cover the marketing thereof, and amending Section 2854, Remington's Compiled Statutes.

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

SECTION 1. That Section 2854, Remington's Compiled Statutes, be amended to read as follows:

Amends § 2722, Pierce's Code.

Section 2854. It shall be the duty of every person growing or packing and selling, offering for sale or shipping in closed boxes or packages, any fruit or vegetable grown in this state, or offered or exposed for sale in the state of Washington, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place or locality where grown and the name of the grower, or in case of sale or shipment through an association or organization of growers, the name of such association or organization and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, and the grade of apples or pears, and it shall be unlawful for any person to 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 markes [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

Fruits and vegetables: packing and shipping.

How containers shall be marked.

Misbranding unlawful.

Re-marking. 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.

Possession  
unlawful:  
When.

Grade to be  
marked on  
package.

In addition to the marks required to be placed upon any closed box or package of fruit or vegetable grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same shall mark upon the outside of such package the grade of the fruit contained therein, either as "First Grade," "grade No. 1," or "Extra Fancy;" "Second Grade," "Grade No. 2," or "Fancy;" "Third Grade," "Grade No. 3," or "C-Grade;" "Fourth Grade," or "Orchard Run," or "Combination Blank Grades," specifying the grades such as "Fancy and C-Grade," etc., and "Washington Standard Pack," according to the obligatory grading rules and regulations, issued, published and adopted by the director of agriculture, or a special or private grade or brand duly registered and approved by the director of agriculture, and it shall be unlawful for any other person to re-mark any such closed package to a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place upon any such closed package not marked with the grade of the contents thereof any mark or brand indicating the grade of such contents; *Provided*, That nothing in

False  
marking.



this section shall be construed to apply to canned or dried fruit. Canned or dried fruit not included.

Passed the Senate January 7, 1926.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

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CHAPTER 177.

[S. B. 142.]

DIRECTOR OF PUBLIC WORKS.

AN ACT relating to the powers and duties of the director of public works and conferring power and authority to act in conjunction with regulatory bodies of other states and of the United States.

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

SECTION 1. The director of public works shall have full power and authority to make joint investigations, hold joint hearings, and issue joint and concurrent orders in conjunction or concurrence with any official, official board or commission of any state or of the United States, whether in the holding of such investigations or hearings or in the making of such orders the commission shall function under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce or as an agency of the Federal Government or otherwise. Director of public works. Power and authority to act with other state and U. S. regulatory bodies.

Passed the Senate December 11, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 178.

## GAME CODE.

[S. B. 81.]

AN ACT relating to and providing for the protection, propagation, restoration, domestication, introduction, purchase, and disposition of wild animals, wild birds and game fish; creating certain offices and defining the powers and duties of certain officers; providing for the licensing of and regulating of hunting, trapping, guiding, game farming, and game fishing; establishing certain game preserves, fixing certain seasons when hunting, trapping and game fishing is prohibited; authorizing the establishment of game and game fish preserves, and the closing, opening and shortening of hunting and fishing seasons; regulating the transportation and possession of wild animals, wild birds and game fish; providing for the condemnation of property for certain purposes; establishing certain funds and regulating expenditures therefrom, providing penalties for violations thereof and repealing certain acts and all acts and parts of acts in conflict therewith.

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

Game code.

SECTION 1. This act shall be known and may be cited as the "Game Code of the State of Washington."

Wild animals classified.

SEC. 2. For the purposes of this act wild animals shall be classified as follows: Game animals, fur-bearing animals and predatory animals.

"Game animal."

The words "game animal," wherever used in this act, shall be held to mean and include the elk, moose, antelope, deer, mountain sheep, mountain goat, caribou, common black or brown bear, gray squirrel, black squirrel, cotton tail rabbit, snowshoe rabbit, and bull-frog.

"Fur-bearing animal."

The words "fur-bearing animal," wherever used in this act, shall be held to mean and include the beaver, otter, muskrat, mink, martin, fisher, sable, fox, skunk, and civet cat.

"Predatory animal."

The words "predatory animal," wherever used in this act, shall be held to mean and include the wild cat, bobcat, lynx, cougar, wolf, wolverine, coyote,

weasel, raccoon, mountain beaver, badger, red squirrel, ground squirrel, rat, jackrabbit, mole and wild housecat.

SEC. 3. For the purposes of this act wild birds shall be classed as follows: Game birds, including migratory game birds and upland game birds, predatory birds, and non-game birds. Wild birds classified.

The words "migratory game bird," wherever used in this act, shall be held to mean and include the anatidae, or water fowl, commonly known as geese, brant, swan, river and sea ducks; the rallidae, commonly known as rails, gallinules and coots or mudhens; the limicolae, or shore birds, commonly known as woodcock, snipe, jacksnipe or Wilson snipe, plover, black-breasted and golden plover, surf bird, sand-piper, tatler, curlew, avocet, stilt, turnstone, oyster catcher, phalaropes, and greater or lesser yellow legs. "Migratory game bird."

The words "upland game bird," wherever used in this act, shall be held to mean and include the gallinae, commonly known as wild turkey, sage hen, fool hen, grouse, prairie chicken, pheasant, partridge and quail. "Upland game bird."

The words "predatory bird," wherever used in this act, shall be held to mean and include the duck hawk, pigeon hawk, western goshawk, cooper hawk, sharpshinned hawk, prairie falcon, magpie, crow, king-fisher, jay, English sparrow, and great horned owl. "Predatory bird."

The words "non-game bird," wherever used in this act, shall be held to mean and include all wild birds other than game birds and predatory birds as herein before defined. "Non-game bird."

SEC. 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 "Game fish."

brook trout, *Oncorhynchus nerka kennerleyi*, commonly known as silver trout, *Cristivomer 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: *Provided*, That *Salme gairdneri*, commonly known as steelhead, shall not be classified as game fish if caught with hook and line at any point within or upon the boundary of any Indian Reservation from a river or stream flowing through or forming the boundary of such Indian Reservation.

Steelhead  
excepted:  
When.

Terms  
defined:  
"To hunt."  
"Hunting."  
"Hunted."

SEC. 5. The words "to hunt" and their derivatives, "hunting," "hunted," etc., wherever used in this act, shall be held to mean and include shooting, killing, catching, capturing, trapping, injuring and crippling wild animals, fowl or birds, and the pursuing, tracking, calling, baiting and decoying of wild animals, fowl or birds with the intent to shoot, kill, catch, capture, trap, injure or cripple the same, and the disturbing or worrying of wild animals, fowl or birds, whether the same result in the shooting, killing, catching, capturing, trapping, injuring or crippling or not, and every attempt to shoot, kill, catch, capture, trap, injure, cripple, pursue, track, call or decoy wild animals, fowl or birds, and every act of assistance to any other person in shooting, killing, catching, capturing, trapping, injuring, crippling, pursuing, tracking, calling or decoying wild animals, fowl or birds.

"To trap."  
"Trapping."  
"Trapped."

SEC. 6. The words "to trap," and their derivatives, "trapping," "trapped," etc., wherever used

in this act, shall be held to mean and include the killing, catching, capturing, injuring, crippling, baiting or decoying any wild animal, fowl or bird, or game fish by means of any trap, net, snare, dead-fall, or other device, used or capable of being used for the purpose of killing, catching, capturing, injuring, crippling, baiting or decoying the same, and every attempt to kill, catch, capture, injure, cripple, bait or decoy and [any] wild animal, fowl or bird, or game fish by means of any such device, and every act of assistance to any person in killing, catching, capturing, injuring, crippling, baiting or decoying any wild animal, fowl or bird, or game fish by means of any such device.

SEC. 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 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 or cripple the same, and every attempt to catch, capture, shoot, kill, trap, injure, cripple, pursue, bait or decoy any game fish.

"To fish."  
"Fishing."  
"Fished."

SEC. 8. The words "open season," wherever used in this act, shall be held to mean the time during which it shall be lawful to hunt, trap or fish for game animals, fur-bearing animals, game birds or game fish. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

"Open  
season."

The words "closed season," wherever used in this act, shall be held and construed to mean the time during which it shall be unlawful to hunt, trap or fish for game animals, fur-bearing animals, game birds or game fish.

"Closed  
season."

SEC. 9. The game animals, fur-bearing animals, game birds and non-game birds in the state of Wash-

Policy of  
preservation.

Protection and perpetuation declared.

ington and the game fish in the waters of the state of Washington shall be preserved, protected and perpetuated and to that end such game animals, fur-bearing animals, game birds, non-game birds and game fish shall not be hunted, trapped or fished for at such times or places or by such means or in such manner as will impair the supply thereof.

Jurisdiction of director of fisheries and game.

SEC. 10. The director of fisheries and game through and by means of the division of game and game fish shall have jurisdiction to enforce the provisions of this act and all laws relating to game animals, fur-bearing animals, game birds, non-game birds and game fish.

County game commission created.

SEC. 11. A county game commission consisting of three residents of each county in the state is hereby created. The county commissioners may, where practical, recommend a game commissioner from each county commissioner's district.

Appointed by supervisor on recommendation of county commissioners.

The county game commission shall be appointed by the supervisor of game and game fish on the recommendation of the board of county commissioners of each county, but in case the county commissioners fail to recommend such county game commissioners, for appointment upon notice of the supervisor of game and game fish within ten days after written notice so to do, then and in that event the supervisor of game and game fish may appoint such commissioners. Upon the filing with the board of county commissioners of any county of charges of malfeasance, misfeasance or incompetency against any member of the county game commission of such county, signed by five percent of the resident license holders living in said county, the board of county commissioners shall immediately serve upon the member of the county game commission against whom the charges have been filed, a copy of the charges and a notice that the same will be heard by the board of county commissioners at its first regular

Failure to recommend.

Charges of malfeasance, etc., against member of county game commission.

Notice to accused.

meeting after the expiration of ten days from the date of the filing of the charges. If a majority of the board of county commissioners, after hearing the testimony in support of said charges and hearing the accused member of the county game commission in his own defense, shall find that the charges, or any of them, are sustained by the evidence, it shall be the duty of the board of county commissioners to certify to the supervisor of game and game fish a copy of the charge as filed, proof of service of the notice of the hearing upon the charges, and the findings of the board thereon, together with a transcript of the evidence taken at the hearing, all the expenses thereof shall be advanced by the complainants before the hearing, and if the supervisor of game and game fish shall be satisfied that the charges have been sustained by the evidence it shall be his duty to remove the member of the game commission against whom charges were filed from his office, and to appoint his successor in the manner hereinabove provided for the appointment of members of county game commissions.

Hearing by county commissioners.

Charges sustained.

Copy of proceedings certified to supervisor.

Expenses to be advanced by complainants.

Findings affirmed by supervisor.

Accused removed.

Successor.

The game commissioners for each county shall appoint a county game warden and may also employ a sufficient number of deputy county game wardens, special deputy county game wardens and office assistants necessary to carry out the purpose of this act. The salaries and terms of service of the county game wardens, deputy game wardens and office assistants shall be fixed by the game commission of each county which salaries shall not be fixed by said commission in excess of the available funds. Special deputy county game wardens shall receive no salary, but shall have the same authority as other deputy county game wardens.

County game commissioners to appoint game warden and assistants.

Compensation.

Special deputy county game wardens non-salaried.

This section shall be construed as a re-enactment of existing laws and all county game commissions, county game wardens, deputy county game

Re-enactment of existing laws.

Incumbents retain offices.

wardens, special deputy county game wardens and office assistants holding office at the time of taking effect of this act shall continue in office until removed by the supervisor of game and game fish.

Appointment filed with county auditor.

Such appointment shall be in writing and a copy thereof mailed to the county auditor and by him indexed in the miscellaneous records. Each appointee, if he accept the appointment, shall within thirty days qualify by subscribing an oath, which oath shall be filed with the county auditor and indexed as aforesaid.

Oath of appointee filed

State association of county game commissioners and county game wardens constituted.

SEC. 12. The county game commissions and county game wardens shall constitute the state association of county game commissioners and county game wardens, the purpose of which organization is for the protection, propagation and distribution of game animals, fur-bearing animals, game birds and non-game birds, and game fish and the enforcement of the provisions of this act. Such association shall meet at least once each year on dates and at places to be fixed by the association.

Purpose of organization.

Meetings.

Advisory committee elected annually.

At each annual meeting of such association there shall be elected from the membership of the county game commissions of said association an advisory committee of five members, which committee shall serve until the next annual meeting of the association. Said advisory committee shall sit with the supervisor of game and game fish in the apportioning of any moneys which may be appropriated from the state game fund, for the assistance of those counties which the supervisor of game and game fish and said committee, shall deem to be in need of financial assistance for the proper carrying on of the work of said county game commission, and each member of said advisory committee shall have an equal voice with the supervisor of game and game fish in the apportioning of said funds.

To sit with supervisor in apportioning state game fund to counties.

Each member of committee equal voice with supervisor.

The supervisor of game and game fish shall have



authority to call the advisory committee into consultation at any time or place he desires relative to the conduct, management, propagation and distribution of game animals, fur-bearing animals, game birds, non-game birds and game fish.

Authority to call committee into consultation.

The expenses of the game commissioners and game wardens in attending any annual meeting of the said association shall be paid from the game fund of the respective counties.

Expenses of members attending annual association meeting.

The expenses of the members of the advisory committee in attending any meeting of such committee shall be paid from the state game fund.

Expenses of members of advisory committee.

SEC. 13. The county game commissioners shall be paid out of the county game fund of their respective counties their actual necessary traveling expenses when actually engaged in the transaction of their official duties, and there shall be paid from the county game fund of each county the sum of Twenty Dollars (\$20.00) as annual dues to the state association of county game commissioners and game wardens and the county auditor of each county, on or before the first day of June of each year, shall draw his warrant on the county treasurer payable from the county game fund to the secretary-treasurer of said association for such annual dues.

Traveling expenses of county game commissioners.

Annual dues to state association.

SEC. 14. The county game commissions shall enforce within their respective counties all laws relating to the protection, propagation and disposition of all game animals, fur-bearing animals, game birds, non-game birds and game fish.

Duties of county game commissions.

SEC. 15. The supervisor of game and game fish shall have the power and authority to appoint deputy state game wardens and assign them to such places in the state as in his judgment may be necessary. Such deputy state game wardens may be employed for such length of time and at such salaries, together with their necessary traveling expenses, as may be fixed by the supervisor of game and game

Deputy state game wardens appointed by supervisor.

Compensation.

Paid from  
state game  
fund.

Lectures,  
advertising,  
etc., to  
encourage  
respect for  
game laws.

County  
game com-  
missioners,  
wardens,  
and dep-  
uties *ex  
officio*.  
State  
deputy  
game  
wardens.

County  
wardens  
and  
deputies:  
assignment  
to duty by  
supervisor.

Director of  
fisheries  
and game:

Regulation  
of propaga-  
tion, protec-  
tion, etc.

fish. Such salaries and traveling expenses shall be paid from the state game fund. The supervisor of game and game fish shall have the power and authority to employ lecturers, advertise and provide for educational features that may in his judgment encourage the respect for the game laws and the conservation and propagation of game.

All county game commissioners, county game wardens and deputy county game wardens shall be *ex-officio* state deputy game wardens, and the county game wardens and deputy county game wardens may be assigned by the supervisor of game and game fish to such places in the state as in his judgment may be necessary and when so assigned shall act under the direction of the supervisor of game and game fish and shall have the same powers in the enforcement of the provisions of this act as state deputy game wardens.

SEC. 16. The director of fisheries and game through and by means of the division of game and game fish, shall have the power and authority to regulate the propagation and preservation of all game animals, fur-bearing animals, game birds, non-game birds, and game fish, and the collection of game fish spawn and the distribution of the same, and the distribution of fry and adult game fish in any of the rivers, lakes and streams of the state and the right to import such spawn, fry and adult fish as may be deemed advisable, and, when so propagated, taken or imported, to distribute the same to the various counties as necessities and adaptabilities may require; and to purchase, sell, lease or exchange real or personal property; and the right at any season of the year to take any specimen or specimens of game animals, fur-bearing animals, wild birds, or game fish, for informative, scientific or research purposes.

The director of fisheries and game, through and

by means of the supervisor of game and game fish, shall have the power to authorize the importation of wild birds, game animals, fur-bearing animals, and game fish, and authority to regulate and license the sale and transportation thereof within the state.

SEC. 17. The supervisor of game and game fish may issue permits 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 commissions by unanimous vote may issue such permits in their respective counties. Before any such permit is issued the applicant therefor 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 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 country presenting credentials under the seal of such museum or institute. All permits issued as herein above provided, shall be valid for a period of one year from the first day of April in the year in which they are issued unless sooner revoked. It shall be unlawful for any person having a permit issued

Permits for scientific purposes for collection of birds, eggs, etc.

Application.

Bond.

Exchange  
of speci-  
mens.

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.

Forfeiture  
of permit  
and bond.

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.

Service of  
process.

SEC. 18. The director of fisheries and game, the supervisor of game and game fish, all deputy state game wardens, all county game commissioners, county game wardens and deputy county game wardens shall have power and authority to serve and execute all warrants and process of the law issued by the courts in enforcing the provisions of this act, or any other law of this state, relating to preservation and propagation of game animals, furbearing animals, game birds, non-game birds, game fish and salmon, for the purpose of enforcing this act and any law for the preservation of wild animals and birds and game fish may call to their aid any sheriff, deputy sheriff, constable, police officer or citizen and it shall be the duty of any such officer or person so called upon to render such aid. The director of fisheries and game, the supervisor of game and game fish, all deputy state game wardens, all county game commissioners, county game wardens and deputy county game wardens shall have the power to arrest without a warrant any person

Powers  
of police  
officers.

or persons found in the act of violating any of the provisions of this act or any law enacted for the purpose of protecting or propagating wild animals or birds, game fish and salmon.

SEC. 19. It shall be the duty of every county game warden, deputy county game warden, special deputy county game warden, sheriff, deputy sheriff, constable, city marshal and police officer within their respective jurisdictions, to enforce all the provisions of this act, and all laws for the protection of game animals, fur-bearing animals, game birds, non-game birds, game fish and salmon, and such sheriffs, deputy sheriffs, constables, city marshal, police officers, United States game warden, and any forest officer appointed by the United States government, and each of them by virtue of their election or appointment are hereby created and constituted *ex officio* game wardens for their respective jurisdictions.

Duties of officers.

Officers constituted *ex officio* game wardens.

SEC. 20. The supervisor of game and game fish, the state deputy game wardens, and any county game commissioner, county game warden, deputy county game warden, special deputy county game warden, sheriff, deputy sheriff, city marshal, constable or police officer, United States game warden or forest officer may without warrant arrest any person found by him violating any of the provisions of this act or any law enacted for the purpose of propagating wild animals, wild birds, game fish and salmon.

Powers of police officers.

SEC. 21. The supervisor of game and game fish, any state deputy game warden, county game commissioner, county game warden, deputy county game warden, sheriff, constable, police officer or United States game warden or forest officer shall have the power to search without warrant any person, conveyance, vehicle, game bag, game basket, game coat or other receptacle for game or game fish and any

Power to search without warrant.

cold storage plant, warehouse, market, tavern, boarding-house, restaurant, club, hotel, eating-house, fur store, tannery or other place where he has reason to believe that game animals, fur-bearing animals, game birds, non-game birds, or game fish or parts thereof are kept for sale, or sold, and to search all packages or boxes, which he has reason to believe contain evidence of violations of this act, and any hindrance or interference with any such officer while engaged in making such search shall be *prima facie* evidence that the person interfering with or hindering such officer is guilty of a violation of this act. Any of the officers above named may at any time seize and take possession of any game fish, game bird, non-game bird, game animal or fur-bearing animal, or any part thereof, which has been unlawfully caught, taken, or killed or which is unlawfully possessed in violation of the provisions of this act.

Seizure of  
contraband  
game.

SEC. 22. The director of fisheries and game, the supervisor of game and game fish, and each deputy state game warden, county game commissioner, county game warden, and deputy county game warden shall have the power and authority to seize without warrant all game birds, non-game birds, game animals, fur-bearing animals, game fish or parts thereof, taken, killed, transported or possessed contrary to law, and any dog, gun, trap, net, seine, decoy, bait, boat, light, fishing tackle or other device unlawfully used in hunting, fishing or trapping, or held with intent to use unlawfully in hunting, fishing, or trapping, and any court of competent jurisdiction of the county in which the seizure is made shall have the power and jurisdiction in any prosecution for unlawfully hunting, fishing or trapping, in addition to any other penalty provided by law, to confiscate for the use of the county game commission of the county in which the seizure is made, any article so seized and proven to have been unlawfully

Seizure of  
contraband  
game and  
devices.

Contraband  
devices.

Confiscation.

used or held with intent to unlawfully use, and in case it shall appear upon the sworn complaint of the officer making the seizure that any such articles so seized were not in the possession of any person and that the owner thereof is unknown the court shall have the power and jurisdiction to confiscate such article so seized upon a hearing duly had after service of summons, describing the articles seized, upon the unknown owner by publication in the manner provided by law for the service of summons by publication in civil action: *Provided*, That all dogs, guns, traps, nets, seines, decoys, baits, boats, lights, fishing tackle, or other device seized under the provisions of this act, unless forfeited, shall be returned, after the completion of the case and the fines, if any assessed, paid.

Return of certain devices on condition.

SEC. 23. The director of fisheries and game, the supervisor of game and game fish, each of the county game commissions may secure by purchase, gift, or exchange with the proper authorities of other countries, states, territories and counties, game birds, wild birds their nests and eggs, game animals, fur-bearing animals, and game fish, fry or spawn for stocking or propagating purposes and may sell or otherwise dispose of game birds, game animals and game fish and salmon spawn so taken. No county game commissioner shall sell or give away any game bird, game animal or game fish, eggs, spawn or fry to any person, firm or corporation outside the state of Washington without the written consent so to do by the supervisor of game and game fish. *Provided* this section shall not apply to those holding a game farmer's license.

Specimens may be obtained or exchanged for propagating, etc.

May not send outside of state.

Holder of game farmer's license excepted.

SEC. 24. The director of fisheries and game, the supervisor of game and game fish, and state deputy game warden, county game commissioner, county game warden, and deputy county game warden is hereby authorized to administer oaths, and may re-

May administer oath.

May require oath.

Penalty for refusing.

Powers and duties of county game commission.

Shorten season.

Fix limit of game bags.

Specimen for scientific or propagation purposes.

County game commission may close or shorten statutory open season.

quire any statement to them or him in applications for licenses, or in any report submitted to them or him in any manner connected with the discharge of their duties to be made under oath. Any person failing or refusing to make any such statement under oath or falsely making an oath shall be guilty of a misdemeanor.

SEC. 25. The county game commissions for their respective counties shall from time to time investigate the habits and supply of the game animals, fur-bearing animals, game birds and game fish, in their respective counties, and shall have the power and authority with the consent and approval of the supervisor of game and game fish, and in the manner in this act provided, to shorten the times when the hunting, trapping or fishing for the several classes of game animals, fur-bearing animals, game birds and game fish is prohibited and to fix the number of game animals, fur-bearing animals, game birds and game fish of various species, respectively, that may be taken in any one day, week or season, and the county game commissions shall have the power to specify and define, in the manner in this act provided, the places and waters in their respective counties in which hunting, trapping and fishing for the several species of game animals, fur-bearing animals, game birds and game fish, respectively, is prohibited, and the county game commissions shall have the right at any season of the year to take any specimen or specimens of game animals, fur-bearing animals, wild birds or game fish for informative, scientific or propagation purposes.

SEC. 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 upland 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 limits 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 thirty 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 repealed 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 re-opening. *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 season and bag limits for that year on all game animals, game birds and game fish for that county.

Fix bag limit.

Copy of resolution fixing bag limits or closed season to supervisor.

When effective.

Re-opening of season closed by resolution.

Failure to fix bag limits or shorten season :

Duty of supervisor.

SEC. 27. The county game commission shall cause to be published a notice of the closing or shortening of any open season or seasons, and the number fixed as the bag limit, in a newspaper published and

Notice of shortening season.

Publication.

of general circulation in the county affected, not less than two weeks prior to the opening of the season as fixed by statute, which notice shall also be posted in the office of the auditor of such county and of the game commission, and the respective game commissions are hereby authorized to give any other notice thereof as they may deem advisable, and the county game commission, upon the approval of any resolution re-opening, in the same year, of a season closed or shortened by resolution, shall immediately cause to be published in a newspaper published and of general circulation in the county affected, and posted in the office of the county auditor and the county game commission, a notice of such re-opening and shall have power to give such other notices of such re-opening as they shall deem advisable.

Posting.

Supervisor's  
powers  
over  
seasons.

SEC. 28. Whenever the supervisor of game and game fish shall consider that the preservation, protection and perpetuation of any of the game animals, fur-bearing animals, game birds or game fish shall require it he may close to hunting or trapping any lands, or to fishing any stream, river or lake or portion thereof anywhere in the state, except within the Quiniault Indian Reservation for such time as he shall specify in the manner hereinafter provided. And whenever the county game commission of any county, by unanimous vote, shall consider that the preservation, protection and perpetuation of any of the game animals, fur-bearing animals, game birds, or game fish in their county shall require it, they may, upon first obtaining the written approval of the state supervisor of game and game fish, close to hunting or trapping any lands, or to fishing any stream, river or lake or portion thereof anywhere in their respective counties for such time as they may specify in the manner hereinafter provided. They shall enter an order or resolution in the records of their office and post in the office of the county

Quiniault  
Indian  
Reservation  
excepted.

County  
game com-  
mission's  
powers  
over  
seasons.

Posting  
order.

auditor of the county or counties in which the lands, stream; river or lake, or portion thereof, desired to be closed are situated, a notice that on a date set out in said notice, which date shall not be less than thirty (30) days from the date of the order or resolution, the lands, stream, river, or lake, described in said order or resolution and in said notice with reasonable certainty, will be closed to hunting [hunting], trapping or fishing for the respective game animals, fur-bearing animals, game birds or game fish specified in said order or resolution and in said notice for such time as is specified in said order or resolution and in said notice, and shall cause a like notice to be published weekly in some newspaper published and of general circulation in the county or counties where the closed area is situated for not less than three (3) successive issues, and it shall be unlawful for any person to hunt, trap or fish for the game animals, fur-bearing animals, game birds or game fish specified on any such lands, or in any stream, river or lake so closed during the time specified in such order or resolution and notice.

Notice.

Publication.

The supervisor of game and game fish and county game commissions of their respective counties having closed to hunting, trapping or fishing any lands, streams, rivers, lakes or portions thereof as in this section provided when they shall consider that the protection, preservation, and perpetuation of the game animals, fur-bearing animals, game birds or game fish no longer require it, shall have authority, respectively, by like order or resolution and notice, to open such closed area.

Power to open closed area.

SEC. 29. It shall be the duty of each county game commission to file in the office of the county auditor a certified copy of any notice required by this act to be published or posted together with proof of publication or posting by affidavit of the publisher or poster and the county auditor shall

Certified copy of notices to be filed with county auditor.

without charge file or record and index all instruments, notices, proof of publication and affidavits of posting offered by any county game commission.

State game fund established.

SEC. 30. There is hereby established in the state treasury a fund to be known as the state game fund, which shall consist of eighty per cent (80%) of all moneys received in any county from the sale of state licenses, ten per cent (10%) of all moneys received in any county from the sale of county licenses and such sums as the legislature may from time to time appropriate, all of which shall be paid into the state treasury quarterly beginning on the first day of March. Such state game fund shall be

How used.

used for the payment of the salaries and expenses of the supervisor of game and game fish and his employees, and for propagation, protection, introduction, exhibition, purchase and distribution of game animals, fur-bearing animals, game birds, non-game birds or game fish, and for such other purposes as the legislature may direct. There is hereby established in each county treasury a fund to be

County game fund.

known as the county game fund, which shall consist of ninety per cent (90%) of all moneys received in any county from the sale of county licenses and twenty per cent (20%) of all moneys received from the sale of state licenses and all moneys received from fines and costs for violations of this act. Such

How used.

county game fund shall be used for the payment of the salaries and expenses of employees of the county game commission, and for propagation, protection, introduction, exhibition, purchase and distribution of game animals, fur-bearing animals, game birds, non-game birds or game fish.

Disposition of fines.

SEC. 31. All fines collected and bonds forfeited under any provision of this act shall be paid into the county treasury of the county wherein the conviction or forfeiture was had and placed to the credit of the county game fund: *Provided, however, That*

all fines from arrests made by state paid game wardens shall be deposited one-half into the state game fund and one-half into the county game fund.

All moneys collected by the county game commission shall be paid into the county treasury and credited to the game fund.

Disposition of other moneys.

SEC. 32. All payment from the state game fund or county game fund authorized by this act shall be made by county or state warrants respectively, and all claims against the county game fund shall be audited by the county game commission in their respective counties, and all claims against the state game fund shall be audited by the supervisor of game and game fish.

Payments by warrant. Claims to be audited.

SEC. 33. It shall be the duty of each county game commission to, on or before the first day of February of each year, make a report in writing for the preceding calendar year to the director of fisheries and game, which report shall be made on blanks to be provided by the director of fisheries and game, and shall contain such information as he may deem advisable, and the director of fisheries and game shall biennially, as of April 1st, make a report to the governor which said report shall contain all the information concerning the acts of the county game commissions; also report on such game animals, fur-bearing animals, game birds and non-game birds and game fish as may have been propagated and distributed by him, and all such other acts connected with the enforcement of the game laws as may come to his notice.

Annual report by county game commission to director of fisheries and game.

Biennial report by director to the governor.

SEC. 34. The county game commissions shall have charge of the construction, control and management of all county game farms and game fish hatcheries, trap sites, eyeing stations, rearing ponds, brood ponds, water rights and rights of way for access thereto, including the control of grounds owned or leased for such purposes, and shall have

County game farms, fish hatcheries, etc.:

Control of.

Power to acquire property.

Eminent domain.

Location of game fish hatchery.

County game commission may acquire and dispose of property. Power of eminent domain.

Grant concessions.

Property tax exempt except leaseholds.

Office of county game commission. Supplies, etc.

Official bonds.

the power to purchase, sell, lease or exchange real or personal property and to acquire real property in the name of the commission by gift, lease, purchase, or condemnation in the manner provided by law for the acquisition of properties for public purposes by counties: *Provided*, That no county game commission shall construct any game fish hatchery until the location, water supply and plans therefor shall have been approved by the supervisor of game and game fish.

SEC. 35. The county game commission shall have the power and authority to acquire by gift, purchase, lease or condemnation in the manner provided by law for the condemnation of property for public use by counties, such lands, water supplies and rights of way therefor, as may be deemed necessary for the use of said commission for hatchery sites, eyeing stations, rearing ponds, brood ponds, trap sites and game animal, fur-bearing animal, game bird, non-game bird and game fish sanctuaries, and rights of way to the nearest public highway therefrom, and shall have the right from time to time to sell, convey or lease, or grant concessions upon, any real property, acquired by the commission by gift, purchase, lease or device when not required for use by the commission. All property both real and person [personal] of a county game commission shall be exempt from taxation, except property held under lease.

SEC. 36. Each county game commission shall be provided with a suitably furnished office in the court house of its county at the county seat and shall be furnished with storage and repairs and supplies for its automobiles by the county in the same manner as county officers. The cost of such repairs and supplies to be paid from the county game fund.

SEC. 37. All appointees and employees 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 properties 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 in the office of the county auditor.

Oath of office.

SEC. 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 act as guide for hire to any person or persons in hunting, trapping or fishing, without having first procured and having in force and in his personal possession and on his person while so hunting, trapping, fishing or guiding [guiding], a license so to do issued to him by a county auditor: *Provided, however,* That nothing in this act shall prevent any woman or 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.

Licenses:

Issued by county auditor.

Females and 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 to place "books" of blank forms for applications and licenses for fish-

Licenses issued by county auditors.

Others may be authorized to issue licenses.

Failure to return stub book.

Penalty.

License not required to hunt certain animals east of the Cascades.

Forms of licenses prescribed by supervisor.

Application for license: Information required.

ing 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 the stub book 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.

SEC. 39. All licenses issued under the provisions of this act shall be upon such forms and of such material as may be designated by the supervisor of game and game fish and the various classes of licenses shall be upon material of such different colors as may be designated by the supervisor of game and game fish, which forms, materials and colors shall be designated by the supervisor of game and game fish and notice of such designation mailed to each county auditor on or before the first day of February in each year. All blank forms of licenses shall be bound or stapled in "books" of convenient quantities and each blank license shall be printed on a single sheet with the "stub" for the blank form of application for the license.

SEC. 40. Every application for any license under the provisions of this act shall be in writing on a blank form to be furnished for that purpose and signed by the applicant, and shall describe the applicant as to sex, citizenship, age, weight, height, complexion, and place of residence, and in case the applicant claims residence in the state of Washington shall state the length of time of such residence,



and every license issued shall contain the description of the licensee as shown by the application, and the licensee shall personally sign the license and the stub before the same is removed from the book of blank forms.

SEC. 41. Any county auditor shall have the power and authority to issue hunting and fishing licenses for any county of the state, and shall transmit the fees to the auditor of the county for which the license is issued at the close of each month's business, together with the record thereof, and the holder of any such county hunting and fishing license shall be entitled to fish from either side of any stream or river when said stream or river shall constitute the boundary between two counties.

Any auditor may issue license for any county.

May hunt or fish from either side of stream between counties.

SEC. 42. 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 has been an actual resident of this state for six months, may by paying to a county auditor the sum of seven dollars and fifty cents (\$7.50), obtain a state hunting and fishing license which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of March next, following the date of its issuance, when it would otherwise be lawful to hunt or fish within said county.

State hunting and fishing license.

Fee.

Privileges under.

SEC. 43. 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 has been an actual resident of this state for six months may, by paying to a county auditor the sum of one dollar and fifty cents (\$1.50), obtain a hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish within the county for which such license is issued until the first day of March next following the date of issuance, at any time when it is otherwise lawful to hunt or fish in such county.

Six months' county license.

Fee.

County non-resident license.

SEC. 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 ten dollars (\$10.00), 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.

Fee.

County :

Resident of bordering state accorded privileges extended by such state to Washingtonian.

Non-resident.

SEC. 45. 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 this state, or who has been a resident of this state for less than six months, may, by paying to a county auditor the sum of two dollars and fifty cents (\$2.50), obtain a county fishing license which shall entitle the holder thereof to fish in any lawful manner within the county, for which the license is issued, until the first day of March next following the date of its issuance, whenever it is lawful to fish in such county.

County fishing license.

State fishing license to non-resident.

SEC. 46. 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 three dollars (\$3.00), obtain a state fishing license which shall entitle the holder thereof to fish in

any county of the state for a period of thirty days from the date of its issuance, when it would otherwise be lawful to fish in said county.

Every license issued under the provisions of this section shall be known and designated as a "tourist fishing license."

"Tourist fishing license."

SEC. 47. Any alien by paying to any county auditor the sum of ten dollars (\$10.00), and exhibiting his permit to carry firearms issued in the manner provided by law, may obtain a state hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish in any county of the state until the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in such county.

Alien possessing permit to carry fire arms:

State hunting and fishing license.

SEC. 48. Any alien by paying to a county auditor the sum of five dollars (\$5.00), may obtain a county fishing license which shall entitle the holder thereof to fish in any lawful manner within the county for which the license is issued until the first day of March next following the date of its issuance, whenever it is lawful to fish in such county.

Alien: County fishing license.

SEC. 49. The game commissioners of each county shall fix an open season in the months of January and February of each year for the taking of *Salmo gairdneri*, commonly known as steelhead, in all streams except such as are deemed necessary for the taking of spawn or propagation purposes.

Open season for taking steelhead.

SEC. 50. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States 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 five dollars (\$5.00), obtain a state hunting license which shall entitle the holder thereof to hunt game birds in any county of the state when it would otherwise be lawful to hunt in said county.

State license to hunt game birds to non-resident.

County  
trapping  
license.

SEC. 51. Any citizen over the age of sixteen years by paying to the county auditor in the county in which he desires to trap, the sum of five dollars (\$5.00), may obtain a license which shall entitle the holder thereof to trap fur-bearing animals, within the county where such license is issued until the first day of May next, following its issuance. Nothing in this act shall be construed as requiring any land owner or lease holder of any land to obtain or have a license to trap fur-bearing animals on the premises owned or leased by him.

License not  
required of  
land-owner.

County  
guide's  
license.

SEC. 52. Any person over sixteen years of age by paying to the county auditor of the county in which he desires to act as professional guide, the sum of ten dollars (\$10.00), may obtain a license to be known as a professional "guide's license" which shall entitle the holder thereof to act as professional guide for hire to any person in hunting, trapping or fishing within the county where such license is issued until the thirty-first day of March next following the date of its issuance.

Law  
violation  
by licensee:

SEC. 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 until the first day of March next succeeding, and any professional licensed guide, predatory-animal hunter, or trapper 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 guide within a period of one year from the date of such forfeiture.

Penalty.

Licenses  
non-trans-  
ferable.

SEC. 54. Licenses issued under the preceding sections shall not be transferable, and any person hunting, trapping, fishing or acting as professional guide shall upon the demand of the director of fish-

eries and game, the supervisor of game and game fish, any state deputy game warden, county game commissioner, county game warden, deputy county game warden, special deputy county game warden, sheriff, deputy sheriff, constable, or police officer, exhibit his license to such officer, and write his name for the purpose of comparison of signature on such license, and the failure or refusal to exhibit such license, and write such name, upon such demand shall be *prima facie* evidence that such person has no license or is not the person named in the license in his possession.

Refusal to exhibit license or compare signatures :

Presumption.

SEC. 55. It shall be unlawful for any person to fire-hunt for game animals, 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.

Appliances prohibited.

SEC. 56. It shall be unlawful for any person to hunt or trap any bear, cottontail rabbit, snowshoe rabbit, gray squirrel or black squirrel between the first day of May and the fifteenth day of September of any one year. It shall be unlawful to hunt or trap any bull-frog between the first day of December in any year and the first day of July of the following year.

Closed season bear, cottontail rabbit, snowshoe rabbit, gray squirrel, black squirrel, bull-frog.

SEC. 57. It shall be unlawful for any person to hunt, trap, kill, catch, take, ship, convey, or cause to be shipped or transported by common or private carrier to any person either within or without the state, or to purchase, sell, expose for sale, have in possession with intent to sell, or have in possession or under his control at any time any elk, moose, antelope, mountain sheep, mountain goat, caribou, deer, or fawn, or the meat thereof, or the hides, hoofs, horns or teeth of any elk, moose, antelope, mountain goat, mountain sheep or caribou unless lawfully acquired: *Provided*, That any person having in force a hunting license issued under the pro-

Unlawful to take any time :

Elk, moose, antelope, mountain sheep, mountain goat, caribou, deer.

visions of this act may kill, catch, take, ship, convey or cause to be conveyed by common or private carrier, and have in his possession for his personal use between the fifteenth day of September and the fifteenth day of November in any year, one buck deer with visible horns, killed, caught or taken in the manner provided by law. Any person violating the provisions of this section shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment, and any person killing, conveying, or having in his possession more than one buck deer with visible horns during the open season in any year, as herein above defined, shall be guilty of a gross misdemeanor and punished by a fine of not less than \$100.00 or more than \$250.00 or by imprisonment in the county jail for not less than thirty or more than ninety days, or both such fine and imprisonment.

Open season one buck deer.

Penalty.

Deer tag attached to license.

SEC. 58. It shall be unlawful for any person to hunt any deer unless he shall have in his possession a deer tag numbered to correspond with and attached to his license.

Tag to be attached to deer carcass.

Any person having lawfully killed a deer shall immediately attach and leave attached to the carcass or part thereof the deer tag corresponding to his license; and it shall be unlawful for any person to have in his possession or under his control or have in storage or as a common carrier any such carcass before being dismembered, without having such tag attached, and it shall be unlawful for any person to so mutilate the carcass of any deer that the sex cannot be determined.

Mutilation of carcass.

Taking deer in water or hunting with dogs prohibited.

SEC. 59. It shall be unlawful for any person to shoot or kill in any manner any deer when such deer is in any river or lake, or body of water, and it shall be unlawful for any person to hunt deer with dogs.

SEC. 60. It shall be unlawful for any person to have with him either loose or in leash any dog in any wooded section of any county of the state during the time in each year when it is lawful to hunt deer in such county, without having first obtained and having in force a written permit so to do, issued by the unanimous vote or action of the game commissioners of such county. *Provided*, That nothing in this section shall be construed to prohibit stockmen from having either loose or in leash any dog in any wooded section of any county where such stock are grazing during the time in each year when it is lawful to hunt deer in such county. *And provided*, further, That bird dogs or dogs used for hunting upland game birds may be trained or used at any time except during the months of April, May, June and July of each year, during which months it shall be unlawful for any such dogs to run at large. The county game commissioners by unanimous action and with the approval of the supervisor of game and game fish may permit field trials, during closed months, of bird dogs in such portion of their respective counties as in their judgment will not injure the upland game birds thereon.

Dog in wooded section in open season forbidden.

Permit.

Stockmen excepted.

Dogs hunting upland game birds.

Field trials of bird dogs in closed season.

SEC. 61. It shall be unlawful for any person to trap any fur-bearing animal between the first day of April and the fifteenth day of November in any year; *Provided*, That it shall be lawful for the owner or occupant of any real property on which any crop is being grown or any domestic animals or fowl are being kept to trap any fur-bearing animal which is destroying or injuring any such crop, domestic animals, or fowl, or any dike, drain or irrigation ditch.

Closed season fur-bearing animals.

May trap to protect fowls, crops, drains.

SEC. 62. It shall be unlawful for any person to set or use any steel trap of larger size than that commonly known and called a number three trap without posting a notice, printed in English, or a

Steel traps.

Posting warning notice.

To protect  
public from.

placard at least six inches by ten inches in size, in plain sight, above said trap stating that a large steel trap is set below, and stretching a wire not less than four feet above the ground and not less than ten feet from such trap around and on all sides thereof.

Beaver.

SEC. 63. It shall be unlawful for any person to in any manner hunt or trap any beaver in this state, except as otherwise provided in this act, or have in his possession alive or dead any beaver or part thereof that has been caught or killed in this state. Nothing in this section, however, shall be construed to prevent any person residing in this state from having in his possession or from buying, selling or handling skins of beaver lawfully caught or killed outside of this state.

Skins of  
beaver  
killed  
outside  
of state.

Consignee  
of beaver  
skins to  
notify  
supervisor  
or county  
game com-  
mission.

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 a fee of ten cents (10c) for each skin, stamp said skins with the words "killed outside the state of Washington" together with a facsimile 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.

Inspection  
fee.

Skins  
marked.

May sell.

Upland  
birds:

Closed  
season.

Migratory  
birds:

SEC. 64. It shall be unlawful for any person to hunt or possess any upland game bird between the fifteenth day of November in any year and the first day of September in the following year.

SEC. 65. It shall be unlawful for any person to hunt or possess any migratory game birds west of the summit of the Cascade mountains, between the



sixteenth day of January and the thirtieth day of September in any year, or east of the summit of the Cascade mountains between the first day of January and the fifteenth day of September in any year.

Closed season.

SEC. 66. It shall be unlawful for any person to shoot at any migratory game bird with a rifle, while such bird is in any lake, river or stream or while such bird is upon any island or bar in any river, lake or stream.

Shooting at migratory birds.

SEC. 67. It shall be unlawful for any person to hunt 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.

Migratory birds:

Unlawful to hunt from boat or after sunset.

SEC. 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, golden plover, jack or Wilson snipe, or greater or lesser yellow legs, in any one week, or have in possession or under control more than thirty (30) ducks, geese or brant at any time, it being the intention hereof to limit bags in any one week to twenty (20) of the above mentioned birds, no matter how many varieties of those birds are included in said bag. And for the

Migratory game birds:

Unlawful to hunt upon Columbia or Snake rivers.

Bag limit for ducks, geese, brant, golden plover, snipe.

purposes of this section, the week shall be deemed to begin at midnight on Saturday night.

Establishing  
private  
bird pre-  
serve:

SEC. 69. Any person, firm or corporation owning or leasing any lands suitable for feeding grounds of migratory game birds shall have the right to establish thereon a private migratory game bird 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 shorten or close the season for hunting migratory game birds next following the filing of such notice or notices, or to fix any open or closed days during said open season, or fix a bag limit, or to set aside the land embraced within the boundaries thereof as a game preserve, or prohibit the feeding within the boundaries of such private game preserves.

License  
fee.

Game  
commissions  
may not  
regulate  
hunting  
thereon.

Non-game  
birds:

Unlawful to  
hunt or  
possess.

SEC. 70. It shall be unlawful for any person to hunt, trap, kill, catch, take or have in his possession, or under his control, at any time, living or dead, or to purchase, offer or expose for sale, sell, transport or ship any non-game bird, or the skin, plumage or body thereof, or to destroy or have in his possession the nest or eggs of any game bird or non-game bird: *Provided*, That the provisions of this section shall not apply to a person holding a permit for the collection of birds and nests and eggs for scientific purposes only, issued by the supervisor of game and game fish or the county game commission as in this act provided, or to any person holding a game bird farmer's license.

Taking for  
scientific  
purposes  
or under  
game bird  
farmer's  
license  
permitted.

Size of  
gun for  
hunting  
limited.

SEC. 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 or flash any light or burn any powder or other inflammable substance on any waters or land frequented by game animals or game birds with the intent thereby to hunt or disturb the same.

Artificial light prohibited.

SEC. 72. It shall be unlawful for any person to remove from Island or San Juan counties any deer or upland game birds without first having obtained from the county game warden or deputy county game warden a permit for such removal and pay a fee, as follows:

Permit for removal of deer or upland birds from island counties.

For permit to remove 1 deer.....\$10.00  
For permit to remove grouse or pheasant..20c each  
For permit to remove quail.....05c each

Fees.

SEC. 73. The provisions of this act relating to fish shall be construed to apply exclusively to game fish and the same shall be enforced regardless of any conflicting provisions of any laws relating to food fish.

Act applies to game fish exclusively.

SEC. 74. It shall be unlawful for any person to catch, take, kill, or have in his possession between the first day of January and the thirty-first day of December of the same year more than thirty game fish, or more than twenty pounds of game fish and one game fish in any one day, and it shall be unlawful for any person to catch, take or kill any game fish in any other manner than by angling for them with one line held in the hand or attached to a rod so held, and such line shall at no time have attached to it more than three flies or hooks or one plug which may have attached to it any number of hooks, and it shall be unlawful for any person to fish for game fish in any stream or lake above any natural barrier or waterfall, where salmon do not run, with fresh salmon eggs used as a decoy or bait. It shall be unlawful for any person to take, kill or have in his

Game fish.

Amount of catch.

Hook and line required.

Salmon eggs as decoy or bait.

Size of  
fish.

possession any game fish or salmon less than six inches in length. Any person catching such game fish shall at once return the same to the water from whence they were taken with as little injury as possible.

Explosives,  
nets, etc.,  
prohibited.

SEC. 75. It shall be unlawful for any person to lay, set, use or prepare any drug, poison, lime, medicated bait, nets, fish berries, dynamite or other explosives, or any other deleterious substance, or to lay, stretch or place any tip-up, snare or net or trot line or any wire, string, rope or cable of any kind, class or description in any of the waters of this state with intent thereby to catch, take or kill any game fish: *Provided*, That nothing in this section shall prevent the supervisor of game and game fish anywhere in the state, or any county game commission by unanimous vote, within its county, from killing or taking by any means, any of the fish in any waters.

Taking  
fish near  
fishways or  
dams un-  
lawful.

SEC. 76. It shall be unlawful for any person to fish for game fish in any stream within four hundred feet of any fishway or dam or between any game fish trap and the mouth of the stream on which such trap is located, or to have in his possession or under his control any game fish caught, taken or killed within four hundred feet of any fishway or dam or below any game fish trap.

Damaging  
fish traps  
or screens  
prohibited.

SEC. 77. It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure, or destroy any game fish trap, screens or fish stops, or part thereof, erected under the provision of this act, or to remove or liberate any game fish therefrom, and any person violating any provision of this section shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not less than ten days or more than ninety days.

SEC. 78. It shall be unlawful for any person at any time 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.

Damaging or destroying traps.

SEC. 79. It shall be unlawful for any person to plant any game fish, fish fry or spawn in any of the waters of the state without the written consent of the supervisor of game and game fish or the entire membership of the county game commission of the county in which such waters are situated.

Permit required to plant fish.

SEC. 80. It shall be unlawful for any person to obstruct or interfere with the director of fisheries and game, the supervisor of game and game fish, any deputy state game warden, county game commissioner, county game warden or deputy county game warden while engaged in gathering game fish spawn, or to place in any stream or body of water, where any such officer is gathering or about to gather spawn or catch fish for that purpose, any logs or debris or otherwise pollute such stream, river or body of water: *Provided*, That this section shall not be construed to prohibit the use of any such stream, river or body of water for the floating of logs or shingle bolts in the ordinary course of business and any persons violating the provisions of this section shall in addition to any other penalty provided by this act be liable in damages in a civil action instituted in the name of the state for any such obstruction, interference or pollution and may be enjoined from doing any act prohibited by this section.

Obstructing officers gathering fish spawn.

Pollution of streams.

Floating of logs.

Penalty.

Civil damage.

Injunction.

SEC. 81. Nets of any description being used or set in any of the waters of this state above a point established by the director of fisheries as the mouth of any river or stream are hereby declared to be and

Devices declared a public nuisance.

Abatement  
without  
process.

are a public nuisance, and it shall be the duty of the supervisor of game and game fish, the state deputy game wardens, all county game commissioners, county game wardens, deputy county game wardens, sheriffs, deputy sheriffs, constables and other peace officers without warrant or process, to take, seize, abate, and destroy any and all of the same: *Provided*, That persons fishing may use small landing nets; *And Provided further*, That the state supervisor of game and game fish shall be authorized to issue permits for the taking of non-game fish in any of the rivers or lakes of this state, by means of nets or seines.

Landing  
nets.  
Nets and  
seines to  
take non-  
game fish.

Pollution  
of waters.

SEC. 82. No dyestuffs, coal tar, refuse from a gas house, cheese factory, creamery, condensery or canning factory, sawdust, shavings, tanbark, lime or other deleterious or poisonous substance shall be thrown or allowed to run into any waters, either private or public, in quantities injurious to fish life inhabiting the same, or injurious to the propagation of fish therein.

Evidence  
required.

In prosecutions under this article, for the pollution of waters by substances known to be injurious to fish or to fish food, it shall not be necessary to prove that such substances have actually caused the death of any particular fish.

Devices  
declared  
a public  
nuisance.

SEC. 83. All nets, seines, lanterns, snares, devices, contrivances and materials while in use, or had and maintained for the purpose of catching, taking, or killing or attracting, or decoying any game bird, game animal, or game fish, contrary to any of the laws of this state, within this state, or upon or within the boundary thereof, including fish houses, inclosures or other sheltering structures or appliances erected or maintained in any waters, or on the shores of any lake, pond or stream is hereby declared to be a public nuisance. The director of fisheries and game, the supervisor of game and game fish, state

deputy game wardens, all county game commissioners, county game wardens, deputy county game wardens, sheriffs, deputy sheriffs, constables and police officers, shall, without warrant or process, take, seize, abate or destroy any and all of the same while being used, had or maintained for such purpose, and no liability shall be incurred therefor to any person.

Seizure without warrant.

No liability.

SEC. 84. It shall be unlawful for any person to hunt, trap or fish for any upland game birds, game animals, fur-bearing animals or game fish, respectively, during the respective closed seasons therefor as fixed by statute, or in any county during the closed season therefor as fixed by resolution of the county game commissions with the consent and approval of the supervisor of game and game fish and it shall be unlawful for any person to kill, take or catch any species of game birds, game animals, fur-bearing animals or game fish in excess of the number fixed as the bag limit by statute or by resolution of any county game commission with the consent and approval of the supervisor of game and game fish, and shall be unlawful for any person to hunt, trap or fish for any upland game birds, game animals, fur-bearing animals or game fish, respectively, within the boundaries of any game or game fish preserves or closed area established by order of the supervisor of game and game fish or by resolution of any county game commission.

Unlawful to hunt, trap or fish in closed seasons or to exceed bag limit.

SEC. 85. It shall be unlawful for any person at any time to fish for game fish with live minnows as bait in any of the waters lying east of the summit of the Cascade mountains of the state of Washington.

Live minnows prohibited as bait in eastern Washington.

SEC. 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

Artificial lights prohibited.

sunset in any wooded section or other place where deer may reasonably 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.

Shooting from vehicle, across highway, etc., prohibited.

SEC. 87. It shall be unlawful for any person to shoot at any game bird or game animal from any aircraft or from, across or along any public highway or any railway, or while in any motor or steam driven or horse drawn vehicle, or both, or vehicle propelled by motor or man power, and in any prosecution for a violation of this section it will not be necessary to prove that the defendant in so shooting actually killed a game bird or game animal.

Proof of killing not essential.

Migratory birds:

SEC. 88. It shall be unlawful for any person to use any sink box, sink boat, sneak boat or any water craft not propelled by hand with side oars not less than five feet in length, and one oar to be used on each side thereof, and the person rowing therein to be in an upright position and visible at all times from the waist up while hunting migratory game birds.

Sneak boats prohibited.

Contraband game and game fish:

SEC. 89. It shall be unlawful for any person, firm or corporation to have in his possession for sale or with intent to sell, or to expose or offer for sale, or sell to any person, or to ship or cause to be shipped, or have in his possession with intent to ship to any person either within or without the state any game birds, non-game birds, game animals, or game fish, or parts thereof, caught, taken or killed in this state, or which have been unlawfully taken or killed outside this state, or unlawfully shipped into this state and it shall be unlawful for any person to buy any such game birds, non-game birds, game animals, or game fish or parts thereof.

Unlawful to possess, offer for sale, or ship.

Bag limits, prairie chickens, grouse, partridges, pheasants.

SEC. 90. No person shall in any one day kill or have in his possession more than five prairie chickens, five sharp-tailed grouse, five ruffed grouse,



five blue grouse, ten hungarian partridges, five chinese or mongolian pheasants or more than ten quail; *Provided*, That any person desiring to have in possession more than one day's bag limit, may do so by having a game warden tag each day the birds killed that day, and any person may have any number of birds so tagged in his possession during the open season, and may ship, place in cold storage or convey the same at his pleasure. Before any game bird, game animal, or game fish is tagged, he shall on the day the same was killed, make an affidavit that the same was lawfully killed by himself and not by another, and that he had not shipped, killed or given away any other game bird, game animal or game fish, during such day, and had violated none of the provisions of the game code in taking the same, and that the same was not being taken for sale or profit, which affidavit shall be sworn to before a person authorized to administer oaths, or a game warden, or his duly authorized deputy, within the county where the same were killed. *Provided further*, That any person may retain after the closed season birds lawfully tagged in the open season. *Provided further*, That the game commissions of the respective counties may authorize express agents to administer the oath above required. *Provided further*, That the wardens and deputies shall charge a fee of ten cents for each bird, animal or fish tagged.

SEC. 91. It shall be unlawful for any person to have in his possession for sale, or to offer for sale, or sell or to barter for, or exchange any game animal, game bird, non-game bird, or game fish or any portions of the meats of said animal or fish. Possession by any person, co-partnership, association or corporation, owning, managing or operating any boarding-house, hotel, restaurant, market or store or their agents or servants, of any game animal, game bird, or game fish, or any of the

Tagging by warden of game to be shipped or stored.

Affidavit.

Contents.

May retain tagged birds when season closes.

Express agents may administer oaths.

Tagging fee.

Sale or exchange prohibited.

Possession by hotel, etc.:

Pre-sumption.

Possession  
for own  
use.

Tagged dur-  
ing open  
season  
required.

County-  
game com-  
mission may  
remove or  
kill game  
or fish  
injuring  
property.

Possession  
as evidence  
of violation  
of statute.

Lawful  
possession  
during open  
season.

Permission  
to retain  
when sea-  
son closes.

meats thereof shall be *prima facie* evidence that said animals, birds, or fish, or the meats of the same were unlawfully taken by the person having possession of the same: *Provided*, That any person may have in his possession, or in cold storage for his own use only, the number and kind of game animals, game birds and game fish permitted to be taken by this act during the time when the same may be lawfully taken, *Provided* the same were taken by the person so having them in his possession or obtained by gift for his own use, and were properly tagged during the open season as herein in this act provided.

SEC. 92. The county game commission is hereby authorized to remove or to kill or cause to be removed or to be killed any game animals, game fish, game bird or bur- [fur-] bearing animal that in their judgment is destroying or injuring property.

SEC. 93. It shall be unlawful for any person to have in his possession or under his control any game bird, game animal or game fish or any part thereof, the killing of which is at any time prohibited, during the time when such killing is prohibited, and the possession of same shall be *prima facie* evidence that it was the property of the state at the time it was caught, taken or killed in this state when the killing was unlawful and that such taking or killing occurred in the closed season: *Provided*, That any person lawfully in the possession of any game bird, game animal, or game fish, or any part thereof, and desiring to retain the same for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty, and the game commission or county game warden shall have

authority to tag or stamp the same for the purpose of identification without materially damaging the same and to collect therefor a fee of ten cents (\$.10) for each bird, animal or fish or part thereof so tagged or stamped.

Tagging Fee.

SEC. 94. It shall be unlawful for any person to have in his possession any game animal, fur-bearing animal, game bird, non-game bird or game fish at any time when it is unlawful to take or kill the same and such possession shall be *prima facie* evidence that the same was unlawfully taken or killed by the person having possession of same within the county where the same may be found: *Provided*, It shall be lawful for any owner of any game bird, non-game bird, game fish, game animal or fur-bearing animal who has propagated the same or purchased the same from persons who have propagated them, to sell or dispose of the same by gift for propagation only and to ship the same at any season of the year.

Possession as evidence of violation.

For propagation may possess and ship any season.

SEC. 95. It shall be lawful for any person, firm or corporation to have in possession at any time the skin, hide, head or dead body of any game or fur-bearing animal, or game or non-game bird, or game fish, or any part thereof, lawfully taken outside the boundaries of the state of Washington or lawfully taken within the state for purposes of tanning, manufacturing, mounting or ornamental purposes with the right to dispose of same in the usual course of trade: *Provided*, Always that the same have been, within three days after their receipt, reported in writing to the supervisor of game and game fish or the game commission of the county wherein the same is to be kept or used as herein specified. The supervisor of game and game fish or the county game commission shall cause the same to be tagged or marked for identification and shall be authorized to charge and collect for tagging and marking the sum of twenty-five cents (\$.25) for each tag, and in addition

Game imported or taken within state lawfully:

Retention for mounting, etc.

Report to supervisor or commission.

To be tagged.

Fees.

thereto the usual mileage fee charged by sheriffs in the county where the services are to be performed.

Restricting  
or obstruct-  
ing offi-  
cers.

SEC. 96. It shall be unlawful for any person to resist or obstruct the supervisor of game and game fish, any state deputy game warden, county game commissioner, county game warden or deputy county game warden, or other peace officer, in the discharge of his duty while enforcing the provisions of this act.

Unlawful  
posting  
of land.

SEC. 97. It shall be unlawful for any person or his agent or employee to wilfully post any notice or warning or to wilfully warn, drive or attempt to drive any person off of or prevent their hunting or fishing on any land not owned or lawfully occupied by him or his principal unless such land be a lawfully established game or game fish preserve.

Mutilation  
of trespass  
and other  
notices.

SEC. 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 any county game commission, or any trespass or hunting notices posted on enclosed land by owner or lawful tenant.

Inspection  
of hotels,  
etc., for  
contraband  
game and  
game fish.

SEC. 99. The director of fisheries and game, the supervisor of game and game fish, any state deputy game warden, any county game commissioner, county game warden or deputy game warden may, at his discretion, and without warrant, from time to time, inspect hotels, restaurants, cold storage houses or plants and ice houses commonly used in storing meats, game or fish for private parties, including all buildings used for a like purpose, for the purpose of determining whether game or game fish are kept therein in violation of the laws of this state. Any person in possession or control, or in charge of any hotel, restaurant, storage plant or building referred to, or any part thereof, who refuses or fails to permit the director of fisheries and game, the supervisor of game and game fish, any state deputy game

Inspection  
denied.

warden, any county game commissioner, county game warden or deputy game warden to enter any such building, or any part thereof, or any receptacle therein, for the purpose of making such inspection, is guilty of a gross misdemeanor. Penalty.

SEC. 100. Any game bird, non-game bird, game animal, fur-bearing animal, game fish, or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the laws of this state, is hereby declared to be contraband. The director of fisheries and game, the supervisor of game and game fish, any deputy state game warden, county game commissioner, county game warden, deputy game warden, sheriff, deputy sheriff, constable and police officer, shall seize and take possession of any and all game birds, non-game birds, game animals, fur-bearing animals, or game fish, or any parts thereof, which have been caught, taken or had in possession or under control or shipped contrary to any of the laws of this state. Any court having jurisdiction shall, upon complaint showing probable cause for believing that any game bird, non-game bird, game animal, fur-bearing animal, game fish, or any part thereof, caught, taken, killed or had in possession, or under control by any person, or shipped or transported contrary to the laws of the state, is concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any game birds, non-game birds, game animals, fur-bearing animals, game fish, or any part thereof, and may cause any building, inclosure or car to be entered and any apartment, chest, box, locker, create [crate], basket, package, or any other receptacle, whatsoever kind or description, to be broken, opened and the contents thereof examined. All such officers taking or seizing any such game birds, non-game birds, game animals, fur-bearing animals, game fish, or any part Game and game fish: when contraband.

Officers may seize.

Search warrant.

Report.

thereof, shall at once report all the facts attending the same to the county game commission.

Owner of dam to provide fishways.

SEC. 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 of 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 county game commission of the county in which, or on the boundary of which, such fishway exists.

Construction or repair of fishway at owner's expense.

Supervision of fishway.

Salmon hatcheries.

SEC. 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 of any fish hatchery operated for the propagation of salmon 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

Taking game fish within one mile of hatchery.

Devices to be used.

hook and line or nets, or otherwise, at any place within one mile of any such hatchery operated by the United States Bureau of Fisheries.

SEC. 103. Every person other than a regularly salaried game warden or peace officer, entering a complaint that any of the provisions of this act have been violated, and not being a participant in such violation, shall, in case a conviction thereon is secured, be entitled to one-half the fine imposed and collected by the court in such action: *Provided*, That such reward to the informer shall not exceed the sum of twenty-five dollars (\$25.00).

Rewards to informers.

SEC. 104. The superior courts of the respective counties shall, upon the petition of the county game commission, fix the time, manner, and notice of sale of such property as may be abandoned, forfeited or confiscated, and described in the petition, and the proceeds of any such sale shall be placed to the credit of the county game fund.

Sale of confiscated property.

Proceeds to county game fund.

SEC. 105. In any prosecution under the provisions of this act a participant in the violation thereof shall testify as a witness against any other person violating the same, without incriminating himself in so doing. The evidence so given shall not be used in any criminal proceedings against such witness, and any participant in the violation of any provision of this act, who shall voluntarily inform upon and testify against his coparticipant shall be immune from prosecution [prosecution] for such information.

Immunity to participant informing and testifying.

SEC. 106. For the purpose of encouraging game farming and the domestication and propagation of wild animals, game fish and game birds, a game farmer's license, which shall authorize the licensee to engage in the business of purchasing, breeding and selling game animals, fur-bearing animals, and game fish, as defined by this act, game birds or non-game birds, shall be issued, subject to the provisions of this act by the supervisor of game and game fish

Game farmer's license for propagating game animals, birds and fish.

to any responsible resident person duly applying therefor, such license to expire on March 31st following the date of its issuance. The fee for such license shall be twenty dollars (\$20.00). After such license has been issued, it shall be valid as long as said licensee pays the supervisor of game and game fish, for the benefit of the game fund, an annual fee of ten dollars (\$10.00), unless otherwise determined under the provisions of this act: *Provided, however,* That this section shall not be construed to require the granting of licenses to free public parks or to persons domesticating such animals or birds for pleasure and not for profit, but such persons shall before domesticating any such animals or birds secure a permit so to do from [from] the county game commission of the county where he resides.

Fees.

Free public parks.

Permit to domesticate.

Game farmer may transport or sell.

Carcasses, plumage, etc., may be shipped or sold if tagged.

When tags or seals may be removed.

SEC. 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 when it is lawful to kill wild animals or birds of the same species, 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. 108. Any person who is the holder of a game farmer's license may bring within the state



and have the custody of, for the purpose of domestication, propagation or selling, as in this act provided, any game animals, game fish, fur-bearing animals, game birds or non-game birds. Any such game animals, game fish, fur-bearing animals, game birds or non-game birds brought within the state or reared in captivity within the state may be sold or transported for propagation purposes or for food or other purposes if tagged as herein provided.

Authority to import for domestication, propagation and sale.

SEC. 109. After first having obtained a permit from the supervisor of game and game fish or county game commission, it shall be lawful for any holder of a game farmer's license to obtain any number of wild animals, game fish or birds from the state game farms or from city park boards from another state or county, or from another licensee as herein provided.

Sources from which acquired.

SEC. 110. After obtaining a game farmer's license or a permit the holder may purchase, sell, give away or dispose of the eggs of any of the game birds, game fish or salmon lawfully in his possession, for propagation purposes only, and after said game animals or game birds, game fish or salmon have been taken or secured under the provisions of this act they may, with the consent of the supervisor of game and game fish or a county game commission be transferred from one license to another.

Disposal of eggs of game birds, game fish or salmon.

Transfer between licensees.

SEC. 111. Every holder of a game farmer's license or permit shall make quarterly reports on the first day of July, October, January and April, to the supervisor of game and game fish on blanks to be furnished by the supervisor of game and game fish. Such report shall give a correct statement of the total number of such wild animals, game fish, or birds owned, killed, transported or sold during said period under the provisions of this act, the names of the persons to whom the same were transported or sold, the names of the persons by whom the same

Quarterly reports.

Supervisor to supply forms.

were tagged and sealed, the increase of all classes of game, and such other data as the supervisor of game and game fish may deem necessary for the proper protection of the public. Each such report shall be verified by the affidavit of the licensee.

Verification.

SEC. 112. Any common carrier may at any time transport any such carcass or part thereof shipped by a holder of a game farmer's license if tagged or sealed as aforesaid, but to every such package containing such tagged or sealed carcass or parts thereof, shall be affixed an additional tag or label upon which shall be plainly printed or written the name of the licensee, the name of the consignee, the name of the person by whom the same was tagged or sealed, and the number of carcasses or parts thereof contained therein.

Transportation by common carrier.

SEC. 113. The keeper of a hotel, restaurant, boarding [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, during any time when it is lawful to kill wild animals or birds of the same species.

Sale by meat dealers, hotels and others when purchased from game farmer.

SEC. 114. The supervisor of game and game fish, any state deputy game warden; county game commissioner, county game warden or deputy county game warden, may at any time enter upon any game farm for the purpose of inspection thereof, or for the purpose of enforcing this act.

Inspection of game farm.

SEC. 115. It shall be unlawful for any person to hunt any game animal or game bird at any season of the year in that part of Pierce County, Washington, bounded by the waters of Puget Sound and Commencement Bay, and a line beginning where the line between townships 19 and 20 north intersects the easterly shore of Puget Sound, and running thence east to the corner common to sections 3 and 4, township 19 north, range 3 east and sections 33 and

Game preserve in Pierce county.

34, township 20 north, range 3 east; thence due north to the shore of Commencement Bay, or upon the waters of Steilacoom Lake, Gravelly Lake, American Lake, Sequelitchew Lake or the islands therein, or within one mile of the shores of any of said lakes, or upon any part of sections 1, 2, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27 and 28, township 19 north range 2 east sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, and 30, township 19 north, range 3 east, and section 34 and the south half of section 27, township 20 north, range 3 east; *Provided*, That this section shall not apply to persons holding permits giving the right to take birds, and nests or eggs for scientific purposes, as provided in this act.

SEC. 116. It shall be unlawful for any person to hunt any game animals or game birds at any season of the year upon the waters of Lake Washington or upon any island therein, or within the following described boundaries, to-wit:

Lake  
Washington  
game pre-  
serve.

All that portion of King County described as follows: Beginning at the northwest corner of King County, and running thence east along the boundary line between Snohomish and King Counties to the northeast corner of township twenty-six (26) north, range four (4) east W.M., thence south along the township line to the quarter section corner on the east line of section twenty-five (25) of township twenty-six (26) north, range four (4) east W.M.; thence east to the quarter section corner common to sections twenty-seven (27) and twenty-eight (28) in township twenty-six (26) north, range five (5) east, W.M.; thence south along section lines to the southeast corner of section twenty-one (21) of township twenty-three (23) north, range five (5) east W.M.; thence west along section lines to an intersection with state road no. 5, being the paved road commonly known as the east side valley road, thence northerly along the center of said state road no. 5

to its intersection with the paved county road from Earlington to Renton Junction, said intersection being approximately one hundred twenty feet (120') south of the center of section nineteen (19), township twenty-three (23), north range five (5) east; thence westerly along the center line of said paved county road from Earlington to Renton Junction to its intersection with the paved county road, commonly known as the west side valley road; thence continuing west to the west bank of the White River; thence southerly along said west bank of White River to the southeast corner of lot one (1) in section twenty-five (25), township twenty-three (23) north, range four (4) east W.M.; thence west along government subdivision lines to the Old Military Road in section twenty-six (26), township twenty-three (23) north, range four (4) east W.M.; thence southerly along said Old Military Road to a point one quarter of a mile north of the line between townships twenty-two (22) and twenty-three (23) north, range four (4), east W.M.; thence west along government subdivision lines to the northwest corner of the southeast quarter of southeast quarter ( $SE\frac{1}{4}SE\frac{1}{4}$ ) of section thirty-three (33) township twenty-three (23) north, range four (4) east W.M., thence south along government subdivision lines to the south line of section four (4), township twenty-two (22) north, range four (4) east W.M.; thence west along section lines to the center of Puget Sound; thence north along the center line of Puget Sound to the place of beginning.

Publication  
of game  
laws.

SEC. 117. No person, firm or corporation shall publish the game laws of the state, or any portion thereof, or the open seasons or bag limits fixed by the various game commissions, until the same shall have been approved by the supervisor of game and game fish.

SEC. 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 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.

Penalty.

Each bird, fish or animal taken a separate offense.

Duty of court.

Disposition of fines.

SEC. 119. All acts and parts of acts incorporated in the following schedule, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That all proceedings and actions begun and pending in any court under and by virtue of any act hereby repealed and all prosecutions for violations of any act hereby repealed shall not be abated by reason of such repeal but shall be continued and prosecuted until final determination as though this repealing act had not been passed: *Provided, further*, That all game and game fish preserves heretofore established and all closed seasons and bag limits heretofore fixed under the authority of any act hereby repealed shall remain in force until changed as in this act provided.

Conflicting acts repealed.

Saving clause.

SCHEDULE.

Chapter 15 of the laws of 1891; Chapter 95 of the laws of 1891; Chapter 121 of the laws of 1895;

Schedule of acts repealed.

§§5857-5858 ; Chapter 52 of the laws of 1897; Chapter 134 of the  
 5860-5865 ; laws of 1901; Chapter 47 of the laws of 1903;  
 5867-5918 ; Chapter 71 of the laws of 1903; Chapter 134 of the  
 5922-5990, Rem. Stats. ; Chapter 134 of the  
 §§ 2585-1 to laws of 1903; Chapter 54 of the laws of 1905;  
 2585-19 ; Chapter 131 of the laws of 1905; Chapter 172 of  
 2586 to 2639 ; Chapter 172 of the laws of 1905; Chapter 222 of the laws of 1907;  
 2640 ; Chapter 232 of the laws of 1907; Chapter 54 of  
 2640-1 to Chapter 232 of the laws of 1907; Chapter 54 of  
 2640-11 ; the laws of 1909; Chapter 149 of the laws of 1909;  
 2641-4 to Chapter 182 of the laws of 1909; Chapter 197 of the  
 2641-37 ; laws of 1909; Chapter 12 of the extraordinary  
 2641-39 to session of 1909; Chapter 50 of the laws of 1911;  
 2641-51 ; Chapter 84 of the laws of 1911; Chapter 90 of the  
 2641-53 to laws of 1911; Chapter 33 of the laws of 1913;  
 2641-61 ; Chapter 120 of the laws of 1913; Chapter 122 of the  
 2641-63 to laws of 1913; Chapter 151 of the laws of 1915;  
 2641-67 ; Chapter 91 of the laws of 1917; Chapter 164 of the  
 9131-98 to laws of 1917; Chapter 72 of the laws of 1919;  
 9131-100, Chapter 37 of the laws of 1921; Chapter 89 of the  
 Pierce's laws of 1923; and Chapter 117 of the laws of 1923.  
 Code.

Emergency.

SEC. 120. This act is necessary for the support  
 of the state government and its existing public in-  
 stitutions and shall take effect immediately.

Passed the Senate January 6, 1926.

Passed the House December 30, 1925.

Approved by the Governor January 16, 1926.

CHAPTER 179.

[S. B. 118.]

RAILROAD AND HIGHWAY CROSSINGS.

AN ACT relating to railroad and highway crossings, and amending Sections 10519, 10529 and 10531 of Remington's Compiled Statutes.

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

SECTION 1. That Section 10519 of Remington's Compiled Statutes be amended to read as follows:

Section 10519. The department of public works, in its discretion, good cause appearing therefor, and upon such conditions as it may prescribe, shall have power, without notice or hearing, to grant a permit to construct and maintain a temporary grade crossing for a period not exceeding six months, and may revoke such permit at any time: *Provided*, that nothing contained in this section shall be construed to prohibit the department of public works, after notice and investigation, from permitting the maintenance of a temporary grade crossing for a longer period than six months: *And Provided, further*, that this section shall not apply to any state road unless advance written concurrence in any such permit with respect thereto be secured from the state highway committee and bond in such amount and on such conditions as such state highway committee shall require be filed with the department of public works. Any order granting, refusing to grant, or revoking a permit for a temporary grade crossing shall not be reviewable.

Amends § 5646, Pierce's Code.

Permit for temporary grade crossing.

If state road concurrence of state highway committee essential.

Order not reviewable.

SEC. 2. That Section 10529 of Remington's Compiled Statutes be amended to read as follows:

Section 10529. Whenever, to carry out any work ordered under this act, it is necessary to erect and maintain posts, piers or abutments in a highway, the right and authority to erect and maintain

Amends § 5656, Pierce's Code.

Obstructions in highway.

Highway  
engineer's  
approval  
if state road.

the same is hereby granted: *Provided*, that, in case of a state road the same shall be placed only at such points on such state road as may be approved by the state highway engineer and fixed after such approval by order of the department of public works.

Amends  
§ 5658,  
Pierce's  
Code.

Act not  
applicable  
to cities.

SEC. 3. That Section 10531 of Remington's Compiled Statutes be amended to read as follows:

Section 10531. This act shall not be operative within the limits of cities authorized to frame their own charters, and it shall not be construed to apply to street railway lines operating in, on, through, along, over, or across any street, alley or other public place within the limits of any incorporated city or town, except that no street car line outside of cities authorized to frame their own charters shall cross a railroad at grade without express authority from the department of public works: *Provided*, that the department of public works shall not have authority to change the location of a state highway without the approval of the highway committee, nor the location of any crossing thereon adopted or approved by the highway committee. The department of public works shall not grant a railroad authority to cross a state highway at grade unless the highway committee consents thereto.

State  
highway.

Approval of  
highway  
committee  
required.

Passed the Senate January 7, 1926.

Passed the House January 6, 1926.

Approved by the Governor January 18, 1926.



CHAPTER 180.

[S. B. 155.]

LOCAL IMPROVEMENT ASSESSMENTS UPON STATE LANDS.

AN ACT relating to local improvement assessments upon lands belonging to the state, and amending Section 7 of Chapter 154 of the Laws of 1909, and declaring that this act shall take effect immediately.

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

SECTION 1. That Section 7 of Chapter 154 of the Laws of 1909, page 600, be amended to read as follows:

Amends § 8133, Rem. Comp. Stats.

Section 7. When any land, other than tide lands and lands occupied and used in connection with state institutions, owned or held by the state within incorporated cities or towns, or districts in this state having the power to levy assessments for local improvements, against which local improvement assessments have been paid, as herein provided for, is offered for sale there shall be added to the appraised value of such land, as provided by law, the amount of the local improvement assessments paid by the state, which amount so added shall be paid by the purchaser in equal annual installments 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 ever be executed until such local assessments have been paid.

Assessment added to appraised value on sale of land.

Payment in installments.

No deed until local assessments paid.

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

Emergency.

Passed the Senate December 8, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 181.

[S. B. 169.]

## CIVIL ACTIONS IN JUSTICE COURTS.

AN ACT relating to proceedings in justice courts and the service of complaint and notice, and amending section 1761 of Remington's Compiled Statutes.

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

SECTION 1. That section 1761 of Remington's Compiled Statutes be amended to read as follows:

Section 1761. The complaint and notice shall be served at least five days before the time mentioned in the notice for the defendant to appear and answer the complaint, by delivering to the defendant, or leaving at his place of abode, with some person over twelve years of age, a true copy of the complaint and notice.

Passed the Senate December 17, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 182.

[S. B. 172.]

## AGRICULTURAL EXPERIMENT STATIONS.

AN ACT giving legislative assent to the provisions of the act of Congress approved February 24, 1925, entitled "An Act to authorize the more complete endowment of agricultural experiment stations and for other purposes."

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

SECTION 1. That the assent of the Legislature of the state of Washington to the provisions of the act of Congress approved February 24, 1925, en-

Amends  
§ 9623.  
Pierce's  
Code.

Complaint  
and notice:  
how  
served.

Assent to  
act of  
Congress.

titled "An Act to authorize the more complete endowment of agricultural experiment stations and for other purposes," is hereby given.

Passed the Senate December 10, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 16, 1926.

CHAPTER 183.

[S. B. 206.]

LOCAL IMPROVEMENTS.

AN ACT relating to local improvements and bonds issued therefor, 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:*

SECTION 1. That section 1 of Chapter 141 of the Laws of 1923 be amended to read as follows:

Amends § 9351-1, Rem. 1923 Sup.

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 subsequent to the effective date of this act: *Provided*, That this act shall not apply to any city of the first class having a population of more than 300,000 nor 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

Fund established to guarantee local improvement bonds and warrants.

Not applicable to certain cities.

Excepted cities may operate under act.

guaranteed under such former fund shall be held and deemed to be guaranteed under the provisions of this act and *vice versa*.

Amends § 9351-2, Rem. 1923 Sup.

SEC. 2. That section 2 of Chapter 141 of the Laws of 1923 be amended to read as follows:

Local improvement guaranty fund.

Section 2. Such fund shall be designated "Local Improvement Guaranty Fund." For the purpose of maintaining such fund every city or town issuing local improvement bonds or warrants after April 7, 1926, shall be deemed and held to have pledged to the fund a tax credit of the city or town in an amount equal to five per cent of the bonds or warrants so issued. The credit so pledged shall not constitute an indebtedness of the city or town within the meaning of any statutory or charter provisions or limitation respecting indebtedness. Such pledge shall be deemed to have been made, as to any particular local improvement district, upon the delivery of the roll to the treasurer of the city or town for collection. Such pledged tax credits, with the other resources of the fund enumerated in section 3 hereof, shall constitute a reserve wherewith to purchase defaulted bonds and warrants guaranteed by the 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.

Tax credit of city pledged

Is not within indebtedness limitation.

Reserve to purchase defaulted bonds and warrants.

Amends § 9351-3, Rem. 1923 Sup.

SEC. 3. That section 3 of Chapter 141 of the Laws of 1923 be amended to read as follows:

Tax levy for payment.

Section 3. After the creation of such guaranty fund, the city or town shall levy, from time to time, as other taxes are levied, such sums as may be needed to meet the financial requirements of the fund, but not in excess of the total of the tax credits pledged by this act to the guaranty fund. 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. Warrants 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 no warrants shall be issued against the guaranty fund in excess of the cash therein and the tax credits pledged thereto as provided in section 2 of this act: *Provided further*, That no taxes shall be levied for the fund in excess of the tax credits so pledged by section 2 hereof, and that the tax levies herein 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 affected by this act.

Right of  
subrogation.

Limit of  
tax levy.

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 sub-

Rules and  
regulations.

Purchase of  
delinquency  
certificates.

City may purchase at general tax foreclosure.

City may lease or sell property.

Proceeds payable into the guaranty fund.

Amends § 9351-4 Rem. 1923 Sup.

When payment by local assessments for improvements prohibited.

Vetoed

ject 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.

SEC. 4. That section 4 of Chapter 141 of the Laws of 1923 be amended to read as follows:

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 of sanitary sewers and necessary accessories for the disposal of sewage, 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 assessments for diking, draining, sanitary filling or for storm or sanitary sewers levied before January 1st, 1927, shall be included in any computation of outstanding assessments under the provisions of this section.

Vetoed

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

Vetoed. { 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.

Amends § 9351-5, Rem. 1923 Sup.

Bondholders, no claim against city.

SEC. 5. That section 5 of Chapter 141 of the Laws of 1923 be amended to read as follows:

Section 5. Neither the holder nor the owner of any bond issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond was issued, and except as against the local improvement guaranty fund of such city or town, 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, 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.

Non-payment. Remedy of bondholder.

Engraved on bonds.

Repeals § 9351-6, Rem. 1923 Sup.

SEC. 6. Section 6 of Chapter 141 of the Laws of 1923 is repealed.

Passed the Senate January 7, 1926.

Passed the House January 6, 1926.

Approved by the Governor, with the exception of section 4, which is vetoed, January 18, 1926.



CHAPTER 184.

[S. B. 249.]

COUNTY ROADS.

AN ACT relating to county roads, providing for the control and management thereof and for the levy, collection and disbursement of taxes therefor and repealing certain acts and parts of acts.

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

SECTION 1. Boards of county commissioners shall have general control and management of the county roads in their respective counties. They must maintain all such opened and improved roads, and shall, as public convenience may require, cause to be opened and improved such roads as have been laid out and established according to law. Each county commissioner shall be *ex officio* road commissioner of the several road districts in his commissioner's district and shall see that all orders of the board are properly executed pertaining to roads in his district. No county commissioner shall receive any compensation for any service under the provisions of this act other than his salary or per diem as county commissioner.

County roads controlled by commissioners.

Compensation of commissioners.

SEC. 2. Boards of county commissioners shall, but not more than once each year, form their respective counties or any part thereof into one or more suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records.

Road districts to be formed.

SEC. 3. The board of county commissioners may appoint from among the qualified electors of such county a sufficient number of road supervisors for such time as they may determine with *per diem* compensation to be fixed by the board for time and labor actually performed. Before entering upon his

Appointment of road supervisors.

Compensation.

Official  
bond.

duties each road supervisor shall give an official bond to the county in such sum as the board may fix, conditioned that he will faithfully perform all the duties required of him by law or the orders of the board, and account for property belonging to the county or any road district, entrusted to his care. After the approval of such bond by the board and filing thereof with the county auditor he shall be authorized to exercise the powers and duties of road supervisor in and for the district for which he is appointed. The board of county commissioners shall remove any road supervisor for inefficiency, neglect of duty or malfeasance in office.

Removal..

Powers  
and duties  
of super-  
visor.

SEC. 4. The road supervisor under the direction of the county commissioners shall have charge of and keep all of the improved county roads and bridges in his district free of obstructions, open for travel and in as good repair as available funds will allow, shall have general supervision of all county road maintenance in his district and, on or before the tenth day of each calendar month, make a detailed maintenance report to the board of all work done in his district during the preceding month and examine and certify all bills for labor and material in his district and perform such other duties as may be required by the board for the proper maintenance of the highways under his supervision.

Additional  
tax levies  
for roads  
and bridges.

SEC. 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, which tax shall be kept in a separate and distinct fund known as the "General Road and Bridge Fund": *Provided*, That the county treasurer

For general  
road and  
bridge  
fund.

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."

Apportionment to cities or towns of fifteen per cent.

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.

SEC. 6. Whenever the corporate limits of any city or town shall be extended to embrace any road district or portion thereof, such city or town, after demand made upon the board of county commissioners shall be paid the unobligated funds of such road district, or such part thereof as is equivalent to the proportionate area of such road district so included within such city or town limits. Whenever two or more road districts shall be consolidated, and there are outstanding obligations against any of the former districts so consolidated, road district taxes shall be levied against the property in any such former district from time to time until such obligations are discharged, and until such obligations are discharged the road district levy for the consolidated road district shall not exceed the difference between the separate district levy and the limit of road district levy as provided by law.

City limits extended to include road district.

Funds payable to city or town.

Consolidation of road districts, each to pay own prior obligations.

Limit of levy.

SEC. 7. Expenditures from the general road and bridge fund shall be made only for constructing, maintaining and repairing the main road of such county with their bridges, culverts and wharves, and for acquiring, operating and maintaining machinery,

General road and bridge fund expenditures.

equipment, quarries and gravel pits used therefor, and for the cost and expense of establishing and acquiring rights of way for county roads as provided by law.

SEC. 8. Expenditures from any road district fund shall be made only for constructing, maintaining and repairing roads of such county with their bridges, culverts and wharves situated within such road district, and for purchasing, operating and maintaining machinery and equipment used therefor, and for the cost and expense of establishing and acquiring rights of way for county roads as provided by law.

SEC. 9. The following acts and parts of acts are hereby repealed:

Sections 6398, 6399, 6400, 6401, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6418, 6419, 6420, 6421, 6422 of Remington's Compiled Statutes of Washington; Section 2239 of Chapter CLXIII (163), Code of 1881; Chapter CCXXIX (229), Code of 1881; An Act entitled "An act to amend Sections 2988, 2989, 2990 and 2991 of Chapter 229 relating to roads," approved November 28, 1883, Laws 1883, pp. 40-42; and act entitled "An Act to amend section 2992, chapter 229 of the Code of Washington in relation to roads, bridges and highways," approved February 4, 1886, Laws 1885-1886, pp. 499-500; chapter CX (110), Laws 1887-1888, p. 197; an act entitled "An Act to provide for keeping highways in repair and for the levy and collection of road, poll and road property taxes, and declaring an emergency," approved March 7, 1890, Laws 1889-1890, pp. 617-624; and act entitled "An Act to authorize road districts to levy special taxes for road and bridge purposes," approved March 20, 1890, Laws of 1889-1890, pp. 625-626;

Road district fund expenditures.

Repeals §§ 5963 to 5976, and 6051 to 6059a, Pierce's Code.

- Chapter LXIX (69), Laws 1893, pp. 147-156;  
 Chapter CLXII (162), Laws 1895, pp. 419-427;  
 Chapter CV (105), Laws of 1897, pp. 296-297;  
 Chapter XXVIII (28), Laws 1899, pp. 38-39;  
 Chapter XLVI (46), Laws 1899, pp. 74-76;  
 Chapter CXXXIII (133), Laws 1901, pp. 273-  
 278;  
 Chapter 119, Laws 1903, pp. 223-227;  
 Chapter 246, Laws 1907, pp. 679-680;  
 Chapter 84, Laws 1907, pp. 159-161;  
 Chapter 54, Laws 1911, pp. 305-308;  
 Chapter 151, Laws 1913, pp. 476-479;  
 Chapter 119, Laws 1915, pp. 340-341;  
 Chapter 171, Laws 1915, pp. 545-546;  
 Chapter 160, Laws 1915, pp. 480-481;  
 Chapter 39, Laws 1917, p. 193;  
 Chapter 49, Laws 1917, p. 206;  
 Chapter 49, Laws 1919, pp. 103-104;  
 Chapter 140, Laws 1919, pp. 390-391;  
 Chapter 154, Laws 1921, p. 580:

*Provided*, That the repeal of any of said acts shall saving clause.  
 not be construed as reviving any former act  
 amended or repealed thereby.

Passed the Senate January 6, 1926.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

## CHAPTER 185.

[S. B. 188.]

## DISPOSITION OF MONEYS OF MOTOR VEHICLE FUND.

AN ACT relating to the use and maintenance of public highways and expenditures from the motor vehicle fund, and amending Section 18 of Chapter 96 of the Laws of 1921 (Section 6330 of Remington's Compiled Statutes), and declaring an emergency.

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

SECTION 1. That Section 18 of Chapter 96 of the Laws of 1921 (Section 6330 of Remington's Compiled Statutes) be amended to read as follows:

Section 18. There is hereby created in the state treasury a state fund to be known as the "motor vehicle fund." All fees collected by the state treasurer, as herein provided, shall be paid in to the state treasury and placed to the credit of the motor vehicle fund, from which shall be paid or transferred annually:

(a) The amount required to be repaid to the counties entirely surrounded by water, as provided by law.

(b) To each city of the first or second class in the state in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, annually, by warrant drawn on the state treasurer and payable from the motor vehicle fund, a sum equal to five hundred dollars (\$500) per mile for each mile of primary state highway in such city, to be expended for the maintenance and improvement of streets in such city.

(c) To each city of the third or fourth class in which there are paved streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor,

Amends  
§ 213,  
Pierce's  
Code.

Motor  
vehicle  
fund.  
Disposition  
of fees.

Island  
counties.

First and  
second class  
cities whose  
streets form  
part of  
primary  
state  
highway.

Third and  
fourth class  
cities:  
Streets  
part of  
highway.

annually, by warrant drawn on the state treasurer and payable from the motor vehicle fund, a sum equal to five hundred dollars (\$500) per mile for each mile of paved primary state highway in such city, to be expended for the maintenance and improvement of the paved streets forming a part of primary state highways in such city: *Provided*, The state highway engineer may give the city authorities permission to expend said maintenance money upon the other streets in such city. The state shall maintain the roadway of all unpaved streets, or portions thereof, forming a part of the route of any primary state highway through cities of the 3rd and 4th class, in the manner provided by law for the maintenance of primary state highways outside of incorporated cities and towns, provided that the state shall not maintain sidewalks, cross-walks, structures and drainage facilities, including repairs of damage caused by water, sewer or gas mains, and telephone conduits.

May divert fund to improvement of other streets of city.

State maintenance of improved streets.

Sidewalks, drains, etc. excluded.

The state highway engineer shall determine what streets in cities form a part of the route of any primary highway and shall, between the fifteenth day of February and the fifteenth day of March of each year, certify in duplicate, one copy to the state treasurer, and one copy to the clerk of each city affected by the foregoing provisions, the number of miles of such constructed highways within such city forming a part of the route of a primary state highway.

Highway engineer to determine streets forming part of primary highways.

State treasurer and city clerks notified.

(d) The balance remaining in the motor vehicle fund, after the payments and remittances hereinabove provided for, less any sums appropriated for administrative expenses in the office of the state treasurer, the department of licenses and the office of the state highway engineer, and any sums distributed to counties for construction and/or maintenance of county roads, shall be applied annually to

Balance in fund: used for construction and maintenance of primary and secondary state highways.

construction and/or paving and maintenance of the state primary highways, and the construction of secondary state highways, as provided by appropriation.

Emergency.

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

Passed the Senate January 7, 1926.

Passed the House January 7, 1926.

Approved by the Governor January 18, 1926.

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## CHAPTER 186.

[H. B. 217.]

### INDUSTRIAL LOAN COMPANIES.

AN ACT relating to Industrial Loan Companies, defining such companies, limiting their powers, and amending Sections 1, 6, 7, 8, 9, 11, 12, 18 of Chapter 172 of the Session Laws of 1923.

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

SECTION 1. That Section 1 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Section 1. (a) The term "industrial loan company" as used in this act means only such corporations which make a business of loaning money repayable in installments and simultaneously with the loan transaction issue to the borrower their own written evidences of debt.

(b) The name of every such corporation shall terminate with the words "Industrial Loan Company."

(c) After the passage and approval of this act, no person, firm or corporation conducting a business not in the form and of a character similar to that

Amends  
§ 3862-1,  
Rem. 1923  
Sup.

Terms  
defined:

Industrial  
loan  
company.

Termination  
of name of  
corporation.

Prohibited  
use of  
words.



authorized by this act shall have or continue to use for a part of its title or corporate name any combination of the words "Industrial" and "Loan."

"Industrial."  
"Loan."

SEC. 2. That Section 6 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Amends  
§ 3862-6,  
Rem. 1923  
Sup.

Section 6. Before the articles of incorporation of any corporation, incorporated under the provisions of this act, are filed, there must be paid in cash for the benefit of the corporation to a treasurer selected by the subscribers, not less than twenty-five per cent of the amount of the capital stock. Not less than one-twelfth of the balance of the capital stock shall be paid in cash to the corporation within thirty days from the date of incorporation and each thirty days thereafter until fully paid. No corporation organized hereunder shall expend for a plan of operation, organization expense and the sale of its capital stock an amount in excess of ten per cent of the paid in capital stock.

Capital  
paid in  
cash.

SEC. 3. That Section 7 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Amends  
§ 3862-7,  
Rem. 1923  
Sup.

Section 7. (a) The capital stock of any corporation incorporated under the provisions of this act shall not be less than fifty thousand dollars in any city having a population of one hundred thousand inhabitants, or less; and shall not be less than one hundred thousand dollars in any city having one hundred thousand or more inhabitants and less than two hundred thousand; and shall not be less than two hundred thousand dollars in any city having two hundred thousand or more inhabitants, according to the last official census. The capital stock of any such corporation shall be divided into shares of the par value of one hundred dollars each. No corporation organized hereunder shall create more than one class of stock.

Required  
capital  
stock.

Only one  
class of  
stock.

(b) Any Industrial Loan Company may in-

Increase or  
decrease of  
capital  
stock.

Amend  
articles.

Notice.

crease or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of the stockholders representing two-thirds of its capital at any regular meeting, or special meeting called for that purpose in the manner prescribed by its by-laws: *Provided*, That notice of a meeting to increase or decrease capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present capital of the Industrial Loan Company and the proposed new capital. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid, until twenty-five per cent of the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the supervisor of banking. Not less than one-twelfth of the balance of the authorized increase shall be paid in cash to the corporation within thirty days from the date the increase is authorized, and each thirty days thereafter until fully paid. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates until such reduction has been approved by said supervisor of banking.

Amends  
§ 3862-8.  
Rem. 1923  
Sup.

Powers:

To lend  
money.

SEC. 4. That Section 8 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Section 8. Every corporation under the provisions of this act shall have power:

(a) To loan money on personal security, or otherwise, and to deduct interest therefor in advance

at the rate of eight per cent per annum, or less. To require the borrower to purchase simultaneously with the loan transaction or otherwise and pledge as security therefor an investment certificate not to exceed one-fifth more than the loan made; and to receive weekly, semi-monthly or monthly installment payments thereon with an allowance of not less than three per cent interest on such installments if paid on or before the date due. To charge a delinquency charge of five cents or less on each dollar delinquent one full week or more—no interest shall be collected on delinquent installments. At the time the certificate is paid for in full the company shall liquidate the loan by cancelling an equal amount of the certificate pledged as security therefor. No certificate or securities of any nature shall be sold to the borrower simultaneously with the loan transaction at a price in excess of the actual book value of the certificate or securities so sold.

Interest.

To make certain charges for service.

(b) To charge for a loan made pursuant to this section a fee of two dollars or less on loans under one hundred dollars, and a maximum fee of two per cent on loans of one hundred dollars or more for expenses in examining and investigating the character and circumstances of the borrower, no additional charge shall be made except to reimburse the corporation for money actually expended for additional services actually rendered the borrower. No charge shall be collected unless a loan shall have been made.

Charges for loan.

(c) To sell or negotiate written evidences of debt for the payment of money at any time, and to receive payments therefor in installments or otherwise with an allowance of not to exceed six per cent interest per annum on such written evidences of debt. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit or to create

Negotiate written evidences of debt.

Form. any liability due on demand. The issuance of written evidences of debt herein authorized shall be approved as to form by the supervisor of banking and shall bear the endorsement on the face of the instrument, "This is not a certificate of deposit."

Establish branches. (d) To establish branches subject to the approval and authority of the supervisor of banking provided such corporation shall have a minimum paid up capital of five hundred thousand dollars.

See § 4515, Pierce's Code. (e) Conferred upon corporations by Section 3809 of Remington's Compiled Statutes.

Amends § 3862-9, Rem. 1923 Sup. SEC. 5. That Section 9 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Acts prohibited. Section 9. No corporation under the provisions of this act shall:

Period of loan. (a) Make any loan, on the security of makers, co-makers, endorsers, sureties or guarantors, for a longer period than one year from the date thereof, or to any person, firm or corporation who is not a resident of the county in which the corporation maintains an office.

Limit: (b) Hold at any one time the primary obligation or obligations of any person, firm or corporation, for more than two per cent of the amount of the paid up capital and surplus of such industrial loan company.

(c) Hold at any one time the obligation or obligations of persons, firms, or corporations purchased from any person, firm or corporation in excess of twenty per cent of the aggregate paid up capital and surplus of such industrial loan company.

(d) Hold at any one time the obligation or obligations of persons, firms or corporations secured by one class of security, aggregating more than one-third of the total resources of such industrial loan company.

Acquire own stock as security for loan. (e) Make any loan or discount on the security of its own capital stock, or be the purchaser or

holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within ninety days from the time of its purchase or acquisition.

(f) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for commercial banks. Investment of funds.

(g) Make any loan or discount, nor shall any officer or employe thereof on behalf of such corporation, make any loan or discount directly or indirectly to any director, officer or employe of such corporation. Lend to officers or employes.

(h) Have outstanding at any time its investment certificates or other evidences of debt in an aggregate sum in excess of five times the aggregate amount of its paid up capital and surplus, exclusive of investment certificates hypothecated with the corporation issuing them. Limit of indebtedness.

(i) Exact a surrender charge on investment certificates issued by the corporation. Surrender charge.

(j) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated. Deposit funds with other corporations.

(k) Make any loan or discount secured by real estate for an amount in excess of seventy-five per cent of the value of such real estate and improvements, including all prior liens against the same. Realty loans.

(l) Have outstanding at any time investment certificates issued in the name of any person, firm or corporation for an amount in excess of one per cent of its paid up capital and surplus. Limit of outstanding investment certificates.

(m) Pledge or hypothecate any of its securities to any creditor except that it may borrow and redis- Hypothecate its securities.

count an amount not to exceed in the aggregate, the amount of the paid up capital and surplus thereof, and may pledge as security for amounts borrowed assets of the corporation not exceeding one and one-half times the amount borrowed and may pledge as security for amounts rediscounted assets of the corporation not exceeding one-half the amount rediscounted.

Amends  
§ 3862-11,  
Rem. 1923  
Sup.

Restrictions  
upon hold-  
ing realty.

SEC. 6. That Section 11 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Section 11. Corporations, under the provisions of this act, may purchase, hold and convey real estate for the following purposes, but for no other:

(a) Such as shall be necessary for the convenient transaction of its business, including with its business offices other apartments in the same building to rent as a source of income: *Provided, however,* The corporation shall not invest an amount in excess of twenty-five per cent of its paid up capital, surplus and undivided profits in such real estate.

(b) Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business.

(c) Such as it shall purchase at sale under judgments, decrees or mortgage foreclosures under securities held by it, but no such corporation shall bid at any such sale a larger amount than shall be necessary to satisfy its debts and costs.

(d) Real estate shall be conveyed under the corporate seal of such corporation and the hand of its president or vice-president and secretary or treasurer. No real estate acquired in the cases contemplated above shall be held for a longer period than five years unless used as business quarters by the corporation.

Amends  
§ 3862-12,  
Rem. 1923  
Sup.

SEC. 7. That Section 12 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Section 12. The directors of every corporation under the provisions of this act, may at certain times and in such manner as its by-laws prescribe, after providing for all expenses, interest and taxes accrued, or due, declare and pay dividends to the stockholders of such corporation as may be appropriated for that purpose under its by-laws, but before any dividend is declared the corporation shall reserve for losses an amount equal to one per cent of the total outstanding loans and discounts; and shall set aside to surplus not less than ten per cent of the dividend to be declared until such surplus shall amount to twenty-five per cent of its capital stock. Unearned interest, accrued and uncollected interest shall not be distributed as a part of the profits, nor carried on the books as such.

Dividends.

Reserve fund for losses.

SEC. 8. That Section 18 of Chapter 172 of the Session Laws of 1923 be amended to read as follows:

Amends § 3862-18, Rem. 1923 Sup.

Section 18. Any debt due a corporation under the provisions of this act, upon which any payment is six months or more past due unless such debt be well secured and in course of collection by legal process or probate proceedings shall be considered a bad debt, and shall be charged off of the books of such corporation. A judgment held by such corporation shall not be considered an asset of the corporation after two years from the date of its rendition, unless with the written permission of the supervisor of banking specifying an additional period: *Provided*, That the time consumed by any appeal from such judgment shall be excluded.

Debts due.

When charged off.

Judgment two years old not an asset.

Passed the House December 10, 1925.

Passed the Senate December 29, 1925.

Approved by the Governor January 16, 1926.

## CHAPTER 187.

[H. B. 196.]

## EASTERN WASHINGTON STATE HISTORICAL SOCIETY.

AN ACT relating to the Eastern Washington State Historical Society and creating it a trustee of the State of Washington for certain purposes.

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

SECTION 1. That the Eastern Washington State Historical Society, a corporation existing under the laws of the State of Washington, be and the same is hereby created a trustee of the State of Washington for the intent and purposes hereinafter mentioned:

Trustee.

Duties of society.

Pioneer history.

Indians.

Books, etc.

Bind books.

Catalogue.

1. That it shall be the duty of the said society to collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development.

2. To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.

3. To gather data and information concerning the origin, history, language and customs of our Indian tribes.

4. To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

5. To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

6. To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.



7. To prepare biennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the state and people thereof. Report.

8. To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge. Hours of business.

SEC. 2. That the books, maps, charts, relics, memorials, collections and all other property of the Society now owned or hereafter acquired shall be held by the said Society perpetually in trust for the use and benefit of the people of the State of Washington. Books, relics, etc.

SEC. 3. That the Governor, Secretary of State and State Treasurer shall be *ex-officio* members of the Board of Trustees of the said Eastern Washington State Historical Society, authorized and empowered to vote upon all questions coming before the said board for its action. *Ex officio* trustees.

Passed the House December 19, 1925.

Passed the Senate December 29, 1925.

Approved by the Governor January 16, 1926.

## CHAPTER 188.

[H. B. 274.]

PURCHASE BY ONE RAILROAD CORPORATION OF  
STOCKS AND BONDS OF ANOTHER RAILROAD:  
CONSOLIDATION OF CORPORATIONS.

AN ACT relating to the powers of railroad companies and amending Section 1 of Chapter 196 of the Laws of 1909, pages 698-701, being Section 10463 of Remington's Compiled Statutes of Washington, 1922, and validating sales and leases of branch line railroads heretofore made.

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

SECTION 1. That Section 1 of Chapter 196 of the laws of 1909, (as amended by Chapter 136 of the laws of 1915), being Section 10463 of Remington's Compiled Statutes of Washington, 1922, be amended to read as follows:

Section 1. Any railroad company now or hereafter incorporated pursuant to the laws of this state or of the United States, or of any state or territory of the United States, may at any time by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this state; and any such company owning or operating a railroad within or without this state, may extend the same into this or any other state or territory, and may build, buy, or lease the whole or any part of any other railroad, together with the franchises, powers and immunities and all other property and appurtenances appertaining thereto, whether located within or without this state; or may consolidate with any railroad or railroads in such other state or territory, or with any other railroad in this state, and may operate the same, and may own such real estate and other property in such other state or territory as may be necessary or con-

Amends  
§ 5663,  
Pierce's  
Code.

Aid  
other  
railroad  
companies.

May purchase and  
lease other  
railroads.

Consolidation.

venient in the operation of such road; and any such railroad company may sell or lease the whole or any part of its railroad and branches, within or without this state, constructed or to be constructed, together with all property, rights, privileges, and franchises appertaining thereto, to any railroad company organized or existing pursuant to the laws of the United States or of this state, or of any other state or territory of the United States; and any railroad company incorporated or existing under the laws of the United States, or of any state or territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this state, and may build branches from any point on such extension to any place or places within this state, and the railroad company of any other state or territory of the United States which shall so purchase or lease a railroad, or any part thereof in this state, or consolidate with any such railroad in this state, or shall extend or construct its road, or any portion or branch thereof in this state, shall possess and may exercise and enjoy as to the location, control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises possessed by railroad corporations organized under the laws of this state, including the exercise of the power of eminent domain. Such purchase, sale, consolidation or lease may be made, or such aid furnished upon such terms or conditions as may be agreed upon by the directors and trustees of the respective companies; but, except in the case of sale or lease of branch line railroads, the same shall be approved or ratified by persons holding or representing seventy-five per cent. of the capital stock of the company so selling or disposing of its stock or bonds, or selling, leasing, or other-

May sell  
or lease  
to other  
railroad  
companies.

Eminent  
domain.

Ratification  
by 75% of  
stock-  
holders.

Articles of  
consolida-  
tion.

Filed with  
department  
of public  
works.

Further  
consol-  
idation.

Competing  
lines not  
granted  
privilege.

wise disposing of its railroad property and appurtenances pertaining thereto, at any annual stockholders' meeting or at a special meeting of the stockholders called for that purpose, or by the approval in writing of seventy-five per cent. of the stockholders of such company. Articles stating the name selected for such consolidated corporation and the terms of such consolidation shall be approved by each corporation by the vote of the stockholders holding seventy-five per cent. of the stock, in person or by proxy, at a regular meeting thereof or a special meeting called for that purpose in the manner provided by the by-laws of the respective consolidating corporations, or by the consent in writing of such seventy-five per cent. of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or consent, duly certified by the respective presidents and secretaries, with the corporate seals of such corporations affixed thereto, shall be filed for record in the office of the secretary of state, and a copy thereof be furnished to the Department of Public Works; and thereupon such consolidating corporations shall be and become one corporation, by the name so selected, which, within this state, shall possess all the powers, franchises, and immunities, including the right of further consolidation with other corporations, and be subject to all the liabilities and restrictions now or hereafter imposed by law: *Provided*, that no railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a competing line, or purchase, either directly or indirectly, any stock or interest in a railroad corporation owning or operating a competing line: *And, Provided further*, That nothing in the foregoing provisions shall be held or construed as curtailing the right of this state, or of the counties

through which any such road or roads may be located to levy and collect taxes upon the same, and upon the rolling stock thereof, in conformity with the provisions of the laws of this state upon that subject, and all roads or branches thereof in this state so consolidated with, purchased or leased, or aided, or extended into this state, shall be subject to taxation and to regulation and control of its operation by the laws of this state in all respects the same as if constructed by corporations organized under the laws of this state; and any corporation of another state or territory or of the United States, being the purchaser or lessee of a railroad within this state or extending its railroad or any portion thereof into or through this state, shall establish and maintain an office or offices in this state, at some point or points on its line, at which legal process and notice may be served as upon railroad corporations of this state: *Provided, further,* That before any railroad corporation organized under the laws of any other state or territory, or of the United States, shall be permitted to avail itself of the benefits of this act with respect to any railroad constructed, or to be constructed within this state, such corporation shall file with the secretary of state, a true copy of its charter or articles of incorporation, and otherwise comply with the laws of this state respecting foreign corporations doing business within the state: *Provided,* That any such consolidation shall be approved by the Department of Public Works: *Provided, further,* That in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof. Any sale or lease of a branch line railroad heretofore made in substantial compliance with the provisions of this Act

Taxation:  
right of,  
not cur-  
tailed.

Foreign  
corporation  
purchaser.

Office for  
service of  
process.

Foreign  
corporations.

Approval of  
department  
of public  
works.

Part sales  
or leases  
of branch  
lines legal-  
ized.

is hereby legalized and made in all respects legal and binding from the date of its execution.

Passed the House December 19, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 16, 1926.

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## CHAPTER 189.

[H. B. 130.]

### DRAINAGE DISTRICTS.

AN ACT relating to drainage, diking and sewerage improvement districts, and amending Chapter 176 of the Laws of 1913 by adding after Section 16 thereof a new section to be known as Section 16-1, being Section 4421-1 of Remington's Compiled Statutes.

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

SECTION 1. That Chapter 176 of the Laws of 1913 is hereby amended by adding after Section 16 thereof a new section to be known as Section 16-1, and as Section 4421-1 of Remington's Compiled Statutes as follows:

Section 16-1. (4421-1). Whenever the board of county commissioners has passed a resolution establishing a district, the county commissioners may at their meeting on the first Monday in October next ensuing and at the same time in each year thereafter until the improvement has been completed and a statement of total costs has been filed, levy an assessment against the property within the district to defray the preliminary expenses of the district, the levy to be based upon the estimated benefits as shown by the report of the county engineer on file in the Auditor's office. The assessment so made shall be considered and credited to the respective pieces of property by the board of appraisers and

Adds  
§ 1945-72a,  
Pierce's  
Code.  
See § 22,  
ch. 130,  
p. 528, L.  
1917;  
§ 4226-16,  
R. & B.  
Code.

Annual levy  
for prelim-  
inary ex-  
penses.

Basis.

by the county commissioners at the hearing on the assessment roll and the final apportionment. The preliminary assessments herein provided for shall be levied and collected in the same manner as the final assessment and shall be credited to the construction fund and used for the redemption of warrants issued against the same. Preliminary expenses shall mean all of the expenses incurred in the proceedings for the organization of the district and in other ways prior to the beginning of the actual construction of the improvement.

Preliminary assessments levied and collected.

Preliminary expenses defined.

Passed the House December 10, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 16, 1926.

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## CHAPTER 190.

[H. B. 5.]

### SALE OF STATE TIDE LANDS.

AN ACT providing for the sale of the interest of the state in certain tide lands.

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

SECTION 1. That any purchaser from the state of Washington of any tide lands or interest therein, under and by virtue of chapter 24 of the Laws of 1895 (Section 8040 to 8046 inclusive of Remington's Compiled Statutes), chapter 25 of the Laws of 1895 (Sections 8052 and 8053 of Remington's Compiled Statutes), chapter 10 of the Laws of 1915 (Sections 8054 to 8057 of Remington's Compiled Statutes), or chapter 166 of the Laws of 1919 (Section 5780 of Remington's Compiled Statutes), or the successor or successors in interest of any such purchaser may at his, their or its option purchase the reversionary

Oyster lands.

See §§ 6503-7 to 6503-22 and 6503-35, Pierce's Code.

State's reversionary interest may be purchased.

or other interest of the state in said lands by complying with the provisions of this act.

Application to purchase.

Certificate of title.

Commissioner of public lands to examine.

Appraisement.

Payment.

Conveyance.

Consent of upland owners prerequisite to deed.

SEC. 2. Any such purchaser or successor or successors in interest may file with the Commissioner of Public Lands an application to purchase the reversionary or other interest of the state in said lands, such application to be accompanied by certificate of title to said lands. The Commissioner shall examine such certificate of title, and if he finds the title thereof for the purpose of oyster planting to be in the applicant, the value of the reversionary or other interest of the state in such lands shall be appraised as other state lands (excepting capitol building lands) are appraised when application is made for their sale. Upon the payment to the Commissioner of the amount of such appraisement a deed shall be issued from the state to the applicant, conveying the reversionary and all interest of the state in said lands: *Provided*, that if the applicant be not the owner of the upland abutting upon said tide lands such deed shall not be issued until the applicant has filed with the commissioner of public lands the consent of the upland owner or owners to the issuance of such deed, which consent shall be executed and acknowledged in the manner provided by law for the execution and acknowledgement of deeds.

Passed the House December 4, 1925.

Passed the Senate December 30, 1925.

Approved by the Governor January 18, 1926.



## CHAPTER 191.

[H. B. 124.]

## SELECTION OF JURORS.

AN ACT relating to the selection of jurors in the superior courts and amending Sections 96 and 97 of Remington's Compiled Statutes and amending Chapter VIII, Title I of Remington's Compiled Statutes by adding thereto a new section to be known as Section 97-1.

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

SECTION 1. Section 96 of Remington's Compiled Statutes of Washington is amended to read as follows:

Amends  
§ 8153.  
Pierce's  
Code.

Section 96. The judge or judges of the superior court of each county shall divide the county into not less than three jury districts, following the lines of voting precincts and arranging the districts in such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records. The county assessor in each county shall prepare annually a list of all persons qualified and subject to serve as jurors, giving the name, age, sex, whether naturalized or native born citizen, occupation, jury district and post office address of such persons, and shall certify and file a copy thereof with the county clerk on or before the first day of June of each year. During the month of July of each year the judge or judges of the superior court for each county shall select from said list and other sources and enter in a book kept for that purpose and shall certify and file with the county clerk a jury list containing the names of a sufficient number of qualified persons of fit character and intelligence to serve as jurors until the first day of August of the next calendar year. The judge or judges may call (but are not required

Jury  
districts.

Jury list.

Judges to  
select  
from  
list.

Assistants  
to aid in  
selection.  
Compensa-  
tion.

Selection  
of persons  
not listed.

Revision  
of jury  
list.

Female  
exempted  
not listed.

Names in  
jury  
boxes.

Amends  
§ 8154,  
Pierce's  
Code.

Jury  
terms.

to call) one or more electors from each or any of the jury districts to advise in the selection. Each such elector shall receive for his services the sum of five dollars (\$5) per day and the mileage allowed sheriffs, upon vouchers approved by the judge or presiding judge of the county. In making the selection the judge or judges shall not be bound by the list of names filed with the county clerk by the assessor, but may select qualified persons not included in the list. At any time and from time to time the judges may revise the jury list by striking therefrom or adding thereto, and when this is done a certified list of the names stricken or added shall be filed with the clerk. The number of persons selected from the several jury districts shall be as nearly in proportion to the number of names on the assessor's list for the several districts as due regard to the fitness of persons to be selected will permit. Any woman who upon being listed by the county assessor shall claim her exemption to serve as a juror, shall not be listed in the preparation of the list of jurors. The county clerk shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names appearing in the jury list for each district upon slips of paper, which shall be similar in size, quality of paper, and writing, shall deposit such slips in the jury box of the proper district. At the time of the drawing of names for any venire there must be in the jury boxes at least five (5) times as many names as the number of names to be drawn.

SEC. 2. Section 97 of Remington's Compiled Statutes of Washington is amended to read as follows:

Section 97. Jury terms shall commence on the first Monday of each month, and shall end on the Saturday preceding the first Monday of each month,

unless the day of commencing or ending said term be changed by order of the judge or judges of the superior court; but it shall not be necessary to call a jury for any term in any county unless the judge or judges of the superior court of that county shall consider that there is sufficient business to be submitted to a jury to require that one be called. When the judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall require the county clerk to draw jurors to serve for the ensuing term. The county clerk, on the second Saturday of the calender month preceding the month on which the jurors are to be called to serve, shall be blindfolded, and in the presence of the judge or one of the judges or of a court commissioner of the superior court shall draw from the jury boxes the names of such number of persons as may have been ordered summoned as jurors for the ensuing term: *Provided*, that at any time or for any period or periods of time the judge or judges may direct by rule or order that all or any number or proportion of the jurors thereafter to be drawn shall be drawn to serve for two successive terms, to the end that not all of the jurors serving during a given period shall cease their service at the same time. The names shall be drawn in equal numbers from each jury box, and before the drawing is made the boxes shall be shaken up so that the slips bearing the names thereon may be thoroughly mixed, and the drawing of the slips shall depend purely upon chance.

County clerk to draw jury.

Jurors may be drawn for two successive terms.

Manner of drawing.

SEC. 3. That Chapter VIII, Title I, of Remington's Compiled Statutes be amended by adding a new section thereto to be known as section 97-1, as follows:

Section 97-1. It shall be the duty of a superior judge to excuse from further jury service any juror, who in the opinion of the judge, has manifested

Excusing from jury service.

unfitness as a juror by reason of bias, prejudice, indifference, inattention or any physical or mental defect or by reason of conduct or practices incompatible with proper and efficient jury service.

Passed the House December 8, 1925.

Passed the Senate January 4, 1926.

Approved by the Governor January 16, 1926.

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## CHAPTER 192.

[H. B. 213.]

LIFE INSURANCE: MEDICAL EXAMINATION OF INSURED.

AN ACT repealing section 7228 of Remington's Compiled Statutes relating to insurance.

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

SECTION 1. That section 7228 of Remington's Compiled Statutes is hereby repealed.

Passed the House December 15, 1925.

Passed the Senate January 6, 1926.

Approved by the Governor January 16, 1926.

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## CHAPTER 193.

[H. B. 214.]

INSURANCE CODE: LICENSE FEES.

AN ACT fixing license fees to be charged by the insurance commissioner and amending Section 7049, Remington's Compiled Statutes.

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

SECTION 1. That Section 7049, Remington's Compiled Statutes, be and the same is hereby amended to read as follows:

Repeals  
§ 3126,  
Pierce's  
Code.

Amends  
§ 2924,  
Pierce's  
Code.

Section 7049. The commissioner shall require in advance the following fees and licenses: Fees.

For filing articles of incorporation or charter, or certified copy of articles or charter, by-laws or other record of organization required to be filed in his office .....	\$ 25.00
For filing amended articles of incorporation or charter, or certified copy thereof .....	10.00
For issuing certificate of authority .....	10.00
For each renewal certificate of authority .....	10.00
For filing annual statement of condition and report of Washington business .....	20.00
For filing other miscellaneous papers .....	1.00
For copy of papers filed in his office, per folio.....	.20
For certificate under seal .....	1.00
For each agent's license .....	2.00
For each solicitor's license .....	2.00
For each broker's license .....	100.00
For each agent's license for unauthorized companies....	100.00
For each adjuster's license .....	10.00

and such other fees as may be provided in this act.

All fees so collected shall be paid to the State Treasurer, not later than the first business day following the receipt of such fees, and be placed to to credit of the general fund. Paid to state treasurer.

Licenses issued to copartnerships or corporations to act as insurance agents or brokers shall permit each member of the copartnership or officer of the corporation to solicit or effect insurance, and the names of such members or officers shall be specified and appear in the license. Transferability of licenses.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 18, 1926.

## CHAPTER 194.

[H. B. 199.]

## COMMISSION MERCHANTS.

AN ACT relating to commission merchants engaged in selling any agricultural product other than grain, making an appropriation and repealing Chapter 134 of the Laws of 1923, and providing penalties.

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

Terms  
defined.

SECTION 1. The terms "agricultural product" whenever used in this act shall include any horticultural, viticultural, dairy, livestock, poultry, bee or farm product other than grain; the term "commission merchant" whenever used in this act shall include every person, firm or corporation who received any agricultural product to be sold on commission for the account of another, but shall not include non-profit co-operative marketing organization; the term "consignor" whenever used in this act shall mean any person, firm or corporation forwarding, delivering, consigning, or shipping any agricultural product other than grain to any commission merchant for sale on commission.

License  
required.

SEC. 2. It shall be unlawful for any person, firm or corporation to act as a commission merchant without first obtaining a license as in this act provided. Applications for licenses under this act shall be in writing, signed and sworn to by the applicant and shall state the name of the city or town where the business of commission merchant is to be conducted, giving the street and number of building if practicable, and the character of products which will be handled by the applicant; and if made by an individual, his full name; and if made by a co-partnership, the full names of each of the partners composing the copartnership, together with the firm or trade name under which the business is to be con-

Application.

ducted; and if made by a corporation, shall state whether a domestic or foreign corporation, the amount of its capital stock as provided in its articles of incorporation, and the amount of its capital stock fully paid in. All applications for licenses hereunder shall be filed with the director of agriculture and shall be accompanied by a good and sufficient bond in the penal sum of five thousand dollars (\$5,000.00) and upon a form to be approved by the attorney general, and shall be executed by the applicant as principal and by a surety company authorized to do business in the state of Washington as surety. Said bond shall be for the benefit of all consignors having any cause of action against the commission merchant, and shall be conditioned for the faithful performance by the applicant of all duties as such commission merchant.

Upon receipt by the department of agriculture of such application the director of agriculture shall cause to be prepared and issued to the applicant a license as commission merchant under this act, which license shall be signed by the director of agriculture and attested by the secretary under the seal of the department of agriculture.

SEC. 3. All applications shall be accompanied by a fee of twenty-five dollars (\$25) which shall entitle the applicant to a license to expire on December 31st next following. Upon application and payment of a fee of twenty-five dollars (\$25) on or before the first day of January following the date of expiration of any license issued hereunder the applicant shall be entitled to a renewal license to expire one year from the date of expiration of the old license. All applications for renewal of licenses shall be made in the same manner as applications for original licenses. All sums received by the director of agriculture for license fees shall be paid into the state

Commission  
merchant  
fund.

treasury and deposited in a special fund to be known as the Commission Merchant Fund and shall be used solely for the purpose of carrying out the provisions of this act.

Records to  
be kept.

SEC. 4. Every person licensed to do business as a commission merchant under this act shall keep an accurate and complete record in which shall be truly recorded the amount and character of all agricultural products received on consignment by such commission merchant from any resident of the state of Washington, with the date of receipt, the name of the consignor, and, if damaged, the condition of the shipment when received in the city or town in which the same is to be sold by such commission merchant; the date when the same or any part thereof is sold, together with the price for which sold, and the name of the person, firm or corporation to whom sold: *Provided*, that whenever, by agreement in writing between the consignor and the commission merchant, such agricultural products are pooled or commingled with other agricultural products of like kind for the purpose of marketing, and their identity thereby becomes lost, such commission merchant shall not be required to record the date when such agricultural products or any part thereof are sold, the price for which sold and the name of the person, firm or corporation to whom sold: *Provided, further*, whenever such agricultural products are sold in divided carload lots by auction or otherwise, the commission merchant shall be required to record the name of the person, firm or corporation through whom such agricultural products are sold, and the price for which sold. The records of any such commission merchant shall at all times be open and subject to the inspection of the director of agriculture or his duly authorized agent and to any consignor as to any

Pooling  
products.

Sale in  
divided  
lots by  
auction.

Records  
subject to  
inspection.



entry concerning any agricultural product received from such consignor.

SEC. 5. Any commission merchant, who shall receive any agricultural products to sell on a commission, shall immediately send to such consignor a statement in writing showing what agricultural products were received and the date and condition thereof and if any such agricultural products are received in a damaged condition, it shall be the duty of the commission merchant to call a duly authorized agent of the director of agriculture, for prompt inspection of said damaged products, and shall procure from such agent of the director of agriculture, a certificate in duplicate as to the condition of said agricultural products, and to transmit a duplicate of said certificate to the consignor. A reasonable fee shall be paid to such agricultural agent to be charged against such consignment or in case of total loss against the consignor. If the market should be overstocked the commission merchant shall have the authority to relieve the condition by reconsigning all or part of any consignment, but shall send consignors copy of the account sales of such reconsigned goods. In all such instances the commission merchant shall be entitled to his full commission.

Statement to consignor on receipt of goods.

Goods unfit for sale.

Director of agriculture to be notified.

Inspection fee.

Overstocked market.

Reconsignment.

Merchant's commission.

SEC. 6. Whenever any commission merchant sells all or a portion of any agricultural products received for sale on commission, he shall within fifteen days following the sale and delivery to the purchaser of such agricultural products sold in intrastate commerce, or thirty days following the sale and delivery to the purchaser of such agricultural products sold in interstate commerce, render a true statement to the consignor showing such sale, the price received therefor, the date of sale, and all charges and expenses paid or incurred on account of such sale; and such commission merchant shall

Goods sold :  
Statement to consignor.

Remittance.

within five days thereafter upon demand by the consignor, pay to the consignor all sums due said consignor after deducting therefrom all amounts paid for transportation, drayage, auction, brokerage, storage, taxes, insurance, duty and all other charges incurred in the handling and selling of such agricultural products consigned: *Provided*, that whenever by agreement in writing between the consignor and commission merchant such agricultural products are pooled or commingled with other agricultural products of like kind for the purpose of marketing, and their identity thereby becomes lost, such commission merchant shall not be required to render such report and shall not be required to make payment until ten days after demand by the consignor after said pool has been closed.

When remittance due for pooled goods.

Commission chargeable.

SEC. 7. No commission merchant shall charge a commission exceeding 15% of the total gross amount received from the sale of goods consigned to him, unless an agreement in writing for a higher commission has been made between such commission merchant and the consignor.

Complaint of consignor.

SEC. 8. Whenever any consignor shall, after request, receive no remittance or report of sale, or if after receipt of any report or remittance be dissatisfied with such report or the amount of such remittance, he may make a verified complaint in writing to the director of agriculture, who shall upon receipt of the same cause to be investigated the sale or sales complained of, and shall serve upon the commission merchant complained of, a copy of said complaint, together with a notice in writing, stating the place where and the time when such investigation will be made, which time shall not be less than five, nor more than twenty days from the serving of the notice and if upon such investigation, it proves that the said commission merchant has failed or neglected

Investigation.

to account for such consignment or any part thereof, or has failed or neglected to make a true and complete report thereof, or has been guilty of fraudulent acts in his dealings with said consignor, or has been convicted of a violation of any of the provisions of this act, the director of agriculture may, in the name of the state, institute an action in the Superior Court of the county in which such commission merchant resides or transacts business for the purpose of having the license of said commission merchant revoked; and if the Court shall find that the commission merchant has failed or neglected to account for any consignment, or any part thereof, or has failed or neglected to make a true or complete report thereof, or has been guilty of fraudulent acts in his dealings with the consignor, or has been convicted of the violations of any of the provisions of this act, the Court may enter a decree in said action cancelling and revoking the license of said commission merchant, and thereafter such commission merchant shall not be entitled to any license under this act, without the approval of the director of agriculture.

Action to  
revoke  
license.

SEC. 9. If any commission merchant shall make any sale of agricultural products received for sale on commission and shall fail or neglect to pay the amount received upon such sale as hereinbefore provided, the consignor of any such agricultural products may bring an action on the bond given by such commission merchant under the provisions of this act and recovery may be had against said commission merchant and the surety on said bond for the amount due such consignor; and in such action the court shall allow such consignor a reasonable attorney's fee: *Provided*, if such commission merchant has failed or neglected to account and pay for any agricultural products received and sold on commission for two or more consignors and the amount

Action on  
bond.

Attorney's  
fee.

*Pro rata*  
distribution  
of proceeds  
from bond.

of said bond is not sufficient to pay the amount due all the consignors, they shall be entitled to receive from the proceeds of such bond a pro rata share in proportion to the amount due each of such consignors. If the defendant commission merchant is adjudged not to be guilty, then and in that case the complainant shall not alone receive no attorney's fees but shall also pay a reasonable attorney fee of the defendant or defendants.

Charges  
fall:  
costs  
payable by  
complainant.

Combina-  
tions and  
pools pro-  
hibited.

SEC. 10. It shall be unlawful for any commission merchant to enter into any combination, conspiracy or pool, for the purpose of excluding from any market, or artificially raising or depressing the market price thereof, any agricultural products of the state of Washington.

Penalty.

SEC. 11. Any person, firm or corporation violating any provisions of this act shall be guilty of a misdemeanor.

Appropriation:  
\$5,000.00.

SEC. 12. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the Commission Merchant Fund in the state treasury, created by this act, the sum of five thousand (\$5000) dollars, not, however, to exceed collections for such fund.

Validity.

SEC. 13. If any section or part of a section of this act shall, for any cause, be held unconstitutional, such holding shall not affect the rest of this act or any other section hereof.

Repeals  
§§ 8292  
to 8302-2,  
Rem. 1923  
Sup.

SEC. 14. That Chapter 134 of the Laws of 1923 is hereby repealed.

Passed the House January 2, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 18, 1926.

CHAPTER 195.

[H. B. 101.]

DELINQUENT IMPROVEMENT ASSESSMENTS.

AN ACT relating to delinquent assessments created under the exercise of the power of eminent domain by certain cities, and amending Section 9251 of Remington's Compiled Statutes.

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

SECTION 1. That Section 9251 of Remington's Compiled Statutes be amended to read as follows:

Amends § 7581, Pierce's Code.

Section 9251. All lots and parcels of land sold for delinquent improvement assessments shall be sold to the person at such sale offering to pay the amount due on each tract or lot for the least quantity thereof to be taken from the east side of such tract or lot, and the remainder thereof shall be discharged from the lien. After receiving the amount of the assessment, penalty, cost and charges, the treasurer shall make out a certificate, dated on the date of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the name of the street or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser will be entitled to a deed in two years from the date of sale unless redemption thereof be made. Such certificate shall be signed by the treasurer, and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the county in which the lands are situated within three months from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent purchasers and encumbrancers for value and in good faith who become such while the same is unrecorded: *Provided, however,* That in

Sale of part from east side of lot.

Purchase certificate.

Date deed due.

Failure to record.

Lien postponed.

Issuance of  
certificate  
as notice.

cities of the first class the issuance of such certificate shall be notice to subsequent purchasers and encumbrancers.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 18, 1926.

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## CHAPTER 196.

[H. B. 102.]

### LOCAL IMPROVEMENT ASSESSMENTS.

AN ACT relating to local improvement assessments in cities and amending Section 9379 of Remington's Compiled Statutes.

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

Amends  
§ 1015,  
Pierce's  
Code.

Certificate  
of sale.

SECTION 1. That Section 9379 of Remington's Compiled Statutes be amended to read as follows:

Date deed  
issues.

Failure to  
record.

Lien  
postponed.

Section 9379. After receiving the amount of the assessment, penalty, interest, costs and charges, the treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land or other property sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the names of the streets, or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser will be entitled to a deed two years from the date of sale, unless redemption thereof be made. Such certificate shall be signed by the treasurer, and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the county auditor in which the lands or other property is situated within three months from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent

purchasers and encumbrancers for the value and in good faith who become such while the same is unrecorded: *Provided, however,* That in cities of the first class the issuance of such certificate shall be notice to subsequent purchasers and encumbrancers.

Issuance of certificate as notice.

The city comptroller, if there be such officer, and if not then the city clerk, shall be the custodian of all certificates for property sold to the city and shall at any time within two years from the date of such certificate, and before redemption of the property therein described, sell and transfer any such certificate to any person who will present to him the treasurer's receipt evidencing payment to the treasurer of the amount for which the property therein described was stricken off to the city, with interest subsequently accrued to date of such payment thereon, and such comptroller or clerk may, if so authorized by the council, sell and transfer any such certificate in like manner after the expiration of such period of two years from the date of the certificate.

Property sold to city.

Custodian of certificates.

Sale by city.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 18, 1926.

## CHAPTER 197.

[H. B. 215.]

### LICENSING OF INSURANCE ADJUSTERS.

AN ACT providing for the licensing of an "adjuster" or "insurance adjuster," defining the duties of same and fixing fees for an adjuster's license.

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

SECTION 1. That Section 7081, Remington's Compiled Statutes, be and the same is hereby amended to read as follows:

Amends  
§ 2944,  
Pierce's  
Code.

Section 7081. Each "adjuster" or "insurance

Adjusters to procure license.

adjuster" shall annually, on or before the first day of April in each year, procure a license from the Insurance Commissioner, permitting him to adjust losses for authorized insurance companies, and to adjust losses of unauthorized insurance companies on policies written by duly licensed agents for such companies in this state. He shall also secure a license for each separate company for each loss adjusted by him for non-admitted or unauthorized companies on policies which have not been written by or through a regularly licensed agent for such companies in this state: *Provided*, That an agent for a duly authorized insurance company may adjust and settle losses for the company for which he is licensed agent without procuring an "adjuster's" license.

Company's agent may adjust without license.

Report of adjustment to commission.

It shall be the duty of all adjusters, or agents, upon making and completing the adjustment of any loss under any policy of insurance, excepting life insurance, to promptly report same to the insurance commissioner, on a form to be supplied by him, giving full information and stating the name of the assured, the amount of insurance carried, the name of the company or companies issuing the policies, and the amount carried by each one, the amount of loss as adjusted, and any other information relative to such losses which may be requested by the Commissioner.

License fee.

The insurance commissioner shall collect a fee of \$10.00 for each adjuster's license issued.

Advertising as adjuster: Fee payable.

Anyone advertising himself as an adjuster for the insured or assured shall pay a regular adjuster's license fee. Each and every license issued under the provisions of this section shall expire on the 31st day of March, subsequent to the date of issue.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 18, 1926.



CHAPTER 198.

[H. B. 219.]

DISEASES AND QUARANTINE OF DOMESTIC ANIMALS.

AN ACT relating to the diseases and quarantine of domestic animals, amending Sections 3110, 3111 and 3115, Remington's Compiled Statutes.

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

SECTION 1. That section 3110, Remington's Compiled Statutes, be amended to read as follows:

Amends § 2032, Pierce's Code.

Section 3110. On the written application of the owner of any bovine animal to the director of agriculture for the examination and testing of such animal to ascertain whether the same is infected with tuberculosis, it shall be the duty of the director of agriculture to cause such examination and test to be made: *Provided*, That 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 such animals to ascertain whether the same are infected with tuberculosis, it shall be the duty of the director of agriculture, to cause a test to be made of all the bovine animals within that county as soon thereafter as consistent with the departmental policy of tuberculosis eradication. The inspector of the department of agriculture making the examination and test shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state, and shall qualify by giving a bond to the state of Washington with sufficient surety to be approved by the director of agriculture in the penal sum of two thousand dollars (\$2000.00); *Provided*, That the veterinary inspectors of the United States Bureau of Animal Industry may be appointed by the director of agriculture to make the

Tests for tuberculin infection.

Application of owners for test.

Veterinary inspector.

Bond.

Federal veterinary inspectors.

Act without bond or compensation.

Rules and regulations.

Bond of veterinarian.

Stock owners may select veterinary inspector.

Expenses of test.

Agriculture department may test.

Amends § 2033, Pierce's Code.

Indemnity or quarantine optional.

Indemnity if infected animals slain.

Appraisal.

examination and tuberculin test 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 the inspector of the department of agriculture: *Provided, further,* That such examination and test shall be made subject to rules and regulations of the department of agriculture. Every such veterinarian authorized to make such examination and test, shall before making any such examination or test furnish and file with the department of agriculture a good and sufficient bond in the penal sum of two thousand dollars (\$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. Should the owner or owners of any cattle desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture for making such examination and test in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with said examination and test. *And provided further,* That the director of agriculture or his authorized agent may cause a test to be made of any bovine animal exposed to or suspected of having tuberculosis.

SEC. 2. That Section 3111, Remington's Compiled Statutes, be amended to read as follows:

Section 3111. On such examination and test being completed if the inspector shall believe that the animal is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy or meat value. In the event of their failing to agree upon the value, the inspector shall apply to the judge of the superior

court of the county where the animal or animals are located to appoint a third appraiser. Each owner or agent of tuberculosis cattle which have been appraised shall market the cattle within thirty days from date of appraisal and shall obtain from the purchaser a report in quadruplicate, blank forms for which shall be furnished said owner, or agent, by the inspector of the department of agriculture, certifying as to the amount of money actually paid for the animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States Bureau of Animal Industry, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States Bureau of Animal Industry. Upon receipt of said report, in quadruplicate, certifying as to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws or regulations, the department of agriculture shall cause to be paid to the owner of the animal or animals one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided*, That in no case shall any payment by the department of agriculture be more than twenty-five dollars (\$25.00) for any grade female, or more than fifty dollars (\$50.00) for any pure bred registered bull or female, and in no case will any indemnity be paid on grade bulls or steers. Every appraiser appointed by the judge of the superior court shall receive his actual and necessary traveling expenses and a *per diem* of three dollars (\$3.00) for the time

Sale.

Supervision  
of slaughter.Post  
mortem.Meat  
inspection  
regulations.

Report.

Reimburse-  
ment of  
owner.Compensa-  
tion of ap-  
praisers.

No indemnity if imported into state.

Proceeds of sale of slaughtered imported animals.

No indemnity to U. S., state or municipal corporation.

Expenses chargeable to owner.

Amends § 2037, Pierce's Code.

Quarantine defined.

Quarantine districts.

Breaking quarantine unlawful.

Permit for removal.

actually spent, to be paid by the state. No indemnity shall be paid for cattle slaughtered on account of tuberculosis to any person who has not owned such cattle for six months (6) prior to the date such examination or test is made: *And provided, further,* That the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and test the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided, further,* That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state or any county, city or village in this state: *And provided, further,* That the expense of herding, caring for, feeding and transporting or slaughtering all animals under these provisions shall be paid by the owner thereof.

SEC. 3. That Section 3115, Remington's Compiled Statutes, be amended to read as follows:

Section 3115. Quarantine shall mean the placing and restraining of any animal or animals by the owners or agents in charge of them within a certain enclosure described or designated in writing, by the director of agriculture, or his duly authorized agent or agents, and thereafter it shall be unlawful for the owner or owners of the animal or animals quarantined, their agents or employees, to break such quarantine or to move or to allow to be moved any of such animals from within the quarantined area, or across the quarantine line as established, without first obtaining a permit, in writing, from the director of agriculture, or his duly authorized agent. Animals that are officially declared in quarantine shall at any and all times be kept separate and apart from all other live stock and not allowed to have anything in common with other live stock. It shall be unlaw-

ful to sell, exchange or in any other way part with the products of said animals, unless permission is first obtained, in writing, from the director of agriculture, or his duly authorized agent. Any owner or owners or agent who fails to comply with or wilfully violates or negligently allows such quarantine to be violated shall be guilty of a misdemeanor.

Sale of products of quarantined animals prohibited.

The director of agriculture shall have power:

(a) To promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable or dangerous diseases affecting live stock in this state, and to this end to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing inspections and tests of all live stock within or intended for importation into this state.

Rules and regulations to prevent spreading of disease affecting live stock, etc.

(b) To promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper for the inspection, testing and quarantine of all live stock within or imported into this state, and to enforce an inter-county embargo or quarantine to prevent the shipment, trailing, transporting or movement of cattle from a county that has not had a county-wide test into a county which has had a county-wide test unless the animals are accompanied by a negative certificate of tuberculin test from a duly authorized veterinary inspector of the state department of agriculture or the United States Bureau of Animal Industry, or an accredited veterinarian within sixty (60) days last prior to admission into said county.

Tuberculin inspection, testing and quarantine.

Passed the House January 1, 1926.

Passed the Senate January 6, 1926.

Approved by the Governor January 18, 1926.

## 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 Extraordinary session of the State of Washington, held from November 7, 1925, until January 7, 1926, 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 2nd day of March, 1926.

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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### HOUSE JOINT RESOLUTION NO 1.

RELATING to the appointment of a commission to investigate and report upon a proposed low level tunnel through the Cascade Mountains for railway, vehicular and other travel.

WHEREAS, citizens of this state have formed an organization for the purpose of promoting the location and construction of a low level tunnel with low gradient approaches, through the Cascade Mountains at a suitable place therefor, for railway, vehicular and other travel, but no location has been determined;

*Therefore Be It Resolved* by the Senate and House of Representatives of the state of Washington, that the Governor shall be and he hereby is directed to appoint a commission consisting of three citizens of the state of Washington to act without expense to the state who are experienced and skilled in finance, commerce or engineering, who shall examine possible locations for such tunnel and report their findings thereon to the Governor for use by the legislature at the session of 1927, and the said commission so appointed shall have full right of access to public documents of all kinds in the state, bearing upon the subject, to aid them in making and completing a report.

Adopted by the House January 2, 1926.

Adopted by the Senate January 6, 1926.

## SUBSTITUTE HOUSE JOINT RESOLUTION NO. 2.

RELATING to certain toll bridges on state highways.

WHEREAS, the counties of Franklin and Walla Walla have constructed under supervision of state highway officials, and are now operating, a toll bridge across the Snake River between Pasco and Burbank and have paid for the construction of said bridge by the payment of approximately \$20,000 in cash from county funds and by the issuance of approximately \$230,000 of bonds payable from funds of said counties; and,

WHEREAS, the bridge on the Columbia River between Kennewick and Pasco was constructed and is now owned by the Benton-Franklin Bridge Company and is being operated as a toll bridge; and,

WHEREAS, the Metaline Falls bridge on the Pend d'Oreille Highway was constructed by the Metaline Falls Bridge Company at an approximate cost of \$75,000, and is being operated as a toll bridge; and,

WHEREAS, it is highly desirable that said bridges be taken over by the state and be operated by the state free from tolls as parts of the Inland Empire Highway and Pend d'Oreille Highway, respectively, and that the said owners be reimbursed for the cost of construction thereof; and,

WHEREAS, the Columbia River Interstate bridge at Vancouver on the Pacific Highway is being operated as a toll bridge, and it is desirable that the same should be free and open to public travel without the imposition of tolls, through the co-operation of the State of Washington and the State of Oregon;

*Now, Therefore, Be It Resolved* by the Senate and the House of Representatives of the State of Washington that the state highway commission act in conjunction with the state highway engineer in ascertaining the following facts:



(1) The date of construction, cost, probable life, present value, and replacement value of the four (4) bridges above specified, and of any other toll bridges on state highways they may deem advisable.

(2) The cost of maintenance and rates of tolls charged on such bridges and the volume of travel thereon and the probable future volume of travel thereon.

(3) The probable sums necessary to be paid by the state for the purchase of the said bridges from the several owners, and any other facts they may deem material.

In the case of the Pacific Highway bridge at Vancouver, the committee shall negotiate with the proper authorities in the State of Oregon for the purpose of learning at what time and under what terms and conditions those authorities will co-operate in making the said bridge free of tolls.

In their discretion they may request the board of county commissioners of Clarke county to submit to the voters of said county at the general election to be held in November, 1926, a concrete proposal for the sale of the interest of said county in the said Columbia River bridge to the State of Washington, for their approval or rejection.

They shall report the facts ascertained, together with their recommendations thereon, to the twentieth legislature at its regular session beginning in January, 1927.

*Be It Further Resolved*, That the state highway committee may include in its budget for submission to the next session of the legislature, items to cover the cost of purchasing the said bridge or bridges from the owner or owners thereof, in order that the next session of the legislature may, if it thinks wise, pass the necessary acts to provide for taking over said bridges, operation of the same free from tolls, and payment of the owners therefor.

Adopted by the House January 2, 1926.

Adopted by the Senate January 6, 1926.

## SENATE JOINT RESOLUTION NO. 5.

WHEREAS the state and local Chambers of Commerce of the States of Oregon, Washington, Idaho and Montana have taken the initial steps to hold the "Pacific Northwest Commercial and Industrial Exposition" in the spring of 1926 in the city of New York; and

WHEREAS such proposed exposition has for its primary purpose the extension into eastern markets of the manufactured articles and agricultural and trade products of the Pacific Northwest, and to attract attention of investors, manufacturers and tourists to the industrial and agricultural resources of the Northwest;

*Now, therefore, be it resolved* by the Senate and House of Representatives of the State of Washington, that the Legislature of the State of Washington heartily endorses the project and urges the citizens of this and the other states of the Pacific Northwest to aid in every way to bring about its successful consummation.

Adopted by the Senate February 6, 1925.

Adopted by the House February 7, 1925.

## SENATE JOINT RESOLUTION NO. 6.

WHEREAS, there are on the statute books of this State laws that are manifestly obsolete and whereas other statutes by reason of faulty drafting and numerous amendments are verbose, complicated, conflicting, and contradictory,

*Therefore Be It Resolved by the Senate and House of Representatives of the State of Washington:*

That a joint sub-committee of three members of the rules and joint rules committee of the Senate and three members of the rules and order committee of the House of Representatives be appointed by said committees re-

spectively with authority to employ a competent attorney who is experienced and expert in the drafting of statutes, and a stenographer, and fix their compensation.

That such attorney shall during the time between the adjournment of the present session of the legislature and the reconvening thereof in extraordinary session, examine as much of the statute law of this state as can be done in a thorough and painstaking manner, for the purpose of determining which of such statutes are obsolete, and should be repealed, and what portions thereof are conflicting, ambiguous, or contradictory and should be revised.

That said attorney shall prepare bills repealing or revising such statutes as the case may be, and at the beginning of the extraordinary session of the legislature present to the judiciary committees of the Senate and House, such bills repealing or revising such statutes as can be prepared during the time heretofore specified.

That said attorney shall be provided with suitable quarters convenient to the State law library, and if necessary, furniture, supplies, stationery and postage.

That the compensation of said attorney and stenographer and necessary expenses for furniture, supplies, stationery, and postage be paid out of the monies already appropriated for the expenses of the nineteenth legislature upon vouchers signed and approved by the President of the Senate and the Speaker of the House of Representatives.

Adopted by the Senate February 11, 1925.

Adopted by the House February 11, 1925.

## SUBSTITUTE SENATE JOINT RESOLUTION NO. 1.

*Be It Resolved, by the Senate and the House of Representatives of the State of Washington:*

SECTION 1. That a committee be appointed to make a study of and report to the Legislature of 1927 on industrial conditions at the State Penitentiary.

SEC. 2. That said committee consist of two (2) members of the Senate, to be appointed by the President, and three (3) members of the House, to be appointed by the Speaker.

SEC. 3. Said committee shall be authorized to make a complete study and full examination of conditions in the State Penitentiary with special reference to its industrial policy, cooperating with the State Department of Business Control; may hold sessions at Walla Walla and elsewhere; may subpoena and examine witnesses, compel the attendance of witnesses and administer oaths; and may order the production of any books or papers or other matters before them to the extent of a full and complete survey.

SEC. 4. It is requested that no sale of the jute mill machinery now at the penitentiary be made until after the report provided for herein is made to the 1927 Legislature and duly considered.

SEC. 5. The actual traveling and hotel expenses of the members of said committee and other necessary [necessary] expenses incurred by said committee, including witness fees and clerk hire, shall be paid out of the moneys already appropriated for the expenses of the extraordinary session of 1925, upon vouchers signed and approved by the President of the Senate and the Speaker of the House of Representatives.

Passed the Senate November 24, 1925.

Passed the House December 4, 1925.

## SENATE JOINT RESOLUTION NO. 4.

Providing for the appointment of a committee to make a study of the policy and methods existent in this state, in other states, and under the federal government relating to the sale of state lands and timber.

WHEREAS, the Governor of the State of Washington, in his message to the Legislature has declared that "the state has not received nor is it receiving full value for its timber;" and

WHEREAS, the Governor in said message has recommended that the Statutes governing the sale of state lands and timber be revised and that the state policy of conducting timber sales heretofore and now in force be changed; and

WHEREAS, Clark V. Savidge, Commissioner of Public Lands, in whom the Senate and House reaffirm the confidence so often expressed by the people of the state, declared in his address before the Legislature that he and the Board of State Land Commissioners await from the Legislature any instructions that it may see fit to give in reference to such state policy.

*Therefore, Be It Resolved, by the Senate and House of Representatives of the State of Washington:*

SECTION 1. That the President of the Senate shall appoint two members of the Senate and the Speaker of the House shall appoint three members of the House who shall constitute a committee to make a complete and detailed study of the policy and methods existent in this state, in other states and under the federal government relating to the sale of state lands and timber, and to report to the twentieth session of the Legislature their findings as to the respective merits of the policy and methods heretofore and now in force in this state, and such alternative policies and methods as their study may disclose.

SEC. 2. That the Senate and House appreciate and accept the expressed readiness of the State Board of

Land Commissioners and the State Land Commissioner to cooperate in the development of the policy governing the sale of state timber which shall be decided by legislative enactment best to protect the interest of the state.

SEC. 3. The actual traveling and hotel expenses of the members of said committee and other necessary expenses incurred by said committee, including witness fees and clerk hire, shall be paid out of the moneys already appropriated for the expenses of the extraordinary session of 1925, upon vouchers signed and approved by the President of the Senate and the Speaker of the House of Representatives.

Adopted by the Senate December 18, 1925.

Adopted by the House December 30, 1925.

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#### SENATE JOINT RESOLUTION NO. 5.

WHEREAS, under the provisions of Senate Joint Resolution [Resolution] No. 6 of the regular session of the 19th legislature numerous bills repealing obsolete laws and revising ambiguous statutes were presented to the present extraordinary session and substantially all of such bills have already been passed by both houses of the legislature and approved by the governor; and,

WHEREAS, there was not sufficient time between the adjournment of the regular session and the convening of the extraordinary session to examine all of the statutes for the purpose of preparing bills repealing or revising the same, and there are still on the statute books many laws that are manifestly obsolete or in need of revision;

*Therefore Be It Resolved by the Senate and House of Representatives of the State of Washington,*

That the joint subcommittee of three members of the rules and joint rules committee of the Senate and three members of the rules and order committee of the House of Representatives appointed under the provisions of

Senate Joint Resolution No. 6 of the regular session of the 19th legislature be continued with authority to employ a competent attorney experienced in the drafting of statutes, and a stenographer, and fix their compensation;

That such attorney shall during the time between the adjournment of the present extraordinary session of the legislature and the convening of the 20th biennial session of the legislature, examine as much of the statute law of this state as can be done in a thorough and pains-taking manner, for the purpose of determining which of such remaining statutes are obsolete and should be repealed and what portions thereof are conflicting, ambiguous and contradictory and should be revised;

That said attorney shall prepare bills repealing or revising such statutes, as the case may be, and at the convening of the 20th biennial session of the legislature such of said bills as are approved by said joint subcommittee be introduced by the members of said committee in the Senate or the House respectively as the committee may determine, and ordered printed, and referred to the judiciary committee of the Senate or the House, as the case may be;

That said attorney be provided with the necessary furniture, supplies, stationery and postage and that in addition to the compensation of said attorney and stenographer they receive their actual traveling and other expenses in visiting Olympia for the purpose of conferring with state officers in regard to the revision of statutes relating to their departments respectively;

That the compensation of said attorney and stenographer and necessary expenses for furniture, supplies, stationery and postage and necessary expenses incurred in visiting Olympia be paid out of the moneys appropriated for the expenses of the legislature upon vouchers signed and approved by the president of the Senate and the speaker of the House of Representatives.

Adopted by the Senate January 1, 1926.

Adopted by the House January 5, 1926.

## SENATE CONCURRENT RESOLUTION NO. 4.

*Be It Resolved*, by the Senate, the House concurring, that the following communication be forwarded to the Park Board of Cambridge, Massachusetts:

“The Legislature of Washington is deeply appreciative of the gavels presented to it by the Park Board of Cambridge, Massachusetts. Here on the western coast of the United States, in the commonwealth named for the ‘Father of his Country,’ we love, honor and respect his memory as deeply and sincerely as do that people of the great state of Massachusetts.

“A century and a half have passed since George Washington stood in Cambridge beneath that spreading elm and assumed command of the Continental Army.

“That poet son of Massachusetts has told us—

‘That groves were God’s first temples.’

If that is so, then this honored elm was indeed a sacred altar, for there our First Great American and the fourteen thousand brave soldiers of the Revolution offered their all for sake of country. That tree saw the beginning of a mighty day in history. Upon the issue then tendered, hung the fate of a hundred million people, and the final safety of civilization itself. ‘A sacred tree,’ ah, yes, and indeed a ‘holy day.’ Each worthy to be regarded as a memorial forever.

“With pride and joy, we receive this token so intimately associated with that great event. It shall ever symbolize to us unselfish patriotic devotion to liberty. It shall ever call us to higher, fuller and better service of our nation and its people. Thus will we prove ourselves worthy of so great a sacrifice.”

Adopted by the Senate November 17, 1925.

Adopted by the House November 18, 1925.



## 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 special legislative session assembled, do most respectfully represent and petition, as follows:

WHEREAS, it is the belief of your petitioner that the Estate Tax of the present federal revenue act was originally enacted as an emergency measure, due to the recent war; that said emergency has now passed; that certain forms of taxation retard the progress of states—this being especially applicable to those last admitted to the Union; and

WHEREAS, it is further the belief of your petitioner that this source of revenue be left for such individual action as to the respective states may seem fit and proper;

Wherefore, we, your memorialists, most respectfully urge that the inheritance tax provision of the present federal revenue act be forthwith repealed.

Passed the House December 10, 1925.

Passed the Senate December 14, 1925.

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HOUSE JOINT MEMORIAL NO. 1.

*To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:*

We, your memorialists, the Senate and House of Representatives of the State of Washington, in regular session assembled, believing that the objects set forth in your House Resolution No. 9241, your Senate Resolution No. 3317, and your House Resolution No. 10472, relating to the commemoration of the one-hundredth anniversary

of the founding of Fort Vancouver, Washington, now pending in the Congress of the United States, are worthy of your highest consideration and support, do most respectfully urge upon you the passage at the present session of Congress of said Resolutions.

Passed the House February 4, 1925.

Passed the Senate February 9, 1925.

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### HOUSE JOINT MEMORIAL NO. 2.

*To the Honorable Senators and Representatives in Congress Assembled:*

We, your Memorialists, the Senate and House of Representatives in the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, the Federal Government is the owner of one of the finest military reservations in the United States, consisting of more than seventy thousand (70,000) acres of land, strategically located for military purposes and adequate for the accommodation of a military establishment of the first order, known as the Camp Lewis Cantonment.

WHEREAS, the buildings upon said Cantonment were erected for emergency purposes during the World War and were of temporary construction and are largely unfit for military uses,

*Therefore Be It Resolved:* That the Senate and House of Representatives of the State of Washington now in session, do respectfully request the Congress of the United States to pass legislation, making provisions for the construction of permanent and adequate buildings at Camp Lewis and the establishment at Camp Lewis of a first class permanent military Cantonment, befitting the character of the site and the strategic importance of the location.

And your memorialists will ever pray.

*And Be It Further Resolved:* That the Secretary of the State, under the Seal of the State of Washington, transmit to the Senate and the House of Representatives of the United States at Washington, D. C., and to each Senator and Congressman from the State of Washington, a full, true and correct copy of this Joint Memorial.

Passed the House December 10, 1925.

Passed the Senate December 14, 1925.

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#### HOUSE JOINT MEMORIAL NO. 4.

*To the Honorable, the Senate and the House of Representatives of the United States of America in Congress assembled:*

We, your memorialists, the House of Representatives and the Senate of the State of Washington, in legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, owing to the ruinous competition of imported shingles admitted free of duty, approximately ten thousand skilled loggers and shingle mill operatives in the State of Washington are out of employment for at least one-third of the time.

Therefore, your memorialists do most earnestly pray that your honorable body at its present session will enact such tariff legislation as will place a duty upon the importation of shingles into the United States sufficient to cover the differential in cost of production in the United States and in foreign countries and permit the American shingle manufacturers to pay a living wage to their operatives, according to American standards, for full time operation, and perpetuate the shingle industry.

Passed the House December 18, 1925.

Passed the Senate December 22, 1925.

## HOUSE JOINT RESOLUTION NO. 5.

*State of Washington, Extraordinary Session 1925.*

PROVIDING for the appointment of a committee to make a study and survey of reclamation and land settlement in the State of Washington and to report thereon to the 1927 session of the Legislature.

*Be It Resolved by the Senate and House of Representatives of the State of Washington:*

SECTION 1. That a committee be appointed to make a study and survey of reclamation and land settlement in the State of Washington and to report to the legislature of 1927 the results of such study and survey, together with their recommendations based thereon.

SEC. 2. That said committee shall consist of two (2) members of the Senate to be appointed by the President, and three (3) members of the House to be appointed by the Speaker.

SEC. 3. Said committee shall be authorized and empowered to make a complete study and survey of the operations of the State of Washington under Chapter 158, Session Laws of 1919 entitled "The State Reclamation Act," and Chapter 188, Session Laws of 1919 entitled "The Land Settlement Act," and acts amendatory thereof, and to make a similar study and survey of reclamation and land settlement in their relation to Federal reclamation.

SEC. 4. Said committee shall have power to subpoena, compel the attendance of, and examine witnesses and to administer oaths, and may order the production of any books, papers or records necessary for the making of such study and survey, and shall have authority to visit the various projects in which the State of Washington is interested, to hold hearings and to make such investigations of both State and Federal reclamation and land settlement as they shall deem necessary, and shall have access to all departmental records relating to the matters under consideration.

SEC. 5. Said committee is authorized to incur such traveling and hotel expenses, clerical and stenographic expenses and such expenses in connection with engineering advice, and such other expenses as shall in their judgment be necessary to enable them to perform their duties under this resolution, and said expenses so incurred and costs of hearings shall be paid out of the moneys already appropriated for the expenses of the extraordinary session of 1925 and upon vouchers signed and approved by the President of the Senate and the Speaker of the House of Representatives.

SEC. 6. Said committee shall complete their work and file their report with the Department of Conservation and Development on or before the first day of October, 1926, and shall cause one thousand (1,000) copies thereof to be printed, and shall mail one copy to each member of the legislature, and shall deposit the remaining copies with the Director of Conservation and Development.

Adopted by the House December 22, 1925.

Adopted by the Senate December 29, 1925.

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## SENATE JOINT MEMORIAL NO. 2.

REQUESTING Congress to pass legislation making provision for the adequate fire protection of the unreserved forest lands, and for the forest lands in Indian Reservations within the State of Washington.

*To the Honorable Senate and House of Representatives of the United States in Congress Assembled:*

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, There are, outside of state lands and Federal Forest Reserves, approximately 575,000 acres of un-

reserved and unappropriated forest lands in the State of Washington belonging to the United States, which receive no fire protection from the Federal Government, and 1,250,000 acres of Indian Reservation forest lands which receive inadequate fire protection from the Federal Government and which for these reasons are a constant fire menace to the other forest lands in the state, and

WHEREAS, A portion of such government forests are receiving fire protection at the expense of the State of Washington and private forest owners, as high in some instances as thirty-one cents per acre, and

WHEREAS, The people of the State of Washington are already burdened with taxes and assessments levied for the protection of their privately owned and state lands from the hazard of fire, and should not be called upon to protect the Federal lands above mentioned from which no taxes or assessments are derived;

*Therefore, Be It Resolved*, That the Senate and House of Representatives of the State of Washington now in session, do request the Congress of the United States to make appropriations to be expended to provide adequate fire protection of the forest lands belonging to the United States for which no fire protection is now provided by the Federal Government.

*And Be It Further Resolved*, That a copy of this resolution be forthwith transmitted to the Senate and the House of Representatives of the United States at Washington, D. C., and to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such legislation.

And your memorialists will ever pray.

Passed by the Senate January 29, 1925.

Passed by the House February 5, 1925.

## SENATE JOINT MEMORIAL NO. 4.

*To the Honorable, the President, the Senate, the House of Representatives, the Secretary of War, and the Chief of the Corps of Engineers of the United States Army:*

Your memorialists, the Senate and the House of Representatives, of the State of Washington, do respectfully submit for your consideration:

That the Alaska Road Commission, since its creation under the Act of Congress approved January 27th, 1905, has constructed more than 5,000 miles of military and post roads, and trails, in the Territory of Alaska, which have resulted in great benefit to the territory, and contributed largely to its development; that such roads and trails are not merely local improvements, but form the basis of a comprehensive system of transportation; that, however, the mileage built is only the nucleus of a larger system that is necessary; that the roads and trails already built are of such character as require a large sum of money annually for maintenance, and the funds available during the past two years have been barely sufficient for maintenance; that the government has completed, at an expense of over fifty million dollars (\$50,000,000.00), a railroad from the coastal harbor at Seward to Fairbanks and the Yukon Valley in the interior, which road is now in operation, but cannot serve its purpose of development or meet its own operating costs unless feeders are built; that with the development of motor truck transportation the most desirable feeders are wagon roads over which motor trucks can be operated, and the same should be built to the various mining and agricultural regions naturally tributary to such railroad; that the Alaska Road Commission received from the "Alaska Fund" much less than sufficient for the maintenance of the roads and trails already built, and therefore, further construction depends entirely upon appropriations by

Congress; that further road construction is absolutely essential to the development of the territory, and the resources of the great interior, and indeed of all parts of the territory, except the narrow fringe along the coast, cannot be developed without further road construction; that the plans of the Alaska Road Commission are complete and comprehensive, based upon a most extended study of the territory; that the Alaska Road Commission has developed an organization of splendid men who have been wonderfully successful with the work, especially when consideration be given to the vast area to be covered and the small amount of funds allotted, which for that vast territory is less than the amount expended in the average county of the United States; that Alaska is denied the benefits of the Federal Highway Act, and is not permitted to share at all in the funds thereby provided from the Federal Treasury; that such denial is unjust and inequitable, because the people of Alaska are subject to every tax levied by the Federal Government, and those people and the large corporations of the territory have contributed vast sums to the Federal Government through the income tax, capital stock tax and excess profits tax, but unfortunately, most of the revenues are paid at the principal offices of those corporations in New York City, Chicago, San Francisco and elsewhere in the states, so that the Territory of Alaska is not credited with the funds thereby paid; that it should also be noted that the Federal Government is receiving about four million dollars (\$4,000,000.00) annually as net profits from the fur seals of Alaska; that in view of all these facts, and in simple justice to the brave people of Alaska who are as nobly engaged in that pioneer development as were those who landed at Plymouth Rock or Jamestown, and the hardy pioneers who wrought the great development in the Mississippi Valley, the Rocky Mountain region, and the Pacific Coast, they should be extended the same benefits of the Federal Highway Act as is given to the people of the various states of this union.



*Therefore,* We, the Senate and the House of Representatives of the State of Washington, hereby endorse and approve the program of the Alaska Road Commission as one of the most important plans projected for the development of the territory, and we earnestly request that the Federal Highway Act be extended to Alaska, and the benefits of that fund be accorded to the territory on the same basis as to the several states of the union, not only because the construction of roads and trails in Alaska is of primal importance, and absolutely essential to the development of the territory, but also as an act of simple justice to the people of the territory, who contribute in taxes to the Federal Government, and to the funds provided for the Federal Highway Act, precisely on the same basis as the people of the various states of the union, and much greater in proportion to the population of the territory, and further, that pending the extension of the Federal Highway Act to the territory, we urge that Congress grant liberal appropriations to enable the Alaska Road Commission to perform the most valuable work for which it has been created, and in which it has been so successfully engaged.

*And Be It Further Resolved,* That a copy of this resolution be forthwith transmitted to the Senate and the House of Representatives of the United States at Washington, D. C., and to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such legislation.

And your memorialists will ever pray.

Passed by the Senate February 3, 1925.

Passed by the House February 10, 1925.

**All Initiative and Referendum Measures, Filed  
in the Office of the Secretary of State,  
and the Disposition Thereof.**

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- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.

- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE No. 29 (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Submitted to the people November 7, 1922; passed.

- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—No petition filed.
- 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.
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- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Submitted to the people November 4, 1924; failed to pass.

**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, 1920.
- 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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Town council .....	117	2	186
Tract .....	130	6	229
Trapping .....	178	6	496
True cash value .....	130	52	260
Unpaid seller .....	142	52	377
Upland game bird .....	178	3	495
Value .....	142	76	390
Voting, acreage .....	89	1	118
Waters of this state .....	154	1	427
Week .....	178	68	525
 <b>WORKMEN'S COMPENSATION:</b>			
Contractors—railroad; compliance with act .....	84	1	99
Independent contractors—railroad; compliance with act.....	84	1	99
Interstate and intrastate employees—dependents; recovery...	84	1	99
Interstate and intrastate commerce; federal legislation absent; recovery by employee .....	84	1	98
Maritime employees; segregation of payrolls to cover shore and off-shore work .....	111	1	172
Pay-rolls interstate and intrastate railroads .....	84	1	99
Railway employees; compensation .....	84	1	98
 <b>WRECKS AND WRECKMASTERS, repeal of act relating to.....</b>	 16	 1	 11
<b>YAKIMA COUNTY, land in granted to Lottie Cronkhite.....</b>	 96	 1	 142
<b>YESLER ESTATE, INC., quit claim deed by state to .....</b>	 136	 2	 343

