

STATUTES.
OF THE
TERRITORY OF WASHINGTON,

MADE AND PASSED

At a Session of the Legislative Assembly begun and held at the City of Olympia
on Monday the Third day of December, 1866, and ended on Thursday
the Third day of February, 1867.

NINETY-FIRST YEAR OF INDEPENDENCE.

PUBLISHED BY AUTHORITY.

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1867.

AMENDMENT TO THE ORGANIC ACT.

ACT OF CONGRESS

APPROVED JUNE 29, 1866, ENTITLED "AN ACT AMENDATORY OF THE ORGANIC ACT OF WASHINGTON TERRITORY."

- SEC. 1. Session of Legislative Assembly to be biennial.
Councilmen to serve four years.
Representatives two years.
Compensation.
2. An enrolling clerk allowed.
Compensation of officers.
3. First election under the act to be in 1867.
4. Act of Legislative Assembly of W. T., in relation to Skamania county, disapproved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the next annual session of the legislative assembly of said Territory the sessions shall be biennial. Members of the council shall be elected for the term of four years, and members of the house for the term of two years, and shall receive the sum of six dollars per day instead of three dollars heretofore allowed, and shall also receive the same mileage now allowed by law.

SEC. 2. *And be it further enacted,* That each house shall have authority to elect, in addition to the officers now allowed by law, an enrolling clerk, who shall receive five dollars per day. The chief clerks shall receive six dollars per day, and the other officers elected by said legislature shall receive five dollars per day each.

SEC. 3. *And be it further enacted,* That the first election, for the first biennial session under this act, shall be at the time of holding the general election for the Territory in the year eighteen hundred and sixty-seven.

SEC. 4. *And be it further enacted,* That the act of the legislative assembly of the Territory of Washington, approved January fourteenth, eighteen hundred and sixty-five, entitled "An act in relation to the county of Skamania," be and the same is hereby disapproved.

Approved June 29, 1866.

STATUTES

OF THE

TERRITORY OF WASHINGTON.

1866-67.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO ELECTIONS AND THE MODE OF SUPPLYING VACANCIES," APPROVED JAN. 23, 1866.

- SEC. 1. First general election to be held first Monday of June, 1867.
General election to be held biennially thereafter.
All officers to be elected at such election.
2. The person receiving the highest number of votes for any office to be declared elected.
Such person to be notified by the county auditor.
Auditor to issue certificate of election, when.
3. Duties of auditor in case of parties receiving equal number of votes for same office.
Such cases to be settled by publicly drawing lots.
Successful party to be declared elected, and receive certificate.
4. Terms of office of officers elected.
Members of council four years.
Representatives two years.
District attorneys two years.
All county and precinct officers two years.
5. All officers eligible at a general election, to be elected at the general election of June, 1867.
Officers then elected to hold offices till successors are elected and qualified.

- SEC. 6. Chapter two of election law hereby amended, (providing registry of votes), repealed.
7. Section one, chapter one, of amended bill, defining qualifications of electors, repealed.
8. Qualifications of electors prescribed.
 Of white American citizens over twenty-one years of age.
 Of American half-breeds, restrictions imposed.
 Said half-breeds to be able to read and write and to have adopted habits of whites.
 Of all white male inhabitants who have declared intention to become citizens, oath prescribed and residence defined.
 Exception against persons unpardoned who have borne arms against the United States, or given aid and comfort to its enemies.
 Proviso excluding persons serving in army and navy.
 Exception in favor of parties enlisting, who resided in this Territory at time thereof.
 No person belonging to army or navy eligible to any civil office or appointment in this Territory.
9. Fees of officers conducting elections.
 Inspector, judge and clerk to receive four dollars.
 Party carrying returns to county auditor, four dollars and mileage.
10. Section five, chapter four, of original act stricken out, and new section inserted.
 County commissioners to fill vacancies in county and precinct offices.
 At what session of board vacancy is to be filled.
11. Section four, chapter one, amended.
 Absence from Territory on business, does not cause loss of residence, except where right of suffrage has been claimed elsewhere.
 Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a general election shall be held in the several election precincts in this Territory on the first Monday in June, A. D. 1867, and biennially thereafter on the first Monday in June, at which there shall be chosen all such officers as are by law to be elected at general elections in this Territory.

SEC. 2. The person having the highest number of votes given for each office to be filled by the voters of a single county

or of a precinct, shall be declared duly elected, and the county auditor shall immediately notify him of his election, and it shall be the duty of said auditor to make out and deliver to any person so notified, a certificate of election upon his making application to the auditor and paying the fee for the same.

SEC. 3. If the requisite number of county or precinct officers shall not be elected by reason of two or more persons having an equal and the highest number of votes for one and the same office, the county auditor shall give notice to the several persons so having the highest and an equal number of votes, to attend at the office of the auditor at a time to be appointed by said auditor, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected, and the said auditor shall make out and deliver to the person thus declared duly elected, a certificate of his election as hereinbefore provided.

SEC. 4. The terms for which all Territorial, district, county and precinct officers hereafter elected, shall be as follows: Members of the Council shall be elected for four years; members of the House of Representatives shall be elected for two years; district attorneys shall be elected for two years; all county and precinct officers shall each be elected for two years.

SEC. 5. All Territorial, county and precinct officers who are entitled to be elected at any general election in this Territory, shall be elected at the general election on the first Monday in June, 1867, and shall hold their offices to which they may be elected until their successors are elected and qualified.

SEC. 6. Chapter two of the act to which this is amendatory, is hereby repealed.

SEC. 7. Section one of chapter one of the act to which this is amendatory, is hereby repealed.

SEC. 8. That all white American citizens above the age of twenty-one years, and all American half-breeds over that age, who can read and write and have adopted the habits of the whites, and all other white male inhabitants of this Territory above that age who shall have declared on oath their intention to become citizens at least six months previous to the day of

election, and shall have taken an oath to support the Constitution of the United States and the organic act of this Territory, and who shall have resided six months in the Territory and thirty days in the county, and who have not borne arms against the United States of America or given aid or comfort to its enemies, unless pardoned, and none others shall be entitled to hold office or vote at any election in this Territory: *Provided*, That no officer, soldier, seaman, marine or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in this Territory by reason of being in service therein, unless said Territory is and has been for the period of six months his permanent domicil: *Provided*, He was a citizen of this Territory at the time of his enlistment: *And provided further*, That no person belonging to the army or navy of the United States shall be elected to or hold any civil office or appointment in this Territory.

SEC. 9. The fees of officers of elections shall be as follows: To the inspector, judge and clerk of an election, four dollars per day; the person carrying the returns to the county auditor shall be entitled to and receive four dollars, and as much mileage as the sheriffs are allowed.

SEC. 10. Section five of chapter four of the act to which this is amendatory, is hereby repealed, and the following shall be inserted in lieu thereof, and said section shall read as follows:

"SEC. 5. Whenever a vacancy occurs in any county or precinct office, it shall be filled by appointment by the board of county commissioners at the first regular or special session of their board after that vacancy occurs: *Provided*, That if the commissioners be not apprised of the vacancy at their first session after the vacancy occurs, it may be filled at any subsequent session of their board."

SEC. 11. Section four of chapter one of original act, be and the same is hereby amended so that it shall read:

"Absence from the Territory on business shall not affect the question of residence of any person: *Provided*, The right to vote has not been claimed or exercised elsewhere."

SEC. 12. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Passed the House of Representatives January 28, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO APPORTION THE MEMBERS OF THE COUNCIL AND THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF WASHINGTON TERRITORY.

- SEC. 1. Council districts defined.
 2. Representatives apportioned.
 3. Repealing previous apportionments.
 4. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the apportionment of the Legislative Assembly shall be as follows in the Council:

The county of Walla-walla shall be entitled to elect one councilman.

The counties of Walla-walla and Stevens shall be entitled to elect one joint councilman.

The counties of Clarke, Skamania, Klikitat and Yakima shall be entitled to elect one joint councilman.

The counties of Clarke, Cowlitz, Wahkiakum and Pacific shall be entitled to elect one joint councilman.

The counties of Pierce, Mason and Chehalis shall be entitled to elect one joint councilman.

The counties of Thurston and Lewis shall be entitled to elect one joint councilman.

The counties of King and Kitsap shall be entitled to elect one joint councilman.

The counties of Island, Snohomish and Whatcom shall be entitled to elect one joint councilman.

The counties of Jefferson and Clalm shall be entitled to elect one joint councilman.

SEC. 2. The apportionment of representatives in the House shall be as follows:

The county of Walla-walla shall be entitled to elect five members.

The counties of Klickitat and Yakima one.

The county of Skamania one.

The county of Clarke three.

The counties of Cowlitz and Wahkiakum one.

The county of Pacific one.

The county of Lewis one.

The county of Thurston three.

The county of Pierce two.

The county of Kitsap two.

The county of Snohomish one.

The counties of Mason and Chehalis one.

The county of Island one.

The county of Jefferson two.

The county of Clalm one.

The county of Whatcom one.

The county of King two.

The county of Stevens one.

SEC. 3. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 26, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE CONSTRUCTION OF ROADS AND HIGHWAYS IN WASHINGTON TERRITORY, AND DEFINING THE DUTIES OF ROAD SUPERVISORS.

- SEC. 1. Exclusive jurisdiction of county roads with county commissioners.
Appeal from decision of, to district court.
2. At regular terms roads may be established, altered or vacated. Twenty days notice requisite of such application.
How such notice shall be given.
A majority of citizens of district through which road passes must favor application.
3. Clerk of board to keep a "road book."
What shall be recorded in said road book.
No road a legal one till so recorded.
Road record to be kept for public inspection at county auditor's office.
4. What said road book shall contain.
5. County roads to be sixty feet wide.
Proviso.
Prairie roads or over improved lands to be marked out, &c.
6. Roads unopened or unrecorded for three years after location, vacated.
All roads now opened or traveled, public roads.
- SEC. 7. How and when roads may be turned.
Parties desiring so to do must bear expense.
Of adoption of new road and vacation of old.
8. Appraisement of damages growing out of location of roads.
9. Party liable to road labor in district where notified.
10. Of the location of private roads.
Private roads to be thirty feet wide.
Of assessment of damages by location of private roads.
11. Duties of viewers of private roads.
Damages payable by applicant for such private road.
Appeal to district court from decision of commissioners as to such damages.
12. Of election of road supervisors.
Election annually on the first Monday of April, 2 o'clock P. M.
Old supervisor chairman of such meeting.
Such meeting to elect a secretary.
Qualification of voters.
Party receiving highest number of votes to be supervisor.

- SEC. 12. Qualification of supervisor so elected.
 In case of failure to elect, special election may be had.
 Officers of road meeting to notify county auditor of election of supervisor.
13. Party elected failing to qualify, penalty.
 No person bound to serve two successive years.
14. Vacancy in office of road supervisor, how filled.
15. County commissioners to establish road districts.
 Districts to be defined and recorded in road book.
 Districts may be altered, when and how.
16. County commissioners to levy and assess road tax.
 Personal tax not less than four nor more than six dollars.
 Property tax not less than two nor more than eight mills.
 Tax payable in labor at two dollars per day.
 Or payable in money with other taxes.
17. Supervisor before May 1st to furnish list of persons liable to road labor to county auditor.
 County auditor to furnish supervisor with assessment of road taxes.
18. Who are liable to road labor.
 Persons between ages of eighteen and fifty years.
 Indians not taxed excepted.
 Of persons who are a county charge or too infirm.
 Persons liable in county in which they reside.
19. Supervisor when and how to notify parties to labor on road.
 Failure to appear renders party liable to pay road taxes.
20. Proceedings when party is about to leave county, before road tax paid.
 Employers liable for road tax of such employees.
 Proviso making such taxes payable as other taxes.
21. Supervisor to open public roads, &c.
 May purchase necessary tools and materials.
 May commute labor or tax for tools, materials, &c.
 A certificate to be given in case of such commutation.
22. May enter adjoining lands to carry off materials.
 In ditching or carrying off materials to do as little injury as possible.
 Penalty for obstructing supervisor, how collected.
23. Of collection of damages for acts of supervisor.
24. Supervisor to remove obstructions and repair bridges.
 To warn out persons to assist.
 When obstruction or repair is caused by neglect or malice, party causing same, liable to expense of removal or repair.

- SEC. 24. How such expense shall be collected.
25. Supervisor to keep account of labor performed, &c.
To settle annually with county commissioners, when.
Penalty for failure to make annual settlement.
26. Supervisor to give certificate to person performing labor.
What certificate shall contain.
Certificates not assignable.
And only receivable for taxes of one year.
To furnish list to county treasurer, when.
Duties of county treasurer and auditor as to such list.
27. Supervisor may correct list if omission occurs.
May also assess road tax where commissioners omitted so to do.
28. Relief of persons improperly or excessively assessed.
29. Road taxes to be a separate fund.
30. Penalty of road supervisor failing to perform duty, for issuing false certificate.
31. County commissioners to fix per diem of supervisor.
Not to exceed three dollars.
32. Form of supervisor's certificate.
33. All road laws heretofore passed repealed.
34. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of each county shall have the sole and exclusive jurisdiction over county roads within their respective counties, subject to such appeals to the district court and such rules and regulations as may be prescribed by law.

SEC. 2. At any regular meeting said board of commissioners may establish, alter or vacate any road, or cause the same to be laid out or surveyed, worked and opened, as they shall deem most for the public good, but they shall not establish, alter or vacate any road unless they shall be satisfied that at least twenty days public notice has been given of an intention to apply to said board for such establishment or alteration or to vacate said road, with notice of the time when the application will be made, by posting at least three written or printed notices in three of the most public places in the county, one of which shall be at the county seat, and two in the most public places in the vicinity of the road proposed to be established, altered or vacated, and at

least a majority of the citizens in the district through which said road is located are in favor of such establishment, alteration or vacation.

SEC. 3. The board of county commissioners shall cause their clerk to enter in a well bound book their action upon all roads which they shall establish, alter or vacate, which book shall be called the "road book" of the county, in which all roads at present established in the county shall be entered, and no road hereafter altered or established, shall be deemed a legal road until the same shall be recorded in said book; said road book shall be a public record, and be kept in the office of the clerk of the board of county commissioners, and shall be open to the inspection of the public.

SEC. 4. Said road book shall contain the petition, if any, the report of viewers, a description of the road with a copy of survey, if any has been made, a copy of all claims for damages on the part of any person who claims to have been injured by the location, altering or vacating any road, together with all orders and proceedings of the board touching the same.

SEC. 5. County roads shall be sixty feet in width, unless the county commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in width, and their boundaries wherever they pass over or through prairies or improved lands, shall be distinctly marked out and defined.

SEC. 6. Any road after the same shall have been located for three years without being opened and worked, shall be declared vacated, or so much thereof as has not been worked, and all roads that are now opened and traveled, shall be declared public roads.

SEC. 7. If any person or persons through whose lands any public highway is or may be established, shall be desirous of turning such road, such person or persons may by petition apply to the county commissioners to permit him or them to turn such road on good ground without materially increasing the distance to the injury of the public, and on the receipt of such petition accompanied by a good and sufficient bond to pay the

costs and expenses to be incurred thereby, the commissioners shall appoint three disinterested householders as viewers, who shall proceed to view the ground and make out a report in writing, stating their opinion as to the utility of making such alteration, and if the viewers shall report to the commissioners that the prayer of the petitioner or petitioners is reasonable, and that the proposed alteration will not place the road on worse ground or materially increase the distance to the injury of the public, they shall order the same to be so altered. When said road has been opened a legal width and in all respects made equal to the old road, the commissioners shall declare such new road a public highway and record the same, vacating so much of the old road as is embraced in the new. The person or persons petitioning and giving bonds shall pay all costs and expenses of the view, survey and return of such alteration.

SEC. 8. When any person through whose land any road may be located shall conceive that he would be injured by the opening of the same, he may within six months after the filing of the report of such road with the clerk of the board of commissioners of such county, make complaint in writing setting forth such damages, specifying in what respect he has been injured, whereupon the county commissioners shall appoint three disinterested householders, who shall, after being duly sworn, assess and determine the amount of damages sustained, said damages to be paid out of any money in the treasury not otherwise appropriated.

SEC. 9. All persons liable to perform labor under the provisions of this act, shall be required to perform the same in the road district in which he is residing at the time he is notified by the supervisor.

PRIVATE ROADS.

SEC. 10. Any person whose land shall be so situated that he has no connection with any public road, may make application in writing to the county commissioners at any regular session, for a private road leading from his premises to some

convenient public road, whereupon the commissioners shall appoint three disinterested householders of the county as viewers, who shall after being duly sworn to faithfully discharge their duties, after at least three days notice has been given to all persons through whose land such road is to be located, proceed to locate and mark out thirty feet in width from said premises to some certain point on the public road, so as to do the least damage to the lands through which said private road is located, and they shall at the same time assess the damages sustained by the person or persons owning such land.

SEC. 11. The viewers so appointed or a majority of them shall make a written report to the commissioners at their next regular session, of the private road so located by them, also the amount of damage, if any, assessed by them and the person or persons entitled to such damage. If the commissioners are satisfied that such report is just, and after payment by the applicant of all costs of locating such road and the damages assessed by said viewers, they shall order such report to be confirmed and declare such road to be a private road, and the same shall be recorded as such. Any person aggrieved by the assessment of damage may appeal within twenty days after such confirmation of the report to the district court, and such appeal shall be tried as appeals from the assessment of damages in cases of county roads.

DUTIES OF ROAD SUPERVISORS, COUNTY COMMISSIONERS, ETC.

SEC. 12. The supervisor of each road district in this Territory shall, at least ten days before the first Monday in April of each year, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district on the first Monday in April, at two o'clock in the afternoon, at some convenient place in said district, to be specified in said notice, for the purpose of electing a road supervisor for the next succeeding year, at which election the old supervisor shall act as chairman, if present, if not, a chairman shall be elected by the voters present. The

meeting shall also elect a secretary, who shall record the proceedings of the meeting, and all persons in the district who are required to labor on the roads or who have road taxes to pay, may vote at such election, and the person receiving the highest number of votes shall be considered elected supervisor for that year, who shall qualify before some person authorized to administer oaths, within ten days, to faithfully perform the duties of said office until his successor is elected or appointed and qualified: *Provided, however,* If from any cause there is no election on the first Monday, the supervisor or any tax payer of the district may call a special election by giving notice as provided in this section, which election shall be held before the first Monday of May following. It shall be the duty of the chairman and secretary of such meeting called to elect a supervisor, to notify the county auditor in writing before the next regular meeting of the board of county commissioners, that the district has elected a supervisor, and give his full name.

SEC. 13. Any person having been elected or appointed road supervisor, and failing to act as such, shall pay a fine of ten dollars, said fine to be collected as other road taxes: *Provided,* That no person shall be bound to act as road supervisor two successive years.

SEC. 14. Should a vacancy occur in the office of road supervisor by death or otherwise, the county auditor shall on being notified by petition in writing, appoint some suitable person who is liable to perform labor on roads in said district, and cause him to be notified in writing, whose duty it shall be to attend before some person authorized to administer oaths, within ten days from such notice, and take the oath of office and enter upon and perform the duties of said office until his successor is duly elected or appointed and qualified.

MISCELLANEOUS PROVISIONS.

SEC. 15. The county commissioners shall divide their respective counties into suitable and convenient road districts, and cause a brief description of the same to be recorded in

their road book. They may alter said districts at any regular meeting in each year, by first giving twenty days notice, by posting three written or printed notices in three of the most public places in each road district where such change is proposed.

SEC. 16. It shall be the duty of the board of county commissioners of the several counties in this Territory, to levy and assess a road tax of not less than four nor more than six dollars on every person liable to perform labor on the public roads, also to assess not less than two nor more than eight mills on every dollars worth of property as returned by the county assessor, which tax shall be assessed and collected in labor, at the rate of two dollars per day, or with the county, Territorial and school tax, in the manner hereinafter described, which shall constitute a road fund.

SEC. 17. Every supervisor shall on or before the first day of May in each year, make out in alphabetical order a list of all persons in his road district who are liable to work or pay a road tax, and forward the same to the county auditor, who shall within fifteen days after the assessment roll has been corrected and approved, furnish each road supervisor with an abstract or duplicate of taxes assessed for roads in his district.

SEC. 18. Every male inhabitant between the ages of eighteen and fifty years, except Indians not taxed, or persons who are a public charge, or who are too infirm to perform labor, shall be liable to perform two or more days work in each year on the public roads, or pay a road tax as provided in this act, and all persons shall pay said tax in the county in which they reside.

SEC. 19. The supervisor of every road district shall, between the first day of June and the first day of October annually, give three days notice to every person or company within his road district who are liable to perform labor or pay a road tax, stating the amount of taxes assessed against such person or company, who shall under the provisions of this act, appear at the place appointed by the supervisor in said notice, at the hour of seven o'clock in the forenoon, with such neces-

sary tools as the supervisor may direct, and on failure of such person or company by their representative to appear at the time and place aforesaid, the supervisor shall return such fact, and the treasurer or sheriff shall collect the same as other taxes.

SEC. 20. At any time after the road supervisors have been furnished by the county auditor with an abstract or duplicate of taxes assessed, and whenever any person is about to leave his road district without having paid or worked out his road tax, the supervisor shall proceed to collect the same, and if necessary, distrain the same as the sheriff of any county may now do in case of delinquent Territorial or county taxes, and any person having men employed either for himself or a company, shall pay the road tax against such men on being notified in writing by the supervisor: *Provided*, That such person or company are indebted to such men the amount of such tax, the same if not paid to be collected by said supervisor as above provided.

SEC. 21. The supervisor shall open or cause to be opened all public roads in his district which have been or may hereafter be established according to law, and shall keep the same open; he shall have authority to purchase for the use of his district, plows, scrapers or other implements, timber, plank or other material necessary for making or repairing any public road in his district, and the supervisor has authority to commute any labor due on his tax list for materials or tools necessary for his use on the public roads to the amount of tax against any person or company, and shall give a certificate showing the transaction, and such certificate shall be received for road taxes.

SEC. 22. The supervisor shall have the right to enter upon any lands adjoining any public road in his district, and carry away stone, gravel or sand, cut down timber and use the same in building or repairing, dig ditches for the making or preservation of such road, doing as little injury as possible to such lands, and any person stopping any such work or ditches so made, shall forfeit and pay the sum of twenty dollars for each offense, to be recovered by the supervisor of said district, before any justice of the peace in the county.

SEC. 23. If any person shall feel aggrieved by the acts of a supervisor in cutting or carrying away timber, stones or ditching as aforesaid, he may make complaint in writing to the county commissioners at any regular session within six months after the cause of such complaint shall exist, whereupon the commissioners shall appoint three disinterested persons, who shall after being duly sworn to impartially assess such damage, proceed to assess the same and make return in writing at the next regular meeting, whereupon the county commissioners shall order the same paid out of any county or road money not otherwise appropriated.

SEC. 24. If at any time during the year any public road shall become obstructed, or any bridge becomes dangerous, the supervisor of said district, upon being notified shall forthwith remove such obstruction or repair such bridge, for which purpose he shall order out such number of the inhabitants of his district as he may deem necessary to remove such obstruction or repair such bridge: *Provided*, That if such obstructions or damage to any road or bridge be caused by any person or persons through neglect or malice, they shall be liable for the expense of removing and repairing said road or bridge, and the supervisor shall proceed by civil action to collect the cost of such damage and repairs before any justice of the peace or court having jurisdiction.

SEC. 25. Every supervisor shall keep a true and just account of the number of days work performed on public roads in his district, and the persons performing the same; an account of all moneys received or paid out during his term of office as road supervisor, and shall present his account for settlement to the county commissioners at their first regular meeting after the election of road supervisor in each year. If any supervisor shall fail to appear and make a settlement as required by this section, the board of county commissioners shall enforce such settlement by due process of law.

SEC. 26. The supervisor shall give each person who labors on the public roads under his direction, a certificate certifying to the amount of labor performed by such person, at the rate of

two dollars per day for every day's work, which certificate shall state the amount of labor such person has performed, and such certificate shall be received by the tax collector at par value, to the full amount of road tax charged against such person or persons, but such certificates shall not be assignable, nor shall they be received from any person or persons for a greater amount in any one year than sufficient to cancel or discharge the road tax or taxes against such person or company, and the supervisor of each road district shall make out and furnish to the county treasurer of his county, at least ten days before the treasurer turns over the delinquent tax list to the auditor, a list of the names of all persons who have paid their road tax, together with the amounts paid by them, and the treasurer shall note on the delinquent tax list the names of all persons who have paid their road tax and hold their receipts, and the auditor shall not add any per cent. on road taxes that have been paid, and the sheriff shall receive no pay for collecting the same.

SEC. 27. Whenever the supervisor of any district shall from any cause neglect or omit to place on his list the name of any person which of right should be on such list, it is made the duty of the supervisor to place the name of such person or persons upon such list at any time during his term of office, and assess the amount which the commissioners would have had the right to assess, which assessment shall be as valid as if made in due time and furnished by the county commissioners, and shall be paid in the same manner as set forth in section nineteen of this act.

SEC. 28. The commissioners shall have power to cancel or strike from the tax roll any road tax which they believe to have been improperly assessed, and they shall exonerate the treasurer, sheriff or supervisor for the non-collection of any road tax which in their opinion cannot be collected.

SEC. 29. The sheriff or collector of taxes shall pay over all moneys which he has collected belonging to the road fund, to the county treasurer, who shall hold such road money subject to the orders of the county commissioners.

SEC. 30. If any road supervisor shall neglect or refuse to

perform any of the duties enjoined on him by this act, give or sign any certificate for labor performed, unless such labor has actually been so performed prior to the giving or signing such certificate, he shall forfeit and pay for each offense not less than twenty nor over one hundred dollars, for the use and benefit of county roads, to be recovered before any justice of the peace in said county.

SEC. 31. The county commissioners shall allow the supervisors of highways what they may deem reasonable and just for all extra labor performed by them, not exceeding three dollars per day.

SEC. 32. The following form of certificate shall be observed by supervisors of road districts, as far as the same may be applicable:

"I hereby certify that —— has performed —— days labor on the public highways in —— county, Washington Territory, under my direction, to the amount of —— dollars and —— cents in discharge of (or say in part payment of) his road tax for the year 18 Dated at —— the day of ——, 18 .

A. B.,

Supervisor of road district No. ."

SEC. 33. All acts or parts of acts in relation to roads and highways heretofore passed, are hereby repealed.

SEC. 34. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON.

CHAPTER I.

- SEC. 1. School fund, how provided.
Annual division of interest.
2. Duty of county commissioners to levy annual tax for school purposes.
Appropriation thereof.
 3. Fines, &c., to be added, to be apportioned as school fund.
 4. County auditor to report yearly tax, and clerk of district court and justices of the peace to report fines imposed, &c.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the principal of all moneys accruing to this Territory from the sale of any lands heretofore given or which may hereafter be given by the Congress of the United States for school purposes, shall constitute an irreducible fund, the interest accruing from which shall be annually divided among all the school districts in the Territory proportionally to the number of children or youth in each between the ages of four and twenty-one years, for the support of common schools in said districts, and for no other use or purpose whatever.

SEC. 2. For the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of each county to levy an annual tax of three mills on a dollar, on all taxable property of the county as shown by the assessment rolls made by the county assessor for the same year, and to include the same in their warrant to the collector, and the said collector shall proceed to collect the said tax in the same manner as other county tax is collected, and the said money so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in the manner hereinafter prescribed; neither shall it be lawful for any county treasurer to

receive county orders in payment for county school tax nor to pay out any school money on county orders.

SEC. 3. For the further support of common schools, there shall be set apart by the county treasurer all moneys paid into the county treasury arising from all fines for a breach of any law regulating licenses for the sale of intoxicating liquors or for the keeping of bowling alleys or billiard saloons, or from any penal laws of this Territory. Such moneys shall be paid into the county treasury and be added to the yearly school fund raised by tax in each county and divided in the same manner.

SEC. 4. That it shall be the duty of the county auditor of each county to report to the county superintendent of common schools, at least twenty days before the first Friday in November of each year, the amount of school tax levied in their respective counties for that year, and that it be the duty of the clerk of the district court at the close of every term thereof, to report to the superintendent the amount of fines imposed during said term of court; and that it be the duty of all justices of the peace to report to the superintendent, at least twenty days before the first Friday in November of each year, the amount of fines imposed and collected by them for the past year.

CHAPTER II.

COUNTY SUPERINTENDENTS.

- SEC. 1. Of election of county superintendent.
 To be elected at June election 1867, and thereafter biennially.
 Vacancy may be filled by county commissioners.
 Appointed superintendent to qualify as though elected, and hold office till successor is qualified.
2. Superintendent to qualify within ten days after notice of election.
 Oath of superintendent to be filed with county auditor.
3. Shall district county so as to include every resident within a district.
 Shall keep a map in his office, what shall contain.
 To lay off new and divide old districts, when.
4. Duty of, on erection of new districts.
 Duty of petitioner who has prayed for new district.
 First school meeting, and herein when quorum fails to appear.

- SEC. 5. To attend at county seat to examine teachers, &c., when.
If required to attend at other times, parties interested to pay expense.
Teachers not examined on such regular day to pay two dollars for certificate.
6. Of examination of teachers, branches specified.
Certificates to be for one year, revocable however.
A certificate may be given for certain district only.
 7. Must visit schools at least once a year.
To give information and introduce uniform books.
 8. To receive and file reports from districts.
To make out annual report, what it shall embrace.
To file said annual report and may publish the same.
 9. At time of annual report to apportion school fund.
Ratio, the number of children between the ages of four and twenty-one years.
To notify clerks of districts of respective share due.
 10. When orders may be issued in favor of district for said fund.
Duties of district clerk in receiving funds.
Duplicate of receipt to be filed with superintendent.
Amount to be charged to district.
 11. Compensation of superintendent twenty-five dollars per annum.
County commissioners may increase to five hundred dollars.
To be allowed for books, stationery and map.
 12. Superintendent to be a qualified teacher, requiring no certificate.

SEC. 1. There shall be elected by the legal voters of the respective counties in Washington Territory, the county superintendent of common schools for each county, who shall be elected at the general election of 1867, and at the regular election held biennially thereafter, who shall hold his office for the term of two years and until his successor is elected or appointed and qualified. And in case of a vacancy occurring in said office by removal, death or otherwise, the county commissioners of each county are authorized to appoint a county school superintendent as in all other cases of vacancies in their respective counties, who shall qualify in the same manner as the elected superintendent, and perform all the duties of the office according to this law for the unexpired term for which he was elected, and until his successor is elected or qualified.

SEC. 2. The superintendent shall qualify within ten days

after notice of his election, by taking an oath to faithfully discharge the duties of his office and to the best of his ability promote the interest of education within his county, which oath shall be in writing, and placed on file in the county auditor's office.

SEC. 3. It shall be the duty of the superintendent to district the whole county so that every resident of the county shall be included in some district, and to divide such portion of his county as shall be inhabited, into convenient school districts; to define the boundaries and numbers and to prepare and keep in his office a map of the districts of the county, upon which the lines and boundaries of each district shall be clearly defined; he shall lay off new districts or divide old ones when the public good shall require it.

SEC. 4. Whenever any school district shall be formed by the superintendent, it shall be his duty to prepare a notice in writing of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district who shall have asked for the formation of the same. It shall be the duty of said inhabitant, within two weeks after the receipt of such notice, to notify the other inhabitants of the district of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted up in three public places in the district at least ten days previous to the time of meeting. In case the inhabitants fail to attend in sufficient numbers to do business as hereinafter directed, notice may be renewed at such times as may be thought proper.

SEC. 5. It shall be the duty of the county superintendent to be at the county seat on the third Friday and Saturday of May and November of each year for the purpose of examining teachers and for the transaction of other business, and he shall give ten days public notice of the same by posting up handbills or otherwise. And any person or district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars, and any teacher examined on a

different day shall pay the superintendent the sum of two dollars.

SEC. 6. It shall be the duty of the superintendent to examine all persons who wish to become teachers in his county; he shall examine them in orthography, reading, arithmetic, defining, penmanship, English composition, English grammar and geography, history of the U. S., and if he be of the opinion that the person examined is competent to teach said branches, and that he or she is of good moral character, he shall give such person a certificate certifying that he or she is qualified to teach a common school in said county; such certificate shall be for the term of one year only, and may be revoked sooner by the superintendent for good cause, but in the examination of teachers he may make a distinction according to qualification, granting a certificate of qualification to teach in any specified district, if the applicant therefor be qualified for the school of such district, and not a county certificate, which certificate so granted shall only be for six months, and may for good cause be sooner revoked.

SEC. 7. The superintendent shall visit all the schools in his county at least once a year; he shall give such information and encouragement as he may think necessary, and endeavor to promote the introduction of a good and uniform system of school books throughout the county.

SEC. 8. It shall be the duty of the superintendent to receive the district reports hereinafter provided for, and keep them on file in his office, and he shall on or before the first day of December of each year, make out from the district reports a statement of the number of scholars in the county, the number of school libraries, the number of school houses, the number of districts, in how many districts the school has been kept the past year, what school books are principally used, what proportion of all the scholars in the county have attended school for the past year, and the amount of money paid to teachers. This statement, together with such other information and suggestions as he may deem important to the cause of education, he shall file

in his office, and may, if convenient, publish it in some newspaper in this Territory.

SEC. 9. It shall be the duty of superintendents, at the same time, to make an apportionment of the school fund in the county treasury among the several school districts in their respective counties in proportion to the number of persons in the district over the age of four and under twenty-one years, and certify the amount due each district, which shall be drawn as hereinafter directed, and shall forthwith notify the clerks of the school districts of the amount due their respective districts.

SEC. 10. When the district shall have complied with the law as hereinafter directed, it shall be the duty of the superintendent to issue orders on the county treasury in favor of the clerks of the districts for the amount of the school fund appropriated to each; on the presentation of which order the treasurer of the county shall pay over to the clerks of the districts all moneys due their respective districts, and the clerks shall endorse on said order a receipt for so much as shall be paid thereon, and they shall also sign a duplicate receipt which shall be deposited with the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper district.

SEC. 11. The said superintendent shall be allowed out of the county treasury, in compensation for his services, the sum of twenty five dollars a year. The county commissioners may, in their discretion, if they think the services rendered demand it, increase his salary to any sum not exceeding five hundred dollars a year: *Provided also*, That a proper allowance shall be made in addition thereto for necessary books and stationery and for preparing of the map required by section three.

SEC. 12. The school superintendent of each county shall in all cases be a qualified teacher of any school within the county for which he is elected, without any certificate whatever.

CHAPTER III.

OF SCHOOL DIRECTORS, CLERKS AND TEACHERS.

- SEC. 1. School meeting to form new district may be called.
Five legal voters a quorum.
2. Such school meetings have same power as regular school meetings.
 3. To have a chairman and secretary.
Of election of school directors.
Cases where an equal number of votes is received determined by lot.
 4. Term of office of, and filling vacancies.
 5. Oath of office to be in writing.
To be filed with clerk of district.
 6. Duties of directors.
 7. Two shall constitute a quorum of board.
 8. To visit school of district twice each term.
To assist in introducing uniform books.
 9. Clerk to be elected at first annual meeting, for three years.
Qualification and bond of.
Appointed to fill vacancy, shall hold unexpired term.
 10. Duties of district clerks.
 11. To furnish annual report to superintendent.
When, and what said report shall embrace.
 12. To make out annual account of receipts and expenditures.
To read same at annual meeting.
To turn over unexpended money to successor.
Failure so to do, enforced by suit on official bond.
 13. Clerk to be treasurer of district.
 14. Money payable out only on order of directors.
 15. Compensation payable out of county fund, to be determined by county commissioners.
 16. Duties of teachers.
Register to be kept, what it shall contain.
To be filed with clerk at close of each term.
To accompany annual report of clerk to superintendent.

SEC. 1. A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, chapter two. No number less than five legal voters shall constitute a quorum to do business in any district meeting.

SEC. 2. Such school meeting shall have power to do all necessary business the same as the regular school meeting would have.

SEC. 3. Such meeting when assembled shall organize by the appointment of a chairman and secretary. It shall then proceed by ballot to elect three directors; of those so elected, the person having the highest number of votes shall hold his office for the term of three years, and the person having the next highest number shall hold his office for two years, and the person next highest one year, and each shall continue in office until his successor is elected and qualified. In case two or more persons of these so elected receive an equal number of votes, the duration of their term of office shall be determined by lot in the presence of the chairman and secretary.

SEC. 4. The term of office of a director not elected at the regular annual meeting, shall continue for the term of one, two or three years as he may have been elected, from the next annual school meeting, unless such director shall be elected to fill a vacancy, in which case he shall continue in office for the unexpired term, so that at every annual school meeting after the first, there shall be elected one school director for the term of three years.

SEC. 5. The directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of the office to the best of their abilities and to promote the interest of education within their district. This oath shall be in writing and filed with the clerk of the district.

SEC. 6. It shall be the duty of the directors of every school district:

1. To call special meetings of the district whenever they shall deem it necessary, and when a vacancy occurs by death, resignation or otherwise, the directors shall call a special meeting of the district to fill such vacancy.

2. To make out a tax list for their district whenever an assessment has been made, containing the names of all persons liable to pay taxes in the district, and the amount payable by each inhabitant set opposite his or her name.

3. To annex to such tax list a warrant directed to the clerk of the district for the collection of the sums in such list mentioned, including such per centage for fees of clerk as they may deem just, not exceeding five per cent.

4. To purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire, or purchase, keep in repair and furnish such school house with necessary fuel and appendages and such privies and outhouses as decency requires, out of the funds collected and paid to the clerk for such purpose, and to have the custody and safe keeping of the district school house.

5. To contract with and employ teachers; and they shall require a teacher to get a certificate from under the hand of the county superintendent, as provided for in section six, chapter two. No engagement with a teacher shall be valid so as to entitle any district to draw their apportionment of public money, unless such examination has been previously made.

6. To give orders to the teachers on the district clerk for their wages.

7. To discharge any school teacher for neglect of duty or any cause that in their opinion renders his or her service unprofitable as a teacher, by first paying him or her for what time he or she may have been teaching.

SEC. 7. Any two of said directors shall constitute a quorum to do business.

SEC. 8. It shall be the duty of the directors to visit and examine the school or schools of their respective districts at least twice in each term. They shall endeavor, in connection with the county superintendent, to procure the introduction of a good, uniform system of school books in their district.

CLERKS.

SEC. 9. The first annual school meeting shall also elect a district clerk, who shall continue in office for the term of three years. He shall qualify within ten days after his election in the same manner as the directors, and give a bond to the district directors in such sum as they may require, that he shall well

and truly perform the duties of his office and pay over all moneys coming into his hands by virtue of his office as by law directed. If a clerk be elected to fill a vacancy, he shall continue in office for the unexpired term, and if elected at the first meeting not being the regular annual meeting, he shall continue in office three years from the next annual meeting.

SEC. 10. It shall be the duty of the clerk of the district:

1. To record the proceedings of his district in a book to be provided for that purpose by the district.
2. To give notice of annual or special meetings.
3. To procure a list of all residents in the district between the ages of four and twenty one years, excepting those whose parents or guardians are not residents of the district.
4. To give due notice at least ten days before any tax that may be assessed shall be collected, by written or printed notices in three of the most public places in the district.
5. To collect all district taxes which he shall be required by the warrant from the directors to collect, within the time limited in each warrant for its return, and he shall have the same authority as the county collector to enforce the collection of such tax, and he shall be allowed for collecting, such per centage as the directors may deem proper.
6. To retain a copy of all reports made to the county superintendent relating to the affairs of the district.

SEC. 11. It shall be the duty of the clerk to furnish the county superintendent, within ten days after the first Friday in November of each year, a report containing the number and names of persons in his district over four and under twenty-one years of age, excepting those whose parents or guardians are not residents of the district; how long a school has been kept in his district by a qualified teacher during the past year, what school books are principally used; what proportion of the scholars in the district have attended school, and the amount of money paid to teachers or otherwise expended.

SEC. 12. The clerk of each district shall at the close of each year of his office, make out in writing a just and true account of all moneys received by him for the use of the dis-

trict, and the manner in which the same shall have been expended, which account shall be read at the annual district meeting. The clerk shall pay over all moneys remaining in his hands belonging to the district, to his successor when his successor has legally qualified, and upon refusal or neglect so to do, the directors shall forthwith bring suit upon his bond.

SEC. 13. District clerks shall be treasurers of their respective districts.

SEC. 14. All moneys coming into the hands of the district clerk shall remain in the hands of the clerk or clerks subject to the order of the directors, and shall not be paid out in any other way.

SEC. 15. District clerks shall be allowed such compensation for their services as the county commissioners may determine, to be paid out of the funds of the county.

TEACHERS.

SEC. 16. It shall be the duty of every teacher of a common school to procure a certificate of qualification and good moral character before entering on the duties of a teacher. It shall be his or her duty to keep a register of the children attending school, their age, and the time when they begin, the time they continue, and of their daily attendance; and with the same he or she shall give a list of the text books principally used in his or her school, and said register and list of books shall be in duplicate, and filed with the clerk of the district at the close of every term, properly certified to by the teacher, the one copy for the use of the clerk and the other shall by the clerk be furnished to the county superintendent with his annual report.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

- SEC. 1. Minutes of first meeting by whom signed, and by whom and where kept.
2. Who to be chairman and secretary of meeting.
3. Meeting may alter, repeal, &c., their proceedings.
4. District meetings may levy tax.
5. New districts failing to organize or report, not entitled to school funds.
Proviso.
6. Funds to be apportioned to organized districts only.
7. When a district shall be allowed to draw the fund.
8. When superintendent to issue order for funds of a district in favor of clerk thereof.
9. Provision where district has less than twenty-five scholars between ages of four and twenty-one, and is not able to support a school.
10. An organized district shall be a body corporate, its powers. Duty of directors to prosecute and defend.
11. Directors may permit scholars out of district to attend school with or without charge.
12. When scholars out of district may draw school money. Teacher to give certificate of attendance of scholars not belonging to district.
13. Clerk of district where scholars reside, upon presentation of certificates, to pay the parents of such scholars the apportionment due them.
14. When certificate to be presented to superintendent.
15. Scholar thus receiving his portion, not entitled to further benefit until after next annual apportionment.
16. When parents, &c., may be assessed for their portion of necessary expenses of school.
When taxes to be levied.
17. Notices of meeting to state purposes of tax.
18. Assessment of property of non-resident holders.
19. Directors may add a per centum to remunerate the clerk as collector.
Percentage when to be deducted.
20. Meeting to be held annually.

- SEC. 20. Notice thereof what to state, &c.
21. Who shall be allowed to vote at meeting.
Persons liable to school tax only voters in selecting site or levying special tax.
 22. Meeting may adjourn from day to day.
 23. By a majority vote meeting may levy a tax.
 24. Taxes for erection of school houses may be paid in labor.
 25. Holding other office not to disqualify superintendent, director or clerk.
 26. A librarian to be appointed, by whom and when.
 27. Certain persons authorized to administer oaths under this act.
 28. This act not to affect the disposition of funds heretofore set apart.
 29. Failure of clerk to report, when no cause of forfeiture of fund.
 30. Of districts failing to keep up organization.
What shall be recognized as a legal district.
 31. Proceedings upon changing the boundaries of districts.
 32. *Ibid.*

SEC. 1. The minutes of the first school meeting shall be signed by the chairman and secretary and delivered to the clerk of the district, who shall file the same in his office.

SEC. 2. In all school meetings the director whose term of office shall first expire, shall act as chairman, and clerk of the district shall act as secretary.

SEC. 3. Districts shall have power to repeal, alter or modify their proceedings from time to time as occasion may require.

SEC. 4. District meetings legally called, shall have power to levy a tax upon the property of the district for any purpose whatever connected with and for the benefit of schools and promotion of education in the district.

SEC. 5. Any new district failing to organize and report to the county superintendent the number of children over four and under twenty-one years of age in said district, within ten days after the first Friday in November, or any district having been organized for the term of one year or more, failing to report to the county superintendent as required in section eleven of the chapter entitled "clerks" in this act, shall not be entitled to any portion of the county school fund for the year: *Provided*, That if the clerk of any school district shall fail to make such

report, any three electors of such district may make such report, verified by oath, and the county superintendent shall receive it the same as if made by the clerk.

SEC. 6. The county superintendent shall apportion all the county school fund for that year, among those districts only which have organized according to law.

SEC. 7. No district shall be allowed to draw its apportioned county school fund from the treasury until the clerk of such district shall notify the county superintendent, as provided in section eleven, chapter three.

SEC. 8. When the clerk of any school district shall notify the superintendent according to the provisions of this act, the superintendent shall issue an order to the county treasurer in favor of the clerk of such district for the apportionment of county school funds in the treasury to the credit of such district.

SEC. 9. Districts having less than twenty-five minors over four years of age, may by organizing and reporting to the superintendent according to law, draw their proportion of the school money without being required to comply with the provisions of the school law any further than the said organization and report is concerned, and in such districts three legal voters shall constitute a quorum to do business; and it shall be the duty of the clerk of such district to let out all county school fund so received at interest, for the use of the district, on good security until such time as it may be required for school purposes in said district. The clerk of the district and his securities shall be responsible for such money.

SEC. 10. When a district is organized it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school houses in their own district; and it shall be the duty of the directors to prosecute or defend any demand for or against their district, and notice shall be served upon one of the directors, of any suit brought against a district.

SEC. 11. The directors of any school district may permit

scholars who are not residents to attend school in their district with or without charge, as they may deem proper.

SEC. 12. Any person desirous of sending any scholar or scholars out of their district to any other school, may do so by first getting a permit in writing from the directors in the district where they reside, and such scholar or scholars so sent to school out of their district shall be entitled to their equal proportion of the public school fund belonging to their district: *Provided*, That such parent or guardian shall get a certificate from the teacher where such child or children have attended school, showing the number of days of attendance, with the price of such schooling, but in no case shall a parent or guardian draw more money than will be sufficient to pay the schooling of such scholar or scholars during their attendance out of their school district.

SEC. 13. Upon the presentation of such certificate to the clerk of the district in which such scholar or scholars reside, the clerk shall pay to such parents or guardians the apportionment due them out of the funds belonging to said district, taking their receipt for the same, which receipt shall be endorsed on said certificate, showing the amount actually received, and signed by the party receiving the money, and said certificate so endorsed, shall be a sufficient voucher to the credit of the clerk in making his settlement with the directors or in paying over to his successor the funds belonging to said district.

SEC. 14. When the clerk of any such school district shall have failed to draw from the county treasury the apportionment for said district, either by reason of not complying with the requirements of section seven of this chapter or otherwise, then the certificate shall be presented to the county superintendent, who shall issue an order on the county treasurer in favor of the person or persons entitled to receive the same, and a receipt in due form shall be given to the treasurer for the amount paid, the duplicate of which shall be endorsed on the certificate in the hands of the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper dis-

trict, in the same manner as when paid to the clerk, according to section ten, chapter two.

SEC. 15. Any scholar having thus received his or her portion of school money, cannot be entitled to any further benefit out of the fund of said district in case of a school being taught therein, until after the next annual apportionment is made.

SEC. 16. It shall be competent for the directors in any district where it may be required, to assess upon the parents or guardians of the children attending the school, their portion of the necessary expenses of sustaining the school in the way of tuition, fuel, &c., in proportion to the number of scholars sent by each and time of attendance.

SEC. 17. In all cases when a tax is to be levied, it shall be stated in the notices given of the meeting, for what purpose or purposes the tax is to be levied.

SEC. 18. If a district meeting be held to levy a tax on all the taxable property in the district, the property of non-residents shall be assessed in equal proportion with the rest, according to the valuation made by the assessment for county taxes.

SEC. 19. The directors may add such a per centum, not exceeding five, as they may deem requisite to remunerate the clerk for his services as collector, but the amount shall be specified and added as a separate item in the schedule or account of taxes so levied or assessed, and where any person shall pay the same within ten days after the notice of such tax is made public by the clerk, in accordance with the fourth clause of section ten of chapter three, the percentage shall be deducted, but in all other cases it shall be collected.

SEC. 20. There shall be an annual school meeting held in each district upon the first Friday in November, and notice of all annual or special meetings shall be in writing, signed by the directors or the clerk of the district, and shall state the object for which the meeting is called and shall be posted up in three public places in the district at least six days previous to the holding of such meeting.

SEC. 21. Every white male inhabitant over the age of twenty-one years who shall have resided in any school district

for three months immediately preceding any district meeting, or who shall have paid or be liable to pay any tax except road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote, and in the selection of a site for a school house, or for raising a tax, no person shall be allowed to vote except persons liable to pay a school tax.

SEC. 22. Any school meeting shall have power to adjourn from day to day as occasion may require.

SEC. 23. A school meeting legally called shall have power by a vote of a majority present, to levy a tax on all taxable property in the district.

SEC. 24. The tax payers may, with the consent of the directors of their district, perform by labor their portion of taxation for the erection of school houses, and shall be so returned by the clerk of said district.

SEC. 25. No person shall be disqualified for the office of county superintendent, district director or clerk, on account of holding any other office within the Territory at the same time.

SEC. 26. It shall be the duty of the directors to appoint a suitable person for librarian when the district shall have procured a library.

SEC. 27. School superintendents, directors and clerks shall be competent to administer oaths or affirmations in any case occurring under the provisions of this act.

SEC. 28. Where in any county any of the moneys mentioned in chapter one, section three of this act, are by existing laws set apart to any other fund, or for any other purpose, this act shall not be so construed as to affect the disposition of said funds so set apart.

SEC. 29. Failure of a clerk to make out his report in proper time, shall not work a forfeiture of the apportionment to his district, if the report shall reach the superintendent before he apportions the fund.

SEC. 30. No order of the superintendent shall be drawn upon the county treasurer in favor of any district which fails to have or keep up its organization, and any district having been

for three years recognized as an organized district by the inhabitants of the same and by the superintendent, shall, so long as it complies with the forms of law, be to all intents, for the purposes of this act, a legal district.

SEC. 31. Any person or persons asking any action of the superintendent which shall affect the boundaries of any district, shall notify the clerk of said district in writing of his intention to ask for the same, stating what action is or will be asked, and the time—not less than ten days—when the same will be heard, and shall file a certified copy of the said writing with the superintendent.

SEC. 32. When satisfied such notice has been given, the superintendent shall proceed to examine the case unless for good cause further time is asked by either party, or in the absence of either party he may consider substantial justice cannot be done, in which case he must set some future time for its consideration.

CHAPTER V.

AS TO MONEY ARISING FROM FINES AND PENALTIES PAYABLE TO SCHOOL FUND.

- SEC. 1. The superintendent to enforce collection of all fines, &c., payable to school fund.
- Superintendent to preserve school lands from trespass.
Fines and penalties apportioned as other school funds.
2. Penalty for trespass on school lands.
 3. Mode of procedure in the paying over of fines, &c.
 4. Penalty for sheriff or clerk failing to pay over money collected on execution.
 5. Proceeds of sale of estrays.
 6. Deposits with county treasurer under act relative to unclaimed property.
 7. Proceeds of sale of lost goods, and as to lost money.
 8. Penalty for a finder failing to advertise money or property found.
 9. Penalty against owners of vicious or dangerous cattle.
 10. Repealing previous acts.
 11. When act to take effect.

SEC. 1. The superintendent shall in the name of the

county, collect or cause to be collected all money due the school fund from fines or from any other source in his county, and until the Legislature shall make some provisions for the disposal of the school lands given by Congress to the Territories for school purposes, it shall be the duty of the superintendent to preserve said land from injury and trespass, and when it shall come to his knowledge that any trespass has been committed on such lands, he shall make complaint of the same before the grand jury of the proper county, at the first regular term of court after he has obtained a knowledge of such trespass, and all fines and other moneys thus collected, shall be paid over to the treasurer of the county for the use of common schools, and be divided in said county in the same manner as other school funds.

SEC. 2. Any person trespassing upon or injuring school lands as mentioned in the preceding section, shall be liable to be indicted for the same, and upon conviction shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding five hundred dollars.

SEC. 3. All fines imposed upon any person or persons by the provision of any act imposing fines for violation of laws of this Territory, when the same shall be collected, shall be paid by the officer collecting the same, to the county treasurer as school fund of the county where such conviction shall have been had, who shall give duplicate receipts therefor, one of which shall be filed with the county auditor; and all officers refusing or neglecting to pay over any fines within one month after they shall have been received, shall upon conviction thereof be fined in four-fold the amount of such fines so received, which said fine may be collected in any court having jurisdiction.

SEC. 4. No sheriff shall retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issues the writ, under penalty of twenty per cent. on the amount collected, to be paid by the sheriff, the one-half to the party to whom the judgment is payable, and the other half to the county commissioners of the county wherein the action was brought, for the use of the school fund of the

county. And the clerk shall, immediately after the receipt of any moneys collected on any judgment, notify the party to whom the same is payable, and pay over the amount to said party on demand. On failure to so notify and pay over, (without reasonable cause shown for delay) the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff.

SEC. 5. If the owner or person entitled to the possession of any estray shall not appear and make out his title thereto and pay the charges thereon within one year from the time when the notice is filed with the county clerk, as is provided in the fourth section of "an act relative to estrays," passed February first, eighteen hundred and sixty, such estray shall be sold at the request of the finder, by any constable of the precinct, at public auction, upon first giving public notice thereof in writing, by posting up the same in three of the most public places in the precinct, at least ten days before such sale, and the finder may bid therefor at such sale; and after deducting all the lawful charges of the finder as aforesaid, and the fees of the constable, which shall be the same as upon a sale on execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the county, to be applied to the common school fund of said county, the other half shall belong to the finder.

SEC. 6. Any money that shall be deposited with any county treasurer under the provisions of an act entitled "an act relative to unclaimed property," which shall not be claimed by the owner thereof, or his legal representative, within five years, the same shall belong to the county, and shall be applied to the common school fund of said county.

SEC. 7. If the owner of any lost money or goods shall fail to appear within one year and make out his right thereto, then the finder of such lost money or goods shall pay one-half of the value thereof, after deducting all legal charges, to the treasurer of the county for school purposes; and in case such finder shall neglect to pay the same on demand, after the expiration of the time aforesaid, the same may be sued for and recovered by the said treasurer in the name of the county, for school purposes.

SEC. 8. If any finder of lost money or goods of the value of five dollars or upwards, shall neglect to give notice of the same, and otherwise to comply with the provisions of "an act in relation to lost money or goods," he shall be liable for the full value of such money or goods, one-half to the use of the county for school purposes, and the other half to the use of the person who shall sue for the same, and shall also be responsible to the owner for such lost money or goods.

SEC. 9. That any person or persons who own or are the owners of dangerous or vicious cattle, which animal or animals are known to endanger the safety of persons traveling through neighborhoods, by their dangerous and vicious disposition, such person or persons having twelve hours' notice of the dangerous disposition of such animal or animals, and shall neglect or refuse effectually to prevent such cattle from disturbing the peace and safety of the neighborhood where such animals may range, such owner or owners shall be liable to a fine of not less than five dollars nor more than fifty dollars, which may be recovered before any justice of the peace of the county, with costs of suit, for the use of the school fund.

SEC. 10. All acts or parts of acts heretofore passed in relation to schools, are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

DEFINING COUNTY LINES IN THE TERRITORY OF WASHINGTON.

WHEREAS, In consequence of the frequent amendments heretofore made regarding county lines, much doubt exists as to the proper boundaries of counties, making difficulty to courts and officers as to questions of jurisdiction, and in order to remove an uncertainty, it becomes necessary that such county lines should be accurately defined; therefore

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following shall be the organized counties of Washington Territory, and the respective boundaries thereof, that is to say:

Whatcom county shall be bounded as follows: Commencing at the west end of Deception Passage; thence up said passage mid-channel in an easterly direction to the southern entrance of Swinamish slough or river; thence following the meanderings of the beach easterly to where the eighth standard parallel strikes the beach; thence due east along said parallel to the summit of the Cascade mountains; thence northerly along the summit of said mountains to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel to the point dividing the American and British possessions in the Gulf of Georgia; thence along said boundary line to the Strait of Juan de Fuca; thence southerly to the place of beginning.

Snohomish county shall be bounded as follows: Commencing at the south-west corner of Whatcom county; thence east to the summit of the Cascade mountains; thence southerly along said summit, to the north-east corner of King county, it being a point due east of the north-east corner of township number twenty-six north, range four east; thence due west along the north line of King county to Admiralty Inlet; thence northerly along the channel of said inlet to the entrance of Port Susan, including Gedney Island; thence up the main channel of Port Susan to the mouth of the Steilaqamish river; thence north-

westerly through the channel of the slough at the head of Camano Island; thence northerly to the place of beginning.

Jefferson county shall be bounded as follows: Commencing at the middle of the channel of Admiralty Inlet due north of Point Wilson; thence westerly along the straits of Fuca to the north of Protection Island, to a point opposite the middle of the channel between Protection Island and Diamond Point on the west of Port Discovery Bay; thence following up the middle of said channel to a point directly east of the mouth of Eagle creek; thence west to the mouth of Eagle creek; thence one mile west from the mouth of said creek; thence south to the summit of the Olympic range of mountains, it being the south-east corner of Clalm county, on the north boundary line of township twenty-seven north, range two west; thence west to the Pacific Ocean; thence southerly along the coast to the mouth of Queets; thence east to the middle of the channel of Hood's Canal; thence northerly along said channel to the middle of the channel of Admiralty Inlet; thence northerly following the channel of said inlet to a point due north of Point Wilson and place of beginning.

Clalm county shall be bounded as follows: Commencing at the north-west corner of Jefferson county, at a point opposite the middle of the channel between Protection Island and Diamond point on the west of Port Discovery Bay; thence following up the middle of said channel to a point directly east of the mouth of Eagle creek; thence west to the mouth of Eagle creek; thence one mile west from the mouth of said creek; thence south to the north boundary line of township twenty-seven north, range two west; thence west to the sea coast; thence following up the said coast to Cape Flattery and to the Strait of Juan de Fuca; thence easterly along the coast of said Strait of Juan de Fuca to the place of beginning.

Mason county shall be bounded as follows: Commencing in the middle of the main channel of Puget Sound opposite the mouth of Case's Inlet; thence westerly along the main channel up to the head of Totten's Inlet; thence south to the south-west

corner of section thirty-three, in township number nineteen north, range three west; thence west twenty miles to the east line of Chehalis county; thence north thirty-four miles to the south boundary of Jefferson county; thence due east to the main channel of Hood's Canal; thence southerly along the middle of said channel; thence to a point due west of the meander corner of sections twelve and thirteen, township twenty-two north, range two west; thence east to the middle of Case's Inlet; thence down the middle of the main channel of said inlet, to the place of beginning.

Island county to be composed of Whidbey and Camano islands.

Kitsap county shall be bounded as follows: Commencing in the middle of Colvo's Passage, at a point due east of the meander post between sections nine and sixteen, on west side of Colvo's Passage, in township number twenty-two north, range two east; thence west on the north boundary line of sections sixteen, seventeen and eighteen, to the west boundary of the township; thence west on the north boundary line of sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, in township number twenty-two north, range one east; thence on the north boundary line of sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, township number twenty-two north, range one west; thence continue due west to the middle of the channel of Hood's Canal; thence along said channel to the middle of the main channel of Admiralty Inlet; thence following said channel up to the middle of Colvo's passage; thence following the channel of said passage to the place of beginning.

King county shall be bounded as follows: Commencing where the fifth standard parallel line strikes the main land near the head of Commencement Bay; thence east along said parallel line to the middle of the main channel of White river; thence up the middle of the main channel of White river to the forks of White river and Green Water; thence up the main channel of Green Water to the summit of the Cascade mountains; thence northerly along said summit to the south-east corner

of township number twenty-seven north, range eleven east, it being a point due east of the north-east corner of township twenty-six, range four east; thence west to Admiralty Inlet; thence southerly along the main channels of Admiralty Inlet, Colvo's Passage and Commencement Bay, to the fifth standard parallel and place of beginning.

Pierce county shall be bounded as follows: Commencing at the mouth, mid-channel, of the Nesqually river; thence following the main channel of said river to its head; thence due east to the summit of the Cascade mountains; thence northerly along said summit to the head of Green Water; thence westerly down said river to its confluence with White river; thence down the main channel of White river, to the intersection of the fifth standard parallel; thence west along said line to the head of Commencement Bay; thence northerly along the main channel of said bay to the south entrance of Colvo's Passage; thence down the channel of said passage to the north-east corner of section sixteen in township number twenty-two north, range two east; thence west to the north-east corner of section sixteen, in township number twenty-two north, range one west; thence southerly along the channels of Case's Inlet and Puget Sound, to the middle of the mouth of the Nesqually river and place of beginning.

Thurston county shall be bounded as follows: Commencing at the south east corner of section thirty-four, in township number nineteen north, range four west; thence east on township line to the south-east corner of section thirty-two, in township number nineteen north, range three west, thence north to the middle of the channel of Totten's Inlet; thence along said channel to the waters of Puget Sound, intersecting the line in channel of Puget Sound, west of the southern portion of Squaxen reservation; thence following said channel to the mouth of the Nesqually river; thence up mid-channel of said river to a point where it strikes the north boundary of Lewis county; thence due west to the north-west corner of section twenty-six, in township number fifteen north, range four west; thence north

to the south-east corner of section thirty-four, in township number nineteen north, range four west and place of beginning.

Lewis county shall be bounded as follows: Commencing at the north-west corner of section twenty-six, in township number fifteen north, range four west; thence south to the north boundary line of Cowlitz county; thence east to the west boundary of Skamania county; thence north nine miles to the north-east corner of section twenty-four, in township number twelve north, range four east; thence east to the summit of the Cascade mountains; thence northerly along said summit to the head of Nesqually river; thence westerly down the channel of said river to the south-east corner of Thurston county; thence due west to the place of beginning.

Clarke county shall be bounded as follows: Commencing on the Columbia river, on the south bank of the Kalama river at its mouth; thence due east six miles to the Willamette meridian; thence north to the north-east corner of township number ten north, range one west; thence due east twenty-four miles, to the western line of Skamania county; thence due south to the Columbia river; thence with the main channel of said river to the mouth of Kalama river and place of beginning.

Cowlitz county shall be bounded as follows: Commencing at the south-west corner of A. S. Abernethy's land claim on the Columbia river; thence up said river to the south bank of the Kalama river; thence east to the Willamette meridian; thence north to the north-east corner of township number ten north, range one west; thence west to the north-east corner of Wahkiakum county; thence south to the Columbia river and place of beginning.

Wahkiakum county shall be bounded as follows: Commencing at the south-east corner of Pacific county on the Columbia river; thence up mid-channel of said river to the south-west corner of Cowlitz county; thence north to the north-west corner of Cowlitz county; thence west to the east boundary of Pacific county; thence south to the Columbia river and place of beginning.

Pacific county shall be bounded as follows: Commencing at the south-west corner of Wahkiakum county on the Columbia river; thence north to the north-west corner of section thirty in township number fifteen north, range six west; thence west to the sea coast; thence southerly, including Shoalwater Bay, to Cape Disappointment; thence up mid-channel of the Columbia river to the place of beginning.

Chehalis county shall be bounded as follows: Commencing at the north-west corner of Wahkiakum county; thence north to the north-east corner of Pacific county; thence west to the sea coast; thence northerly along said coast, including Gray's Harbor, to the mouth of Queets creek or river; thence east thirty-six miles, to the north-west corner of Mason county; thence south to the north-east corner of township number eighteen north, range seven west; thence east sixteen miles to the south-east corner of section thirty-four, in township number nineteen north, range four west; thence south to the north line of Wahkiakum county; thence west to the place of beginning.

Skamania county shall be bounded as follows: Commencing on the Columbia river at a point where range line number four east strikes said river, it being nearly opposite Rooster rock; thence north to the south-east corner of section thirteen, in township number twelve north, range four east; thence east to a point north of the north-east corner of township number four north, range twelve east; thence south to the north-east corner of township number four north, range twelve east on the first standard parallel; thence west following said line six miles to the north-west corner of township number four north, range twelve east; thence south to the middle of the channel of the Columbia river; thence along the channel of said river to the place of beginning.

Klikitat county shall be bounded as follows: Commencing in the middle of the Columbia river five miles below the mouth of the Klikitat river; thence north to the first standard parallel; thence east six miles to the north-east corner of township number four north, range twelve east; thence north to the summit

of the mountains the divide between the waters of the Klikitat and Yakima rivers; thence east along said divide to a point north of the mouth of Rock creek on the Columbia river; thence south to the middle of the Columbia river; thence along the channel of said river to the place of beginning.

Walla-walla county shall be bounded as follows: Commencing where the boundary line between Washington and Oregon intersects or strikes Snake river; thence down the main channel of said river to where it intersects the second standard parallel; thence west on said line to the south-east corner of section thirty-four, in township number nine north, range twenty-two east; thence south to the Columbia river; thence up mid-channel of said river to where the boundary line between Washington Territory and Oregon strikes said river; thence east on said boundary line to Snake river and place of beginning.

Yakima county shall be bounded as follows: Commencing on the Columbia river where it crosses the second standard parallel; thence up mid-channel of said river to the mouth of the Wenatchee river; thence up the main channel of said river to the summit of the Cascade mountains; thence southerly along said summit to the third standard parallel; thence east along said line to the north-east corner of Klikitat county; thence south to the second standard parallel; thence east along said line to the place of beginning.

Stevens county shall be bounded as follows: Commencing at the point of intersection of the forty-ninth parallel of latitude, and the boundary line between Washington and Idaho Territories; thence west with said parallel to the summit of the Cascade mountains; thence southerly with said summit to the head waters of the Wenatchee river; thence down the channel of said river to the Columbia river; thence down mid-channel of said river to the mouth of Snake river; thence up mid-channel of said river to the boundary line between Washington and Idaho Territories; thence north on said line to the forty-ninth parallel of latitude and place of beginning.

SEC. 2. That all acts and parts of acts heretofore passed

ascribing different boundaries to counties wherein they conflict with the county lines hereinbefore set forth, be and the same are hereby repealed, and the county lines of the said counties of this Territory shall be as herein prescribed.

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS AND
DEFINING THEIR DUTIES.

- SEC. 1. Board to consist of three.
Two of whom a quorum.
To be elected at first biennial election.
2. If more than three precincts, two shall not come from same precinct.
3. Vacancy to be filled for an unexpired term.
4. Qualification of.
5. Terms of court prescribed.
6. Auditor to be clerk *ex officio*.
7. When and how extra sessions may be convened.
Extra term not to continue longer than three days.
8. Per diem and mileage.
9. Where two only are present and disagree, decision postponed.
10. To have a seal, and of attestation, &c.
Proceedings attested, evidence in all courts of Territory.
11. Duties required of said commissioners.
12. Of sale of real estate belonging to county.
And herein of agent to make such sale.
13. Proceedings of, to be recorded.
To be subject to public inspection.

- SEC. 14. Of election of president of board.
 To attest official proceedings.
 In absence of, other two commissioners to sign.
15. To provide various county offices, and necessary desks, &c.
16. At May session to examine account of auditor and treasurer.
 To make public exhibit of annual receipts and expenditures.
17. At May session to receive and examine assessment.
 Assessment to be filed.
18. Of establishment of election precincts.
 Appointment of judges of election.
19. Vested with superintendence of poor.
20. May compound or release debt.
 Exception when personally interested.
21. Levying of special tax prohibited.
22. Of the building of necessary county buildings.
 Special tax to erect, to be voted at general election.
 Notice requisite, &c.
23. If surplus fund, county may erect county buildings, &c.
24. May order county prisoners to be worked on roads, &c.
 Persons refusing may be kept in close confinement.
 To prevent escape, ball and chain may be used, &c.
25. Commissioners not to be interested directly or indirectly in any
 contract for work or material.
 Penalty for violating this provision.
26. Of power to administer oaths.
 To punish for contempt, and practice in such case.
27. To provide places for holding courts till buildings erected.
28. To fill vacancies in county offices.
29. Appeal from decisions of, and practice governing.
30. Repealing clause.
31. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be established in each organized county in this Territory, a board of county commissioners to consist of three qualified electors, two of whom shall constitute a quorum to do business, to be elected by the qualified electors at the first biennial election.

SEC. 2. Where there are three or more election districts in one county, there shall not be two commissioners serving on the board from one precinct at the same time.

SEC. 3. Whenever it shall become necessary to elect or

appoint a commissioner to fill any vacancy occasioned by death, resignation or otherwise, the person so elected or appointed shall hold his office for the unexpired term for which his predecessor was elected, and until his successor is elected and qualified.

SEC. 4. Before any commissioner shall enter upon the duties of his office, he shall take and subscribe an oath or affirmation, before some person authorized to administer the same, faithfully to discharge the duties of a commissioner of the county in which he resides, and deposit a certificate thereof with the clerk of the board of county commissioners of his county, to be by him filed in his office.

SEC. 5. The board of county commissioners in the several counties in this Territory shall hold regular sessions at the seat of justice of their respective counties, commencing on the first Mondays of February, May, August and November, at each of which they shall transact any business which may be required by law.

SEC. 6. The auditor of the county shall be the clerk of board of county commissioners, and attend their meetings and keep a record of their proceedings.

SEC. 7. The said board of county commissioners are hereby authorized to hold extra sessions in case they may think the business of their county require the same, and ten days notice from any two of the commissioners to the third, shall be considered a sufficient call for said extra session: *Provided*, That no such extra session shall exceed three days.

SEC. 8. The county commissioners shall each receive four dollars per day for each and every day they may be necessarily employed in transacting the business of the county, and fifteen cents per mile for every mile traveled in going to and returning from the meeting of said board, or in the discharge of any official duty, to be computed by the nearest traveled route.

SEC. 9. When two only of the members shall be present at the meeting of the board, and a division shall take place on any question, it shall be postponed to a subsequent meeting.

SEC. 10. The county commissioners of each county shall

have and use a seal for the purpose of sealing their proceedings, and copies of the same when signed and sealed by said county commissioners and attested by their clerk, shall be good evidence of such proceedings in the trial of any cause in any court in this Territory; and until such seal shall be provided, the private seal of the chairman of such board of county commissioners shall be considered a seal.

SEC. 11. The several boards of county commissioners are authorized and required—

1. To provide for the erection and repairing of court houses, jails and other necessary public buildings for the use of the county.

2. To lay out, discontinue or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law.

3. To license and fix the rates of ferriage; to grant grocery and other licenses authorized by law to be by them granted.

4. To fix the amount of taxes to be assessed according to the provisions of law, and cause the same to be collected.

5. To allow all accounts chargeable against such county not otherwise provided for, and to audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated to its benefit.

6. To have the care of the county property and the management of the county funds and business, except in cases otherwise provided for, and shall have no other powers except such as are or may be given by law.

SEC. 12. Real estate belonging to any county may be sold by an agent duly appointed by the order directing such sale, who shall have the same power as a commissioner appointed to sell real estate by the district or probate court.

SEC. 13. The board of county commissioners shall cause to be recorded in a book to be kept for that purpose, all their proceedings and determinations touching all matters properly cognizable before them, and all books, accounts, vouchers, papers, and accounts touching the business or property of the

county, shall be carefully kept by the clerk and open to the inspection of every person.

SEC. 14. The county commissioners aforesaid, at their first session after the biennial election, shall elect one of their number to preside at the meetings of the board, and he shall sign all documents requiring the signature of the board, and the signature of such person as chairman of the board of county commissioners shall be as legal and binding as if the whole board had affixed their names: *Provided*, That in case such chairman shall be absent at any meeting of the board, all documents requiring the signature of the board, shall be signed by both members present.

SEC. 15. It shall be the duty of the board of county commissioners to provide offices for the sheriff, the county auditor and clerk of the district court, the probate court and county treasurer, and also to provide convenient desks for the preservation and security of the books and other documents in the several offices.

SEC. 16. At the May session the board of county commissioners shall examine and compare the accounts and vouchers of the county auditor and county treasurer, count the funds in the county treasury, and shall make a full and accurate statement of the receipts and expenditures of the preceding year, and shall cause the same to be posted up at the court house door and at two other public places in their county, and if there shall be no court house, then at three public places in such county, and shall publish the same in some newspaper of such county, if there be any.

SEC. 17. The board of county commissioners at their session in May in each year, shall receive and inspect the assessment roll returned by the assessors, and if it shall be found correct, it shall be accepted by the board in writing, signed by the chairman and attested by the clerk, and cause the same to be filed in the office of the county auditor, where it shall remain as a matter of record and shall be a guide for future assessors, so far as the same shall remain correct.

SEC. 18. It shall be the duty of the board of county commis-

sioners at their first session to divide their respective counties into election precincts, if not already divided, in such manner as shall be most convenient for the population, and to appoint a place for holding the election therein, and they shall create new precincts from time to time as the population may require. On the petition of ten voters resident more than ten miles from any place of election, it shall be the duty of the board of county commissioners to establish a precinct and appoint judges therefor.

SEC. 19. The board of county commissioners of the several counties of this Territory are vested with the entire superintendence of the poor in their respective counties.

SEC. 20. The county commissioners of their respective counties shall have power to compound and release in whole or in part any debt due to their county, when in their opinion the interest of the county will not be prejudiced thereby, except in cases when they or either of them are personally interested.

SEC. 21. The board of county commissioners of the several counties in this Territory shall have no power to levy a special tax for county purposes except in the manner hereinafter provided.

SEC. 22. When in the opinion of the county commissioners of any county the public good requires a court house, jail or other county building, they shall estimate the cost thereof, and submit the same to the people of their county at the next biennial election, notice thereof being given at the same time and place as for other elections, when if a majority of the voters of such county shall vote in favor of such special tax, the commissioners shall assess and cause to be collected such tax in the same manner as other county taxes are collected.

SEC. 23. Nothing in this act shall be so construed as to prevent the county commissioners of any county from erecting any such court house, jail or other county buildings when there is in the treasury of their county a surplus fund sufficient for the erection and completion of such county buildings.

SEC. 24. The county commissioners in their respective counties may order all persons who shall be confined in the

county jails of their respective counties, under direction of the sheriff, convicted of any crime or misdemeanor, to work on the roads of their respective counties, but such convicts shall not be put to labor at a greater distance from the jail or place of confinement than five miles: *Provided*, That if any such convict shall refuse to perform such labor he shall be kept in close confinement on bread and water. The sheriff having the custody of such convicted persons may, to secure them from escape, attach a ball and chain to said convicts.

SEC. 25. No county commissioner shall directly or indirectly as contractor, be concerned in any contract for work to be done or materials to be furnished for the county, under the penalty of two hundred dollars, to be recovered by an action at law for the use of the county, and such commissioner shall moreover forfeit any compensation he was to receive on such contract.

SEC. 26. The county commissioners are authorized and empowered to administer all oaths or affirmations necessary in discharging the duties of their office, and have the same power as justices of the peace to commit for contémp't any witness refusing to testify before them.

SEC. 27. Until proper buildings are erected at a place fixed upon for the seat of justice in any county, it shall be the duty of the county commissioners to provide some suitable place for holding the courts of such county.

SEC. 28. In all cases of vacancy occurring in any of the county offices in this Territory, either by death, resignation or otherwise, it shall be the duty of the county commissioners of the county in which such vacancy occurs, at the first session thereafter, or as soon thereafter as practicable, to appoint a suitable person to fill such vacancy; such person or officer to remain in, or hold the office to which he may have been appointed, until the first regular election after his appointment.

SEC. 29. Any person may appeal from the decision of the board of county commissioners to the next term of the district court of the proper district. Such appeal shall be taken within twenty days after such decision, and the party appealing shall

notify the county commissioners that the appeal is taken, at least ten days before the first day of the next term of the court appealed to, which notice shall be in writing and shall be delivered personally to the county commissioners, or left with the clerk of the board, and the party appealing shall give bond to the county with one or more securities, to be approved by such clerk, conditioned to pay all the costs which shall be adjudged against him on such appeal in the said district court.

SEC. 30. All acts and parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 31. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 21, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE ASSESSING AND COLLECTING TERRITORIAL AND COUNTY REVENUE.

SEC. 1. Poll tax two dollars on every male between twenty-one and fifty years.

Poll tax for county purposes.

Property to be valued in equal and rateable proportion.

County commissioners to fix rate of county tax.

Territorial tax three and a half mills.

Said tax to be used in payment of warrants in order of number and issue.

- SEC. 1. County tax not to exceed eight mills.
 School tax not to exceed three mills.
 Half current revenue of county may be set apart to pay current expense of county.
2. Property exempt from taxation.
 3. Lands to be assessed in county where they lie.
 Of lands belonging to unknown parties.
 Description of, to be entered on assessment roll.
 4. Of personal property, what shall be regarded.
 5. Personal property of non-resident to be taxed in county where situated.
 Except in bond or in transitu.
 6. Assessor to make assessment between first Monday of February and first of May.
 Assessment roll, how made and what shall contain.
 Assessment of guardian, trustee or legal representative.
 7. Improvements on lands held under U. S., to be taxed as personalty.
 8. Party assessed to furnish list of property and swear to same.
 In case where party refuses so to do.
 9. Assessment roll to be submitted to commissioners at May term.
 10. Correction, &c., of assessment by county commissioners.
 At May term, amount necessary for county purposes to be determined.
 Rate of county tax to be fixed.
 11. Within twenty days thereafter, county auditor to furnish such action to Territorial auditor.
 12. Territorial auditor to estimate amount of Territorial tax.
 To furnish a statement to Territorial treasurer.
 Counties to be charged quota of Territorial tax.
 13. County auditor to make out tax duplicate, when and how.
 Such county tax to be charged to county treasurer.
 Fifty per cent. to be added to valuation of property of parties who refuse to give in assessment.
 14. Taxes may be paid before first November.
 County orders receivable for county tax, or may be credited.
 Collector of taxes to keep list of such credits, &c.
 Receipt to be given.
 Commissions to county treasurer for compensation.
 This section inapplicable to poll or road tax.
 15. County treasurer to make out schedule of taxes unpaid on November first.
 Said roll to be verified and handed to auditor.

- SEC. 15. Ten per cent. to be added and warrant to collect by sheriff.
What warrant shall command, and return.
16. Duties of sheriff in collection of taxes.
And herein of sales of property for.
17. Sheriff to pay over at least once a month.
Of delinquent list of taxes.
18. What are delinquent taxes and interest thereon.
Such taxes a lien on real estate.
19. Of the sale of lots, &c., for delinquent taxes, mode, &c.
20. Of lots unsold for amount due, sold to county.
21. Of conveyance of property sold for taxes.
22. County treasurer to make out list of county lands, &c.
Delinquent taxes, interest to be charged.
23. Of redemption of lands sold for taxes.
24. Of redemption of lands sold to county.
25. Of delinquent taxes on personal property.
26. Of correction of assessment rolls, tax lists, &c.
Supplying omissions, &c., on same.
27. Of quarterly settlements of county treasurer with Territorial treasurer.
What shall be allowed in settlements of county treasurer.
28. County treasurer to make annual settlement with county commissioners at May session.
29. Penalty of county treasurer or sheriff failing to pay over at times fixed by law.
30. County commissioners may allow compensation for preparing tax lists, assessment rolls, schedules, &c.
Also to pay for publication of sales, &c.
31. Entries &c., records as to taxes to be *prima facie* evidence in judicial proceedings.
32. Poll tax collectable as and when other taxes.
33. Duty of assessor in collecting poll tax.
Auditor to issue poll tax receipts, &c.
To charge sheriff for amount, and credit for taxes paid or receipts returned.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all taxes for the support of the government of this Territory, on polls of male inhabitants between twenty-one and fifty years of age, and on property valued in equal and rateable proportion and for county expenditures, to be determined by county commissioners; and the amount of poll tax by this act shall be two dollars on every

male inhabitant over twenty-one and under fifty years of age in this Territory, except as hereinafter provided, which poll tax shall be paid into the county treasury for county purposes. There shall also be levied a tax of three and one-half mills upon every dollar's worth of property in this Territory for Territorial purposes, and shall be used in the payment of Territorial warrants, in the order of their number and issue. The county commissioners may, in their discretion, levy a county tax of not exceeding eight mills on every dollar's worth of real and personal property for county purposes, and not to exceed three mills for school purposes; and at any regular term of the county commissioner's court, the said commissioners may make a special appropriation sufficient to pay the current expenses of the county, which appropriation shall have preference in order of payment from the funds raised by the provisions of this act: *Provided*, That the amount so set apart shall in no case exceed one-half the current revenue of the county.

SEC. 2. All church property to the amount of two lots on which a church is erected in a town, and one acre of land on which a church is erected in the country, or any benevolent, charitable, literary or scientific institution, or invested for the use of the same, or held by trustees; all real and personal property belonging to this Territory, or any county thereof; all school houses and school lands, public libraries, and all places of burial, shall be exempt from taxation.

SEC. 3. All lands liable to taxation shall be assessed in the county in which the same may be, in the name of the owner or occupant thereof, and all unoccupied lands where the name of the owner is unknown, shall be assessed as lands of persons unknown, and the assessor shall enter a description of such lands upon his assessment roll.

SEC. 4. All persons shall be taxed for their own personal property and for all personal property under their control liable to be taxed in the county where they may reside, and for all moneys loaned at interest, and the term "personal property" shall include all household furniture, goods, chattels, moneys and gold dust on hand or on deposit within this Territory, all boats

and vessels, whether at home or abroad, and all capital invested therein, all debts due exceeding indebtedness or to become due from solvent debtors, whether on account, contract, note, mortgage, or otherwise, all public stocks or shares in all incorporated companies, liable to taxation on their capital as shall not be invested in real estate.

SEC. 5. Personal property belonging to any foreigner or foreign incorporation company, not in bonds or transitu, shall be taxed in the county in which it is situated, and the persons having control of the same shall be liable for the tax.

SEC. 6. The assessor of each county, between the first Monday of February and the first of May, shall ascertain the names of all persons in such county liable to taxation, and also all taxable property therein, and shall prepare an assessment roll, in which shall be set down in separate columns:

1. The names of all taxable persons in such county.
2. The full cash value of all real estate taxable to each.
3. The value of the personal property taxable to each.
4. A description of all city or town lots taxable to each, and their value.
5. The total value. And when any person is assessed as trustee, guardian, executor or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered in a separate column from his individual assessment.

SEC. 7. When any person shall be occupying and claiming any lands by virtue of the law of the United States granting lands to actual settlers thereon, the improvements shall be valued as a part of the personal property of such owner.

SEC. 8. The assessor shall require any person liable to taxation in his county to furnish a list of his real estate, city and town lots liable to taxation in the county, and a list of personal property liable to taxation, and shall require such person to make oath that such list contains a full and true account of all his property liable to be taxed in the county; and if any person refuse to furnish such list, or to swear to the same when required so to do by the assessor, the assessor may ascertain the taxable

property of any such person from the best information to be derived from other sources, and shall enter such refusal to furnish a list, or to swear or affirm, upon his roll.

SEC. 9. Every assessor, after the correction of all errors in the assessment roll according to the provisions of the act relating to county assessors, shall deliver the corrected assessment roll to the board of county commissioners on or before their regular session in May.

SEC. 10. The county commissioners of each county shall at their session in May, examine the assessment roll of their county, and shall have power to make all alterations and corrections in such roll as they may deem necessary to make the same conform to the requirements of this act, and shall also determine the amount of money to be raised in their county for county purposes, and apportion such amount, together with the Territorial tax and the school tax required by law to be apportioned on the valuation of taxable property in their county for the year, and levy a tax therefor, and cause such orders to be entered at large upon their records.

SEC. 11. Within twenty days after the assessment roll of any county has been examined, corrected and approved by the board of county commissioners, the county auditor shall transmit to the Territorial auditor a certified copy thereof under the seal of the board.

SEC. 12. It shall be the duty of the Territorial auditor, on receiving such copies of the assessment rolls, to estimate the amount of tax to be collected in each county for Territorial purposes, and make a statement thereof and carefully preserve the same in his office, and he shall also deliver a certified copy of such statement to the Territorial treasurer, who shall record the same in a book kept for that purpose, and the Territorial treasurer shall also charge the respective counties with the amount of tax so ascertained to be raised in each.

SEC. 13. The county auditor shall, within fifteen days after the adjournment of the May session of the board of county commissioners, estimate the amount of taxes due on the valuation of property in his county, and shall make out a duplicate

assessment roll, which shall contain in addition thereto, columns showing the amount of the Territorial, school and county tax, and the total amount of each column of valuation, and shall deliver a copy of such roll to the county treasurer and charge such treasurer with the amount of such taxes: *Provided*, That when any person shall be returned on the assessment roll as having refused to furnish a list or to swear to such list when required by the assessor, the county auditor shall add fifty per cent. to the valuation of the property of such person and estimate the amount of his tax thereon.

SEC. 14. All persons liable to taxation may before the first day of November in each year, pay their taxes to the county treasurer; county orders shall be received in payment of county taxes to an amount not exceeding such tax, and the treasurer, sheriff or tax collector be and he is hereby authorized to give credit upon the back of county orders, which amount shall be deducted from the original order thereafter, and the said treasurer, sheriff or tax collector shall keep a correct account of all credits made, and present the same to the county commissioners in his annual settlement with them. Such county treasurer shall give a receipt for the payment of taxes if required, therein describing the lands or town lots, or specifying the amount of personal property on which the same is paid, and shall note on his roll the payment thereof, and shall be entitled to retain four per cent. upon all taxes received and paid out as his fees: *Provided*, This section shall not apply to the payment of road and poll tax to the treasurer.

SEC. 15. The county treasurer shall, within ten days after the expiration of the time allowed for the payment of taxes, make out a schedule of unpaid taxes in form of a duplicate assessment roll, verified by affidavit, and deliver the same to the county auditor, who shall add ten per cent. to the amount of such unpaid taxes, and forthwith issue a transcript of such schedule, with the ten per cent. added to such taxes, with a warrant attached thereto in the name of the United States, under his hand and the seal of the board of county commissioners, to the sheriff of the county, commanding him to collect the

taxes charged in such transcript, by demanding payment of the persons chargeable therein, and making sale of the goods and chattels and other personal property of such persons if necessary, and to return the same to such auditor on or before the first of November next ensuing thereafter, and such auditor shall charge such sheriff with the amount of money to be collected in such transcript.

SEC. 16. The sheriff shall proceed to call once on each person named in the transcript, if he can be found in the county, and collect the taxes charged, as provided in this act, and if not then paid, or the person be not found, shall levy the same on the goods and chattels and other personal property of such person, and give six days notice of the time and place of sale and the property to be sold, by posting up advertisements in four public places in the county, and sell the same at public auction, and if such property shall sell for more than the taxes, cost and damages, the surplus shall be paid to the owner thereof, and such sheriff shall receive the ten per cent. added to the tax by the county auditor for fees of collection, and in case of sale, his usual fees for sales of property on execution: *Provided*, That any person, before sale of his property, may pay all taxes, per centage and costs, and stop such sale.

SEC. 17. The sheriff shall pay to the county treasurer the amount of money collected by him from time to time, as often as once a month, and before the return day of such transcript, and shall take his receipt therefor, and shall return to the auditor, with his transcript and warrant, on or before the first Monday of November ensuing, a delinquent list of all taxes remaining unpaid, setting down such as are due and unpaid on lands, or city or town lots, with a proper description thereof, and such as are due and unpaid by any person on personal property, verified by affidavit, and shall, on settlement with such auditor, be allowed the amount of receipts given to him by the county treasurer, and the amount of taxes returned by him delinquent to such auditor, and the ten per cent. allowed him by law for collection.

SEC. 18. From the date of the sheriff's return, all taxes

unpaid are delinquent, and shall draw interest at the rate of twenty-five per cent. per annum, and taxes on lands, city or town lots, are hereby made a perpetual lien thereupon against all persons.

SEC. 19. The county auditor shall, within twenty days, make out two lists of such lands, city and town lots returned as delinquent, with the amount of taxes due thereon, and deliver one list to the county sheriff, who shall advertise such list in some newspaper in the county, or if there be no such newspaper in the county, then in some newspaper of general circulation in the Territory, for three weeks successively before the first Monday in March, and shall also post such list in six public places in his county, for three weeks before such first Monday in March, and shall proceed to sell at public auction to the highest bidder, on the first Monday in March, between the hours of ten o'clock A. M. and five o'clock P. M. at the county seat, all delinquent lands and city and town lots on which the unpaid tax and accruing interest and costs shall not have been paid before such time, and shall continue such sale from day to day until all such lands and town lots shall be sold, or shall have been twice offered for sale, and the sheriff shall receive five per cent. on all such sales as his fees therefor.

SEC. 20. When any lands or town lots cannot be sold for the amount of taxes, interest and charges thereon, such lands and town lots shall be passed over and re-offered for sale before the close of such sale, and if the same cannot be then sold for the amount, such lands and town lots shall be purchased by the county treasurer for the amount due thereon, as county property.

SEC. 21. The county treasurer shall, on the payment to him within forty-eight hours of the amount bid on any land, city or town lots, make out a certificate of purchase of such land or lot, in the name of the Territory of Washington, signed by such treasurer in his official name, to such purchaser, which shall be held to convey all right, title and interest of the person in whose name such land or town lot shall have been taxed, except as hereinafter provided; and when such payment shall not be made

within forty-eight hours, such lands and town lots shall be considered as sold to the county. The county treasurer shall be entitled to a fee of two dollars for every such certificate of purchase, and any number of tracts of land or lots may be included in such certificate, if required by the purchaser, and a fee of ten cents for each additional tract or lot so included, shall be allowed such treasurer.

SEC. 22. The county treasurer shall, within ten days after such first Monday in March, make out a list of all lands and town lots sold to the county, verified by affidavit, and the county auditor shall enter the same as county lands, city and town lots, in a book to be kept for that purpose, and taxes shall be regularly assessed thereon, and such lands and city and town lots shall be included in the delinquent list furnished every year, and with the amount of such year's tax added to the delinquent tax and interest and charges thereon, be offered for sale as other delinquent lands, until sold for the amount of such delinquent taxes, interest, all charges and accrued taxes.

SEC. 23. All lands, city and town lots sold to actual purchasers shall be subject to redemption by the former owner thereof, within two years thereafter, on the payment of the delinquent taxes, with fifty per cent. interest, cost, charges and the accruing tax, to the purchaser, who shall receipt therefor, or to the county treasurer for the use of such purchaser, and if no receipt of such purchaser shall be filed with such treasurer, or no such payment be made to him, the holder of the certificate of purchase shall be entitled to receive a deed from the county treasurer, of the land, city or town lots described in such certificate of purchase, which deed shall run in the name of the Territory of Washington, and be signed by such treasurer in his official capacity, and shall be presumptive evidence of the regularity of all former proceedings, and the treasurer shall be entitled to receive a fee of three dollars for every such deed.

SEC. 24. Lands and city and town lots sold to the county may be redeemed by the former owner thereof, by such owner obtaining from the county auditor a certified statement of the amount of all taxes, interest, costs and accrued taxes charged to

such land or lots, and paying such amount to the county treasurer, who shall give him a receipt therefor, and the county auditor, on filing such receipt, shall give to such owner a certificate of redemption of such land, city or town lots, signed by him in his official capacity, and sealed with the seal of the board of county commissioners, and shall charge such treasurer with the amount of such receipt, and shall omit such land, city or town lots so redeemed from his list of county lands.

SEC. 25. Any person whose tax on personal property shall have been returned delinquent, may pay the same at any time, by taking from the county auditor a certified statement of the amount of such taxes, interest and costs, and paying such amount to the county treasurer, who shall give him two receipts therefor, one of which he shall file with the county auditor, who shall charge such treasurer with the amount thereof, and if such taxes, interest and costs shall not be paid before the time of making out the duplicate assessment roll, the county auditor shall add to the tax assessed and charged against such person on such roll, the amount of delinquent tax, interest and costs, to be collected as other taxes.

SEC. 26. If on the assessment rolls or tax lists, schedule or transcripts, there shall be any error in the name of a person taxed, the name may be changed and the tax collected from the person intended, if he be taxable and can be identified by the assessor, treasurer or sheriff, and whenever the treasurer, after the duplicate certificate is delivered to him, shall ascertain that any land or other property is omitted, he shall assess and estimate the tax thereon, and enter the same upon his duplicate assessment roll, and inform the county auditor thereof, who shall charge him with the amount of such tax. If the sheriff, after he has received the transcript of the schedule of unpaid taxes, shall ascertain such omission, he shall assess and estimate such tax and enter the same upon his transcript, and proceed to collect it, and inform the county auditor thereof, who shall charge him with the amount of such tax.

SEC. 27. The treasurer shall hold all the moneys collected as Territorial tax, on the first day of October, December and

April, subject to the orders of the Territorial treasurer, who, on receiving such moneys, shall file a receipt therefor with the Territorial auditor and transmit a receipt to the county treasurer, and such county treasurer, on his settlement with the Territorial auditor, shall be allowed the amount shown by such receipts to have been paid by him to the Territorial treasurer, and the amount of Territorial tax shown to be unpaid by the certified statement of the county auditor, signed by him and sealed with the seal of the board of county commissioners.

SEC. 28. The county treasurer, at the May term of the board of county commissioners, shall attend with his books and vouchers and settle his accounts before such board, and shall be allowed in such settlement the amount of the orders of the Territorial treasurer, all county orders and interest paid thereon, receipts of county auditor and amount of the delinquent tax returned by the sheriff on personal property, and the amount of taxes due on lands and city and town lots sold to the county at the annual sale thereof, with the percentage allowed to be retained by him by law.

SEC. 29. If any county treasurer or sheriff shall neglect to pay over any money at the time required by law, the amount of money then due and unpaid shall draw twenty-five per cent. interest per annum therefrom, and it shall be the duty of the officer to whom such payment should have been made, to cause the bond of such county treasurer or sheriff to be put in suit, and to inform the prosecuting attorney of the district in which such defaulting treasurer or sheriff may reside, of his failure to pay over such money.

SEC. 30. In addition to the fees allowed by this act, the board of county commissioners shall allow a reasonable sum for the preparing of rolls, schedules and lists to officers required by law to prepare the same, and shall also allow the cost of publication of lands, city and town lots sold to the county.

SEC. 31. The entries made in the county treasurer's books, the assessment rolls, the duplicate assessment rolls, schedules, transcripts or warrants attached thereto, delinquent lists, books and records of the county auditor required to be kept by him

by this act, shall be *prima facie* evidence in all judicial proceedings.

SEC. 32. There shall be a poll tax of two dollars levied on every male inhabitant over the age of twenty-one years and under fifty years, to be collected as other taxes as provided by law.

SEC. 33. In all cases where the sheriff acts as assessor, he shall proceed to collect the poll tax immediately, and shall pay over all moneys so collected to the county treasury once a month. The county auditor shall issue poll tax receipts signed by him, and charge the same to the sheriff or collector, and shall give him credit for money so collected and paid over by him, and for all tax receipts returned to the county auditor.

ARTICLE II.

OF LICENSES.

- SEC. 1. County commissioners power to grant license for sale of goods.
2. Sea-going crafts exempt.
 3. Penalty for selling goods without license.
 4. Of license of drinking soloons and houses.
Requisites to obtain license.
Three hundred dollars per annum the rate of license.
 5. Penalty for sale of liquor without license.
 6. To whom a license may be granted.
 7. License of billiard table and bowling alleys.
 8. Amount for license of bowling alley.
 9. Amount for license of billiard table.
 10. Mode of collecting fines and forfeitures.
 11. Penalty for keeping unlicensed billiard table or bowling alley.
 12. When license may be granted for less than three hundred dollars.
Funds raised under this act to whom payable.

SEC. 1. That the board of county commissioners of each and every county shall have power to prohibit all persons from selling goods, wares or merchandise of any kind at auction or public outcry, or from trading-boats, wagons, carts or vehicles of any kind, of any goods, wares or merchandise, without first obtaining a license therefor.

SEC. 2. Nothing in this act shall be so construed as to apply to any sea-going craft or boats landing goods from the same.

SEC. 3. If any person shall sell any goods, wares or merchandise by auction or from boats, wagons, carts or vehicles of any kind, as described in section one of this act, in any county where the authorities require such license, he shall forfeit and pay for the first offense not less than ten nor more than fifty dollars; for the second offense not less than twenty-five nor more than one hundred dollars.

SEC. 4. The said commissioners shall have power to license suitable persons to keep drinking saloons or houses in their respective counties. The commissioners shall in no case grant any license until the applicant shall have presented a petition praying for such grant, and signed by a majority of all the adult white inhabitants of the election precinct wherein such drinking saloon or house is so located. Any person obtaining license to keep a drinking saloon or house shall, at the time of obtaining such license, pay into the treasury of the county in which said grocery is to be kept, the sum of three hundred dollars for each year.

SEC. 5. If any person shall sell or dispose of any spirituous, malt or fermented liquors or wines in any quantity less than one gallon, without first obtaining a license from the commissioners of the county in which he sells, he shall forfeit and pay to the county for every offense, not less than one hundred dollars, with costs of suit, and shall moreover be liable to indictment, fine and imprisonment; but no person shall remain in prison after the payment of all fines and costs of which he may stand convicted, or in any event for a longer period than thirty days for any one offense.

SEC. 6. The commissioners shall not grant a license to any person unless they believe the applicant to be a man of good moral character, and possessed of sufficient property to be able to pay the probable fines and forfeitures under this act, or shall enter into bonds to the commissioners, with one or more good and sufficient sureties, in the sum of five hundred dollars,

to be approved by the commissioners or the auditor, conditioned to pay all fines, forfeitures and costs that may be found against the applicant under this act.

SEC. 7. No person shall be permitted to keep a billiard table or bowling alley to let for hire, without obtaining a license from the county commissioners of the proper county for that purpose.

SEC. 8. Any person wishing to keep one or more bowling alleys, provided they are kept in the same room, shall pay into the county treasury the sum of not less than fifty or more than one hundred and fifty dollars per annum, and at the same rate for a shorter period: *Provided*, That no license shall be granted for a shorter period than six months. Upon the production of the receipt of the county treasurer by the applicant for the required sum, they may grant said applicant a license for the term to which his receipt may entitle him.

SEC. 9. Any person wishing to keep a billiard table or billiard tables, provided all such tables are kept in the same room, shall pay into the county treasury the sum of not less than fifty nor more than one hundred and fifty dollars per annum, and at the same rate for a shorter period: *Provided*, That no license shall be granted for a shorter period than six months; and upon the applicant producing to the county commissioners the receipt for the required sum, the county commissioners may grant said applicant a license for the term to which his receipt may entitle him.

SEC. 10. All fines and forfeitures arising under this act shall be collected by an action at law in the name of the county commissioners of the county where such offense was committed, before any justice of the peace or any court having jurisdiction of the case.

SEC. 11. Any person keeping a billiard table or bowling alley for the purpose of receiving income therefrom, without first obtaining a license, shall be liable to a fine of one hundred dollars for each and every offense.

SEC. 12. The county commissioners may grant license to drinking saloons or houses in the county where there is but

little business doing, for less than three hundred dollars, at the discretion of the county commissioners, but in no case less than fifty dollars per annum. All money paid into the county treasury for license shall be for school or county purposes, as local law directs: *Provided*, That all money paid into the treasury on account of licenses granted within the corporate limits of the town of Olympia, shall be paid into the town treasury as municipal fund, for the use of said town: *Provided*, That twenty-five per cent. of all money collected for liquor and tavern licenses within the limits of the city of Port Townsend, shall be paid into the city treasury for municipal purposes.

ARTICLE III.

SEC. 1. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Passed the House of Representatives January 26, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 9, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO INSOLVENT DEBTORS.

SEC. 1. Mode of discharge of insolvent debtor.

Assignment to be *bona fide*.

District court, exclusive original jurisdiction.

2. Petition for benefits of the act, what shall be stated in.

3. Schedule to be annexed to petition.

What it shall contain.

- SEC. 4. Said schedule to be signed and verified by oath.
Form of oath.
5. Judge to cause notice to issue to creditors.
What said notice shall contain.
Judge to certify schedule of debtor, and cause same to be filed.
6. Duty of insolvent debtor on surrender of property.
Judge to set off property exempt, &c., for insolvent.
What property shall be so set off.
7. The insolvent to deliver up books, notes, vouchers, &c.
The clerk of court to hand same to assignee.
8. Of notice of creditors to appear and show cause.
9. Till hearing of petition, all proceedings against debtor to be stayed.
Stay of proceedings not to prevent appointment of a receiver in certain cases.
When and how receiver may be appointed.
10. Assignees not to exceed three in number.
Claims to be sworn to.
Choice of assignees dependent upon majority based upon claims.
A creditor may be represented by attorney.
11. Assignee to file deliberation of creditors in clerk's office.
12. Of the qualification, bond, &c., of assignees.
Bond to be determined by creditors, or by judge, when.
13. Petition by assignees for order of sale of property.
Notice requisite for sales of property of insolvent.
Exception in cases of sale of perishable property.
14. Of funds received by assignees.
Distribution subject to order of court.
Suits by and against assignees.
Suits commenced anterior to appointment of assignees to be transferred to proper court.
15. Of the declaration of dividends.
Proceedings in distribution of.
16. Creditors may require assignees to present accounts.
17. Discharge of assignees for failing to account at proper time.
Appointment of new assignees, proceedings.
Penalty against discharged assignee failing to pay over, &c.
18. On refusal of creditors to meet and appoint assignees, sheriff may receive property of insolvent.
When a creditor may receive such property, bond of.
19. Of compensation of assignees.
20. Assignment may be opposed on ground of fraud.
Mode of attacking validity of such assignment.

- SEC. 20. Jury of six to try accusation of fraud.
21. Hearing of such allegation of fraud.
 22. Right of creditor alleging fraud.
Proceedings in discovery against debtor.
Construction of equivocal answers.
 23. On judgment of fraud, debtor forever deprived of benefit of insolvent laws.
 24. When debtor shall be discharged from debts, &c.
 25. In certain cases judge may summarily approve appointment of assignees.
 26. Who shall be deemed fraudulent bankrupts.
 27. *Ibid.*
 28. Party in failing circumstances preferring creditors within three months, shall be debarred benefit of this act.
 29. Parties debarred from receiving benefits of this act.
 30. Sales of property after petition filed by debtor, when shall debar him from benefit of this act.
 31. When party who has received the benefit shall forfeit same.
 32. No party can apply for benefit by attorney.
 33. After surrender of property of insolvent, legal title vests in assignees.
 34. Unrepresented non-resident creditors to be represented by attorney appointed by court.
Fee of such attorney to come out of share due such non-resident.
Measure of fee defined and limited. *
 35. When debtor has no property, proceedings by court.
When he may be entitled to benefits of this act.
 36. Assignees to receive forthwith effects of debtor.
Said property may be seized by sheriff.
Debtor refusing may be compelled by imprisonment.
 37. Of accounts for disbursements by assignees.
 38. One partner may bind a firm by assignment.
And herein of individual and partnership debts.
 39. Other assignments than herein provided, declared illegal.
 40. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every insolvent debtor may be discharged from his debts, as hereinafter provided, upon executing an assignment of all his property, real, personal or mixed, for the benefit of all his creditors, and upon compliance with the several provisions of this act: *Provided,* Said assignment be

made *bona fide* and without fraud. The district court only shall have original jurisdiction in the subject matter herein contained.

SEC. 2. Such insolvent debtor shall petition the judge having original jurisdiction within the place of his domicile or usual residence, which petition shall briefly state the circumstances which compel him to surrender his property to his creditors, and shall conclude with a prayer to make a cession of his estate, and to be discharged from his debts, in pursuance of the provisions of this act.

SEC. 3. The debtor shall annex to said petition his schedule, that is to say, a summary statement of his affairs, with a list of losses he may have sustained, giving the names of his creditors, if known; the amount due to each creditor, and the cause and nature of such indebtedness and when it accrued, and a statement of any existing judgment, mortgage, collateral or other securities for the payment of any such debt. Said schedule shall also contain a full, complete and perfect inventory of all his property, real, personal and mixed; of all choses in action, debts due or to become due, and all moneys on hand of such insolvent; said schedule shall also contain a full statement of all incumbrances existing upon the property of the insolvent. The said debtor shall, as nearly as possible, estimate the property by him surrendered, and set it forth in the schedule at its true cash value.

SEC. 4. The said schedule shall be signed by the debtor, and be by him sworn to before the judge having jurisdiction of the failure, or other officers authorized to administer oaths, in the following words, to-wit:

"I, (A. B.) do, in the presence of Almighty God, truly and solemnly swear, that the schedule now delivered by me, doth contain a full, perfect and true discovery of all the estate, real, personal and mixed, goods and effects to me in any way belonging, all such debts as are to me owing, or to any person or persons in trust for me, and all securities and contracts whereby any money may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any other person or

persons in trust for me; that I have no lands, money, stock or estate, reversion or expectancy besides that set forth in my schedule; that I have in no instance created or acknowledged a debt for a greater sum than I honestly and truly owed; that I have not directly or indirectly sold, or otherwise disposed of in trust, or concealed any part of my property, effects or contracts; that I have not in any way compounded with my creditors, whereby to secure the same, or to receive, or to expect any profit or advantage therefrom, or to defraud or deceive any creditor to whom I am indebted in any manner whatever, so help me God."

SEC. 5. The judge receiving such petition, schedule and affidavit, shall make an order requiring all the creditors of such insolvent to show cause, if any they can, why an assignment of the insolvent estate should not be made, and he be discharged from his debts. Said schedule being signed and sworn to by the petitioner, the judge shall certify the same and cause it to be filed in the office of the clerk of the court in the county where the assignment was made, there to remain for the information of the creditors.

SEC. 6. The insolvent debtor, on a surrender of his property, shall include and set forth in his schedule his whole estate, including the homestead, if any he has, and all such property as may be by law exempt on execution from seizure and forced sale, and it shall be the duty of the judge having jurisdiction of the failure, to exempt and set apart for the use and benefit of said insolvent, such real and personal property as he is by law authorized to retain to his own use or that of his family.

SEC. 7. The insolvent shall, either before or on the day appointed for the meeting of the creditors, deliver to the court all the commercial or other books he may have kept, which books shall be deposited in the clerk's office of said court. Said insolvent shall also deliver to the court at the same time, all vouchers, notes, bonds, bills, securities or other evidence of debt in any manner relating to or having any bearing upon or connection with the property surrendered by said debtor, and all such papers or securities shall be deposited in the clerk's office of said court, and the clerk shall hand them over, together with

the books of the insolvent, to the assignees who may be appointed.

SEC. 8. The judge granting the order for the meeting of the creditors, shall direct the clerk of the court to issue a notice calling the creditors of the insolvent to be and appear within thirty days from the date of publication of such notice, before such judge at chambers or in open court, to show cause why the prayer of said insolvent should not be granted. Said notice shall be published at least thirty days in a newspaper printed in the county in which application is made, if there be one, and if there be none, then a newspaper printed nearest to such county.

SEC. 9. When issuing the order for the meeting of the creditors, the judge shall order that all proceedings against the debtor be stayed: *Provided, however,* That the said stay of proceedings shall not prevent the judge who shall have granted it, from appointing a receiver to take possession of all property of the debtor for the benefit of all his creditors, if one or more of his creditors or his attorney shall apply for such appointment, and swear that he has reasons to believe, and does believe, that the debtor may avail himself of the stay of proceedings and keep his property from his creditors, if no cause sufficient, in the judgment of the court, shall have been shown why the debtor should not have the benefit of this act, and shall produce satisfactory proof of the facts on which the affidavit is founded.

SEC. 10. At a meeting of creditors, the said creditors after having certified on oath that their respective claims are legitimate and true, shall proceed to the appointment of one or more assignees, not exceeding three. In appointing assignees, the opinion of the majority of said creditors in sums or in claims shall prevail. At such meeting any creditor may be represented by his duly authorized agent or attorney.

SEC. 11. When the assignee or assignees shall have been duly appointed in the meeting of creditors, and the surrender of the property shall have been duly accepted of, it shall be the duty of the said assignees to deposit in the clerk's office of the court who shall have issued the order for a call of the creditors,

a certified statement of the deliberations of said creditors on the appointment of the said assignees.

SEC. 12. The judge shall require from the assignees a bond, with one or more good and sufficient sureties, on which bond the parties therein shall be liable, jointly and severally, for the amount thereof, conditional for the faithful performance of the duties devolving upon said assignees. The amount of said bond shall be determined by the majority of creditors; and should not the creditors so determine, the amount of said bond shall be fixed by the judge having jurisdiction of the failure.

SEC. 13. The assignees shall apply by petition to the court or judge who shall have ordered a meeting of creditors, to be authorized to sell at public auction, and to the best and highest bidder for cash, all the insolvent debtor's property, of whatever nature or kind, and said assignees shall give at least twenty days' public notice, in the same manner as a notice for a meeting of creditors, of all sales of the property of said insolvent, giving at the same time a full description of the property to be disposed of: *Provided, however,* That if any of the property surrendered be of a perishable nature, the assignees shall be authorized to sell the same on giving at least five days' notice of such sale by publication, or notice of such sale as in sale on execution.

SEC. 14. The assignees shall deposit all funds belonging to the failure in their joint names, so that nothing can be drawn without the consent of all. Said funds shall remain inviolable, and shall never be loaned, used or mixed with the personal affairs of the assignees; and finally the said assignees shall make a distribution of the proceeds of the property of the insolvent agreeably to the direction of the court or judge. Said assignees may sue and be sued, either as plaintiffs or defendants, in everything which respects the rights and actions which may belong to the insolvent, or which may concern the mass of creditors. All suits brought against the insolvent anterior to his surrender of property, before the courts of other counties, shall be transferred to the court having jurisdiction in the county in which

said insolvent shall have presented his schedule, and may be continued on motion and notice against his assignees.

SEC. 15. Whenever a dividend shall be declared, the assignees shall make out a statement containing the names of the several creditors, mentioning the sums which are due them respectively, and the said statements shall, besides, contain pro rata sums to be divided among all the creditors. Said assignees shall deposit said statement in the clerk's office of the court, who shall order that notice be given to the creditors in the same manner as for the meeting, that they show cause before the judge within fifteen days next following the publication, why the said statement should not be accepted and the distribution made agreeably to its contents.

SEC. 16. One or more creditors may at any time make a motion to know if the assignees have funds in their hands, and the assignees shall be required to present their accounts, and if they have funds they shall distribute them without delay.

SEC. 17. Should the assignees refuse or neglect to render their accounts as required by the preceding section, or to pay over a dividend when they shall have, in the opinion of the court or judge, sufficient funds for that purpose in their hands, the court or judge shall immediately discharge such assignees from their trust, and shall have power to appoint others in their place. The assignees so discharged shall deliver over to those appointed by the court or judge all the funds, property, books, vouchers and securities belonging to the insolvent, without charging any commission or expenses thereon, and shall also be condemned to pay the new assignees, for the benefit of the mass of the creditors, twenty per cent. in addition to the amount of funds in their hands.

SEC. 18. If on the day appointed for the meeting, the creditors, although duly summoned do not attend, or refuse to appoint one or more assignees, it shall be lawful for the judge before whom the said meeting may take place, to authorize the sheriff of the county to receive the surrender of the property offered by the debtor, and to perform in every respect the functions of assignee, and for the faithful performance of said trust,

he shall be responsible on his official bond: *Provided*, That if any of the creditors should choose to take that charge, the judge shall appoint said creditor for that purpose, upon said creditor giving a bond with good and sufficient security proportioned to the value of the property committed to his charge.

SEC. 19. The assignees, collectively, shall be entitled to charge and receive for their services, to-wit: ten per centum upon a sum not exceeding ten thousand dollars; eight per centum upon sums above ten thousand dollars, and not exceeding thirty thousand dollars; six per centum upon sums above thirty thousand dollars, and not exceeding sixty thousand dollars, and four per centum on all sums exceeding sixty thousand dollars: *Provided*, That the said commissions shall be allowed only on such net sums of money as shall actually come into their hands, or be distributed by them. The mass of creditors shall in no manner be liable for the fees of counsel of the insolvent debtor in conducting a surrender of the property.

SEC. 20. That in case after the appointment of said assignees, any one of the creditors of the insolvent debtor should deem necessary to oppose it on the ground of some fraud having been committed by the said insolvent debtor, or of the appointment not having been legally made, he shall within ten days next following the appointment of said assignees, lay before the court or judge which has already taken cognizance of the case, his written opposition, stating specially the several facts of nullity of the said appointment, or of fraud by him alleged against the insolvent debtor; whereupon in case of accusation of fraud, after having received said insolvent debtor's answer, the court or judge shall order a jury to be summoned of not less than six men, to be summoned in the same manner as jurors are summoned in the district court, for the purpose of deciding on the said accusation.

SEC. 21. On the day, or at any time appointed in such order, or any subsequent day or term, the court or judge shall proceed to hear the proofs and allegations of the parties; and before any other proceedings be had, shall require proof of the publication of the notice as herein provided.

SEC. 22. Upon such an accusation of fraud, the creditor

who shall have brought the same, shall have the right to interrogate the insolvent debtor on oath, and put to him such written questions as to the state of his affairs and the several transactions in which he may have been engaged anterior to his failure, as he shall think proper; and the insolvent shall answer in writing the said interrogatories in a pertinent and distinct manner, and every equivocal answer on his part shall be construed against him.

SEC. 23. If the jury summoned for the purpose of deciding on the accusation of fraud brought against such insolvent debtor, declare in their verdict that said insolvent has been guilty of fraud, the said debtor shall forever be deprived of the benefit of the laws passed for the relief of insolvent debtors in this Territory.

SEC. 24. If the accusation of fraud brought against the debtor is declared to be unfounded, or if there be no opposition to the surrender of his property, and provided said surrender has been made according to the provisions of this act, said debtor shall be released and fully discharged from any and all debts then existing and included in said schedule.

SEC. 25. If the judge before whom the accusation of fraud is brought, or an opposition to the appointment of assignees is made, thinks that the interest of the mass of creditors of the insolvent may suffer by a delay of the approval of the appointment of the assignees, it shall be lawful for said judge, all opposition notwithstanding, to approve previously the said appointment, if he finds that it has been made agreeably to law.

SEC. 26. That all persons shall be considered as fraudulent bankrupts who shall be convicted of having concealed their property with the intention to keep it from their creditors, as also those who shall be convicted of having concealed or altered their books or papers with the same intention.

SEC. 27. That every insolvent debtor shall also be considered as a fraudulent bankrupt who shall be convicted of having passed sham deeds for the purpose of conveying the whole or any part of his property and depriving his creditors thereof, or having intentionally omitted any of his property, rights or

claims in his schedule, or of having purloined his books, or any of them, or of having altered, changed or made them anew, with an intent to defraud his creditors, or of having fraudulently alienated, mortgaged or pledged any of his property, or of having committed any other kind of fraud to the prejudice of his creditors.

SEC. 28. If any debtor shall be convicted of having at any time within three months next preceding his failure, fraudulently sold, engaged or mortgaged any of his goods or effects, or of having otherwise assigned, transferred or disposed of the same, or any part thereof, or confessed judgment in order to give a preference to one or more of his creditors over others, whereby to receive any advantages in anticipation of his failure, to the prejudice of his creditors, he shall be debarred the benefits of this act.

SEC. 29. All insolvent debtors owing, or accountable in any manner for public funds or property of whatever nature or kind; all unfaithful depositories; all such as refuse or neglect to pay up all funds received by them as bankers, brokers, commission merchants, or for money, goods or effects received by them in a fiduciary capacity, shall be denied the benefit of this act.

SEC. 30. If after presentation of his petition, the insolvent shall sell, or in any manner transfer or assign any of his property, or collect any debts due him, and shall not give a just and true account of the property so sold or transferred and the moneys so collected, and pay the same over to the assignees within ten days after their appointment and demand made by them, said debtor shall not receive the benefit of this act.

SEC. 31. Whenever any insolvent debtor has had the benefit of this act, if thereafter at any time it is made to appear that he has concealed any part of his property or estate, or given a false schedule, or committed any fraud under the provisions of this act, it is hereby declared that he shall forfeit all benefit and advantage which he would otherwise have had by virtue of this act, and he cannot avail himself of any of its provisions, in bar to any claim that may be instituted against him.

SEC. 32. No person can apply for, or receive the benefit of this act through an agent or attorney in fact.

SEC. 33. From and after the surrender of the property of the insolvent debtor, all property of such insolvent shall be fully vested in his assignee or assignees for the benefit of his creditors, and shall not be liable to be seized, attached, taken or levied on by virtue of any execution issued against the property of said insolvent; and the assignees who may be appointed shall take possession of, and be entitled to claim and recover all the said property, and to administer and sell the same as herein provided.

SEC. 34. If there be any creditors residing without the limits of this Territory who have no agent or attorney therein, the judge shall appoint an attorney to represent them; but the fees of said attorney shall in no case be paid by the mass of creditors, but shall be levied on the amount of the sums which shall be recovered for the account of such non-resident creditors, at the rate of ten per centum: *Provided*, That in no case shall the whole fees allowed to counsel appointed on behalf of said creditors, exceed the sum of three hundred and fifty dollars.

SEC. 35. In case the debtor who applies for the benefit of this act should have no property to surrender to his creditors, or if the appraised value of the property exhibited in his schedule should not amount to more than one-third of his debts then existing and contracted during the next year preceding, the judge before whom the application is made shall not admit him to the benefit of this law, unless it be proven to the said judge, by affidavit sworn and subscribed to by two credible and disinterested witnesses, that the debtor, in their opinion, has really experienced the losses by him stated, and that the said losses may have reduced him to the situation in which he finds himself: *Provided*, All legal mortgages and liens *bona fide*, existing on such property at the time of surrender aforesaid, shall remain good and valid, and may be enforced in the same manner as though no such surrender had been made.

SEC. 36. All the goods, titles and claims which the insolvent debtor shall have declared in his schedule, shall be deliv-

ered up to the assignees as soon as they shall have been appointed; and in case the debtor should refuse to deliver up the goods, titles, effects or estates in his possession, the judge shall oblige that delivery, either by ordering the sheriff to seize the said property, to be by him delivered up to the assignees, or causing the said insolvent to be imprisoned until the said delivery shall be effected.

SEC. 37. The assignee or assignees appointed under this act, shall make out a true account of all disbursements made by them in the discharge of their duties as assignee or assignees, which shall be verified by the oath of such assignee or assignees, and shall deliver the same to the judge having jurisdiction of the subject matter; and such judge shall in writing, certify such part or parts of the same as he shall deem to be just and necessarily expended by said assignee or assignees in the discharge of their duty, which amount so allowed shall be paid out of the property of such insolvent debtor.

SEC. 38. One member of a firm or co-partnership may make an assignment of the co-partnership property with the consent in writing of the other member, and when all the members join in the petition, and include in the assignment all the individual as well as the partnership property, they may be discharged from their individual and partnership debts in one and the same proceeding; but in such proceeding the partnership property shall be applied towards the payment of the partnership debts, and the individual property to the payment of the individual debts.

SEC. 39. No assignment of any insolvent debtor otherwise than is provided in this act, shall be legal or binding upon creditors.

SEC. 40. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO WRITS OF MANDATE AND PROHIBITION.

SEC. 1. May be issued in vacation, and heard as of term.

Not to be issued in contest for Federal or Territorial offices.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That each of the judges of the district courts in this Territory may issue, hear and determine writs of mandate and prohibition in vacation or in term time, and in the same manner as the district courts are now authorized to issue, hear and determine the same: *Provided,* That this act shall not be so construed as to authorize either of said writs to issue in matters of contest for Federal or Territorial offices.

Passed the House of Representatives January 28, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO PROCEEDINGS AGAINST GARNISHEES.

SEC. 1. Negotiable note in hands of person out of jurisdiction of court cannot be garnisheed.

This act to apply to actions now pending.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person garnisheed and owing money on a promissory note or other negotiable instrument, due or to become due, shall be compelled by the order of any court or judge in this Territory to pay said money into court, or to the

person garnisheeing, where it is known that such promissory note or negotiable instrument is in the hands of any person out of the Territory or beyond the jurisdiction and control of the court or judge; and this act shall apply as well to proceedings now pending as to those hereafter commenced.

Passed the House of Representatives January 28, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO CHANGE OF VENUE IN CERTAIN CASES.

SEC. 1. Actions to be tried in county where defendant served.

When venue may be changed.

What affidavit shall contain.

Court to which to be sent.

Of transcript of proceedings.

Costs to abide result of suit.

2. Change of venue in actions before justice of peace.

3. Only one change of venue allowable.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all actions shall be tried in the district or county in which defendant is served with process, except when otherwise provided by statute, but upon any party filing an affidavit setting forth that either or both the judge holding such court or the people of said county or district is, or are as the affiant believes, so prejudiced against him that he cannot obtain justice, the court shall grant a change of venue

to the next nearest district, and in such case all the papers with a transcript of journal entries, shall be forthwith transmitted to the court to which the change is made, and the costs of such change of venue shall abide the result of suit.

SEC. 2. In any civil action pending before a justice of the peace, if the defendant shall make and file an affidavit that he believes such justice is so prejudiced against him that he cannot get a fair trial, such justice shall grant a change of trial to the next nearest justice, and shall forthwith forward to him all the papers and transcript of all the journal entries in the case, and thereafter such justice shall have full jurisdiction of the case.

SEC. 3. No party in a civil or criminal action shall be entitled to more than one change of venue in the same action under the provisions of this act.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

RELATING TO EVIDENCE IN CIVIL ACTIONS.

- SEC. 1. Interest of party to an action does not disqualify him.
Nor does his interest in event of suit.
2. Party excluded when adverse party sues in representative character.
 3. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the*

Territory of Washington, That no person shall be disqualified as a witness in any civil action or proceeding by reason of his interest in the event of the same as a party thereto or otherwise, except in the cases hereinafter provided for, but such interest may be shown for the purpose of affecting such witnesses credibility.

SEC. 2. A party to a civil action or proceeding shall not be examined as a witness therein, when the opposite party sues or defends as executor, administrator or legal representative of any deceased or insane person, or as legal representative of any minor under the age of fourteen years.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 17, 1866.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO TAKING THE DEPOSITION OF WITNESSES WITHIN THIS TERRITORY.

SEC. 1. When deposition of witness may be taken.

Requisites of notice to adverse party.

When and how a going witness may be compelled to appear and make deposition.

When and by whom a *capias* may be issued for going witness.

No witness shall be kept in custody over four days.

Party subpoenaing him liable for his fees of custody and damages for detention.

SEC. 2. Of witnesses residing over thirty miles from place of holding court.

Commission to take such, to be issued by judge.

Notice of, and interrogatories.

Manner of taking deposition.

When such interrogatories subject to legal exceptions.

Costs made by irrelevant interrogatories to be paid by party making them.

3. Personal attendance of witness over thirty miles may be compelled, how.

As to costs of such attendance, when taxable.

4. No witness compelled to go out of district when distance over fifty miles.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* In all civil actions the testimony of a going witness, or one sick, aged or infirm, rendering it impracticable for him to appear at the trial of the cause in person, his deposition may be taken and read in evidence by the party desiring to have said deposition, giving to the opposite party or his attorney, three day's notice, and an additional day's notice for every twenty miles necessary to be traveled, and said notice shall state the time, place and before whom said deposition shall be taken, and any going witness may be subpœnaed and forced to attend to give his evidence as aforesaid before any officer competent to administer oaths in this Territory, upon his fees being tendered him; and if the person who desires to take said deposition shall make oath that he is informed and believes said person will disobey such subpœna, and that such person is a material going witness, the said officer may issue a *capias* for said witness, who shall, unless he gives satisfactory security for his appearance, be kept in charge of the sheriff until he gives his evidence, but no witness shall be kept as aforesaid more than four days, nor unless the party subpœnaing him shall pay his fees while remaining, and the party thus stopping a witness shall be liable for all damages he causes said witness by said detention.

SEC. 2. When a witness resides more than thirty miles from the place of trial, his evidence may be taken on a commission and interrogatories, such commission being issued by the

judge or clerk of the court wherein the action is pending, and the direct interrogatories be served by copy, at least five days before the cross interrogatories need be filed, and the examining interrogatories not more than five days thereafter, at which last time if the judge so orders, he, the said judge, shall settle said interrogatories; but in case the court fails so to order, the commission may issue with the interrogatories thus filed annexed, in either of which case all of said interrogatories settled upon or sent shall be put to the witness after he is duly sworn, and the answers shall be written down, and the officer taking such deposition shall immediately return the same to the court, and unless the interrogatories have been previously settled, they shall be subject to all the legal exceptions there may be to the same after their return to the court. In case irrelevant or impertinent interrogatories are propounded, the party propounding such interrogatories shall pay all costs occasioned thereby.

SEC. 3. Any person who desires the personal attendance of a witness more than thirty miles distant, may procure said attendance by paying said witness in advance all his traveling expenses and board and mileage, and making an affidavit that personal attendance of said witness is necessary and that he is capable of coming; but if on the trial the court is of the opinion that said personal attendance was unnecessary, the person subpoenaing him shall not recover any of said costs.

SEC. 4. In no case shall a going or other witness be compelled to go out of the judicial district in which he may be, to give his evidence where the distance to be traveled is over fifty miles.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS IN THE DISTRICT COURTS," PASSED JANUARY 28, 1863.

- SEC. 1. Section sixty-seven of civil practice act amended.
 Verification of pleading.
 Such verification may be made before what officer.
 Officer taking verification not disqualified because an attorney in case.
 Signature of officer taking verification sufficient.
 When party is a corporation.
 When Territory, county or officer thereof a party.
 Pleading not to be used in a criminal prosecution.
 Verification of pleading amendable under direction of court.
- SEC. 2. Section eighty-two of civil practice act amended.
 When a variance shall have operated as a surprise.
 Party aggrieved may have pleadings amended, and how issue.
 If new trial granted, plaintiff liable to costs prior thereto.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section sixty-seven of the act of which this is amendatory, be so amended as to read:

"The verification shall be made by the affidavit of the party, his agent or attorney, or if there are several parties united in interest and pleading jointly by one of such parties or the agent or attorney of the parties pleading, and shall be to the effect that the affiant believes the same is true. The affidavit may be made before any person authorized to administer oaths in this Territory, (whether attorney for such party or otherwise,) and the signature of such officer shall be sufficient evidence of his authority to administer the oath. Where a corporation is a party, the verification may be made by any officer thereof, and when the Territory or county, or any officer thereof is a party, the verification may be made by any person acquainted with the facts. No pleading shall be used in a criminal prosecution as proof of any fact alleged in such pleading. The verification may be amended the same as the pleadings, under the direction of the court."

SEC. 2. Section eighty-two of the act of which this is

amendatory shall be, and the same hereby is amended by inserting the words "made in good faith," immediately after the word "claim," in the second line thereof. Also by adding to said section the following: "In case said variance shall be shown by the affidavit of the defendant to have taken him by surprise, the court shall not enter judgment on a verdict or finding of special property therein, but shall, on motion of the party aggrieved, order the pleadings to be amended in accordance with the facts and grant and order a new trial, in his discretion, upon the issue so formed, and all costs prior to granting such new trial shall be paid by the plaintiff."

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE EXECUTION AND ACKNOWLEDGMENT OF DEEDS
OUT OF THIS TERRITORY.

- SEC. 1. Execution and acknowledgment of deeds out of Territory for lands therein.
2. If not taken before commissioner for Territory, evidence to be given of official character of officer taking acknowledgment. Requisites of such certificate.
 2. Conveyances heretofore made declared valid. Except where third parties have acquired title.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That deeds or conveyances of lands or*

of any estate or interest therein, situated in this Territory, may be executed or acknowledged in any other State or Territory of the United States, in the form prescribed for executing and acknowledging deeds within this Territory, and the execution thereof may be acknowledged before any judge of a court of record, notary public, justice of the peace, or before any commissioner appointed by the Governor of this Territory for such purpose.

SEC. 2. In the cases provided for in the preceding section, unless the acknowledgment be taken before a commissioner appointed by the Governor of this Territory⁴ for that purpose, such deed shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was at the date thereof such officer as he is therein represented to be, and that he believes the signature of the person subscribed thereto to be genuine.

SEC. 3. All deeds heretofore acknowledged according to the provisions of this act, are hereby declared legal, except in cases where third parties have subsequently acquired a valid interest in the land.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 13, 1866.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO SUITS ON FOREIGN JUDGMENTS," APPROVED JANUARY 18, 1866.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section first of said act be and the same is hereby amended by striking out of the last two lines of said section the following words, to-wit: "and upon a verdict of a jury finding the amount for which the same is entered up."

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 20, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 12, 1866.

B. F. DENNISON,

President of the Council.

Approved January 10, 1867.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES."

SEC. 1. Sale of wines, spirituous liquors, ale, beer, porter, cider, &c., to an Indian, declared a misdemeanor.

Penalty prescribed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one hundred and thirty-one of the act to which this is amendatory shall read as follows:

"Any tavern keeper, grocery keeper, brewers, distillers, or

person or persons, Indian or Indians, who shall sell, barter, give or in any manner dispose of any wines, spirituous liquors, ale, beer, porter, cider or any other intoxicating beverage, to any Indian or Indians within this Territory, every such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court having competent jurisdiction to try the same, shall forfeit and pay to the use of the county in which the offense may have been committed, a fine of not less than twenty-five dollars, and not more than one hundred dollars for each and every offense.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO GRAND AND PETIT JURORS.

- SEC. 1. Penalty of counties failing to supply their quota of jurors.
County furnishing excess, delinquent county to pay one dollar per day to substitutes.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That where there are two or more counties embraced within any court district of any judicial district, and any of such counties fail to furnish their quota of grand or petit jurors for the different terms of such court, then

such counties shall pay to the county that does furnish substitute jurors, the sum of one dollar per day each for every juror so furnished.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES."

- SEC. 1. Section thirty-four of criminal procedure amended.
Robbery defined and punishment prescribed.
2. Section fifty-six of said criminal procedure amended.
Fraudulent concealment of partnership property deemed larceny.
If property under thirty dollars, deemed petit larceny, punishment.
When deemed grand larceny.
3. Act to take effect from passage.

Be it enacted by the Legislative Assembly of the Territory of Washington, That section thirty-four of the act to which this is amendatory, be amended so that it shall read as follows:

"Every person who shall forcibly and feloniously take from the person of another, or from his immediate presence, any article of value by violence or putting in fear, shall be deemed guilty of robbery, and upon conviction thereof shall be, at the

discretion of the jury, punished with imprisonment in the penitentiary for any length of time not more than twenty years nor less than one year."

SEC. 2. That section fifty-six of said act be amended by prefixing thereto the following:

"If any person being the copartner of another person or persons, shall fraudulently conceal or fail to account for any money or property belonging to the copartnership, with the fraudulent intent to convert the same to his individual use, such person shall be deemed guilty of the larceny of said money or property, and shall, if the amount so taken be of the value of thirty dollars or less, be fined in any sum not to exceed one hundred dollars, and shall be imprisoned in the county jail for a period of not to exceed thirty days; if the value of the copartnership property or money aforesaid exceed thirty dollars in value, then the person fraudulently concealing or failing to account for the same as aforesaid, shall be deemed guilty of grand larceny, and shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the penitentiary not less than one year nor more than two years. .

SEC. 3. This act shall take effect from and after its passage.

Passed the House of Representatives January 10, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO PROSECUTING ATTORNEYS," PASSED JANUARY 19, 1863.

- SEC. 1. Prosecuting attorney debarred from bringing action of divorce. Nor shall he resist a petition brought by partner or attorney keeping office with him. In such cases the court to appoint attorney to resist petition, compensation of.
2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section eight of the act of which this is amendatory, be and the same is hereby amended by adding thereto the following:

"That no prosecuting attorney shall be employed in, or allowed to conduct any suit for a divorce on the part of the petitioner or applicant in the courts of this Territory; nor shall any prosecuting attorney be allowed to resist a petition for divorce in those cases where the defendent does not appear, or appearing admits the allegations of the complaint, if the attorney for the petitioner is a partner in the practice of law, or keeps his office with such prosecuting attorney, but in all such cases the court or judge before whom the case is to be heard shall appoint an attorney to resist the petition, who shall be entitled to the compensation allowed by law to prosecuting attorneys in such cases.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ATTORNEYS AND COUNSELLORS AT LAW," PASSED JANUARY 24, 1863.

- SEC. 1. An attorney being partner of prosecuting attorney, debarred from defending in a criminal proceeding.
2. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section eighteen of the act of which this is amendatory be and is hereby amended by adding thereto the following:

"That no attorney shall be allowed to defend or assist in defending any criminal prosecution in the courts of this Territory, when the prosecuting attorney in the case is a partner with him in the practice of law."

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO LANDLORD AND TENANT.

- SEC. 1. Tenancy from year to year abolished, except created by written contract.
2. Of construction of leases for indefinite period.
May be terminated on thirty days' notice, when to be given.
3. Where term created, tenancy terminates at end thereof.

- SEC. 4. On failure to pay rent, after ten days' notice.
5. Who deemed a tenant by sufferance.
Such tenant shall surrender on demand of owner.
6. Possession of premises to be recovered by action of forcible entry and detainer.
In same action rent due may be recovered.
7. Act relating to landlord and tenant, approved January 18, 1866, repealed.
8. Act to take effect from passage.
To apply to tenancies hereafter created.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That tenancies from year to year are hereby abolished except when the same are created by express written contract.

SEC. 2. When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of thirty days or more preceeding the end of any of said months or periods, given by either party to the other.

SEC. 3. In all cases where premises are rented for a specified time by express or implied contract, the tenancy shall be deemed terminated at the end of such specified time,

SEC. 4. When a tenant fails to pay rent when the same is due, and the landlord notifies him to pay said rent or quit the premises within ten days unless the rent is paid within said ten days, the tenancy shall be forfeited at the end of said ten days.

SEC. 5. Whenever any person obtains possession of premises without the consent of the owner or other person having the right to give said possession, he shall be deemed a tenant by sufferance merely, and shall be liable to pay reasonable rent for the actual time he occupied the premises, and shall forthwith on demand surrender his said possession to the owner or person who had the right of possession before said entry, and all his right to possession of said premises shall terminate immediately upon said demand.

SEC. 6. Whenever any person fails or refuses to give possession of premises at the termination of his right to possession or lease, whether by forfeiture or otherwise, the person entitled to the possession of the premises may regain possession of said premises by an action of forcible entry and detainer, under the provisions of the act entitled "an act relating to justices of the peace and their practice and jurisdiction," and the landlord may in the same action recover the rent due him.

SEC. 7. The act entitled "an act relative to landlord and tenant," approved January 18, 1866, is hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage, and shall operate only on tenancies thereafter created.

Passed the House of Representatives January 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 4, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE FORFEITURE OF RECOGNIZANCES.

SEC. 1. Judgment to be entered against principal and sureties on default made.

Execution may issue as on other judgments.

2. A stay may be entered until next term.

Requisites of stay bond.

3. If principal be produced at next term, the judgment may be vacated.

Terms of vacation of judgment fixed by court.

SEC. 3. If not vacated, execution may forthwith issue against judgment debtors and sureties in stay bond.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That hereafter in criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court, and at the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance for the sum therein mentioned, and execution may issue thereon the same as upon other judgments.

SEC. 2. The parties, or either of them, against whom such judgment may be entered in the district or supreme courts, may stay said execution till the next regular term of the court in which such judgment is entered, by giving a bond with two or more sureties, to be approved by the clerk, conditioned for the payment of such judgment after the adjournment of such succeeding term of court, unless the same shall be vacated before the end of such term.

SEC. 3. If bond be given and execution stayed, as provided in the preceding section, and the principal shall be produced at such term of court, the judge may vacate such judgment upon such terms as may be just and equitable, otherwise execution shall forthwith issue as well against the sureties in the new bond as against the judgment debtors.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PREVENT THE DEPRECIATION OF UNITED STATES LEGAL TENDER NOTES."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "an act to prevent the depreciation of United States legal tender notes," passed January 6, 1863, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 9, 1867.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AMENDING AN ACT ENTITLED "AN ACT TO REGULATE MARRIAGES," APPROVED JANUARY 20, 1866.

SEC. 1. When license shall not issue without consent of parent or guardian.

2. Probate clerk entitled to a fee of one dollar for recording marriages.

Party solemnizing marriage to demand and pay same.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section thirteen of the act of which this is amendatory, be and the same is hereby so amended as to read as follows:

"Such license shall not issue without the written consent of

the father, mother or other guardian of the person for whom the license is required, in cases when such person is a female under eighteen years of age, or a male under twenty-one years of age, and the officer granting the license shall be satisfied that said persons are over that age before he grants such license without such written consent."

SEC. 2. That section eight of the act to which this is amendatory, be and the same is hereby so amended as to read as follows:

"The clerk of the probate court shall file such certificate and record the same in the record of marriages, and the legal fees therefor shall be one dollar, to be paid by the person solemnizing the marriage, who shall be entitled to demand and receive the same from the parties before the marriage."

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 15, 1866.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

RELATING TO THE DUTIES OF PROBATE JUDGES AND THE PRACTICE IN PROBATE COURTS.

- SEC. 1. Probate Judge to file a bond.
 Requisites, and approval of by county commissioners.
 Amount of bond.
2. Appeal from order or decision of probate judge.
 Manner of taking and prosecuting appeal.

SEC. 3. Proceedings in the event of appointment of administrator to fill a vacancy.

Publication of notice of such appointment.

Estate to be settled within legal year unless extended by court.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every person elected probate judge hereafter, shall at the time of filing his oath of office enter into a bond with the Territory of Washington, with two or more sureties residents of his county, to be approved by the county commissioners of his county, in a sum of not less than one thousand nor more than ten thousand dollars, to be fixed by the said county commissioners, conditioned that he will well and faithfully perform the duties of his office and pay over according to law any and all moneys that may come into his hands as such judge of probate.

SEC. 2. At any time within sixty days after the same is made and not later, any person interested in the estate of any deceased person may appeal to the district court from any order or decision of any probate judge or court made that affects said estate; said appeal shall be taken in the same manner, and like notice shall be given as in cases of appeal from justices' courts to the several district courts of this Territory.

SEC. 3. In case of resignation or removal for any cause of any administrator or administrators, and the appointment of another or others after notice has been given by publication as required by law by such administrator or administrators first appointed to persons within the year, to present their claims against the estate or be forever barred, it shall be the duty of the judge of the probate court to cause notice of such resignation or removal and such new appointment to be published two successive weeks in the same newspaper in which the original notice was published, if the publication of such paper is at the time continued, and if not, then in some other newspaper published in the Territory; and said estate shall be closed up and settled within the year from the date of said original notice,

unless further time be granted by the probate court as provided by law.

Passed the House of Representatives January 26, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE FEES AND COSTS,"
PASSED JANUARY 28, 1863.

SEC. 1. Per diem and mileage of probate judge fixed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That in addition to the fees specified in the third division of section one of the above entitled act, judges of probate be and are hereby allowed the following fees by the county treasurer on the allowance and order of the county auditor:

For services per diem, besides mileage,.....\$5 00

Mileage going to the county seat, for each mile traveled,. 20

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT DEFINING THE JURISDICTION AND PRACTICE IN THE PROBATE COURTS OF WASHINGTON TERRITORY," PASSED JANUARY 16, 1863.

SEC. 1. Probate judge to appoint an administrator, if persons entitled to letters fail to apply within forty days.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one hundred and twenty-two of the act of which this is amendatory, be and the same is hereby amended by adding to subdivision seven the following:

"And in case the persons so entitled or interested shall neglect for more than forty days after the death of the intestate to present a petition for letters of administration, the probate court or judge may appoint any suitable and competent person to administer such estate."

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 19, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE FEES AND COSTS," PASSED JANUARY 28, 1863.

SEC. 1. County commissioners of Walla-walla allowed six dollars per day.

SECTION 1. *Be it enacted by the Legislative Assembly of the*

Territory of Washington, That the act to which this is amendatory be amended so far as the same relates to Walla-walla county, so that the county commissioners of said county shall receive for services, besides mileage, the sum of six dollars per day.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO DISTRICT COURTS IN THE FIRST JUDICIAL DISTRICT.

SEC. 1. Terms of court fixed.

2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the terms of the district court of the first judicial district shall be held at Walla-walla on the first Monday of May and second Monday of October in each year, and the said terms shall continue for three weeks unless sooner adjourned; and at Pinkney City, in the county of Stevens, on the first Monday of June in each year, and shall continue for two weeks unless sooner adjourned.

SEC. 2. All acts in conflict with this act are hereby repealed.

Passed the House of Representatives January 26, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

RELATING TO THE CARE AND KEEPING OF INSANE PERSONS.

SEC. 1. Governor and Territorial auditor may contract for keeping of insane.

Contract not to exceed five years.

2. Governor to require bond from contractor.

3. Contractors to report annually to Governor.

When, and what report shall contain.

4. Board of inspectors to be appointed by Governor.

Of whom board shall consist.

Duty of inspectors.

To hear complaints of patients, &c.

5. To audit accounts of contractors.

6. Territorial auditor to issue warrant on Territorial treasurer.

Treasurer to pay said warrant out of money on hand.

Sections one, two and three of act to provide payment of St.

John's Asylum, passed January 30 1864, incorporated into this act.

7. Private patients not to be charged more than Territorial patients.

8. Of discharge of patients by inspectors.

9. Of qualification and compensation of inspectors.

10. Contractors required to exhibit patients, books, &c., to whom.

11. This act not to affect any existing contract for keeping the insane.

SEC. 12. Repealing clause.

13. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Governor and Territorial auditor are hereby authorized to make contracts with any private or public insane institution for the safe keeping, care and medical treatment in their insane asylum of all insane and idiotic persons in this Territory, which contract shall be for a term not exceeding five years.

SEC. 2. The Governor shall take a bond from the contractors with good security, payable to the Territory of Washington, in such sums as he may from time to time demand, for the faithful performance of the conditions specified in the contract.

SEC. 3. The contractors shall make a report to the Governor before the meeting of the Legislature, showing the general condition of the institution, the number of patients admitted during the year, the number of deaths and the number discharged and otherwise, and such other matters as they may deem advisable or instructive.

SEC. 4. The board of inspectors shall be appointed by the Governor, which shall consist of the judge of probate and two other citizens of said county where the asylum is located, whose duty it shall be to visit said asylum on the first Mondays in January, April, July and October of each year, and such other times as they may see proper, and examine the medical treatment and attendance, food, clothing, general comfort and condition of the patients, and if any patient make complaint of wrong treatment or other complaint, they shall investigate such complaint, and if just, recommend such redress as the case may need, and thereupon the probate court or judge may make such order as the case requires.

SEC. 5. The said inspectors shall audit all accounts submitted by the contractors, and if they find the same correct and within the provisions of the contract, they shall endorse as correct, which endorsement shall appear on said account when presented to the Territorial auditor.

SEC. 6. The Territorial auditor is hereby authorized and required to draw his warrants on the Territorial treasurer for moneys due as per contract, and the Territorial treasurer is hereby authorized and required to pay the same out of any money in his hands in accordance with the provisions of sections one, two and three of "an act to provide for the payment of the St. John's Lunatic Asylum at Vancouver, for the safe keeping, care and medical treatment of the insane and idiotic persons of Washington Territory," passed January 30, 1864, which said sections one, two and three of said act, are hereby re-enacted and made a part of this act.

SEC. 7. Patients whose friends or estate pay for their keeping, shall in no case be charged more than are indigent persons who are kept at the expense of the Territory.

SEC. 8. The board of inspectors, or a majority of them, shall on evidence of sanity or upon request of friends, who shall make it appear that they are able and willing to take charge of said insane patient, have full power to issue an order of discharge, which order shall be placed on file among the papers of the institution.

SEC. 9. Said inspectors shall, before entering upon the discharge of their duties, take an oath for the faithful performance of the same, and said oath shall be filed with the Governor, and said inspectors shall be allowed three dollars per diem for the time actually employed in the discharge of their duties, to be paid by the Territory as are other moneys.

SEC. 10. The contractors shall, and are hereby required to exhibit to the Governor, to any physician having an order signed by the Governor, to the board of inspectors or any committee appointed by the Legislature, all patients, books and papers belonging to the institution at any time and without reserve.

SEC. 11. Nothing in this act shall be so construed as to affect the validity of any contract that may now exist for the keeping of said insane and idiotic persons, but the contractors shall be liable to and have all the benefits of all the provisions of this act.

SEC. 12. All acts and parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,
President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

IN RELATION TO TERRITORIAL WARRANTS.

SEC. 1. Unlawful for Territorial treasurer to pay out funds except on warrants.

2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for the Territorial treasurer to pay any money out of the Territorial treasury except it be on a warrant drawn by the Territorial auditor.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Passed the House of Representatives January 29, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,
President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

IN RELATION TO THE TERRITORIAL UNIVERSITY.

- SEC. 1. Acts conferring authority on University commissioners, repealed.
- Commissioners to turn over books, papers, &c., to president of board of regents.
- To make exhibit of lands located, &c.
- Particulars of said exhibit.
2. All acts naming regents heretofore, repealed.
- Board of regents appointed.
3. Board shall consist of five members, terms and election of.
4. Classification of board herein created.
5. Powers heretofore granted to regents conferred upon present board.
6. Present board to supersede all previous regents.
7. Of first meeting of regents.
- B. F. Dennison president till one elected.
8. Regents to investigate accounts and affairs of University.
- Powers as examiners.
- President may administer oaths.
- To report to next Legislative Assembly.
- What report shall contain.
9. A treasurer to be elected, qualification of.
10. Of qualification of regents.
11. Compensation of.
12. Salary of treasurer.
13. Place and time of meeting.
14. Power to enforce parties to make settlement and produce accounts.
15. Repealing section.
16. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all acts or parts of acts heretofore passed giving or granting power and authority over the interests or funds of the Territorial University, including the selection, location and sale of University lands, to a board of commissioners, be and the same are hereby repealed, and the said board of commissioners are hereby required forthwith to

turn over to the president of the board of regents herein appointed, all books, records, papers and property of every description in their or either of their possession belonging or in relation to said University, and to make a full and correct sworn exhibit of all their actions and doings from their or either of their appointment or election, up to the time of their so turning over, including a full description of each and every tract of land which has been located, the time when located, and a full and complete statement of the time and manner of the disposal of each of said tracts, and whether the sale of any tract was made for coin or legal tender notes, and if any land has been located which has been abandoned, the reasons why the same was abandoned, and a description of each tract thus abandoned.

SEC. 2. That all acts and parts of acts heretofore passed electing or appointing regents for said University, be and the same are hereby repealed, and that B. F. Dennison, David T. Denny, Frank Mathias, Harvey K. Hines and Oliver F. Gerrish be and the same are hereby appointed a board of regents for said University.

SEC. 3. That hereafter said board of regents shall consist of five persons, to be appointed by the Legislative Assembly as follows: Two at the first biennial session, three at the next, two at the next, and so on until otherwise provided.

SEC. 4. The regents herein appointed shall be divided into two classes, as follows:

1. David T. Denny and Harvey K. Hines, who shall hold office until the first biennial session of the Legislative Assembly of Washington Territory, and until their successors are appointed and qualified.

2. B. F. Dennison, Frank Mathias and Oliver F. Gerrish, who shall hold office until the second biennial session, and until their successors are appointed and qualified.

SEC. 5. That all and singular the power and authority that has heretofore been vested in the board of commissioners, shall vest in and be exercised by the board of regents.

SEC. 6. That the board of regents hereby appointed shall

supersede and take the place of the existing board of regents at the time of the passage of this act, and the president of said board shall immediately turn over to the president of the board hereby appointed, all books, papers, money or other property belonging to said University.

SEC. 7. The said board of regents shall meet at Seattle, King county, as soon as convenient after the passage of this act, elect one of their number president, and do such other business as may be necessary: *Provided*, That until such election is had, B. F. Dennison shall be and is hereby appointed president, and the president shall have full power and authority to call a meeting or meetings of said board.

SEC. 8. That the said board of regents are hereby authorized and required to make a full and complete investigation of all the accounts and transactions of the said board of commissioners from its first appointment up to the date of such investigation, and to audit and settle said accounts; and for such purposes, said board of regents shall have full power to enforce the attendance of witnesses, the production before them of any and all books and papers touching on the subject under consideration, and the delivery of all the University property unto said board. The president shall have power to administer all oaths necessary to a full investigation of the University affairs; and the president of said board of regents shall, by the consent of the majority of the board, bring all actions and proceedings against any and all persons who have in any manner, by the violation of official duty or otherwise, defrauded the University fund or property, and institute any and all proceedings necessary under section fourteen of this act. It shall be the duty of said board of regents to report to the next Legislative Assembly, and each ensuing session, a full statement of all their acts and doings in behalf of the said University, and of the financial condition of the same; and among other things, at the next session thereof, an exact account of each tract of land and the manner of its disposal, the price thereof, and whether paid in coin or legal tender notes; if abandoned, the cause of said abandonment, and whether in good faith or not. Also a full account

of the several sums of money paid out, whether the same was paid in legal tender notes or coin, and for what each sum was paid.

SEC. 9. Said board of regents shall at their first meeting, elect one of their number treasurer, who shall hold his office during the pleasure of said board, and who shall within thirty days after his election, qualify by taking the usual oath of office and give bond with two or more sureties to be approved by said board, and in such sum as they may direct.

SEC. 10. The regents hereby appointed, and their successors shall, before entering upon the performance of the duties of their offices, qualify by taking the usual oath of office before some person authorized by law to administer the same.

SEC. 11. The said board of regents shall be allowed and paid a reasonable compensation for their services, which shall be provided for by the Legislative Assembly to which they make their report.

SEC. 12. The treasurer shall receive such compensation as the board of regents may direct, not exceeding one hundred and fifty dollars per annum, and shall report to said board as often and at such times as said board may direct, copies of which said report shall accompany the reports of the board of regents to the Legislative Assembly.

SEC. 13. The board of regents shall meet at the town of Seattle in King county, at least once in each year at a time to be fixed by them, and oftener if necessary.

SEC. 14. If any person on reasonable notice shall fail or refuse to render a proper exhibit to the board of regents, or to appear and testify before them, or to produce before them as evidence any document, books or papers, or fails or refuses to deliver to said regents any property to which said regents are entitled under this act, the president shall make an affidavit before some judge of the supreme court of this Territory in vacation, or district court in session, of the facts constituting the said failure or refusal. Upon said affidavit being made as aforesaid, said judge or court may, upon notice or otherwise, as the

circumstances may require, in a summary manner order any party to furnish said exhibit to said regents, appear before said regents and testify, or produce books or papers before them, or deliver property to them; and if any person shall disobey any such order of the judge or court aforesaid, the said judge or court may punish said person as for a violation of a writ of injunction.

SEC. 15. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 29, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PERMANENTLY LOCATE AND BUILD THE PENITENTIARY OF THE TERRITORY OF WASHINGTON.

- SEC. 1. Board of penitentiary commissioners created.
 One to be acting commissioner, how elected.
 Bond of acting penitentiary commissioner.
2. Duties of acting commissioner.
3. Acting commissioner to make annual report.
 When and what said report shall contain.
4. Vacancy in board to be filled by Governor.
 Such appointment not to extend beyond close of next session of Legislative Assembly.

- SEC. 5. Limitation to draft for funds.
6. Penitentiary located at or near Steilacoom.
Title to lands to be approved by United States.
7. Compensation of commissioners.
Claims to be verified by affidavit.
8. Repealing section.
9. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Samuel McCaw, Philip Keach and W. R. Downey be and are hereby constituted and appointed a board of commissioners to superintend the erection of the penitentiary at such place as they may select in the county of Pierce, at or near the town of Steilacoom, and the said commissioners, or a majority of them, shall agree upon one of their number to be acting commissioner, and said acting commissioner shall give a bond to the United States of America in the sum of ten thousand dollars, to be approved by the Governor of this Territory, for the faithful performance of his duty.

SEC. 2. It shall be the duty of said acting commissioner to superintend in person the rearing and finishing of said building; and the said acting commissioner shall have power to call said board of commissioners together for the purpose of transacting business on the subject, and the said commissioners shall receive such compensation as is hereinafter provided.

SEC. 3. The acting commissioner shall annually on or before the first day of November of every year, report to the Governor of this Territory, to be laid before the Legislature at their ensuing session, a true account of all moneys received and paid out by him, and all his disbursements shall be substantiated by proper vouchers and duly verified by the affidavit of the acting commissioner.

SEC. 4. If by death, resignation or any other cause, there should be a vacancy in said board of commissioners, it shall be the duty of the Governor of this Territory to appoint some person to perform the duties of such disqualified commissioner: *Provided however*, That such appointment shall not extend beyond the time when the next succeeding Legislative Assembly may appoint a person to fill such vacancy.

SEC. 5. The said commissioners shall at no time draw upon said fund for more money than is due at the time of drawing for materials for said building actually delivered, and work on said building actually performed.

SEC. 6. Said commissioners shall proceed to locate and erect said penitentiary at or near by Steilacoom, in the county of Pierce, upon lands belonging to the United States, or upon and to which a perfect title can be obtained to the satisfaction and approval of the United States.

SEC. 7. Said commissioners shall receive each the sum of five dollars for each and every day necessarily employed in attending to the duties of their appointment, and in the payment of their accounts for services, they shall verify the same by affidavit as to the number of days employed.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO FUTURE CONTROL OF TERRITORIAL CONVICTS, AND TO EMPLOY THEM UPON PENITENTIARY GROUNDS AND BUILDINGS.

SEC. 1. Penitentiary commissioners may demand custody of all convicts wherever confined.

May employ same on construction of penitentiary buildings.

2. Jailers, sheriffs, &c., to turn over convicts on demand of penitentiary commissioners.

- SEC. 3. Expenses of transporting convicts to be paid by Territory.
4. Auditor to draw warrant on claim sworn to by acting commissioner.
Said warrant due out of money on hand.
5. Of expenses of convicts in custody of commissioners, how paid.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at any time the penitentiary commissioners may deem it to the interest of the Territory, they be and are hereby authorized and empowered to take and have the custody of all the Territorial convicts, wherever at the time they may be confined, and employ them in improving the penitentiary grounds or in the construction of penitentiary buildings: *Provided,* That such commissioners shall account and pay to the Territory such reasonable sum from the penitentiary fund as such labor may be worth: *And provided further,* That they may employ them otherwise when they think it to the interest of the Territory, and shall pay to the Territorial treasurer the proceeds of such labor.

SEC. 2. It shall be the duty of any sheriff, jailer or other persons having the custody of Territorial convicts, forthwith on demand of the chairman of the board of penitentiary commissioners to turn such convicts over to him on his order.

SEC. 3. The expenses of transportation of such Territorial convicts from the place of their confinement to the vicinity of the penitentiary, shall be paid out of the Territorial treasury.

SEC. 4. Upon the presentation to the Territorial auditor of a bill of the expenses of such transportation of Territorial convicts, sworn to by the chairman of said board of commissioners as correct and necessarily incurred, it shall be the duty of said auditor to draw his warrant on the Territorial treasurer for the payment of the same, and it shall be the duty of the Territorial treasurer to pay the same out of the money in the treasury.

SEC. 5. After said Territorial convicts shall come into the custody of the board of penitentiary commissioners, the expenses of custody, keeping and clothing shall be paid upon like vouchers from the board of commissioners as are at present

required to be furnished by those having the custody of said convicts, and such expenses shall be in all respects paid as at present provided by law.

Passed the House of Representatives January 30, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO TERRITORIAL CONVICTS.

- SEC. 1. All Territorial convicts hereafter to be kept at hard labor. Jailers to see that convicts are employed. Value of such labor to be agreed upon by jailer and party desiring the employment. Such compensation for labor to be accounted for to Territorial treasurer.
2. Convicts may work on roads, &c., if county or city authorities will pay board and for necessary guard.
 3. Of contracts by jailer for the labor of convicts:
 4. Jailer authorized to employ necessary guard.
 5. Such guard in no event to have any claim except from proceeds of labor.
 6. Convict refusing to labor shall be placed in solitary confinement.
 7. Semi-annual returns of earnings of convicts to be made to Territorial treasurer.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That hereafter all Territorial convicts*

confined and kept in any of the county jails of this Territory shall be kept at hard labor, and it is hereby made the duty of the jailer or officer having them in charge, to find and cause them to perform such labor in the vicinity of the several places of confinement as he may be able to obtain for them, and for such sum or price as such officer and the person for whom such labor is performed may agree upon, and such money so earned by Territorial convicts shall be accounted for to the Territorial treasurer, and go towards paying the expenses of maintaining them so far as the same may be necessary.

SEC. 2. Whenever such jailer may be able to obtain for such Territorial convicts at a price that will at least pay for their board and the necessary guard to prevent their escape while at labor, he may place them at labor on the highways or public roads in the vicinity, if the county commissioners or city where they are kept will pay the expenses of the necessary guard to prevent their escape.

SEC. 3. Said jailer is also further authorized to take contracts for the performance of labor by such convicts upon such terms as he may judge for the interests of the Territory; or if he is unable to obtain labor for them as above provided, then he may place them at labor in the cultivation of land in the vicinity of the place of their confinement, and the products of the same shall be accounted for to the Territory, and go towards paying the expenses of keeping such convicts.

SEC. 4. The necessary person or persons to prevent the escape of said convicts while at labor, may be employed by such jailer, and shall be paid such sum as may be deemed just and be agreed upon.

SEC. 5. The guard provided for in the preceding section, shall in no case receive any pay from the Territorial treasury, but shall be paid by the officer from the proceeds of the labor of the convicts, except otherwise provided by law.

SEC. 6. Any Territorial convict who shall refuse to perform such reasonable amount of labor as may be required of him, shall be placed in solitary confinement and kept upon an allowance of bread and water until he will perform such labor.

SEC. 7. The jailer or officer having charge of Territorial convicts, shall semi-annually make full returns to the Territorial treasurer of the earnings of such Territorial convicts as may be under his charge, and such returns shall be made under oath and shall also state that for the period covered by said return, he has kept said convicts employed to the best advantage he was able to do under the provisions of this act, for the interests of this Territory.*

Passed the House of Representatives January 28, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE TERRITORIAL LIBRARY.

- SEC. 1. To be elected by joint ballot of Legislative Assembly.
Governor to appoint if vacancy occurs.
2. Oath and bond of librarian.
 3. May appoint a deputy.
 4. Duties prescribed.
 5. Library to be kept open during sessions of Assembly, and during the terms of the supreme court.
Books to be collected before such times.
 6. Officers, attorneys, &c., free use of books at library room.
Condition on which books taken out.
 7. When books taken out by officers shall be returned.
Penalty for violating this provision.
 8. During district court, privileges extended to attorneys and officers of court.

- SEC. 9. Privileges of Territorial officers defined.
10. Privileges of other persons defined and limited.
11. *Ibid.*
12. Penalty for such person failing to return books, &c.
13. Library to be kept open, when.
14. Librarian authorized to make charge for use of books.
15. Damages for use of books to be deducted, and balance of money returned.
16. Penalties for failure to return books.
17. Mutilation of books or destruction of, made a misdemeanor,—punishment prescribed.
18. Books now out to be returned by July 1, 1867.
Penalty for not observing this notice.
19. Certain officers to hunt books belonging to library and enforce their return.
To have half the fines for hunting.
20. Officers failing to prosecute, punishment prescribed.
21. Actions under this law deemed criminal, and when to be tried.
22. Moneys collected under this law a library fund.
23. Librarian must not allow over \$1000 worth of books to be out at one time.
24. Penalty prescribed for violating Sec. 23.
25. Salary of librarian.
26. Repealing previous acts.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial library of this Territory shall be kept by a librarian elected by the joint ballots of both houses of the Legislative Assembly at their regular session, and in case of vacancy the Governor of the Territory shall appoint the librarian.

SEC. 2. The Territorial librarian, before he enters upon the duties of his office, shall qualify by an oath to faithfully perform his duties, and give a bond in the sum of two thousand dollars payable to the Territory, that he will perform his duties as librarian.

SEC. 3. The Territorial librarian may at any time appoint a deputy, who shall, before he enters upon his official duties, qualify in the same manner as the Territorial librarian.

SEC. 4. It shall be the duty of the librarian to keep a correct account of all the books in the library, and keep said books in an orderly manner on the shelves of said library, except

he allows them to be taken from the shelves as hereinafter provided, and to use that reasonable diligence which a careful man would do in his own private office, to collect the books outstanding into the library, to keep all the books of said library marked so that it may be known to whom they belong, to report at each session of the Legislature to one of the houses thereof, any increase or decrease in such library, and the sources and reasons of such decrease and increase, and when his office expires, deliver all accounts and papers concerning said library and all of said library to his successor in office.

SEC. 5. The librarian shall during the session of the Legislature and supreme court, keep said library open for the use of Legislature and other officers and the attorneys and judges of said court, and all the books of the library shall at that time be collected into the library for the use of said persons and other officers of the Territory.

SEC. 6. Said persons above named shall be allowed at all times to use the books in the library room, but shall in no case be permitted to take any book therefrom, unless he first deposits with the acting librarian a receipt therefor, signed by the person taking the book, in which case said party may be allowed to take such book from the library room.

SEC. 7. Every person who shall take a book from the library, as provided in the last section, shall within three days after the adjournment of the Legislature or court aforesaid, return such book to the Territorial library, and in case of failure, he shall forfeit to the Territory an amount equal to five times the value of the book, and in case said book is one of a set, then five times the value of the set to which the said book belongs.

SEC. 8. During the session of a district court, judges, attorneys and other officers of the court, can have the same privileges, under the same restrictions and penalties and other provisions as is provided above.

SEC. 9. All Territorial officers shall at all times have free access to the library and use of the books to take away as above stated, in all respects and under the same regulations, penalties and provisions as aforesaid, except the time of their return of

said books, instead of being three days after the end of the session of the Legislature or court, shall be one month after they receive said books.

SEC. 10. Any and all other persons than those above named, may have free access to said library at any time the same may be open, to use the same in the library room while the same is open and not otherwise, except as provided in the next section.

SEC. 11. Any person can take a book from said library, except when the supreme court or Legislative Assembly is in session, by first depositing in money with the Territorial librarian the value of said book, if it be one not belonging to a set, and if it be one belonging to a set, then by depositing the value of the whole set, and also by depositing with the librarian a receipt for said book signed by the person taking the book.

SEC. 12. Any person obtaining a book under the provisions of the last section, shall return the same to the librarian in all cases three days before the session of the Legislative Assembly or supreme court, and in other cases within one month from the time the same is taken.

SEC. 13. It shall be the duty of the librarian to keep open, for the use of the public as aforesaid, the library on every Saturday from the hour of nine o'clock in the forenoon till four o'clock in the afternoon.

SEC. 14. The librarian may charge all persons except Territorial officers, a reasonable amount for the use of books taken from the library, which shall not be to exceed twenty-five cents per book, and in case any book is injured more than the ordinary use thereof would usually injure it, he may charge the person who took the book away the damage so done, and may either retain money in his hands to the amount of said damage, or recover the sum by action in case payment is refused.

SEC. 15. The person returning the book shall be entitled to his receipt which he gave for the same and to his money which he deposits, less the amount of damage done to the book returned.

SEC. 16. If any person fails to return a book within the

time specified in this act, such person shall in case said book is a single independent book, pay a forfeiture to the Territory of five times the value of said book, and in case said book is one of a set, then five times the value of the set to which it belongs, and the book shall remain the property of the Territory.

SEC. 17. Any person who shall purposely destroy, mutilate, alter, deface, conceal or cover up the Territorial mark of any book belonging to the Territorial library, shall be deemed to intend to embezzle the same, and guilty of a misdemeanor, and shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, and imprisonment in the county jail for any time not exceeding six months.

SEC. 18. Any person who has any book belonging to the Territorial library shall, on or before the first day of July, 1867, return said book to the Territorial librarian, and if any person now having any such book shall fail to return such book in said time, such person shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five times the value of the book so retained, nor more than five hundred dollars, and also shall deliver up such book or books.

SEC. 19. It shall be the duty of the Territorial librarian and each of the district attorneys and county treasurers of this Territory, to use the best of their endeavors to find any and all books which belong to the Territorial library, and to immediately seize upon said books and return the same to the Territorial library; and it shall be the duty of all said officers to prosecute all persons guilty of a violation of this act, and such officers, besides the usual fees allowed for prosecuting, shall be entitled to half of the fines recovered in said cases.

SEC. 20. Any of said officers who fail to prosecute all of those cases above mentioned which shall come to his knowledge, shall be deemed guilty of the offense which it was their duty to have prosecuted, and shall be prosecuted by any person in the same manner as other cases under this act.

SEC. 21. All actions prosecuted under this act shall be deemed criminal actions, and shall be prosecuted as other crimes and misdemeanors are prosecuted, in the name of the Territory,

and all courts of justices of the peace shall have concurrent jurisdiction with the district courts in all cases wherein the penalty is one hundred dollars or less, and in all other cases the district courts shall have jurisdiction thereof.

SEC. 22. All moneys recovered under the provisions of this act shall be paid immediately to the Territorial treasurer, and shall be as a separate fund for the benefit of the Territorial library.

SEC. 23. The Territorial librarian shall not at any time permit books to a greater value than one thousand dollars to be absent from the Territorial library at one time, and said librarian shall be responsible on his Territorial bond for any violation of his duty, and the same shall be prosecuted in case of a breach of duty by the prosecuting attorney of the second judicial district, and the money received deposited with the Territorial treasurer for the benefit of the library.

SEC. 24. If the librarian shall permit more books than a thousand dollars worth to be taken from the library at one time, he shall forfeit twice the amount of the excess.

SEC. 25. The librarian shall be allowed a salary of four hundred dollars per annum to be paid quarterly, besides that which is paid him by the United States, and the auditor shall draw a warrant on the Territorial treasurer for the said amount.

SEC. 26. All acts and parts of acts heretofore passed in relation to the Territorial library are hereby repealed.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 22, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO FIX THE TIMES FOR HOLDING THE COUNTY COMMISSIONERS' COURTS
IN CERTAIN COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be but two regular sessions of the county commissioners' courts held in the counties of Chehalis, Mason, Wahkiakum, Island, Whatcom, Lewis, Snohomish and Kitsap, which shall commence on the first Mondays in May and November in each year.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 23, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE DUTIES OF COUNTY AUDITORS.

SEC. 1. Annual exhibit of county finances to be made out by county auditor.

To be made out and published at close of spring term.

To be published in newspaper, or posted.

2. What exhibit shall contain.

3. Compensation allowed for such service.

4. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the county auditors of the several counties of this Territory, at least once

in each year, to make out a full and complete exhibit of the finances of the county. Such exhibit shall be made out immediately after the spring term of commissioners' court, and the county auditor shall cause the same to be published without delay in some newspaper, if any is printed within the county, if not, he shall post the same in a conspicuous place in his office.

SEC. 2. Such exhibit shall show:

1. The amount of tax assessed in the county the preceding year for Territorial, county and school purposes.
2. The amount of tax collected on such assessment.
3. The amount of money received from other sources.
4. The amount received into the treasury.
5. The amount still due and not collected.
6. The number of orders issued, their several amounts and for what they were issued.
7. The total amounts of orders redeemed.
8. The amount of outstanding orders.
9. The present condition of the treasury.
10. Remarks.

SEC. 3. The county commissioners shall allow the county auditor the same fees for making out such exhibit as he is allowed by law for similar services.

SEC. 4. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 10, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867.

B. F. DENNISON,

President of the Council.

Approved January 24, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

[RELATING TO THE REGISTRATION OF COUNTY SCRIP.

- SEC. 1. Six months notice to be given to holders of county orders.
 Outstanding scrip to be registered before Jan. 1, 1868.
 Orders unrepresented barred from payment.
2. In counties where newspaper printed notice to be published.
 In other counties notice may be printed or posted.
 Term of publication or notice.
3. Order to be void not presented for registration.
4. In registration dates of issue not to be changed.
 Nor shall it affect order of payment.
 All expense of notice and registration payable by county.
5. Construction of this law as to scrip heretofore unregistered.
6. Act to take effect from passage.
 Conflicting laws repealed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the county auditor of each county in this Territory to give six months public notice to the holders of the scrip or orders upon the treasury of his county which may have heretofore been issued, to present the same to him for registration upon the record book of the county before the first day of January, A. D. 1868, and that said auditor shall state in his notice that all pieces of scrip or orders upon the treasury of his county which shall not be presented to him for registration within the time specified in this section, shall be forever barred from payment.

SEC. 2. In the counties where there are newspapers printed, the auditors shall publish their notices in one weekly newspaper published in such counties, and in the counties where there are no newspapers printed, the auditors shall post written or printed notices at each of the places of holding elections in such counties, which notices shall be printed or posted six months prior to the first of day of January, 1868, and be continued until the expiration of the said six months.

SEC. 3. Any person failing to present to the auditor for registration any piece of scrip or order upon the treasury of the county from which it has been issued, within the time specified by this act, shall be forever barred from recovering or

receiving any payment upon said scrip or order shall be actually void.

SEC. 4. In the registration of scrip or orders under the provisions of this act, the dates of the scrip or orders shall not be changed, nor shall the registration under this act affect the order of payment now fixed by law for scrip or orders that are now, or that may be hereafter registered, and the auditor shall receive the usual fees for posting notices, and the sum of ten cents for every piece of scrip or order registered by him under the requirements of this act, which sums shall be paid by the county.

SEC. 5. Nothing in this act shall be so construed as to prevent the registration within the time herein specified, of any piece of scrip or order which may not heretofore have been registered according to the requirements of law.

SEC. 6. This act shall take effect and be in force from and after its passage, and all acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Passed the House of Representatives January 7, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 18, 1867.

B. F. DENNISON,
President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE PAY OF ASSESSORS.

SEC. 1. County commissioners to fix compensation.

Not to exceed ten dollars per day while actually employed.

2. Allowance to assessor or deputy, payable out of current fund of county.

SECTION 1. *Be it enacted by the Legislative Assembly of*

the Territory of Washington, That the county assessors and each of their deputies in the several counties of this Territory shall be allowed a reasonable compensation for their services in assessing the property of their respective counties, which compensation shall be fixed by the board of county commissioners of each county, and shall in no case exceed the sum of ten dollars per day for his or their service whilst actually engaged in assessing the property in his or their county.

SEC. 2. The amount allowed any assessor or deputy assessor for his or their services in assessing the property of his or their county, shall be paid out of the current expense fund of said county.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 15, 1866.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO SECURE TO ORPHANS AND CERTAIN OTHER CHILDREN IN THE TERRITORY OF WASHINGTON A COMMON SCHOOL EDUCATION.

SEC. 1. Guardians compelled to send ward to school at least three months in year.

If unable to pay, such orphan shall be admitted free of charge.

2. If no district school be kept, time to be made up in subsequent year or years.

3. Guardian failing to obey this act, shall pay \$100 for school fund of district.

This forfeiture may be remitted by county commissioners.

- SEC. 4. Duty of district (school) clerks as to forfeiture imposed in preceding section.
5. Percentage due to clerks on such forfeitures collected.
To report to probate judge annually such orphans as have failed to attend school.
Probate judge to remove child to custody of proper person.
6. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all guardians and other persons in this Territory having, or who may hereafter have the immediate custody of any white child or children between the ages of eight and eighteen years, shall send the same to school at least three months in each year said child or children may remain under their supervision: *Provided,* That if the person having the custody of said child shall not be able to pay for its education as provided in this section, and shall satisfy the directors of that fact, such child shall be admitted free of cost.

SEC. 2. All time lost to any child in consequence of no school being taught the required length of time, or from any other good reason, shall be made up the ensuing year or so soon as such disability is removed and a school is taught a sufficient time in their district to allow of such amend.

SEC. 3. In all cases where any person having the custody of any child shall fail to send said child to school the required length of time, provided that an opportunity has offered, and no good reason can be shown for the failure, then said person shall pay to the district clerk of his school district, on the presentation of a warrant from the school directors, the sum of one hundred dollars, to be incorporated into the school fund and used for school purposes in said district; but the county commissioners shall have power to remit fines arising by virtue of this act, when in their opinion justice demands a remission.

SEC. 4. It shall be the duty of the directors of schools to examine the school schedules and make out and present to the clerk of their district, on or soon after the first day of November of each year, warrants for all money forfeited under this act for the year ending on the day above mentioned, and the

time for collection specified in said warrants shall not extend beyond the first day of January of the succeeding year.

SEC. 5. Clerks of school districts shall have the same power to collect percentage for collecting money accruing under this act, that they already have for collecting other school money; and they shall report to the probate judge before the first day of December of each year the name and residence of every orphan child that failed to attend school as herein required, and the probate judge shall have power to remove such child, and place it in the care of some other person who will be likely to comply with the requirements of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT IN RELATION TO THE SALE OF SCHOOL LANDS," PASSED JANUARY 15, 1863, AND AN AMENDATORY ACT THERETO, PASSED JANUARY 25, 1864.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the act passed January 15, 1863, and the amendatory act thereto, passed January 25, 1864, in relation to the sale of school lands in this Territory, be and the same are hereby repealed.*

SEC. 2. This act is to take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,

President of the Council.

Approved January 26, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE FORMATION OF CORPORATIONS FOR CERTAIN PURPOSES," APPROVED JANUARY 27, 1866.

SEC. 1. Purview of general incorporation law extended to include any business.

Two persons instead of three to be the minimum to be incorporated.

2. Foreign corporations for transacting insurance business, endowed with privileges of domestic corporations.

3. All organized corporations for other purposes than named in section one of general incorporation act, hereby declared valid.

4. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this act is amendatory be and the same is hereby amended so that the words "or business" be inserted immediately after the word "trade" in the first section of said act, and that the word "three" be stricken out of section two in first line, and the word "two" be inserted in lieu thereof. Also in section five, second line, strike out the word "three" and insert in lieu thereof the word "two."

SEC. 2. *Be it further enacted*, That the twenty-fifth section of the act to which this amendatory be stricken out, and in lieu thereof the following be inserted, and said section twenty-five shall read:

“SEC. 25. All corporations now existing or hereafter formed under the laws of other States and Territories for the conducting and transactions of marine, life or fire insurance business, with an authorized agent residing in and having an office in this Territory, shall have ample power to do and transact such insurance business within this Territory, not inconsistent with the organic act of this Territory, with ample power by their corporate name and style to enjoy all such rights not inconsistent with the organic act as aforesaid, and to maintain and defend the same in any court or place within this Territory as fully as though said companies were domestic corporations, incorporated by and in accordance with the laws of this Territory.”

SEC. 3. Strike out all of section twenty-seven, and insert in lieu thereof the following; section twenty-seven of the act to which this is amendatory will then read:

“SEC. 27. That all persons who have organized themselves as a corporation under the provisions of the act to which this is amendatory, for purposes other than those enumerated in section first of said act, are hereby declared incorporate bodies, with all the powers the same as they would have been had they been incorporated for the purposes set forth in section first of said act.”

SEC. 4. This act to be in force from and after its passage.
Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT FOR THE BETTER OBSERVANCE OF SUNDAY," APPROVED JANUARY 20, 1866.

SEC. 1. Writs of arrest, attachment and injunction may be issued and served on Sunday, in what cases.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act of which this is amendatory be and the same is hereby amended by inserting in the tenth line of section second of said act, immediately after the words "proceeded with," the words "writs of arrest, attachment and injunction may issue and be served on Sunday in all cases in which the said writs might have issued and been served under the provisions of an act entitled "an act to regulate the practice and proceedings in civil actions in the district courts," and an act entitled "an act relating to justices of the peace and their practice and jurisdiction," and an act entitled "an act defining the jurisdiction and procedure in the probate courts of Washington Territory."

Passed the House of Representatives December 20, 1866.
HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 15, 1866.

B. F. DENNISON,

President of the Council.

Approved January 10, 1867.

AN ACT

TO RESTRAIN AND LICENSE DANCE OR HURDY GURDY HOUSES.

SEC. 1. No dance or hurdy gurdy to be opened or kept without a license from county commissioners.

2. Hurdy gurdy and dance houses defined.

3. Rate of license prescribed.

4. Money to be deposited with treasurer before license may issue.

- SEC. 5. Owner of premises to be liable as proprietor.
6. Penalty for violation of this law.
7. Fines and forfeitures go to school fund.
8. Repealing inconsistent acts.
9. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no dance or hurdy gurdy house shall be opened, kept or maintained in said Territory, until a proper license therefor shall have been obtained from the county commissioners of the county in which the same shall be located, in accordance with the provisions of this act.

SEC. 2. All houses, rooms or tenements which shall be kept open to the public, either by free admission or otherwise, where women resort, either as waiters or professional dancers, shall be deemed to be dance or hurdy gurdy houses within the intent and meaning of this act.

SEC. 3. The amount of the license to be required by the county commissioners and paid by the applicant shall be not less than one hundred nor more than five hundred dollars per quarter or a term of three months, in the discretion of the county commissioners of the proper county, and no license shall be issued for a less time than three months.

SEC. 4. The applicant for such license shall deposit with the treasurer of the proper county the amount of money required by this act for such license, and upon the presentation of the receipt of such treasurer for such sum, the county commissioners of such county shall cause a license to be issued in manner and form prescribed by law for liquor and billiard license.

SEC. 5. Any person owning any house, room or tenement which shall be used as a dance or hurdy gurdy house, within the intent and meaning of this act, shall be deemed to be the proprietor of such house, room or tenement, and shall be liable to all the pains and penalties of this act.

SEC. 6. Any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than three hundred

dollars nor more than five hundred dollars, or imprisonment in the county jail for a term not exceeding six months, or both, in the discretion of the court.

SEC. 7. All fines and forfeitures collected under the provisions of this act, shall be applied to the common school fund of the proper county.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 19, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 21, 1866.

B. F. DENNISON,

President of the Council.

Approved January 24, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO TAXING STOCK.

- SEC. 1. Stock is taxable if it continues in county over thirty days. Not if taxes have already been paid on same in same year.
2. Duties of sheriff in assessing such stock.
 3. In cases where owner is unknown.
 4. Lien of county attaches from assessment.
When and how stock may be sold for taxes.
 5. Owners may make out list of stock preceding assessment.
Duty of sheriff on receiving such list.
 6. Sheriff to pay over taxes collected under this act as soon as possible.
 7. Fees of sheriff for services under this act.
When he shall receive three per cent. commissions.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all stock such as horses, mules, cattle, hogs, sheep, &c., that may remain in any county of this Territory for thirty days or over, shall be liable to taxes equal in assessment to the stock of actual settlers in said county: *Provided,* That this shall not apply to any stock upon which taxes have been paid for the current year in any other county of this Territory.

SEC. 2. The sheriff shall assess said stock, and shall make out the amount of taxes due on said assessment and immediately notify the owner or owners of said stock of the amount due by them on taxes on said stock.

SEC. 3. If said owner or owners are not known, or are non-residents, then notice shall be given by three written or printed notices posted in three conspicuous places in the county, which notices shall describe the stock and state the date of assessment and the amount due for taxes.

SEC. 4. The county shall be deemed to have a lien on said stock from the date of assessment, and the sheriff shall, after having waited twenty days from the day of assessment, give notice by three written or printed notices that he will sell to the highest bidder so much of said stock as will pay said taxes and costs, which notice shall be for not less than ten days nor more than fifteen, but when no bidders appear, the sheriff may postpone the sale for ten days or less, as he may deem best, and so on till such sale is effected.

SEC. 5. The owner or owners of any stock may at any time preceding the assessment as above provided, make out a list of his or their stock, and the sheriff shall on receipt of said list, make out the amount of tax due on said stock, and if such tax is then paid, there shall be no other charges than said tax.

SEC. 6. The sheriff shall pay over to the county treasurer any moneys coming into his hands by the provisions of this act, as soon thereafter as possible.

SEC. 7. The sheriff shall be allowed for his services the like fees as are allowed for like services in civil actions, and said fees shall be paid out of the proceeds of the sale of said stock,

or by the owner or owners when said taxes are paid: *Provided*, That when said taxes are paid as provided by section five of this act, the sheriff may retain three per centum for his services.

Passed the House of Representatives January 28, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,
President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT TO PROTECT FREE WHITE LABOR AGAINST COMPETITION WITH CHINESE COOLIE LABOR, AND TO DISCOURAGE THE IMMIGRATION OF THE CHINESE INTO THIS TERRITORY," APPROVED JANUARY 17, 1866.

- SEC. 1. Tax reduced to six dollars in certain counties.
Section eight of original act stricken out.
2. Repealing sections.
 3. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the act entitled "an act to amend an act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into this Territory," approved January 17, 1866, be amended so far as it relates to the counties of Stevens, Jefferson, Snohomish, Island and Kitsap, by striking out in said act the words "sixteen dollars" wherever it appears, and insert in lieu thereof the words "six dollars." By striking out section eight of said act.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 10, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867.

B. F. DENNISON,

President of the Council.

Approved January 24, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO CREATE AND REGULATE THE OFFICE OF INSPECTOR OF SALMON."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "an act to create and regulate the office of inspector of salmon," passed January, A. D. 1863, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 9, 1867.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO ESTABLISH A STANDARD FOR THE MEASUREMENT OF CLAPBOARDS
OR SHAKES. •

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That in all cases when there is no express agreement between the parties to the contrary, six inches in width and thirty-six inches in length shall constitute a clapboard or shake.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 5, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 18, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT FOR THE PRESERVATION OF
GAME," APPROVED JANUARY 21, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the proviso contained in section first of the act to which this is amendatory, be and hereby is amended by inserting the words "and Jefferson, Clalm," after the word "Snohomish," wherever it occurs, and also by inserting the following words: "But nothing herein shall exempt any person from the pains and penalties of the act to which this is amendatory, who shall wantonly destroy any game in any of the counties of this Territory," after the word "Kitsap," wherever it occurs.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REGULATE THE HOLDING OF LEAD, COPPER AND IRON MINING CLAIMS.

- SEC. 1. Area of claim prescribed.
2. Claim to be distinctly marked out.
Corners to be staked.
Stakes to be three inches square with name of claimant.
To be numbered regularly from discovery claim.
To be recorded within thirty days in auditor's office.
What record shall contain.
 3. One hundred dollars work to be done within the year.
Within three years claim to be opened and worked at least three months a year.
 4. Failure to comply with this act works a forfeiture of claim.

SECTION 1. *Be it enacted by the Legislative Assembly of Territory of Washington,* That any person may locate, claim or take up a tract of land not exceeding three hundred yards square on the surface of the ground containing any lead, copper or iron ore or mineral in this Territory, and hold and have the exclusive possession thereof.

SEC. 2. It shall be the duty of any person taking up, locating or claiming any mining claim or mineral lode of any of the minerals mentioned in section one of this act, to distinctly mark the bounds thereof by firmly planting stakes at each corner of his claim, which stakes shall not be less than three inches square, and shall have the name of the claimant and the number of the claim plainly marked or cut thereon, and the said claim shall be numbered in its regular order, counting from the discovery claim; and the said claimant shall within thirty days after the location of such mining claim or mineral lode, make out and record in the office of the county auditor of the county in which said claim is located, a description of his said claim, including the number of the claim, the date of the location thereof, and the name of the claimant.

SEC. 3. It shall be the duty of every person locating a mining claim or mineral lode under the provisions of this act, within one year after locating the same, to do or cause to be done one hundred dollars worth of work on said claim, and the said claimant shall within three years after the location of said claim, have the same opened up and shall then work the same at least three months in each year.

SEC. 4. Any person locating a mining claim or mineral lode under the provisions of this act, who shall fail to comply with any of the requirements of sections one and two of this act, shall forfeit all right, title or claim to such mining claim or mineral lode acquired under or by virtue of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

Approved January 10, 1867.

AN ACT

TO PROTECT SHEEP AND WOOL GROWERS.

- SEC. 1. Owners of diseased sheep not to allow them to run at large.
Penalty and how collected.
To be paid county school fund.
2. If diseased sheep allowed to common with other flocks, owner liable.
Penalty and how enforced.
3. Scabby sheep may be impounded.
Owner to be notified.
Liability of finder.
Penalty for violating this section.
4. When sheep so impounded shall be sold.
Sales of, proceeds to go to school fund.
5. Rams prohibited from running at large between first March and first November.
6. To take effect from passage.
Inconsistent laws repealed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons owning or having in charge sheep infected with the scab or other infectious disease, be and are hereby prohibited from allowing such sheep to run at large upon the commons within this Territory, under a penalty of fifty dollars and costs of suit for each offense, to be recovered before any justice of the peace; said sum of fifty dollars to be paid by the justice of the peace into the county school fund for school purposes.

SEC. 2. If any person owning or having diseased sheep in charge, suffer the same to mix with or run through other flocks of sheep on the commons or the highways, such person shall be liable to the owners of such flocks of sheep, in a sum of not less than fifty dollars, or in such other sums of damages and costs, not exceeding the value of said flock of sheep so injured, as may be adjudged by a court having competent jurisdiction.

SEC. 3. It shall be lawful for any person finding scabby or diseased sheep running at large, to impound such sheep in a sufficient pasture or field, and immediately notify the owner or keeper of said sheep, who shall pay such finder the sum of five dollars for each person necessarily employed to secure said

sheep, and five cents per day for pasturing each head of sheep. If said owner neglect or refuse to take care of said sheep, he shall be liable to be prosecuted for such neglect, and shall forfeit and pay the sum of fifty dollars into the county school fund for every such neglect, on complaint being made before any justice of the peace in the county, or other court having competent jurisdiction where the sheep were found.

SEC. 4. If no owner be found to claim such sheep within thirty days, said sheep shall be sold at public auction to the highest bidder, and the expenses to be taken and deducted out, and the remainder, if any, shall be paid to the county treasurer for the use of the owner; if no owner appears within one year, the money so paid shall be applied to the common school fund.

SEC. 5. It shall be unlawful for any person owning or having in charge a ram or rams, to suffer the same to run at large between the first day of March and the first day of November of each year, under the like penalties as for suffering scabby or diseased sheep running at large upon the commons.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 21, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PROTECT SHEEP AND WOOL GROWERS OF THE COUNTIES OF PIERCE, LEWIS, SNOHOMISH, THURSTON, CLARKE, STEVENS AND JEFFERSON.

- SEC. 1. Penalty for allowing infected sheep to run at large within certain counties.
2. Penalty for allowing scabby sheep to common with other flocks.
 3. Impounding diseased sheep.
 4. Sale of impounded sheep where no owner makes claim.
 5. Further of impounding a flock when diseased sheep are discovered.
 6. Nothing herein contained to prohibit healthy sheep running at large.
 7. Rams to be kept up between 1st March and 1st November.
 8. Sheriff not to allow diseased flocks to be driven through counties named.
- Duties of sheriffs in counties included in this act.
9. Penalty of sheriff failing to enforce this act.
 10. Penalty of party violating this act refusing to pay fines and damages.
 11. Owner of diseased sheep not to allow such sheep to run at large for one year after cure.
With a herdsman, may go one mile from residence of owner.
Penalty for violation of this provision.
 12. Owners of sheep shall use preventatives.
Clarke county excepted from this section.
 13. Of driving impounded sheep.
 14. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons owning or having in charge sheep infected with the scab or other infectious disease be and are hereby prohibited from allowing such sheep to run at large upon the commons within the counties of Pierce, Lewis, Snohomish, Thurston, Clarke, Stevens and Jefferson, under a penalty of fifty dollars and costs of suit for each offense, to be recovered before any justice of the peace, said sum of fifty dollars to be paid by the justice of the peace into the county school fund for school purposes.

SEC. 2. If any person owning or having diseased sheep in charge, suffer the same to mix with or run through other flocks of sheep on the commons or the highways, such person shall be

liable to the owners of such flocks of sheep, in a sum of not less than fifty dollars, or in such other sums of damages and costs, not exceeding the value of said flock of sheep so injured, as may be adjudged by a court having competent jurisdiction.

SEC. 3. It shall be lawful for any person finding scabby or diseased sheep running at large, to impound such sheep in a sufficient pasture or field, and immediately notify the owner or keeper of said sheep, who shall pay such finder the sum of five dollars for each person necessarily employed to secure said sheep, and five cents per day for pasturing each head of sheep. If said owner neglect or refuse to take care of said sheep, he shall be liable to be prosecuted for such neglect, and shall forfeit and pay the sum of fifty dollars into the county school fund for every such neglect, on complaint being made before any justice of the peace in the county, or other court having competent jurisdiction where the sheep were found.

SEC. 4. If no owner be found to claim such sheep within thirty days, said sheep shall be sold at public auction to the highest bidder, and the expenses to be taken and deducted out, and the remainder, if any, shall be paid to the county treasurer for the use of the owner; if no owner appears within one year, the money so paid shall be applied to the common school fund.

SEC. 5. That if any person discovering one or more sheep infected with scab or other infectious disease, he shall take up and impound the said flock of sheep, and if the owner refuses to pay for the taking up and the expenses as in the foregoing sections of this act, then the sheriff or the person so taking up and impounding said sheep, shall give the said owner or herdsman of said flock at least two days notice before commencing suit against said owner or herdsman.

SEC. 6. Nothing in this act shall be so construed as to prohibit sound and healthy sheep from running at large.

SEC. 7. It shall be unlawful for any person owning or having in charge a ram or rams, to suffer the same to run at large between the first day of March and the first day of November of each year, under the like penalties as for suffering scabby or diseased sheep running at large upon the commons.

SEC. 8. It shall be the duty of the sheriffs of the counties of Pierce, Lewis, Snohomish, Thurston, Clarke, Stevens and Jefferson, as soon as the same comes to his knowledge by notice or otherwise, not to allow any sheep which are diseased to be landed or driven into or through the counties of Pierce, Lewis, Snohomish, Thurston, Clarke, Stevens and Jefferson, and if any scabby or diseased sheep shall be running at large on the commons with or without a herdsman, it shall be the duty of the sheriff to take into his charge such sheep, and the owner shall pay a fine of fifty dollars and all costs, damages and expenses for allowing said scabby or diseased sheep to run on the commons in the counties of Pierce, Lewis, Snohomish, Thurston, Clarke, Stevens and Jefferson; all the fines, costs, damages or expenses, to be paid to the sheriff or the court in which suit is brought for the recovery of the said fines, costs, damages or expenses; all fines and forfeitures to be paid into the school fund; all damages to be paid to the party so damaged, and costs and expenses to the sheriff or persons taking up said sheep, or employed as above mentioned.

SEC. 9. If any of the provisions of this act become known to the sheriff of the county, and he fails to take up such scabby or diseased sheep, then he shall be held liable for every such neglect in the above named fines, costs, damages and expenses, to the owners of any sheep which may be so injured by the neglect of the said sheriff for not taking up such scabby or diseased sheep when the same has come to his knowledge.

SEC. 10. When any owner of scabby or diseased sheep shall refuse to pay any fines, costs, damages and expenses which may be hereby rendered by a court, or refuse to pay the same to the sheriff in accordance with the provisions of this act, then the sheriff shall proceed to sell the said sheep at public auction to the highest bidder for cash, to satisfy the costs, damages and fines; but the sheriff shall have the right to settle with the owner of said sheep by their paying the fines, costs and damages as are herein stated, and save further costs of suit. If the same is not paid and the sheriff satisfied in accordance with the provisions of this act, then the sheriff shall proceed to sell and

collect the same after suit, and in accordance with other laws in regard to collection of fines, costs, damages, &c.

SEC. 11. No person having scabby or diseased sheep, after using any of the preventives known for the above diseases on said sheep, shall be allowed to turn such sheep out upon the commons without a herdsman, within one year from the time of using such preventive and curing such sheep. If in charge of a herdsman, he shall be compelled to keep the sheep within one mile of the farm or home of the owner of said sheep. If within that time the sheep shall be found over one mile from said owner's farm, then they will be as other sheep which are now excluded from the commons, and will be liable as other diseased sheep; if out on the commons, they must be in charge of a herdsman, and then not allowed to mix with other bands of sheep and within the required distance of the owner's farm, or be liable to pay a fine of twenty-five dollars for each offense of violating the provisions of this section, to be paid to the common school fund.

SEC. 12. All persons owning or keeping sheep in the counties of Pierce, Lewis, Snohomish, Thurston, Clarke, Stevens and Jefferson, shall use some of the preventives on all sheep, to keep off scab or other infectious diseases; if any person shall neglect the same, he shall be liable to a fine of twenty-five dollars, to be collected as other fines are, and pay the same into the common school fund for school purposes: *Provided*, That this section shall not apply to Clarke county.

SEC. 13. All sheep impounded or sold by the sheriff may be driven from the place of sale or impounding to the purchaser's farm, but must not mix with sheep on the highways or commons.

SEC. 14. This act is to take effect and be in force from and after its passage.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

PRIVATE AND LOCAL LAWS.

PRIVATE AND LOCAL LAWS.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE FEES AND COSTS OF CERTAIN OFFICERS IN THE COUNTIES OF KITSAP, JEFFERSON AND STEVENS," APPROVED JANUARY 23, 1866.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That "an act to regulate fees and costs of certain officers in the counties of Kitsap, Jefferson and Stevens," approved January 23, 1866, be extended over Snohomish, Island, Klikitat, Skamania, Whatcom, Lewis and Clalm counties.

SEC. 2. Amend said act by striking out the words "for recording deeds and mortgages, three dollars," where it occurs in fees of county auditor, and inserting "for recording deeds, mortgages or other instruments in writing, for each one hundred words, counting every two figures as a word, twenty-five cents."

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 15, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 4, 1867.

B. F. DENNISON,

President of the Council.

Approved January 16, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

EXEMPTING CLARKE COUNTY FROM DELINQUENT TAXES ASSESSED IN SKAMANIA COUNTY IN THE YEARS 1865 AND 1866.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all delinquent taxes assessed by the county of Clarke in the county of Skamania in the years 1865 and 1866, shall be stricken from the tax rolls of the said county.

SEC. 2. In any settlement of Clarke county either with the Territory or with the school fund, the county shall be relieved from the payment of such delinquent taxes.

SEC. 3. All acts or parts of acts conflicting with this act be and are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AUTHORIZING THE SCHOOL DIRECTORS OF SCHOOL DISTRICT NUMBER SIX IN CLARKE COUNTY, W. T., TO LEVY A SPECIAL TAX FOR SCHOOL PURPOSES.

WHEREAS, At the regular meeting of the electors of school district number six in Clarke county, W. T., a resolution was passed requesting the Legislative Assembly of Washington Territory to authorize the directors of said school district to levy a special tax in said district sufficient to maintain a public school in said district the whole year; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the directors of school district number six in Clarke county, be and are hereby authorized to levy a special tax not exceeding six mills on the dollar, on the valuation of the taxable property in said district as returned by the assessors of Clarke county for the year A. D. 1867.

SEC. 2. The said tax shall be levied by the said directors before the completion of the general annual tax list of the present year, and it shall be the duty of the directors to inform the proper person making the said tax list, of the amount of tax levied, which tax shall be assessed against the tax payers of said district according to the valuation of their property upon the general tax list, and shall be collected in the same manner as county and Territorial taxes are collected, and all laws applying to the collection of county and Territorial taxes, shall also apply to the special school tax levied according to the provisions of this act.

SEC. 3. This act shall not be construed to repeal or disturb any law now existing and providing for the collection of taxes for the benefit of common schools in said district.

SEC. 4. The tax collected under the provisions of this act, shall be expended by said directors for no other purposes except the salaries of teachers and incidental expenses of maintaining schools, the intention of this act being to secure the maintenance of a good school in said district the whole year.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 30, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT IN RELATION TO DOGS IN THE COUNTY OF ISLAND," PASSED JANUARY 12, 1866.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "an act in relation to dogs in the county of Island," passed January 12, 1866, and approved January 18, 1866, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in full force from and after its passage.

Passed the House of Representatives January 15, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE COUNTY OF JEFFERSON.

WHEREAS, The said county of Jefferson has incurred an indebtedness attending the conviction and custody of one John Regan, convicted of murder in the first degree, bill for which duly approved by the Honorable C. C. Hewitt, presiding judge of the district, forwarded to the Territorial treasurer, has been lost and its loss established; and

WHEREAS, By reason of said cost bill, a credit is due said county of Jefferson on account of their quota of Territorial tax, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there is hereby appropriated to

said county of Jefferson a sum not to exceed six hundred and fifty dollars, to be adjusted and audited upon cost bill in the case of Territory v. John Regan, heretofore convicted of murder in the first degree, duly approved by the judge, C. C. Hewitt, as the judge of said district: *Provided*, That no part of the money herein appropriated shall be paid out by the Territorial treasurer, but said sum shall be entered to the credit of said county of Jefferson on account of Territorial tax due by said county.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

Passed the House of Representatives January 22, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO LICENSES IN KING COUNTY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section one of the act to which this is amendatory, be and the same is hereby amended so as to read:

"That one-half of all liquor and billiard licenses levied in King county, shall be paid in current money of the United States and not otherwise, and shall be applied to the common school fund of said county, and the other half shall be paid into the county treasury for county purposes."

SEC. 2. All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

Passed the House of Representatives December 14, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 17, 1866.

B. F. DENNISON,

President of the Council.

Approved January 11, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF KING COUNTY, W. T., TO BORROW MONEY FOR THE PURPOSE OF BUILDING BRIDGES AND OPENING ROADS IN KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of Territory of Washington,* That the county commissioners of King county be and they are hereby authorized and empowered, in the name of the county, to raise a sum of money not to exceed six thousand dollars, upon which they may pay interest at any rate not exceeding eighteen per cent. per annum, to be appropriated for the purpose of building bridges and opening public roads in said county.

SEC. 2. That the county commissioners shall at their regular spring term of each year, set aside not less than ten nor more than thirty per cent. of all money paid into the county treasury for county purposes, for the purpose of securing the payment of said debt and interest created in accordance with this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867. .

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING TERRITORIAL AND COUNTY REVENUE," SO FAR AS IT RELATES TO LEWIS COUNTY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is amendatory, be so amended as to strike out in section eight of said act the words "day of January," and insert the words "first Monday of May," and in section nine strike out the word "March" and insert the words "second Monday in July."

Sec. 2. This act shall only apply to the county of Lewis.

Passed the House of Representatives December 19, 1866.

HENRY MILES.

Speaker of the House of Representatives.

Passed the Council December 21, 1866.

B. F. DENNISON,

President of the Council.

Approved January 11, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF PIERCE COUNTY.

WHEREAS, Pierce county has been called upon under the laws of the Territory, to give the county jail for the temporary safe keeping of Territorial convicts, and said jail was all that was required for county purposes, but was not suitable nor sufficient for the safe keeping of Territorial convicts without considerable repair, which said repair has been ordered and partly made by the county commissioners of said county; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of five hundred dollars be and the same is hereby appropriated to said county for repairs already made and to be made upon said jail.

SEC. 2. Said sum of five hundred dollars shall be paid out of, and only from the proceeds of labor of Territorial convicts that may be imprisoned in said jail.

SEC. 3. The sheriff or jailer having charge of said Territorial convicts, is hereby authorized to pay to the treasurer of said county, from the proceeds of labor of said convicts, the said sum of five hundred dollars, to be expended and paid for the purpose above specified.

SEC. 4. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 29, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT IN RELATION TO THE COUNTY OF SKAMANIA."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the act entitled "an act in relation to the county of Skamania," approved January 14, 1865, be and the same is hereby repealed.*

SEC. 2. All the acts of the officers of Skamania county, done contrary to the provisions of the act to which this is a repealing act, be and the same are hereby legalized; and said officers of said county have and they are hereby granted full power for the collection of delinquent taxes that became due during the operation of said act.

SEC. 3. This act to be in force and take effect from and after its passage.

Passed the House of Representatives January 11, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO LICENSE IN KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That all moneys collected in Kitsap county for liquor, billiard and dance house licenses, shall be appropriated to the common school fund of said county.*

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 10, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867.

B. F. DENNISON,

President of the Council.

Approved January 24, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

RELATIVE TO THE COUNTY SEAT OF KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the act of the Legislature "to permanently locate the county seat of Kitsap county," passed January 14, 1861, and all subsequent acts relative thereto, be and the same are hereby repealed.*

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO ROAD TAX IN KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Kitsap county shall, at their next regular session, levy and assess a tax of two dollars on every person liable to perform labor or pay a road tax in Kitsap county, and shall also assess a tax of twenty cents on every one hundred dollars valuation of property, and the same if not paid in cash or performed by labor, shall be collected by the road supervisor, who shall have all the power of collection of the sheriff of said county.

SEC. 2. In all other respects the general road law of this Territory shall apply to said county of Kitsap.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 29, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and eighty-nine dollars and two cents, be and the same is hereby appropriated out of any money in the Territorial treasury, to pay Kitsap county for costs incurred in care and transportation of Benj. Hooper (insane) to Monticello Insane Asylum.

SEC. 2. The Territorial treasurer is hereby instructed to credit Kitsap county for the above named sum on the Territorial tax list of 1867.

SEC. 3. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 23, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO TEMPORARILY LOCATE THE COUNTY SEAT AND APPOINT OFFICERS
FOR KLICKITAT COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of Klickitat county is located at Rockland, but after the next election the place receiving the highest number of votes shall be the county seat of said county.

SEC. 2. That until the next general election, McNay, P. Shooster and A. Stark be and are hereby appointed county commissioners; that A. Johnson be and is hereby appointed auditor; that Wm. Connell be and is hereby appointed treasurer; that A. H. Simmons be and is hereby appointed sheriff; that S. Jones be and is hereby appointed assessor; that James Taylor be and is hereby appointed probate judge; that Wm. Murdy be and is hereby appointed justice of the peace; all of whom

shall, before entering upon the duties of their respective offices, qualify in the same manner as is now required by law.

SEC. 3. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 18, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO ROAD TAXES IN SNOHOMISH COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons residing in and liable to pay a road tax in Snohomish county, may pay the same into the county treasury.

SEC. 2. All road taxes paid to the county treasurer under this act, shall be applied to the county fund the same as other county taxes, unless otherwise ordered by the county commissioners, and county orders may be received in payment of said taxes.

SEC. 3. All persons paying their road tax under this act, shall take a receipt from the treasurer at the time of making such payment, and upon presenting the same to the road supervisor of his district, the supervisor shall make a note of the number and amount of said receipt, and on the first Monday in April of each year, he shall make a report to the clerk of the board of county commissioners of his county, containing the

number and amount of each and every receipt so presented, which report shall be verified by affidavit.

SEC. 4. The treasurer shall number each receipt so given in regular order, and he shall keep a minute of the same, containing the name of the person to whom given, the number and amount thereof, and shall report the same to the clerk of the board of county commissioners on the first Monday of April of each year.

SEC. 5. The supervisor shall have power to collect all taxes not worked out at the time and place designated, at any time after such failure, and shall have the same percentage for collecting that the sheriff now has for collecting road taxes, and he shall enter into such bonds as the county commissioners may require for the payment of the same into the county treasury.

SEC. 6. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 19, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 5, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE COUNTY OF STEVENS.

WHEREAS, The said county of Stevens has incurred large indebtedness attending the conviction and custody of parties charged with the commission of capital or penitentiary offenses, bills for which duly approved by the honorable judge of the dis-

trict court of the first judicial district of this Territory, forwarded to the Territorial treasurer, have been lost and their loss established; and

WHEREAS, By reason of said cost bills, large credits are due said county of Stevens on account of their quota of Territorial tax; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That there is hereby appropriated to said county of Stevens a sum not to exceed three thousand dollars, to be adjusted and audited upon cost bills in cases of conviction heretofore made for capital or penitentiary offenses, duly approved by the judge of said first judicial district: *Provided*, That no part of said costs which accrued prior to May, 1864, shall be paid out of the Territorial treasury, but shall be entered as a credit to said Stevens county in said county's settlement of accounts with the Territory, and all the costs which have accrued within the last three years shall be paid as other debts of this Territory.

SEC. 2. On the receipt of cost bills heretofore incurred in the conviction and maintenance of penitentiary convicts in said Stevens county, duly certified by the said judge of the first judicial district, the Territorial auditor shall issue his warrant or warrants for the sums named in said cost bill or bills, and the Territorial treasurer shall forthwith enter the same to the credit of said county of Stevens, in discharge of the indebtedness of said county on their Territorial tax.

SEC. 3. Until said warrant for the sum intended hereby to be appropriated shall be fully paid by Territorial tax as aforesaid, now due or hereafter to become due, the county treasurer of said county of Stevens is, from year to year, authorized to take Territorial tax collected in said county and pay it into the county treasury, and the Territorial treasurer shall duly credit said county with having paid its quota of Territorial tax till said warrant or warrants recited in section two of this act shall be fully satisfied.

SEC. 4. All acts or parts of acts conflicting with this act be and are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 22, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE PUBLIC ROADS IN STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the county commissioners of Stevens county at their May term, to levy and assess a road tax of six dollars on every person liable to perform labor on the public roads, and also to assess not less than five nor more than ten mills on the dollar of the valuation as determined by the county assessor, which tax if not paid in labor shall be collected with the county and Territorial tax, and in a like manner.

SEC. 2. Every male inhabitant between the age of eighteen and fifty years, except Indians not taxed, and persons who are a public charge, or who are too infirm to perform labor, shall be liable in each and every year to do and perform labor on the public roads or pay a road tax as provided in the first section of this act.

SEC. 3. That it shall be the duty of the board of county commissioners of Stevens county at their May term, to determine the value of a day's work on the highway for the current year.

SEC. 4. That the provisions of an act passed January 29, 1865, entitled "an act to amend an act entitled 'an act in relation to the construction of roads and highways and defining the duties of supervisors of roads and highways,'" be and the same is hereby extended to the county of Stevens so far as the same may be consistent with the foregoing sections.

SEC. 5. That all acts or parts of acts in conflict with this act are hereby repealed, so far as they extend to Stevens county.

SEC. 3. This act shall take effect and be in full force from and after its passage.

Passed the House of Representatives January 21, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

APPOINTING OFFICERS FOR, AND TEMPORARILY LOCATING THE COUNTY SEAT OF YAKIMA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That till the next general election, and until their successors are elected and qualified, the following named persons be and they hereby are appointed officers to serve in and for Yakima county:

County commissioners, G. S. Taylor, A. Henson and F. Chambers; probate judge, Joseph Brown; county treasurer, F. M. Thorp; county auditor, C. Splaun; Sheriff, Leonard Thorp;

assessor, Thomas Grant; and J. W. Allen justice of the peace. Each of said officers shall, before entering upon the duties of their respective offices, qualify as prescribed by law.

SEC. 2. The county seat of said county of Yakima is hereby established at F. M. Thorp's place till the next general election, and thereafter at such place as a majority of the legal voters of said county shall designate.

SEC. 3. The sheriff of Yakima county shall be *ex officio* assessor in case of the failure of the assessor above named to qualify as required by law.

HENRY MILES,
Speaker of the House of Representatives.
B. F. DENNISON,
President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT IN RELATION TO ROAD TAXES IN WHATCOM COUNTY," APPROVED JANUARY 26, 1866.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "an act in relation to road taxes in Whatcom county," approved January 26, 1866, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 5, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 8, 1867.

B. F. DENNISON,
President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

LEGALIZING THE ACTS OF THE COUNTY COMMISSIONERS OF WALLA-WALLA COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the acts of the county commissioners of Walla-walla county be and the same are hereby made legal, so far as the same apply to the appointing of county officers and the locating and establishing of roads.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act to be in force from and after its passage.
Passed the House of Representatives January 15, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OLYMPIA," PASSED JANUARY 23, 1859.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section one of article one of the act to which this is an amendment, be amended so as to read after the words "and sections twenty-three and twenty-four," as follows: "Thence west along the southern boundary of sections twenty-two and twenty-three to the centre of the channel of Budd's Inlet; thence northerly along the centre of said channel to a point intersecting the northern boundary of sections ten

and eleven, and thence easterly along said boundary line to the place of beginning."

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 7, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO VACATE CERTAIN STREETS AND ALLEYS IN SWAN'S ADDITION TO THE TOWN OF OLYMPIA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the streets and alleys running north and south through blocks number thirty-six, forty-one, fifty-four, thirty-seven, forty, fifty-five, nine and seventeen, in Swan's addition to the town of Olympia, be and the same are hereby vacated, so far as they run through said blocks.

Passed the House of Representatives December 19, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 14, 1866.

B. F. DENNISON,

President of the Council.

Approved January 10, 1867.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF PORT TOWNSEND, JEFFERSON COUNTY, WASHINGTON TERRITORY," PASSED JANUARY 16, 1860, AND TO REPEAL ALL OTHER ACTS IN RELATION THERETO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of article first of the act of which this is amendatory, be and the same is hereby revived, and the boundaries of the city of Port Townsend shall hereafter be as described in said section.

SEC. 2. That section two of article fourth be and hereby is amended by adding thereto the following: "Said board of trustees shall keep a journal, in which shall be entered by the clerk all ordinances and other proceedings and doings of the board. And said board of trustees shall cause suitable and timely notice to be given of all ordinances and city regulations made by them.

SEC. 3. That section four of article fourth be and is hereby amended by adding the following:

"7. The board of trustees shall also have power to prevent and remove obstructions from the streets and side walks, and to prevent and remove nuisances within the city limits.

"8. To declare and prescribe penalties by fine or imprisonment for the violation of any city ordinance; but no fine shall be imposed of more than twenty dollars, and no offender imprisoned for more than ten days.

"9. That the justice of the peace who may be appointed by the board of trustees as prescribed in subdivision five in said section four, shall have jurisdiction to hear and determine all complaints of violations of any city ordinances, and shall be governed in his proceedings by the general law regulating the practice and proceedings of justices of the peace in this Territory; and any person considering himself aggrieved by error in any order, decision, judgment or proceeding of such justice, may have the same reviewed by the district court of the county on *certiorari*, in the manner prescribed by the statute relating to justices of the peace and to their practice and jurisdiction.

"To license persons engaging in the business of draying or

hauling goods, wares, merchandise or other articles for hire within the city limits, and to fix the amount to be paid for such license."

Said act is further amended by adding the following:

ARTICLE NINTH.

MISCELLANEOUS PROVISIONS.

SEC. 1. No member of the board of trustees shall during the period for which he is elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 2. The board of trustees shall cause to be published or posted up at least one month before the annual election, a full, complete and detailed statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 3. If any person elected to any city office shall remove from the city, absent himself therefrom for more than thirty days without leave from the board of trustees, or shall fail to qualify within ten days after the election, his office shall be deemed vacant.

SEC. 4. That all road tax due from persons living in the city of Port Townsend, and road tax on property situated in said city, shall annually hereafter be collected and paid into the city treasury and used for municipal purposes under the direction of the trustees.

SEC. 5. That twenty-five per cent. of the amount of all liquor and tavern licenses collected from persons doing business in said city, shall be paid into the city treasury for municipal purposes.

SEC. 6. That all streets within the city limits which are laid out and dedicated to the public by the original proprietors of the town of Port Townsend, as indicated on the plat of said town on file in the auditor's office in the county of Jefferson, Territory of Washington, be and the same are hereby declared to be public streets, and liable to be re-opened in the manner herein prescribed, where the same have been closed, and kept open for the use of the public. Whenever any street within

the limits of the city, as prescribed in this act, shall be obstructed wholly or in part by any fence or other structure erected by any person, and three or more lot owners in the city shall present a petition to the board of trustees, praying the removal of such obstruction, it shall be the duty of said board to cause the obstruction to be immediately removed.

SEC. 8. That all laws and parts of laws heretofore passed, in any manner conflicting with the provisions of this act, be and the same are hereby repealed.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 8, 1867.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF PORT TOWNSEND, JEFFERSON COUNTY, WASHINGTON TERRITORY," PASSED JANUARY 16, 1860, AND TO REPEAL ALL OTHER ACTS IN RELATION THERETO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of trustees of the city of Port Townsend be and they are hereby authorized and empowered in the name of the city, to raise a sum of money not to exceed three thousand dollars, upon which they may pay interest at any rate not exceeding eighteen per centum per annum, to be appropriated for the purpose of building a road and dyke for the purpose of keeping out the waters of the Straits and Port Townsend Bay.

SEC. 2. The trustees of said city shall have power to license all theatrical and minstrel performances or any other exhibition of any kind within the city limits, and to fix the amount to be paid for such licenses.

SEC. 3. All moneys arising from hurdy gurdy or dance house licenses within the city limits shall be paid into the city treasury.

SEC. 4. All moneys paid into the treasury for licenses of any kind, shall be set aside for the purpose of securing the payment of said debt and interest created in accordance with this act.

SEC. 5. That for the purpose of enforcing the collection of taxes levied on property within the limits of the city of Port Townsend for municipal purposes, the city marshal may exercise the same power, and proceed in the same manner as sheriffs now are or may be hereafter authorized to do in enforcing the collection of taxes on property for county and Territorial purposes.

SEC. 6. That all laws and parts of laws heretofore passed, in any manner conflicting with the provisions of this act, be and are hereby repealed.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 22, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SEATTLE," APPROVED JANUARY 14, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act incorporating the town of Seattle, approved January 14, 1865, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 19, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 21, 1866.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF SEATTLE," APPROVED JANUARY 14, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is supplemental, passed at the present session, shall not be so construed as to prevent the collection of taxes delinquent or otherwise sufficient to pay any indebtedness from said town to any person, company or corporation, and the properly constituted authorities under the charter of said town are hereby authorized and empowered to collect taxes sufficient to liquidate all the indebtedness aforesaid.

SEC. 2. That all property belonging to said town after paying the said indebtedness, whether real, personal or mixed, including money on hand, and especially the cemetery property situated on the donation land claim of David T. Denny, be and the same is hereby vested in the county commissioners of King county and their successors in office, for the use of the people of said county, with power to sell, dispose of and convey at a price to be fixed by them, all lots in said cemetery remaining undisposed of.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 8, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO FURTHER AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF VANCOUVER," PASSED JANUARY 23, 1857.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the common council of the city of Vancouver, be and they are hereby empowered to pass such ordinances as will in their judgment be sufficient to compel the removal of obstructions, erection and keeping in repair of sidewalks within the limits of said city of Vancouver.

SEC. 2. *Be it further enacted*, That the mayor shall be president of the common council of the said city of Vancouver.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 18, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,
President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF WALLA-WALLA," PASSED JANUARY 11, 1862.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section first of said act be and the same is hereby amended so as to read as follows, to-wit:

"That the city of Walla-walla shall include in its limits all of the south-west quarter of section number twenty, in township number seven of range number thirty-six east of the Wilamette meridian, in the county of Walla-walla and Territory of Washington.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 11, 1866.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council December 11, 1866.

B. F. DENNISON,
President of the Council.

Approved January 8, 1867.

AN ACT

TO AMEND "AN ACT TO VIEW AND LOCATE A TERRITORIAL ROAD FROM CLAQUATO, IN LEWIS COUNTY, TO FORT WILLOPA, IN PACIFIC COUNTY," PASSED JANUARY 11, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is amendatory be so amended as to read:

"That said board of commissioners shall be allowed the sum of two dollars per day for every day necessarily employed in viewing out and locating said road, to be paid out of any money in the county treasury of the counties of Lewis and Pacific not otherwise appropriated, in proportion to the labors performed by said commissioners in each county."

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 23, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REVIVE AN ACT ENTITLED "AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM SKAGIT HEAD TO DECEPTION PASS IN ISLAND COUNTY," APPROVED JANUARY 11, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "an act to locate and establish a Territorial road from Skagit Head to Deception Pass in Island county," approved January 11, 1865, be and the same is hereby revived and renewed in full force and effect.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

Passed the House of Representatives December 19, 1866.

HENRY MILES.

Speaker of the House of Representatives.

Passed the Council December 21, 1866.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO APPOINT VIEWERS TO REVIEW AND RELOCATE THAT PART OF THE TERRITORIAL ROAD LEADING FROM MONTICELLO IN COWLITZ COUNTY, TO THE UPPER CASCADES WHICH LIES BETWEEN VANCOUVER AND THE FOOT OF CAPE HORN MOUNTAIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That G. W. Hart, S. J. Achilles, Thomas Newton and G. W. Jones, be and are hereby appointed viewers to review and relocate the Territorial road from Vancouver to the foot of Cape Horn mountain.

SEC. 2. It shall be the duty of the said viewers or a majority of them, to meet at Vancouver on or before the first Monday in April next, and after having taken an oath before some person qualified to administer the same, to faithfully and impartially discharge their duties as viewers, to proceed and review and relocate the said Territorial road on the best, most suitable and nearest route, and make a report of the same to the next term of the commissioners' court of Clarke county, and if the report

is favorable to the relocation, then that part of the said Territorial road shall be relocated by order of the board of county commissioners according to the report of the said viewers; but if the report is not favorable, then the road shall remain where it now is: *Provided, however,* That if the said viewers shall fail to meet at the time specified in this act, then they may meet at any time within thirty days, and proceed to discharge their duties under this act.

SEC. 3. The said viewers shall receive as compensation for their services, three dollars per day to be paid by subscription.

SEC. 4. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM BOISFORT PRAIRIE, IN LEWIS COUNTY, TO INTERSECT THE MILITARY ROAD AT OR NEAR MONTICELLO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That A. J. Roundtree, C. F. White and Wm. Whittle, be and are hereby appointed viewers to view out and locate a Territorial road from some point upon

the military road in Cowlitz county, on the nearest and best route to Boisfort prairie in Lewis county.

SEC. 2. The said viewers shall meet at Boisfort prairie on the first Monday in June or within ten days thereafter, and having first taken an oath before some person qualified to administer the same, to faithfully discharge their duties under this act, they shall proceed to view and plainly mark out a road from Boisfort prairie to intersect the military road in Cowlitz county, according to the provisions of this act, and to make a report thereof to the county commissioners of Lewis and Cowlitz counties on or before the first Monday in July next, and if such report is favorable, the county commissioners of the said counties of Lewis and Cowlitz shall declare the same a Territorial road.

SEC. 3. The county commissioners of the above named counties shall cause the said report, together with their action thereon, to be recorded in the road book of their respective counties.

SEC. 4. The said viewers shall receive two dollars per day for all necessary time employed in the viewing and marking out the said road, to be paid out of the county treasury of the counties of Lewis and Cowlitz, in proportion to the time employed in either county.

SEC. 5. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 19, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF SKAMANIA COUNTY TO PURCHASE THE WAGON ROAD BUILT BY E. C. HARDY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Skamania county are hereby authorized to purchase for the use of the public, at any special or regular meeting of said board of county commissioners, the wagon road known as the "Hardy's wagon road" in the county of Skamania, for which a charter was passed January 26, 1863, with an amendment passed January 8, 1864, for such sum of money as may be agreed upon between the commissioners and the owner or owners of said road, but in no case to pay over fifteen hundred dollars for the same out of the road money of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE W. A. BALL AND SUCH OTHERS AS MAY BE ASSOCIATED WITH HIM, TO CONSTRUCT A WAGON ROAD FROM GOOSE ISLAND ON SNAKE RIVER, TO THE MULLAN ROAD, NEAR THE OLD INDIAN FERRY ON THE NORTH SIDE OF THE SPOKANE RIVER, AND TO ESTABLISH BRIDGES ON THE PALOUSE AND SPOKANE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. A. Ball and such others as

may be associated with him, and their heirs and assigns, be and they are hereby authorized to construct and build a wagon road, commencing at a point on Snake river at or near Goose Island and running thence to or near Steptoe Butte; thence to the north side of Spokane river at or near the old Indian ferry to the Mullan road in Stevens county, W. T., for the term of twenty years: *Provided*, That the said W. A. Ball, his associates, heirs and assigns shall, within two years from the passage of this act, construct and build a good and practicable wagon road, and keep it in good repair at their own expense and cost, along the route herein designated, and when a road is made and constructed as aforesaid, any person who shall wilfully or maliciously obstruct the same, shall be liable to the same penalties and punishments as are prescribed in the laws now in force relative to roads and highways.

SEC. 2. The said W. A. Ball, his associates and their heirs and assigns, shall have the privilege of establishing bridges on the Palouse and Spokane rivers, in connection with said wagon road, with the exclusive privilege of two miles each way from the sites selected for said bridges: *Provided*, That when said road and bridges are constructed, they shall be subject to the same regulations and restrictions as other roads and bridges are or may be by the laws of this Territory prescribing the manner in which such roads and bridges shall be kept and regulated.

SEC. 3. It shall be lawful for the said W. A. Ball, his associates and their heirs and assigns, to receive and collect the following rates of toll upon said road and bridges, but they shall be allowed but one rate of toll for crossing both bridges:

For each wagon with two animals attached,	\$12 00
For each additional span or yoke of animals,	2 00
For each buggy and horse,	10 00
For each horseman,	4 00
For each loaded pack animal,	2 00
For each loose or unloaded animal,	1 00
For each head of horned cattle,	1 00
For each footman,	50
For each head of sheep or swine,	50

SEC. 4. No court or board of county commissioners shall authorize any person or persons to keep bridges within the prescribed limits of this act.

SEC. 5. The said W. A. Ball and his associates shall before receiving any money for toll under this act, and annually thereafter, pay into the county treasury of the county in which said road and bridges are located, as an annual tax, a sum not to exceed fifty dollars, for the use and benefit of the county.

SEC. 6. The board of county commissioners of Stevens county may at any regular meeting of said board, alter the rates of toll hereinbefore named, and the said corporator, his heirs and assigns shall charge and collect the rates of toll so fixed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 21, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 8, 1867.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE WILLIAM RANCK TO CONSTRUCT A FISHERY AND BUILD A ROAD IN CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That William Ranck, his heirs and assigns be and they are hereby authorized and empowered to build, construct and maintain a fishery at the great falls of the east fork of Lewis river, in Clarke county.*

SEC. 2. The said William Ranck, his heirs and assigns, shall have the exclusive right to fish at the said falls of Lewis

river for the period of ten years from and after the passage of this act, and shall also have power to build and construct a road to said falls and fishery from any point he may elect and determine: *Provided however*, That nothing in this act shall be so construed as to interfere with private rights.

SEC. 3. Said fishery and road when constructed, shall be subject to the same regulations and under the same restrictions as other roads and fisheries are or may be hereafter by the laws of this Territory.

SEC. 4. Nothing in this act shall be so construed as giving to the said William Ranck, his heirs or assigns, power to prevent persons from fishing at said falls with hooks for their own use or amusement, or interfere with the right of Indians to fish at any time or in any manner.

SEC. 5. This act to take effect from and after its passage.
Passed the House of Representatives December 18, 1866.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council December 19, 1866.

B. F. DENNISON,
President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO AUTHORIZE PATRICK FARRELL TO CONSTRUCT A BRIDGE ACROSS
HANGMAN'S CREEK.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Patrick Farrell, his heirs and assigns be and he is hereby authorized to construct and keep for the term of five years from the date hereof, a bridge across Hangman's creek on the direct road leading from Walla-walla to Fort Benton.

SEC. 2. The said bridge shall not be less than eight feet

wide, and shall be substantially built and sufficiently strong to bear up with safety a wagon carrying three tons with the team attached.

SEC. 3. The said Patrick Farrell shall be entitled to charge the following rates of toll for crossing said bridge:

For each wagon with two horses attached,.....	\$2 50
For each additional span of horses,.....	75
For each animal packed,.....	25
For each loose animal other than hogs or sheep,.....	10
For each carriage drawn by two horses,.....	1 50
For each carriage drawn by one horse,.....	1 00
For each sheep and hog,.....	5
For each foot passenger,.....	12

SEC. 4. It shall not be lawful for any other party or parties to build or keep any bridge or ferry on Hangman's creek within two miles above and two miles below the place designated in this act as the direct road leading from Walla-walla to Fort Benton.

SEC. 5. The said Patrick Farrell shall have said bridge completed six months from the passage of this act, and in default shall forfeit all rights under this act: *Provided*, That before the said Patrick Farrell shall receive any toll, he shall pay into the county treasury of Stevens county the sum of twenty-five dollars yearly.

SEC. 6. The county commissioners of Stevens county may at any regular meeting of the commissioners' court alter the rates of toll, and the rates so fixed may be collected by the said Patrick Farrell and his heirs and assigns.

SEC. 7. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 21, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 5, 1867.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE D. J. SCHNEBLEY, HIS HEIRS AND ASSIGNS, TO CONSTRUCT A BRIDGE ACROSS THE SPOKANE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That D. J. Schnebley, his heirs and assigns, are hereby authorized to construct, maintain and keep a bridge across the Spokane river for the term of ten years after the passage of this act, at a place distant from two to three miles above the ferry of Antoine Plante on said river, at such particular point as may be most eligible for building such bridge.

SEC. 2. The said bridge shall not be less than eight feet wide, substantially built, and strong enough to safely bear the weight of a wagon and team with four tons of freight, and shall have a strong railway on each side extending from one end of the bridge to the other.

SEC. 3. It shall not be lawful for any court or board of county commissioners to authorize any person or persons to construct any bridge within a distance of two miles above or below the bridge named in this act, and the said corporator, his heirs and assigns, shall possess sole and exclusive right within said limits.

SEC. 4. The said D. J. Schnebley, his heirs and assigns, shall have said bridge completed on or before the first day of July, A. D. 1868, and default thereof shall work a forfeiture of all rights under this act.

SEC. 5. The said corporator, his heirs and assigns, shall as soon as said bridge is completed and all the conditions named in this act are duly performed, be entitled to charge and collect for crossing said bridge the following rates of toll, to-wit:

For each wagon with two animals attached,.....	\$2 00
For each coach or passenger wagon with two animals,...	2 50
For each coach or passenger wagon with four animals,...	3 00
For each four horse wagon with four animals,.....	4 00
For each additional yoke or span of animals,.....	1 00
For each wagon and team carrying three tons,.....	6 00
For each wagon and team carrying four tons and over,...	8 00
For each carriage or buggy with two animals,.....	2 00

For each buggy and horse,.....	\$1 75
For each horseman,.....	50
For each loaded pack animal,.....	50
For each loose or unloaded animal,.....	25
For each head of horned cattle,.....	25
For each footman,.....	12
For each head of sheep or swine,.....	12

SEC. 6. The said corporator his heirs and assigns, shall before receiving any toll for crossing said bridge, pay into the county treasury of Stevens county, and annually thereafter, the sum of twenty-five dollars.

SEC. 7. The board of county commissioners of Stevens county may at any regular meeting of said board, alter the rates of toll hereinbefore named, and the said corporator, his heirs and assigns shall charge and collect the rates of toll so fixed.

SEC. 8. This act to take effect and be in force from and after its passage.

Passed the House of Representatives December 14, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 7, 1867.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AMEND "AN ACT TO AUTHORIZE ANTOINE PLANT TO ESTABLISH A FERRY ON THE SPOKANE RIVER," PASSED JANUARY 21, 1861.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That an act entitled "an act to authorize Antoine Plant to establish a ferry on the Spokane river," be*

amended by striking out in section one of the act to which this is amendatory, the words "a distance up and down said river of one mile from said ferry, for the term of six years from the passage of this act," and insert in lieu thereof the words "a distance up and down said river of two miles from said ferry, for the term of twelve years from the passage of this act."

SEC. 2. This act shall take effect and be in full force from and after its passage.

Passed the House of Representatives December 18, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

Approved January 24, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AUTHORIZING J. M. VANSYCKLE TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER AT WALLULA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. M. Vansyckle of the county of Walla-walla, his heirs and assigns, be and they are hereby authorized to establish a ferry across the Columbia river at the town of Wallula in said county of Walla-walla, for the term of ten years, and the said J. M. Vansyckle his heirs and assigns, shall have the exclusive right of ferrying upon said Columbia river for a distance of two miles above and below the said town of Wallula.

SEC. 2. The said J. M. Vansyckle his heirs and assigns, shall on or before the first day of July, 1867, construct and keep

at the said ferry, a good and sufficient ferry boat, and such other boats as may be deemed necessary for the safe and speedy transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects, and such boats shall be furnished with men of sufficient strength and skill to manage them.

SEC. 3. From and after the first day of July, 1867, the said J. M. Vansyckle, his heirs and assigns, shall be required to run said ferry at all times during the day time, when the transportation of passengers, teams, animals or freight may require it, except when the river may be closed by ice or when it would be impracticable or dangerous to do so.

SEC. 4. It shall be lawful for the said J. M. Vansyckle to receive and collect the following tolls for ferriage over said river:

For each freight wagon with two animals attached,.....	\$3 00
For each additional span of animals,.....	1 00
For each carriage with two animals attached,.....	3 00
For each buggy or sulky with one animal attached,.....	2 00
For each man and horse,.....	1 50
For each animal packed,.....	75
For each head of loose horses or mules,.....	50
For each footman,.....	50
For each head of loose cattle,....	50
For each head of sheep, goats or hogs,.....	10

Except immigrants crossing the plains to this Territory, who shall only be charged one-half the above rates.

SEC. 5. The said J. M. Vansyckle, his heirs and assigns, after having established their places of landing, shall report the same in writing to the county commissioners' court of Walla-walla county, after which no license shall hereafter be granted during the term of said ten years to any other person or persons, or body corporate, to keep or run a ferry and land at said landing or within two miles above and below.

SEC. 6. The said corporator, his heirs and assigns, shall before collecting any ferriage upon said ferry, and annually thereafter, pay into the county treasury of Walla-walla county

the sum of twenty-five dollars for the use and benefit of said county.

SEC. 7. The board of county commissioners of Walla-walla county may at any regular meeting of said board, alter the rates of toll hereinbefore named, and the said corporator, his heirs and assigns, shall charge and collect the rates so fixed.

SEC. 8. This act to be in force and take effect from and after its passage.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE WILLIAM DARROW AND OTHERS TO ESTABLISH A FERRY ON SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Darrow and such other persons as he shall associate with him for that purpose, their heirs and assigns, be and they are hereby authorized to establish and maintain a ferry on Snake river at a place distant half a mile above Texas rapids on said river, for the term of ten years from the passage of this act.

SEC. 2. The said corporator shall at all times keep a good and substantial boat at said ferry, and shall transport across said river with safety and dispatch, all passengers, teams, vehicles, stock, merchandise and mails which shall be presented for that

purpose, and they shall have the exclusive right to ferry said river for a distance of two miles above and below said ferry.

SEC. 3. The said corporator shall have the right to charge and collect the following rates of toll, to-wit:

For each two horse vehicle and team,.....	\$3 00
For each four horse vehicle and team,.....	4 00
For each six horse vehicle and team,.....	5 00
For each loaded freight wagon carrying five thousand pounds or more, with four span or yoke of animals,..	6 00
For each additional span or yoke of animals,.....	1 00
For each one horse vehicle and horse,.....	2 00
For each man and horse,.....	1 50
For each loaded pack animal,.....	75
For each unloaded pack animal,.....	50
For each loose horse, mule or ox,.....	50
For each footman,.....	50
For each head of sheep or hogs,.....	10

SEC. 4. The said corporator shall, before receiving any ferriage under the provisions of this act, pay into the treasury of Walla-walla county, and annually thereafter, the sum of twenty-five dollars.

SEC. 5. The county commissioners of Walla-walla county may at any regular meeting of said board, raise or lower the aforementioned rates of ferriage: *Provided*, That the owners of said ferry shall receive notice of the intention to make such alteration at least five days before the time of meeting of said board.

SEC. 6. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO LOCATE AND RE-LOCATE A ROAD FROM THE JUNCTION OF LAKE RIVER, IN CLARKE COUNTY, WITH COLUMBIA SLOUGH, TO THE UPPER LINE OF W. H. DILLON'S DONATION LAND CLAIM."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled as above, and approved January 22, 1866, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 19, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AUTHORIZING S. W. RUSSELL AND ROBERT RUSSELL TO CONSTRUCT A FERRY ON WHITE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That S. W. Russell and Robert Russell, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry on White river at what is known as Peepakolk, and between the farms of S. W. Russell and J. M. Alvord, and that said S. W. Russell and Robert Russell, their heirs and assigns, shall have the exclusive privilege of ferrying at said point for the term of five years from the passage of this act.

SEC. 2. It shall be lawful for the said S. W. Russell and

Robert Russell, their heirs and assigns, to collect and receive the following rates of toll for ferriage upon said ferry:

For each wagon or carriage with two animals attached, .. \$	50
For each additional animal attached,	12½
For each vehicle with one animal attached,	50
For each man and horse,	25
For each footman,	12½
For each loose horse and cattle,	10
For each sheep or hog,	5

SEC. 3. That said S. W. Russell and Robert Russell, their heirs or assigns, shall within three months from the passage of this act, put upon said river at said point and keep thereon a boat sufficiently manned to transport persons and property over said river with safety and without unnecessary delay.

SEC. 4. The county commissioners of King county may at any regular term, alter the rates of toll, and the rates fixed by said commissioners may be collected by said S. W. Russell and Robert Russell, their heirs and assigns.

SEC. 5. The failure of said S. W. Russell and Robert Russell, their heirs and assigns, to comply with the provisions of this act, shall work a forfeiture of this charter.

SEC. 6. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 19, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE T. J. DEMERS AND OTHERS TO ESTABLISH A FERRY ON
THE PEND-D'OREILLE RIVER.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That T. J. Demers and such other persons as he shall associate with him for that purpose, their heirs and assigns, be and are hereby authorized to establish and maintain a ferry on Pend-d'oreille river, at a place on said river distant about one mile below the old Kalispel Mission, for the term of ten years from the passage of this act.

SEC. 2. The said corporation shall at all times keep a good and substantial boat at said ferry, and shall transport across said river with safety and dispatch, all passengers, teams, vehicles, stock, merchandise and mails which shall be presented for that purpose, and they shall have the exclusive right to ferry said river for a distance of two miles above and below said ferry.

SEC. 3. The said corporation shall have the right to charge and collect such rates of toll as the county commissioners of Stevens county may at any regular meeting of said board assess and determine.

SEC. 4. The said corporation shall before receiving any ferriage under the provisions of this act, pay into the treasury of Stevens county, and annually thereafter, the sum of twenty-five dollars.

SEC. 5. This act to take effect from and after its passage.
Passed the House of Representatives January 29, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 30, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO INCORPORATE THE COAL CREEK ROAD COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* Wm. W. Perkins, John Denny, Henry L. Yesler, John J. McGilvra, C. J. Noyes, C. H. Hale and Lewis C. Gunn, and such other persons as they may associate with them, their heirs, successors and assigns, be and they are hereby constituted and declared a body politic and corporate by the name and style of the "Coal Creek Road Company."

SEC. 2. Said corporation shall have full power to survey, locate, re-locate, own, construct, maintain, repair and use a rail or tram road between a point to be selected by said corporation on lake Washington, in King county, near the outlet of Coal creek, and a point to be selected by said corporation in section twenty-seven, township twenty-four north of range five east of the Willamette meridian; and for the purpose of locating such rail or tram road, may select and appropriate in the manner hereinafter provided, a strip of land not exceeding one hundred feet in width between the termini of said road; also lands at or about the termini of said road sufficient for warehouses, wharf boats and steam boat landings, and also at any and all points along the line of said road survey, for the purpose of building warehouses, station houses and fixtures necessary for the operation of the business of said road, not to exceed ten acres at any one point, together with the privilege of making drains and giving proper direction to water courses and removing obstructions, subject, however, to the payment of such compensation as the company may have agreed upon to pay therefor, or such as shall be ascertained in the manner hereinafter named: *Provided,* That no other road shall be located, laid out or built within fifty feet from and parallel to said Coal Creek Road Company's line of road. Said corporation may sue and be sued, contract and be contracted with; to have and receive, purchase and possess, retain and enjoy property, real, personal and mixed, and the same to use, sell and dispose of at pleasure; may have a common seal and change the same at pleasure, and may make rules and by-laws for the management of its concerns.

SEC. 3. The capital stock of this corporation shall be five thousand dollars, with power to increase the same to any amount not exceeding five hundred thousand dollars, by a vote of two-thirds of the stockholders, and shall be divided into shares of two hundred dollars each, which shall be transferable only on the books of the company in such manner as the by-laws may provide.

SEC. 4. There shall be an annual meeting of the stockholders held at Seattle, in King county, at such time as shall be provided in the by-laws. At such meeting every share of stock represented in person or by proxy and not delinquent on assessments, shall be entitled to one vote. Notice of the time and place of meeting shall be given as is provided in the by-laws, and special meetings may be called in such manner as shall be provided in the by-laws. At the annual meeting of the stockholders, three directors shall be elected by the vote of a majority of the stock represented at such meeting, who shall possess the powers herein and by the by-laws specified, and shall hold their office until the next annual meeting, and until their successors are elected and qualified. Before entering upon the discharge of their duties, the directors shall take an oath faithfully and honestly to discharge their official duties.

SEC. 5. The directors shall elect one from their number as president, who shall hold his office for one year and until his successor is duly elected and qualified. They shall also appoint a secretary and such other officers and agents as they shall deem necessary and useful, and may remove the same at pleasure. The directors shall meet from time to time as shall be convenient and necessary, and may be provided in the by-laws.

SEC. 6. The president shall be chief executive officer of the company, shall preside at the meetings of the stockholders and directors, call special meetings of the stockholders and directors as may be provided in the by-laws or ordered by the directors, and discharge such other duties as may be prescribed by the by-laws. The directors in the case of the absence or disability of the president, may appoint one of their number president *pro tem.* to discharge the duties of president during

such absence or disability. The secretary and other officers and agents shall discharge such duties as shall be imposed on them by the directors or the president in the exercise of their lawful authority.

SEC. 7. The company shall have power to assess the capital stock of said company to carry out the objects of the corporation, and if after due notice for four consecutive weeks in some newspaper published in this Territory, said assessments are not paid, the directors may proceed to sell the delinquent stock at public auction, giving ten days notice thereof in some newspaper published in said Territory, to the highest bidder for cash, paying the surplus, if any, over to the owner of the share or shares so sold.

SEC. 8. The said company shall commence operations within three months, and complete the said road within three years from the passage of this act.

SEC. 9. The corporators above named may open books for subscription as they shall deem best, and when the sum of twelve hundred dollars shall be subscribed, may elect directors and the company shall be organized. The corporators shall call a meeting of the subscribers when the requisite amount of stock is taken as above, and the directors shall be chosen by a majority of the stock represented, and shall hold their offices until the first annual meeting, and until their successors are elected and qualified. Subscription of stock may be in money, land, material or any property necessary in carrying out the objects of this corporation, the value to be ascertained in any manner the corporators may direct.

SEC. 10. Whenever for the purposes before named any land or other property shall be taken, used or occupied by said corporation without agreement with the owner thereof as to compensation therefor, it shall be the duty of the judge of the U. S. district court of the judicial district in which such land or property is situated, to appoint three disinterested persons in said district to appraise, at a time and place to be fixed by them, the value of the same, and when so appraised they shall file a copy of the report of the appraisement with the clerk of the

district court for said district, or such district in which said land or property is situated, and unless appealed from as hereinafter provided, the judgment may be entered up in accordance therewith at the next term of court: *Provided*, That either party may appeal within twenty days after the filing of said report, by filing a written notice of appeal with the said clerk, who shall thereupon docket the case, the claimant as plaintiff and the corporators as defendants, and the case shall be tried in its order as other civil cases on the docket.

SEC. 11. This act to take effect and be in force from and after its passage, for and during a period of twenty-five years.

Passed the House of Representatives January 5, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PROVIDE A DISTRICT RECORDER FOR THE SKAGIT MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the miners in Skagit mining district shall on the first Monday in August, 1867, elect a district recorder for said district, who shall hold his office for the period of two years and until his successor is elected and qualified.

SEC. 2. Until said election is held, M. B. Clarke be and hereby is appointed to act as district recorder in said district.

SEC. 3. The fees of said recorder shall be two dollars for

recording quartz claims, and for all other acts performed by him as recorder he shall receive the same fees as are allowed other officers by law for similar services.

SEC. 4. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE SKAGIT MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the extent of a quartz mining claim in said district shall not exceed two hundred feet of the lead, including all the dips, spurs and angles embraced within the space of said two hundred feet.

SEC. 2. Any person who shall discover a vein of mineral bearing quartz, shall be entitled to two claims of the dimensions specified in section first.

SEC. 3. No person shall be entitled to hold a quartz mining claim in said district unless during the summer months immediately following the location of such claim, he shall perform or cause to be performed labor in developing such claim to the value of one hundred dollars, and any person failing to work such claims or have them worked for the period of two months

during the summer and autumn months, shall forfeit and lose all rights to the same thereafter.

SEC. 4. No person shall have any rights in a mining claim until his notice of intention to hold the same shall clearly define the boundaries of such claim.

SEC. 5. Individuals associated together as companies may by working upon any portion of their claims which are held, claimed or owned by them as a company, perform the labor required by this act of individuals locating and holding claims, and such labor shall entitle them to hold their claims under this act.

SEC. 6. No person shall be allowed to hold any claim already taken in said district unless the same shall be recorded in the office of the district recorder by the first day of July, 1867, and all claims taken after said date must be recorded within thirty days after the location of the same, or the holders shall forfeit all their title and interest in the same.

SEC. 7. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,
President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO AUTHORIZE L. STILLWELL, W. P. FRENCH, THOMAS GILKERSON, T. P. PAGE AND SUCH OTHERS AS THEY MAY CHOOSE TO ASSOCIATE WITH THEM, TO CONSTRUCT A DITCH FOR IRRIGATING AND MANUFACTURING PURPOSES IN WALLA-WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That L. Stillwell, W. P. French, Thomas*

Gilkerson, T. P. Page and such others as they may choose to associate with them, their heirs and assigns, be and they are hereby created a body corporate, for the purposes and with the powers and privileges hereinafter set forth.

SEC. 2. The purpose of said corporation and the object for which it is created, is to furnish the public with water for agricultural and manufacturing purposes.

SEC. 3. The power of said corporation shall be to take water from Mill creek, in Walla-walla county, Washington Territory, not to exceed one-half of said creek at a point near Fields and brother's land claim, and to convey the same through the land claims of A. John, Jephtha Arrison, T. P. Page, John Tracy, True Haman, C. Galbreath, T. Gilkerson, Jacob Kibler, — Titus and A. McKern; thence in a westerly direction through the public land for one mile, and thence to Mill creek, with the right to dig all ditches and erect all dams and flumes necessary for the accomplishment of said object.

SEC. 4. Said corporation shall have all the usual powers of corporate bodies, may adopt a corporate name, elect its officers and prescribe their terms of office and their powers, adopt by-laws, have and use a corporate seal, sue and be sued, and make all necessary contracts for hire, material and other things necessary for the construction of said ditch, and in disposal of said water.

SEC. 5. Any person who claims land to the amount of one hundred and sixty acres along said ditch, shall be entitled to become a stockholder of one share of stock in said corporation, by paying his share of the expenses of constructing said ditch, inclusive of any damages that may be paid by said corporation, and every holder of a share in said company shall be entitled to a vote in said corporation.

SEC. 6. Every shareholder shall be entitled to an equal share of said water, and shall pay an equal amount of assessment for the construction and keeping of said ditch in repair, and damages paid by the corporation.

SEC. 7. Before said corporation shall turn water from any person's premises or any person's land, they shall notify said

son of their intent, and obtain his (or her) written consent; and in case said person refuses or fails to give such consent within ten days after such notice is given, then the person so notified shall appoint one disinterested appraiser, and the said corporation shall appoint another disinterested appraiser, which two shall choose a third party as appraiser to act with them, and said appraisers shall view the premises and decide upon the amount of damages, if any, which such person may sustain by reason of the construction of the ditch or taking the water as aforesaid: *Provided*, That if said person fails to appoint an appraiser, then the corporation shall appoint the same.

SEC. 8. After said appraisers have viewed the premises they shall notify each of the interested parties of the time and place where they will give their decision, which shall not be more than ten days after their appointment; and at said time and place the viewers shall deliver their decision and award, if any, in writing, and two of the viewers agreeing shall be sufficient for that purpose.

SEC. 9. The said appraisers shall deliver to each party a copy of their award, and if either party feels aggrieved thereby, such party may appeal to the district court by giving within ten days after the award is delivered to him, a written notice to the opposite party, that he has taken said appeal.

SEC. 10. In case of such appeal, the issue shall be made and the case tried as other civil actions, the complaint being filed on the first day of the next term of the district court which shall be held ten days after said notice is served.

SEC. 11. The corporation shall pay all of the cost of the appraisement; but in case of appeal, if the party appealing fails to recover more damage than was awarded him by the appraisers, he shall pay the cost of said appeal.

SEC. 12. The corporators shall first pay the amount awarded by said arbitrators or court, in case any is awarded; and after that shall be entitled to take said water or dig said ditch.

SEC. 13. Any person who shall wilfully and without authority injure said ditch, flume or embankment, or interfere with the construction thereof, shall be deemed guilty of wilful

trespass, and shall pay as a penalty to said corporation, at a suit in its name, thrice the actual damages of such trespass, one-half of which amount shall be paid by the said corporation into the school fund of Walla-walla county.

SEC. 14. This act shall not be construed to empower said corporation to divert water which may be necessary to run any mill or machinery erected on Mill creek or any of its branches.

SEC. 15. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 10, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,
President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE ORGANIZATION OF A FIRE DEPARTMENT IN THE CITY OF VANCOUVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the common council of the city of Vancouver shall have power by ordinance to provide for the organization of a fire department for the city of Vancouver; such fire department to consist of one or more companies organized in the manner to be prescribed by said common council: *Provided,* That the officers of such companies shall be elected by the respective members thereof.

SEC. 2. The common council shall provide by ordinance for the erection of cisterns in suitable places within the corporate limits of said city; for the purchase of all the apparatus necessary for the extinction of fires, and suitable houses wherein

to place the same, and may appropriate any moneys necessary for that purpose out of the city treasury.

SEC. 3. The common council shall provide for the election of a board of delegates, to consist of members of the said fire department, who shall have power to establish rules and regulations for the government of said fire department, provided such rules and regulations do not conflict with any laws of the United States, this Territory or the ordinances of the said common council.

SEC. 4. The said common council may pass any ordinance not repugnant to the laws of the United States or of this Territory, necessary or convenient for carrying the power and authority herein granted, or any part thereof into effect; the object of this act being to give the necessary authority to the common council to provide for the prevention and extinguishment of fires and for the preservation of property endangered thereby, and for that purpose this act shall be liberally construed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 21, 1867.

HENRY MILES,
Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,
President of the Council.

Approved January 30, 1867.

GEORGE E. COLE,
Governor of Washington Territory.

AN ACT

TO INCORPORATE THE STUCK MILLING AND LOG DRIVING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Van Ogle, John Carson and J. M. Welch and such other persons as they may associate with*

them, be and they hereby are declared and established a body corporate and politic under the name and style of the "Stuck Milling and Log Driving Company."

SEC. 2. The object of this act is to facilitate the clearing out of the channel of Stuck river, and the corporation hereby created, in addition to the right to construct a mill or mills on Stuck river for the manufacture of lumber or for other purposes in the vicinity of the residence of J. M. Welch and upon his lands, are hereby required, under penalty of the forfeiture of this charter, within twelve months from the passage of this act to commence clearing the channel of said river of jams and other obstructions, and shall within five years from the passage of this act, complete the clearing of the channel of said river Stuck from its source in White river to said mill, and render the same passable for small boats.

SEC. 3. All necessary right and rights of way to and from said Stuck river are hereby granted to said company, together with the right to erect and maintain a dam and such other structures as may be necessary for the successful operation of said mill or mills.

SEC. 4. The privileges hereby granted shall continue to said corporation, their associates, legal representatives or assigns for the period of fifteen years from the passage of this act.

SEC. 5. This act shall not be so construed as to empower the corporators to enter upon or in any way damage any improved lands without making just compensation therefor, said compensation to be fixed as follows: The corporation shall select one man, the party claiming damages one man, and the two thus selected shall select a third, and the three thus selected shall have power to compel the attendance of witnesses, swear them, and assess the damages, and their award shall be final.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO INCORPORATE THE MILL PLAIN CEMETERY ASSOCIATION IN CLARKE COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That William M. Simmons, Webster Abbott and H. M. Knapp, their associates and assigns, be and they are hereby constituted a body politic and corporate under the name and style of the "Mill Plain Cemetery Association," with full power to sue and be sued, plead and be impleaded, defend and be defended in all the courts of this Territory.

SEC. 2. It shall be lawful for the said corporators, their associates and assigns, to have and to hold a tract or parcel of land upon the donation land claim of William M. Simmons, (not to exceed one acre) to be used for the purpose of a cemetery: *Provided*, That no charges be made for interments in said cemetery.

SEC. 3. This act shall take effect and be in full force from and after its passage.

Passed the House of Representatives December 20, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 21, 1866.

B. F. DENNISON,

President of the Council.

Approved January 18, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO INCORPORATE THE OLYMPIA GOOD TEMPLAR'S HALL COMPANY, OF OLYMPIA, THURSTON COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That A. R. Elder, Calvin H. Hale,

Edward Giddings, R. H. Hewitt, Geo. A. Barnes, C. H. Huntington and others who now are or may hereafter become members of said company and their successors, are hereby declared to be one community and body corporate by the name, style and title of the "Olympia Good Templar's Hall Company," and by that name they shall be and are hereby made able and capable in law to have, receive and retain to them and their successors, property, real and personal, also devises and bequests of any person or persons, bodies corporate or politic capable of making, the same, and the same to dispose of or transfer at their pleasure, in such manner as they may think proper: *Provided always*, That the said corporation shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of twenty thousand dollars, other than that which may be invested in a hall to be erected for the purposes of the company.

SEC. 2. *And be it further enacted*, That the said corporation and their successors, by the name and title aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice and before all and any judges, officers and persons whatsoever, in all and singular actions, matters and demands whatsoever.

SEC. 3. *And be it further enacted*, That the said corporation shall have power to hold stated meetings, to establish and put in execution, order or abolish such by-laws, rules and regulations as to them shall seem most conducive to the interest of the company, provided the same shall not be contrary to the laws of Washington Territory.

Passed the House of Representatives January 30, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE WM. B. FISH AND OTHERS TO FIX THE CHANNEL OF A CERTAIN STREAM.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Wm. B. Fish and others are hereby authorized to conduct the water of a certain small stream formerly running through the land claim of said Fish, being the south-east quarter of section nine, in township sixteen north of range three west, of Miama prairie, Thurston county, as follows:

“Beginning at or near a small dam constructed across said stream on the land claim of Sarah B. Dodge; thence following the channel where the said stream has run, until recently, for about nine years, through a portion of the pasture land on the said claim of Sarah B. Dodge; thence through the claim of W. B. Fish to a road running from the residence of Bruce Dodge and connecting with the main road at the south-east corner of section nine as above described; thence in a south-easterly direction in a channel already constructed across a portion of the land of the said Bruce Dodge, to where said channel intersects the west line of a tract of school land situated in the north-east quarter of section sixteen, township and range as above named; thence due south to the public highway running north-easterly through Miama prairie.”

SEC. 2. The said Fish and others are authorized to conduct the said stream in the manner described in section one of this act, for the accommodation of the public with water for stock and other purposes.

SEC. 3. Provided always that should any damage ensue to any person or persons by turning said stream as described in this section, the party aggrieved shall be compensated therefor by the said Wm. B. Fish, or said person or persons as shall turn said stream. Damages awarded under this proviso if not agreed upon between the parties, shall be awarded by disinterested appraisers, one to be selected by each of said parties, who failing to agree, may select a third, and either party may appeal

from said award to the district court of the second judicial district.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AUTHORIZING H. L. TIBBALS, A. HIBBARD AND THEIR ASSOCIATES TO
CONSTRUCT A WHARF AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That H. L. Tibbals, A. Hibbard and their associates be and are hereby authorized to construct a wharf at Port Townsend, in the county of Jefferson, W. T., at the foot or southern terminus of Taylor street in said town of Port Townsend, of the width of said street, to commence at a sufficient distance above high water mark, and extend southerly to the ship channel of Port Townsend bay, to a point where there shall not be less than twenty feet of water at low tide.

SEC. 2. The said H. L. Tibbals and A. Hibbard and their associates may in addition to the privileges granted in section first of this act, construct at the southerly end of said wharf an addition or additions to said wharf on either or both sides thereof to form a L or T, neither of which additions shall exceed sixty feet square, and upon which the said H. L. Tibbals and A. Hibbard and their associates may erect buildings, warehouses or other necessary improvements.

SEC. 3. The said H. L. Tibbals and A. Hibbard and their associates, their heirs or assigns, shall be entitled to receive such rates of wharfage as the trustees of the city of Port Townsend shall establish. Said wharf shall be subject to the laws of the Territory regulating wharves, and shall be and remain the property of said H. L. Tibbals and A. Hibbard and their associates, their heirs and assigns: *Provided*, That said H. L. Tibbals, A. Hibbard and their associates, shall within five months after the passage of this act commence to build said wharf, and shall within six months from the commencement have the same completed.

SEC. 4. All acts or parts of acts heretofore passed conflicting with this grant, or the provisions herein contained, be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 22, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE MORRIS H. FROST AND HIS ASSIGNS TO CONSTRUCT A WHARF AT MUCKILTEO, SNOHOMISH COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Morris H. Frost and his associates be and are hereby authorized to construct a wharf at Muckilteo, in the county of Snohomish, W. T.

SEC. 2. And the said Morris H. Frost and his associates shall have the right to extend said wharf three hundred feet from low water mark, if found to be necessary to secure a depth of four fathoms at low tide.

SEC. 3. The said M. H. Frost and his associates shall have the right to receive and transmit all kinds of goods, wares and merchandise, and shall be accountable for all such property as may come into their possession that may be in transitu, destruction by the elements excepted.

SEC. 4. And as a compensation for services rendered in receiving and transmitting freight, they are authorized to charge and receive the same rates of tariff and wharfage as are charged by other wharf owners in this Territory.

SEC. 5. The said Frost and his associates shall in all respects be governed by the laws and rules regulating wharves and wharfage in this Territory.

SEC. 6. This act to be in force and take effect from and after its passage.

Passed the House of Representatives January 21, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

AUTHORIZING C. H. HALE TO BUILD A WHARF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Calvin H. Hale be and he is hereby authorized to build a wharf from the western terminus*

of first street in the town of Olympia, of the width of thirty feet, to commence at a sufficient distance above high water mark and extend westward to the channel of Budd's Inlet.

SEC. 2. Said Calvin H. Hale may, in addition to the privileges granted in section first of this act, construct at the western end of said wharf an addition or additions to said wharf on either or both sides thereof to form an L or T, neither of which additions shall exceed sixty feet square, and upon which the said Calvin H. Hale may erect buildings, warehouses or other necessary improvements: *Provided*, That no addition to said wharf shall extend below the north line of said street.

SEC. 3. The said Calvin H. Hale, his heirs or assigns, shall be entitled to receive such rates of wharfage as the corporate authorities of the town of Olympia shall establish, except as herein provided. Said wharf shall be subject to the laws of this Territory regulating wharves, and shall be the property of said Calvin H. Hale his heirs or assigns: *Provided*, That the said Calvin H. Hale shall within nine months from the passage of this act commence to build said wharf, and shall within one year from the commencement finish and complete the same.

SEC. 4. All acts and parts of acts heretofore passed conflicting with this grant or the provisions herein contained, be and the same are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE SHERIFF OF PIERCE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and fifty dollars be and the same is hereby appropriated out of any money in the treasury, for payment for time and expenses spent and incurred by Stephen Judson, sheriff of Pierce county, in pursuing and retaking Wm. Powell and two other Territorial convicts who escaped from their place of confinement.

SEC. 2. Upon demand, it shall be the duty of the Territorial auditor to draw his warrant on the Territorial treasurer in favor of Stephen Judson for the sum of one hundred and fifty dollars, which shall be paid out of any money in the treasury not otherwise appropriated.

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF E. G. PARKER, DEPUTY SHERIFF OF WALLA-WALLA COUNTY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of six hundred and sixty five dollars be and the same is hereby appropriated out of the Territorial treasury for the relief of E. G. Parker, deputy sheriff of Walla-walla county, W. T., for mileage, fees and expenses incurred and paid by him in the discharge of his official duty in pursuing and arresting Thomas Donahue, who had escaped from

the county jail of Walla-walla county while under indictment for murder in the first degree.

SEC. 2. That the Territorial auditor be and is hereby authorized to draw a warrant on the Territorial treasurer in favor of said E. G. Parker for said sum of six hundred and sixty-five dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO APPROPRIATE MONEY FOR THE PAYMENT OF A MAP OF THE TERRITORY FOR THE USE OF THE LEGISLATIVE ASSEMBLY, MADE BY EDWARD GIDDINGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of three hundred and fifty-five dollars be and the same is hereby appropriated out of any money now in the Territorial treasury, for the purpose of paying Edward Giddings for a map of the Territory made by him for the use of the Legislative Assembly, and the Territorial auditor is hereby directed to draw a warrant on the Territorial treasurer for the sum of three hundred and fifty-five dol-

lars, payable to Edward Giddings out of the first money in the treasury, for the payment of the same.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 21, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE PAYMENT OF LEVI FARNSWORTH, EXPLORING COMMISSIONER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the sum of four hundred and twenty dollars be and the same is hereby appropriated out of the Territorial treasury for the payment of Levi Farnsworth for services performed in exploring the Snoqualmie and Naches passes through the Cascade mountains in the year 1866.*

SEC. 2. This act shall take effect and be in full force from and after its approval.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 17, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF T. F. AND E. W. CHAPMAN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and hereby is appropriated out of any moneys in the Territorial treasury not otherwise appropriated, the sum of seventy-four dollars and fifty cents, for the payment of T. F. and E. W. Chapman for carrying the joint committee of this Legislative Assembly, appointed to examine into the condition of the jail at Steilacoom, in Pierce county.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for the sum of seventy-four dollars and fifty cents, in favor of T. F. and E. W. Chapman, and the Territorial treasurer is hereby authorized and directed to pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 19, 1867.

B. F. DENNISON,

President of the Council.

Approved January 28, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF ISAAC L. ROBERTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and seventy-five dollars be and the same is hereby appropriated out

of the Territorial treasury for the payment of Isaac L. Roberts, for the purpose of paying him for services as deputy sheriff in traveling from Walla-walla to Spokane river for the purpose of arresting Joseph Herring and Frank, for the murder of Isaac Kellogg.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for the said sum of one hundred and seventy-five dollars in favor of Isaac L. Roberts, and the treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF R. H. HEWITT AND JOHN M. MURPHY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of seventy-five dollars and seventy-five cents be and the same is hereby appropriated out of the Territorial treasury for the payment of R. H. Hewitt, and the sum of forty-five dollars be appropriated out of the Territorial treasury for the payment of John M. Murphy, for advertising proclamations of the Governor of the Territory, &c.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for the sum of seventy-five dollars and seventy-five cents in favor of R. H. Hewitt, and a warrant in favor of John M. Murphy for forty-five dollars, and the Territorial treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Passed the House of Representatives January 17, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 22, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE PAYMENT OF ASSISTANT ENROLLING CLERK, AND CHARLES EAGAN, CHIEF CLERK OF THE HOUSE, AND N. S. PORTER, CHIEF CLERK OF THE COUNCIL.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and there hereby is appropriated out of the Territorial treasury a sum not to exceed twenty dollars for the payment of the assistant enrolling clerk.

SEC. 2. There shall also be and there is hereby appropriated out of the Territorial treasury a sum not to exceed one hundred dollars for the payment of Charles Eagan, chief clerk of the House, for the making up of the record and preparing the journal for the public printer.

SEC. 3. There shall also be and there hereby is appropri-

ated out of the Territorial treasury a sum not to exceed one hundred dollars for the payment of N. S. Porter, chief clerk of the Council, for similar services.

SEC. 4. The auditor shall upon satisfactory proof that the services have been performed by the assistant enrolling clerk and the chief clerks of the House and Council, draw a warrant on the treasurer for an amount not to exceed five dollars per day for each day's services thus performed by either of the above named officers, which warrant shall be paid out of the first money in the treasury.

Passed the House of Representatives January 29, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

APPROPRIATING MONEY TO AID IN THE CONSTRUCTION AND REPAIR OF CERTAIN ROADS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two thousand dollars be and the same is hereby appropriated out of the Territorial treasury to be expended under the direction of the county commissioners of King county in opening a wagon road from Black river bridge in said county of King, to the Yakima valley in Yakima county, by the way of Squaque and Snoqualmie prairies and through the Snoqualmie pass in the Cascade mountains:

Provided, That a like sum of two thousand dollars shall first be raised by subscription or otherwise, by the counties of King and Yakima within nine months from the passage of this act, and placed in the hands of the county commissioners of King county, to be expended on said road.

SEC. 2. That the sum of three hundred dollars be and the same is hereby appropriated out of the Territorial treasury to be expended under the direction of the county commissioners of Thurston county in exploring a route for a wagon road through what is known as the Packwood pass in the Cascade mountains: *Provided*, That a like sum of three hundred dollars shall first be raised by subscription or otherwise by said county of Thurston within nine months from the passage of this act, and placed in the hands of the said county commissioners of Thurston county, to be expended in exploring said pass.

SEC. 3. That upon the filing of the affidavit of one or more of the county commissioners of the proper county, with the Governor of the Territory, to the effect that the said sum or sums required by this act to be raised by subscription or otherwise has been raised and placed in their hands in accordance with the provisions of this act, it shall be the duty of said Governor to issue a certificate to the effect that the provisions of this act have been complied with, and that the said county commissioners are entitled to the said sum or sums so appropriated as aforesaid out of the Territorial treasury, and upon presentation of such certificate to the Territorial auditor, he shall immediately issue to the said county commissioners a warrant on the Territorial treasurer for the sum or sums to which they may be entitled by the provisions of this act, and as shown by said certificate.

SEC. 4. The county commissioners of the said counties of Yakima, King and Thurston, are hereby authorized to appropriate any sum or sums of money they may deem proper and necessary out of their respective county treasuries to aid in the construction or repair of any road, or the exploration of any pass named in this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 22, 1867.

B. F. DENNISON,

President of the Council.

Approved January 29, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF U. E. BOZARTH.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Island county are hereby authorized and empowered to pay U. E. Bozarth the sum of one hundred and twenty-five dollars out of the county treasury in said county, of any money not otherwise appropriated, for labor performed in the year 1865 on the public highways in said county.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

Approved January 31, 1867.

GEORGE E. COLE,

Governor of Washington Territory.

AN ACT

TO CHANGE THE NAME OF CHARLES ANTHONY KORSSTROM TO CHARLES ANTHONY WHITE.

WHEREAS, Charles Anthony Korsstrom, a native of Sweden, and naturalized in Mobile, in the State of Alabama, A. D. 1855, is desirous to have his name changed to Charles Anthony White, it being the name by which he has been known for the past eight years.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the name of Charles Anthony Korsstrom, a native of Sweden, and naturalized in the year A. D. 1855, at present a citizen of Olympia, Thurston county, Territory of Washington, be and the same is hereby changed to Charles Anthony White, the name by which he is at present known.

Passed the House of Representatives December 18, 1866.

HENRY MILES.

Speaker of the House of Representatives.

Passed the Council December 17, 1866.

B. F. DENNISON,

President of the Council.

Approved January 10, 1867.

MEMORIALS.

MEMORIALS.

MEMORIAL

RELATIVE TO THE MULLAN ROAD.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent to your honorable bodies, that the military wagon road from Wallula, (old Fort Walla-walla,) located on the great bend of the Columbia river, to Fort Benton on the Missouri river, and generally known as the "Mullan wagon road," is for a great portion of the distance through the Coeur-d'alene and Bitter Root mountains in an almost impassable condition for wagons, on account of fallen timber and destruction of bridges.

The necessity for a great national highway connecting the Missouri and Columbia rivers by a good and substantial wagon road, was by its own importance first brought to the notice of your honorable bodies as early as the year 1849. In the spring of 1852, the necessity felt by the Government for a more thorough and satisfactory knowledge in detail of the geographical and topographical character of the country lying between the Columbia and the Missouri rivers, induced Congress to make an appropriation for the purpose, and in the spring of 1853, by authority of Congress several corps of engineers and explorers were organized and sent forth under the direction of Honorable I. I. Stevens. The voluminous and truthful reports of these several parties induced Congress to act and act promptly, and

in 1857, Captain John Mullan was ordered into the field, being fully supplied with all the necessary men and means, and was on the ground in the spring of 1858. Commencing at Wallula, (then old Fort Walla-walla) on the Columbia river, he had completed the Walla-walla and Fort Benton military wagon road in September, 1862.

It must be borne in mind that from the time Hon. Isaac I. Stevens entered upon the preliminary survey up to the period of the completion of this great national highway, nearly the whole region of country through which it passed was, comparatively speaking, an uninhabited region, infested throughout by bands of hostile Indians. Now the scene is changed. What in 1849 composed only the Territory of Oregon, now comprises the State of Oregon and the Territories of Washington, Idaho and Montana. What was then a wilderness now contains a large and rapidly increasing population, producing millions of bushels of grain and millions of dollars per annum in gold and silver. The opening of this road is of the greatest, most vital importance to the people of Washington, Idaho, and that portion of Montana lying west of the Rocky mountains; and in the opinion of your memorialists, in a military point of view, its value cannot be overestimated.

A large amount of money was expended on this great work at a time when it was considered a military necessity, but the last two years have proven conclusively that it will also be a great public benefit to open the road, and for this purpose only a comparatively small amount in addition to the original cost of its construction is required.

Your memorialists are of the opinion that the sum of one hundred thousand dollars judiciously expended in repairing said road between Walla-walla and Helena cities,—a distance of four hundred and forty-five miles,—under the direction of a competent engineer from the United States Topographical Bureau, will put the road in good condition and enable teams loaded with freight and machinery to pass over from the Columbia river into the heart of a rich mining country.

Rich quartz veins are being discovered in the Coeur-d'alene

and Bitter Root mountains, which will ere long demand machinery for their development, and the working of which in connection with the placer mines would contribute largely to the development of Washington, Idaho, and the western portion of Montana Territories.

The opening of this road will enable a large portion of the population now on the western slopes of the Sierra Nevada, Cascades and Rocky mountains to use this great thoroughfare in reaching the rich gold and silver mines lying along its route from Helena west to the Columbia river. Again, it is through this national highway that the immigrant from the eastern side of the mountains, and those who ascend the Missouri river to Fort Benton, must pass to reach western Montana, Washington, and a large portion of Idaho Territory.

There is a constant stream of population flowing into the region of country lying along and adjacent to this so-called "Mullan road." The immigrant who is seeking farming land comes on down to the Walla-walla and other rich valleys lying along the western terminus of the road, and thence on to Puget Sound.

There is at the present time a population of over one hundred thousand inhabitants in the Territories of Washington, Idaho and western Montana. Rich deposits of gold, silver, copper, lead and iron are constantly being discovered and rapidly developed. Mining towns are springing into existence in all parts of the newly settled region. Branch roads leading from this main trunk (Mullan road) to the different mining camps are being made by individual enterprise, and everything gives indication that at no distant day these hardy and successful pioneers will be knocking at the door of Congress asking to be admitted into the sisterhood of States. But the population of this vast region of country is too new and too poor to be able to take hold of and rapidly complete such a great enterprise as the opening of this military wagon road.

The inhabitants, coming as they have from all parts of the United States, are unacquainted with each other, and admitting that they have all the necessary means within themselves for

the opening of this road, a few months' acquaintance with each other is not sufficient to establish the necessary confidence to organize a company and put forward to completion so great an undertaking. Nor is this all: the great length of this road and the large number of people it would benefit when opened, demands that it should be a free road.

Almost every State of the Union is represented in this new El Dorado, consequently every State is interested in making it a free and not a toll road.

Your memorialists rely upon the justness of their prayer and your liberality and promptness in coming to the aid of newly organized communities in time of need, and feel assured that by a proper and truthful showing upon our part, you will not permit so important a work as this road, together with what the Government has already expended, to go to ruin, nor permit individuals to seize upon available portions of it and claim a franchise whereby they will be enabled to use a part of an improvement erected at public expense, and convert the proceeds drawn from the toiling miner or travelworn emigrant to their own use, which in some instances is now being done.

Your memorialists wish to further show the vital importance of an early opening of a free road through this rich and fertile region of public domain, whereby the producers of the valleys may be enabled to reach the mining regions with their produce, and supply the miners with the necessaries of life at prices which will enable them to remain in and develop the mines. We will give some statistics carefully compiled and drawn from reliable sources relative to the productions and ruling prices of the same, of Walla-walla valley alone, together with the number of tons of freight landed by steamers at Wallula, and the amount passing over the "Mullan road" by pack trains to western Montana.

The Walla-walla valley, including that portion which lies in the State of Oregon, has produced this season, (1866.) 500,000 bushels of wheat; 250,000 bushels of oats; 200,000 bushels of barley; 150,000 bushels of corn; 170,000 pounds of beans; 4500 head of hogs; 1800 head of horses; 2500 head of cattle.

From Jan. 1, to Nov. 15, 1866, 1500 head of horses have been purchased by individual miners at Walla-walla horse markets; 2000 miners have outfitted at Walla-walla; 5000 head of cattle were driven from Walla-walla to Montana; 6000 mules have left the Columbia river and Walla-walla loaded with freight for Montana; 52 light wagons with families, have left Walla-walla for Montana; 31 wagons with immigrants have come through from the States via the "Mullan road," a portion of whom settled in Walla-walla valley and the remainder crossed the Columbia river at Wallula and settled on the Yakima river or passed on to Puget Sound; not less than 20,000 persons have passed over the "Mullan road" to and from Montana during the past season; 1,000,000 dollars in treasure has passed down through Walla-walla and Wallula during the same period.

The Walla-walla valley contains six flouring mills, six saw mills, two planing mills, two distilleries, one foundry and fifty-two thrashing, heading and reaping machines.

The Oregon Steam Navigation Company have run a daily line of boats to Wallula (Sundays excepted) during the past season up to the fourth day of November; since that time the boats have made four trips per week. These boats are of the capacity of from seventy-five to two hundred tons burthen, and giving the very lowest estimate, these boats have landed not less than five thousand tons of freight at Wallula during the season.

As early as 1862, about the time the Fort Benton wagon road was completed, the Oregon Steam Navigation Company landed at Wallula, from the 5th day of July to the 11th day of October inclusive, 1705 tons of freight, making three trips per week, which is an average of over forty tons per trip.

The Government has a large warehouse at Wallula, a quartermaster's agent in charge, and all the Government supplies for Fort Walla-walla, Fort Boise and a large proportion of those for Forts Colville and Lapwail are landed there. Freight is landed at Wallula for Lewiston, Florence Pierce City, Elk City and Oro Fino during the spring and fall, and for Helena, Blackfoot City, Deer Lodge, Hell Gate, Bitter Root valley, Cariboo,

Kootenai and Pend-d'oreille lake, at all seasons of the year, ice not preventing.

Wallula, on the great bend of the Columbia river, stands in the same position to Washington, Idaho and western Montana Territories, that Fort Benton, on the Missouri river, does to the eastern portion of Montana. The distance from Portland, Oregon, the head of ocean steam navigation pointing towards this newly discovered mining region, to Wallula, is two hundred and twenty miles. From Wallula to Helena, via the "Mullan road," it is four hundred and forty-five miles, making a total from Portland, Oregon, via the Columbia river through Wallula to Helena, Montana Territory, of six hundred and sixty-five miles.

Your memorialists will further state that owing to the condition of the "Mullan road," the producers of the Walla-walla and other valleys adjacent thereto, are deprived of a valuable market for their products, and the inhabitants living along the line of the road and in western Montana, are compelled to pay exorbitant, not to say extortionate, prices for the necessaries of life, while the best standard mills family flour is selling at Walla-walla for five dollars per barrel, and the best of wheat is selling at sixty cents per bushel; the freight on either of these articles to Montana, via the "Mullan road" in its present condition, costing from thirteen to twenty-two cents per pound by pack animals.

Your memorialists are of the opinion that wheat cannot be purchased any where in the United States at what it is now daily being sold for at Walla-walla, sixty cents per bushel. Oats command from one to one and one-half cents per pound; barley from one to one and one-quarter cents per pound. Last year the merchants of Walla-walla shipped over 600,000 pounds of oats to Oregon, and 113,000 pounds of wool and a large quantity of potatoes and onions.

Believing that we have in as small a space as possible presented some of the many reasons showing the great necessity for the immediate opening of the Walla-walla and Fort Benton wagon road, commonly called the "Mullan road," we will therefore only further state, that the Post Office Department

has established a mail route from Wallula to Helena, making Wallula a distributing office, and that by opening the road we are assured that we will soon have what the requirements of the country and the number of inhabitants demand, a mail coach on the route instead of a train of pack horses.

Your memorialists therefore pray that your honorable bodies will take these facts into consideration, and that you will in your wisdom take immediate steps towards opening up this important route, and your memorialists will as in duty bound ever pray.

Passed the House of Representatives December 13, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 14, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION TO BUILD A MILITARY ROAD FROM
PORT ANGELES TO GRAY'S HARBOR.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That in the county of Clalm and lying north and west of the Olympic range of mountains, there is a large tract of fertile land unexplored as yet except by a few hardy pioneers, who represent that the land is of an excellent quality, in large bodies, and capable of a high state of cultivation; that the country is at present in the possession of Indians who are treacherous; that the risk is too great, deterring persons from settling and improving those lands, and thereby adding yearly to the general revenue.

And your memorialists would further represent, that a military road from Port Angeles to Gray's Harbor would be of great importance in the event that the mouth of the Straits should be blockaded by a foreign power, in which case military stores might be transported by land from Gray's Harbor to any point on Puget Sound, and that said road would greatly facilitate intercourse with the Indian tribes and enable the people of this Territory to settle a large tract of fertile land.

The region through which this military road is proposed to be built is supposed to be rich in minerals; coal abounds in different localities along the route, and its wealth of timber cannot be doubted.

Therefore your memorialists would earnestly pray that your honorable bodies pass an act at your earliest convenience appropriating the sum of fifty thousand dollars to build said military road from Port Angeles to Gray's Harbor.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 16, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 16, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

RELATIVE TO CARRYING THE MAILS ON ROUTE NO. 15,417 BETWEEN
WALLA-WALLA AND PINKNEY CITY.

To the Honorable Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That under an order issued by the Postal Department, the postmaster at Walla-walla was instructed not to pay over

four thousand dollars for carrying the mail between Walla-walla and Pinkney City, on No. 15,417; that through the solicitation of the residents of Walla-walla and Stevens counties, Messrs. Brennick and J. R. Bates have taken said mail to carry for three months, with the understanding that the matter would be represented to the Department and an increase of pay asked for.

Your memorialists would further state that from information before them, they are satisfied that from the character of the country and the distance (229 miles) over which the mail is carried, the mail on route No. 15,417 cannot be carried for less than seven thousand dollars, and that the mail on said route is important, as there are at the Pinkney City end of the route the following Government offices: Custom house at Little Dalles, Indian agent, and collector and assessor of internal revenue at Pinkney City, and a military post, all of which departments require a weekly communication with Walla-walla.

Your memorialists would therefore respectfully pray that the present mail carriers be allowed seven thousand per annum for carrying the mail on route No. 15,417.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 14, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 15, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING FOR SEMI-WEEKLY SERVICE ON MAIL ROUTE NO. 15,407.

To the Honorable Second Assistant Postmaster General:

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent:

That at present the mail on route number 15,284, connecting Monticello and Olympia is carried tri-weekly, while on route number 15,407 which is a continuation of route number 15,284 and connects Port Townsend and Olympia, the mail is carried but once a week.

The business interests along the line, as well as at Port Townsend, is of much more importance, more extensive and increasing more rapidly than on the route first named. The principal interests on mail route number 15,407 are lumber and spars, which are shipped to all parts of the world; the commercial, agricultural, mining and fishing interests are of vast and increasing importance. It is a well known fact that the business on mail route number 15,407 is more extensive and of more importance than on route number 15,284, and consequently if a tri-weekly mail is necessary on the last mentioned route, it is much more necessary and important that a semi-weekly mail shall be continued to Port Townsend.

The custom house is located at Port Townsend on mail route number 15,407, and it frequently occurs that Government interests suffer for the want of a semi-weekly mail.

In view of these facts your memorialists would pray that such service on mail route number 15,407 may be performed semi-weekly as far as Port Townsend.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 18, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 5, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

TO ESTABLISH A MAIL ROUTE BETWEEN PORT TOWNSEND, JEFFERSON COUNTY, AND EBEBY'S LANDING, ISLAND COUNTY.

To the Honorable Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the interests of the inhabitants of Island county demand the establishment of a mail route between Port Townsend and Ebey's Landing, Island county, on Puget Sound, to connect with the mail between Olympia and Victoria, route No. 15,407, which route delivers the mail at Port Townsend weekly, for the following reasons: First,—by the arrangement the citizens of Island county will receive their mail from California, Oregon and Olympia one day earlier than by the route between Seattle and Bellingham bay, No. 15,419, and will receive the mail from British Columbia, Victoria and California (via Victoria) five days earlier than by the route via Seattle and Bellingham bay. Your memorialists would further state that the distance between Port Townsend and Ebey's Landing is but eight miles by water, and the mail can be carried for four hundred dollars in a sail boat capable of carrying eight or ten passengers.

Your memorialists would therefore earnestly pray you to urge the passage of an act at the present session of Congress for the establishment of a weekly mail route between the places and on the route above mentioned, to connect with mail route No. 15,407, and your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 21, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 5, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

IN RELATION TO THE ESTABLISHMENT OF A MAIL ROUTE FROM PUGET SOUND TO WALLULA.

To the Honorable Postmaster General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That there is a great and almost imperative necessity for the immediate establishment of a mail route from some point on Puget Sound to the city of Wallula, in Washington Territory. The distance between said points is some two hundred and fifty miles, and intervening there are large and flourishing settlements of white people, sufficient in numbers to constitute at present one county, and in a short time the population will be large enough to make several counties. In the present county of Yakima there is not a single post office, nor is there one between the starting points on the whole route indicated herein.

Your memorialists would therefore most respectfully ask that a post route be established from some convenient point on Puget Sound through one of the passes of the Cascade mountains, to Wallula in Washington Territory, and that mail service be put upon the same at an early day.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives December 21, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 5, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING FOR THE RIGHT OF WAY FOR A COUNTY ROAD ACROSS THE MILITARY RESERVATION OF FORT TOWNSEND.

To the Honorable Secretary of War of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to respectfully represent:

That owing to the refusal of the officers in charge of Fort Townsend military reservation, located in Jefferson county, Washington Territory, to allow travellers to cross said reservation in going to and from Port Discovery and Port Townsend, a distance of six miles on an air line, they are now compelled to go around the reservation, making a distance of ten miles, or four miles out of a direct line.

The custom house is located at Port Townsend, and Port Discovery being a shipping point, the travel between the two ports is large and constantly on the increase, and the interests of the whole community demand an air line road.

Believing that military posts are established in this new country for the protection of the interests of the settlers adjacent to them, as well as for the country at large, your memorialists pray that you will issue an order granting to the county commissioners of Jefferson county the right of way to locate a county road across said military reservation.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 19, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 4, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

RELATIVE TO THE NORTHERN PACIFIC RAILROAD.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled.*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That in accordance with the rapid progress of commercial

enterprise, and the increasing demand for rapid intercourse across the domain of the United States, from the Atlantic to the Pacific oceans, the Congress of the United States has provided by legislative enactments for the construction of two lines of railroads, known as the Union or Central and Northern Pacific Railroads, but the northern road has not received the same assistance from the fostering hand of the general government which has been extended to the central road, although from the natural condition of affairs it is more necessary that such assistance should be extended to the Northern than to the Central road, for the reasons: First, that in Washington Territory, the terminus of the Northern road, there is not sufficient capital throughout the whole Territory even to commence such an enterprise, while in California, the terminus of the Central road, sufficient capital could be obtained, were the holders thereof willing, to build the whole road without any assistance from the general Government. Second, that from the geographical position of the different routes, the northern road when completed will build up a national and international commerce of far greater extent and value than the central, and that the nature of the soil along the northern route guarantees the more rapid growth of a rich and powerful agricultural community along the whole extent of country through which it will pass. In view of these facts your memorialists would respectfully pray your honorable bodies to pass an act granting the same privileges to the Northern Pacific Railroad Company as are now granted to the Union Pacific Railroad Company.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 19, 1866:

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 5, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

FOR THE RELIEF OF JOHN COSGROVE.

*To the Honorable, the Senate and House of Representatives
of the United States in Congress Assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the entrance to the Swinamish canal on mail route number 15,419, from Seattle to Whatcom, is very intricate and cannot be navigated by vessels or steamers unless the channel is marked out or buoyed; that John Cosgrove, the present mail contractor on the said route, has marked out the channel at his own expense, otherwise he would have been unable to comply with the schedule time in consequence of the steamer running ashore and having to wait for the tide, but owing to the storms prevalent in that vicinity during the winter months, the beacons are from time to time washed away, and to erect permanent and sufficient beacons to withstand any storms which may arise, would require a greater outlay than he can afford.

In view of these facts, your memorialists would respectfully request your honorable bodies to pass an act appropriating the sum of five hundred dollars to reimburse the said John Cosgrove for money already expended by him in marking out said channel, and to enable him to complete the same in an effectual manner, thereby aiding and facilitating the navigation of the aforesaid waters.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives December 11, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 13, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING CONGRESS TO DONATE EIGHTY-FIVE SECTIONS OF LAND TO
AID IN CONSTRUCTING A ROAD FROM OLYMPIA TO MONTICELLO.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave respectfully to call the attention of your honorable bodies to the very great want of the people of Washington Territory in respect to a highway from Puget Sound to the Columbia river, and pray for such aid and encouragement as the circumstances so urgently require.

The two points that form the natural terminus of such a road are Olympia, the capital of the Territory, situated at the extreme head of Puget Sound, and Monticello, situated near the confluence of the Cowlitz with the Columbia river. The intercommunication of business and travel between these two great courses of water navigation, now lies over a forest country for a great portion of the distance, which by the shortest route is not less than eighty-five miles.

The road as it is now travelled and over which the United States mails are transported, consists of a trail through dense forests of our Territory, over mountains, through swamps and across streams, with but here and there a sparse pioneer settlement along the whole route.

So sparse is the population of the country and so slow its increase, that it will be many years before even the timber can be removed by the ordinary process of highway improvements, to say nothing of the grading of hills, the filling up of swamps and the construction of bridges. And yet so extensive and important is the business between the shipping ports at the extremities of this road, that it is and must be travelled constantly. A portion of the way is utterly impassable for vehicles of any sort, making it necessary to pack both passengers and mails on horseback; and for a great portion of the distance where vehicles are drawn, it is done at the risk of life and limb of the traveler.

Your memorialists therefore humbly petition your honora-

ble bodies for a grant of alternate sections of land on both sides of the line of said road from Monticello to Olympia; the title of said lands to be vested in the Territory of Washington and to be located by commissioners appointed by the Territorial Legislature, whose duty it shall be to locate also the line of the road.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION TO IMPROVE THE RIVERS OF WASHINGTON TERRITORY.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, do respectfully ask an appropriation of one hundred thousand dollars for the removing of obstructions and improving the navigable rivers of Washington Territory; and we would further request that the appropriation be expended under the direction of the Governor and Legislative Assembly of this Territory, subject to the instructions and orders of the Secretary of the Interior.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR BUILDING A CUSTOM HOUSE AND
MARINE HOSPITAL AT PORT TOWNSEND FOR COLLECTION DISTRICT
NO. 103, PUGET SOUND.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the custom house for collection district No. 103, Puget Sound, is established at Port Townsend, Jefferson county, Washington Territory, but that there is no suitable building belonging to the United States at that place for the transaction of the necessary business. .

Wherefore your memorialists would respectfully pray your honorable bodies to pass an act appropriating the sum of fifty thousand dollars to be applied to the erection of a custom house and marine hospital at Port Townsend. And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 18, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

ASKING CERTAIN PERSONS IN PIERCE AND LEWIS COUNTIES TO BE
CONFIRMED IN THEIR TITLE TO THEIR CLAIMS.

*To the Honorable Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That at the time the settlement of Washington Territory first began by American citizens, it was believed by such settlers that the treaty of 1846 with Great Britain secured to the corporators and persons therein named, such lands only as were enclosed and actually occupied at the date of such treaty, under some existing laws of either Great Britain or the United States; that all the Government officials entertained the same opinion, and from the commencement of the settlement of the country have advised immigrants that the large tracts of land claimed by the Puget Sound Agricultural Company in Pierce and Lewis counties were a part of the public domain and open to settlement and cultivation by settlers, under the United States donation and other laws, the same as other public lands within the Territory.

That large numbers of American citizens believing such representations of U. S. officials to be true, did enter upon and in good faith place valuable improvements on said unoccupied tracts of land under the U. S. donation and other laws within the boundary of said company's claim in Pierce and Lewis counties. Your memorialists would further represent that many of our most valuable and useful citizens would be greatly injured should Congress fail to confirm to such settlers upon said lands their claims, and we therefore respectfully but earnestly urge speedy action by your honorable bodies in securing by the proper legislation such settlers in their claims, without being subjected to other or greater expense in obtaining patents therefor than settlers upon other parts of the public domain in this Territory have been compelled to incur in getting patents for their land.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 9, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

RELATIVE TO THE HOMESTEAD AND PRE-EMPTION ACTS.

*To the Honorable Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That your memorialists being satisfied that the policy of the general Government is to encourage the settlement and cultivation of the wild land of the United States and particularly of the Pacific coast, and that to that end the pre-emption act of 1841 has been extended to this coast, and to lands whether surveyed or unsurveyed, and in addition to this, an act to secure homesteads to actual settlers on the public domain, approved May 20, 1862. Your memorialists being acquainted with the practical working of those laws in this Territory and on this coast generally, respectfully draw your attention to the following mischiefs tending to subvert the beneficent intent of those laws.

There is no provision in the homestead act whereby, in case a homestead settler being a single man and dying before his title is completed, can transmit his rights to the land and improvements to his heirs or administrators.

The effect of this act is to prevent his creditors or relatives from obtaining the property of the decedent as in other cases, and makes an invidious distinction between different settlers on the public domain.

The high rate of wages and the low amount allowed for surveys on this coast retards the surveys of the public land to such a degree that settlements are made far in advance of the said surveys. In fact, the government never on this coast extends the surveys over any portion of a country until after such section is to a considerable degree settled. If any settlers on public land should be encouraged, it is that class of hardy pioneers that precede the surveys and open the wilderness to settlement.

The homestead act unlike the pre-emption act, does not

give any right whatever to persons settling on unsurveyed lands, but those persons who have been pioneers and settlers for years on these unsurveyed lands are required to continue their residence for five years more after the survey takes place.

Many of those persons who settle in this country have had the benefit of the pre-emption law, and under the existing law can not have the benefit of pre-emption here.

There is a class of persons who from nature and habit are pioneers; they continue ever on the frontier; they settle, build their cabins and improve the land to a certain extent, and thereby pave the way for those who do not desire and never would brave the privations and dangers of first settlement. This first class soon sell out to the second class of settlers and move again to the frontier. The very fact that this first class of settlers sell out to the second set of settlers, is one of the primary reasons why our wild lands are so rapidly settled. These pioneers should rather be encouraged to settle, improve and sell as aforesaid, than be prevented from selling. The provisions of the pre-emption law preventing those who have sold their pre-emption claims from having the benefit of the said law, and the homestead act discourages the immigration of persons to this coast and their settlement on our frontiers. If he has once had the benefit of the pre-emption law, he has no rights on these unsurveyed lands, as the homestead act does not apply to said land, and he is not entitled to pre-emption claim. Many persons having thus had the benefit of the pre-emption act in the western Atlantic States, have settled upon and made valuable improvements on the unsurveyed lands, sometimes to the amount of four or five thousand dollars. Generally this class of men were poor by the time they came into this country, and were therefore induced to settle on the frontier. After this settlement and improvements having thus been made, some person not having had the benefit of the pre-emption act, settles and takes the fields, the houses and homes of these men who have benefited their country by their hardihood and industry. This unjust state of the law, discourages settlements and is also contrary to every just principle.

The laws aforesaid were evidently intended not only to encourage settlements but also to afford homes for the poor and unfortunate with as little cost as possible. The laws do not accomplish this for the following reasons:

The land to be entered is generally long distant from the land office; the expenses of traveling from said lands to the land office and returning, are very great, often amounting to a hundred dollars to each person who thus travels. The laws aforesaid according to the rulings of the land officers, often require the presence of the claimant and witnesses at the land offices. This is so enormous that it costs in many cases, in time, expense and trouble, more than a dollar and a quarter an acre for the sheer expense of proving up in the land office, and in contested cases it is almost impossible for a poor man to take his witnesses to the said land offices; therefore to obviate these evils, your memorialists pray that the aforesaid acts be amended so that—

1. That the heirs or administrators of a single man being a homestead claimant may succeed to his rights.

2. That a person's rights as a homestead claimant shall attach to lands surveyed and unsurveyed from the time he settles thereon and the five years residence shall be deemed to commence from the date of said settlement.

3. That the benefits of a former pre-emption shall not debar the right to a pre-emption claim on this coast.

4. That the register and receiver be empowered to issue compulsory process for witnesses to come before them.

5. That the register and receiver have power to issue commissions and appoint commissioners to take testimony.

6. That the ordinary proof in pre-emption and homestead cases may be made before a commissioner appointed for that purpose by the register and receiver or other officer competent to administer oaths.

And for these things your memorialists are bound ever to pray.

Passed the House of Representatives January 22, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

RELATIVE TO THE HOMESTEAD ACT.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the act passed by your honorable body entitled "an act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the amendment thereto, approved March 21, 1864, was passed for the purpose of enabling those who are unable to purchase land to obtain a title to a portion of land by residing upon and cultivating the same for a period of five years, but inasmuch as the law only allows a patent to issue in such cases five years after the entry has been made in the land office, and as no entry can be made until the land has been surveyed, and as many of our citizens have settled upon lands which have not been surveyed, and which may not be surveyed for several years to come, with the expectation that they could have the full benefit of the aforesaid law, they find with regret that the law is of no benefit to them, for they will have to continue to reside upon the land five years after it is surveyed before they can obtain a title to the same, although they may have resided upon it for more than five years before it may be surveyed; and as it was evidently the intention of the framers of the law that one man should be able to obtain the benefit of the law on the same terms as another, your memorialists would respectfully pray your honorable bodies to pass an act whereby the period constituting the five years' residence necessary to enable settlers under the homestead act to obtain a title to the land claimed shall commence from the day of actual residence thereon, to be proven by two disinterested witnesses before the register of the land office of the district in which the said land is situated. And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 4, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

ASKING INDEMNITY FOR PROPERTY LOST DURING THE INDIAN WAR OF
1855 AND 1856.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the inhabitants of this Territory have never been indemnified for losses of property sustained at the hands of hostile Indians during the Indian war which desolated a large portion of this Territory in the years 1855 and 1856.

That many persons lost all their horses, cattle, crops, buildings, &c., and that in the county of King, then one of the thriftiest counties in the Territory, only five buildings outside the town of Seattle were left unburned, and nine-tenths of all the stock in the country fell into the hands of the savages.

That the Indians who committed these depredations are now enjoying annuities from the Government which in justice ought to be employed in indemnifying white citizens who sustained losses in property at their hands, and who by the invitation of our Government accomplished a long and perilous journey to develop the resources of a savage inhabited and defenseless portion of the public domain.

Therefore in justice to the pioneers of this remote portion of our country, your memorialists do respectfully pray your honorable bodies to make an appropriation for the indemnity of citizens who sustained property losses in this Territory at the hands of hostile savages during the Indian war of 1855-6.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING CONGRESS TO APPOINT AN ADDITIONAL INDIAN AGENT IN THE
INDIAN DEPARTMENT OF WASHINGTON TERRITORY.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the act passed by Congress on February 8, 1861, making Oregon and Washington Territory two separate Indian departments, in the division of the Indian agents it left in the Indian department of Washington Territory the reservation of Tulalep without an agent.

Your memorialists would therefore pray your honorable body to pass an act allowing the Indian department of Washington Territory an additional Indian agent for the Tulalep reservation. And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 14, 1866:

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 15, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

RELATIVE TO DRY DOCK ON PUGET SOUND.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent:

That there are several harbors on the waters of Puget

Sound accessible to vessels of any draught of water, completely sheltered from the wind; easily defended and so formed by nature as to be converted at a very trifling expense into a dry dock.

The national dock yards of France, Spain and England have for years received spars and lumber from our shores, and that from actual experiments both have been found eminently suitable to the various naval purposes for which they have been used.

Wherefore your memorialists would earnestly urge upon the attention of the Navy Department the necessity of making the necessary survey preliminary to the selection of the best of the numerous sites fitted for the construction of dry docks on Puget Sound.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives December 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 18, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

REMONSTRATING AGAINST THE REMOVAL OF MILITARY HEADQUARTERS
FROM VANCOUVER TO PORTLAND.

To the Honorable Secretary of War of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, learning the headquarters of the department of the Columbia has been removed from Vancouver, W. T., to Portland, in Oregon, would most respectfully and earnestly ask your careful consideration of the following facts and reasons why said removal should not be made and why it should be

returned to Vancouver where it has always been since the establishment of a military post in this country.

In the selection and establishment of a military post and garrison for this portion of our national domain, the U. S. officer, General Ingalls, could not avoid selecting the place he did,—nature pointed it out as the place, beautifully situated at the head of ship navigation on the Columbia river near the mouth of the Willamette, from which now as then existed reliable and constant communication with all parts of the military department.

Up to this time the United States have expended vast sums of money in garrison buildings, officer's quarters, stabling, wharf, warehouses and ordnance buildings, far exceeding a \$1,000,000.

All vessels that can enter the mouth of the Columbia, can with ease and without obstruction reach Fort Vancouver, and ever have when required, without any difficulty whatever. Government stores, supplies, troops and munitions of war can at all seasons reach Vancouver direct, and at less rates than if sent to Portland.

Portland is situated on the Willamette river some fourteen miles above its mouth. Vessels of ten to twelve feet draught seldom if ever reach there during low water, which is several months each year. Steamers and ships for years past, during low water, are compelled to transfer their cargoes to river boats and receive return freights in the same way.

Cargoes of troops and stores of late years have gone this round in sight of Vancouver with the shoalest water twenty feet, for the especial benefit of river boats of Portland.

The removal necessitates the renting by Government of warehouses and quarters for officers at enormous rates, while the government has both warehouses and quarters at Vancouver of her own, lying useless and unoccupied.

Your memorialists would further say, the great bulk of military supplies and transportation passes up the Columbia river east of the Cascade mountains, and we are unable to see the economy or expediency of making a detour of thirty miles from the direct route for the benefit of private individuals in

Portland, and at such an unnecessary expense to Government.

Your memorialists would conclude by saying they can have no motive in this question but the interest of the Government, and beg leave to refer your honor to all military officers who are acquainted with the facts, among whom permit us to name Generals Ingalls, Pleasanton, Hooker and Grant.

Hoping this memorial may receive your careful consideration, your memorialists as in duty bound will ever pray.

Passed the House of Representatives January 9, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 19, 1866.

B. F. DENNISON,

President of the Council.

MEMORIAL

PRAYING THAT VESSELS OF WAR BE STATIONED ON PUGET SOUND.

To the Honorable Secretary of the Navy of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That there are many flourishing settlements on the shores of the great inland sea known as Puget Sound, which do a large business with various ports in England, Scotland, Ireland, France and Spain, in Europe, as well as with South American Republics, China, Japan, the East Indies and Australia; that vessels from all these countries frequent our bays and harbors; that the English Government for the protection of a very inferior commerce, comparatively, has established a naval station at Esquimalt, Vancouver Island, and has a fleet of war vessels constantly stationed there; that our commerce is entirely unprotected and that the seamen and subjects of foreign powers draw comparisons between us and the neighboring colonies of Great Britain,

which however are very humiliating and by no means comport either with the dignity of the United States or its true naval strength.

In view of these facts, your memorialists would earnestly urge the Navy Department to station such a number of vessels of war upon the waters of Puget Sound as are essential to our security, as well as to convince foreign powers that the General Government has the interest and honor of her most remote settlements at heart.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives December 19, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 19, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

RELATIVE TO THE DEATH OF HON. SIDNEY S. FORD.

WHEREAS, The Honorable Sidney S. Ford, late a member of the Legislative Council of the Territory of Washington, for the district composed of the counties of Lewis and Thurston, departed this life on the twenty-second day of October, 1866, in the sixty-sixth year of his age; therefore,

Resolved by the Legislative Assembly of the Territory of Washington, That it is with deep and sincere regret they are called upon to chronicle the loss of an experienced legislator, an excellent counsellor, a genial companion, a generous and true man. His services in the body of which he was a member at the time of his death, were marked with patriotism, devotion to the Union and its cause, and a zealous watchfulness to advance the interests of the Territory.

Resolved, That the name of our deceased companion and friend is entitled to be enrolled among the pioneers of American settlements on the Pacific coast. His sturdy Americanism led him with a few others, to make a settlement in the then Oregon north of the Columbia river, in the year 1845, whilst the country was still in dispute between Great Britain and the United States, since which period he has almost invariably held some position in which he could serve his fellow citizens, and up to his death continued to retain their hearty confidence and regard.

Resolved, That we sincerely sympathize and condole with

the widow and family of the deceased, who are thus deprived of the devoted husband and affectionate father.

Resolved, That the secretary of the Council be instructed to forward a certified copy of these resolutions to the widow and family of the late Sidney S. Ford, Sen.

Passed the House of Representatives December 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 12, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO APPROPRIATION FOR REPAIR OF MILITARY ROAD FROM
MONTICELLO TO SKOOKUM CHUCK.

Resolved by the House, the Council concurring, That our delegate in Congress be and he hereby is requested to bring to the notice of Congress the almost impassable condition of the military road leading from Monticello to the head of Puget Sound, between Skookum Chuck and Monticello. Also that it is over this road that the mails from Portland to Puget Sound have to be brought, and that this road is much used for transportation of troops and Government property between Fort Vancouver and Fort Steilacoom, and to use his influence with Congress to procure an appropriation of twenty-five thousand dollars for the repair of said road between Monticello and the Chehalis river at the mouth of Skookum Chuck and on to Fort Steilacoom.

Passed the House of Representatives January 22, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 23, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO LAND WARRANTS.

Resolved by the House, the Council concurring, That whereas a former Legislature of this Territory prayed Congress to grant land warrants to volunteers serving in the Indian war of 1855 and 1856, and whereas no action has been had in the premises, therefore our delegate in Congress is requested to call the attention of Congress anew to the subject, and if possible procure favorable legislation upon the same.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 4, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO EXTENSION OF PUBLIC SURVEYS.

Resolved by the Council, the House concurring, That our delegate in Congress be and he hereby is requested to use his influence with the proper Department, and with Congress if necessary, to procure an immediate extension of the public surveys over the late claims of the Puget Sound Agricultural Company in Pierce and Lewis counties.

Passed the House of Representatives January 19, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 9, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTIONS.

RESOLUTION

RELATIVE TO CERTAIN REGIMENTAL COLORS.

Resolved by the Council, the House concurring, That the colors presented by the Territory to the first regiment Washington Territory Infantry, late commanded by Col. Justin Steinberger, and returned to the Secretary of the Territory after said regiment was disbanded, be deposited in the capitol of the Territory, in a proper case or cases to be made under the supervision of said Secretary.

Resolved, That of the funds appropriated to purchase said colors remaining unexpended, the said Secretary be authorized to carry into effect said first resolution, provided that no additional charge upon the Territorial treasury shall be incurred in securing said cases.

Resolved, That the thanks of the Assembly are due to Col. Steinberger for his zealous interest in securing the return of said colors to the said Secretary of the Territory; and also Doctor C. M. Steinberger, Surgeon of said regiment, Capt. Wm. M. Knox, late Captain in said regiment, and to Lieut. Col. Mowry of the Oregon volunteers, also to Hon. Elwood Evans, Secretary of the Territory, for services in same behalf.

Passed the House of Representatives January 19, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 15, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO THE KEEPING OF PRISONERS IN PIERCE COUNTY JAIL.

WHEREAS, Quite a number of Territorial prisoners are now confined in the Pierce county jail for safe keeping; and

WHEREAS, Several such prisoners convicted of high crimes have made their escape from said place of confinement; therefore be it

Resolved by the Council, the House concurring, That a committee of five, to consist of two on the part of the Council and three from the House, be appointed by the respective presiding officers of the houses, to proceed to Steilacoom and examine said place of confinement and report upon its fitness as a place for the safe keeping of such prisoners; also upon the condition of the prisoners and the manner of their treatment, together with such other facts and matters as in the opinion of the committee the public interests may require.

And be it further resolved, That the said committee shall make such examination and report within five days after the passage of this resolution, and that the expenses of said committee in making such examination, be paid from any funds in the Territorial treasury not otherwise appropriated.

Passed the House of Representatives January 10, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO APPROPRIATION FOR BUILDING CAPITOL AND PENITENTIARY.

Resolved by the House, the Council concurring, That our delegate in Congress be requested to use his influence to have the money formerly appropriated by Congress for the purpose of erecting a capitol and penitentiary in Washington Territory, returned to the proper officer of this Territory with instructions

to expend the same for the purpose for which the appropriation was made.

Passed the House of Representatives December 15, 1866.

HENRY MILES,

Speaker of the House of Representatives,

Passed the Council December 19, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO THE ERECTION OF FORTIFICATIONS ON PUGET SOUND.

WHEREAS, The settlements on the shores of Puget Sound are at present entirely defenceless; and

WHEREAS, The President of the United States has made certain military reservations for the purpose of having erected thereon the necessary fortifications; therefore

Resolved, That our delegate, the Hon. Arthur A. Denny, be and he is hereby instructed to use his influence with the Congress of the United States to procure the appropriation of such sums of money as will be required for the construction of such fortifications as may be deemed adequate to our protection by the War Department.

Passed the House of Representatives December 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 19, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO DISTRIBUTION OF THE LAWS AND JOURNALS.

Resolved by the House, the Council concurring, That the Secretary of the Territory shall transmit to each member and officer of this Legislative Assembly, two copies of the laws and two copies of the journals of the present session, as soon as the same are published.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO MAP OF THE TERRITORY AND BOUNDARIES OF COUNTIES.

Resolved by the House, the Council concurring, That a committee of three be appointed by the Speaker on the part of the House, to act in conjunction with a similar committee from the Council, to examine the map of the Territory being made by E. Giddings, and report a bill defining the boundaries of the various counties of the Territory.

Passed the House of Representatives January 7, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 7, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTIONS.

RESOLUTION

RELATIVE TO APPOINTING FREDERICK ELTZE ENROLLING CLERK, AND PROVIDING PAYMENT FOR HIS SERVICES.

Resolved by the House, the Council concurring, That Frederick Eltze be and he is hereby appointed Enrolling clerk for the Legislative Assembly at the present session.

2. He shall be entitled to receive from the Territorial treasury for his services the sum of five dollars per day.

3. Upon the presentation of a certificate, signed by the President of the Council and the Speaker of the House of Representatives to the Territorial treasurer, stating the amount of service rendered by the person above named, it shall thereupon be the duty of said treasurer to pay the same out of any money in his hands, or the first money that shall come into his hands.

Passed the House of Representatives December 6, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 6, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO DISTRIBUTION OF MUSKETS.

Resolved by the House, the Council concurring, That there shall be distributed to the members of the Legislative Assembly and officers thereof, one rifled musket and equipments each from the Territorial armory.

Passed the House of Representatives January 19, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 19, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO MAP OF TERRITORY.

Resolved by the House, the Council concurring, That the committees on counties of the House and Council be instructed to inquire into the cost of a map of this Territory, showing the boundaries of each county, location of county seats and extent of surveyed lands, and report at an early day.

Passed the House of Representatives December 15, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 17, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO COMMUNICATION FROM THE GOVERNOR.

Resolved by the House, the Council concurring, That a committee from each house be appointed to wait upon his Excellency the Governor of the Territory, and inform him that both houses are now organized and ready to receive any communication he may have to make.

Passed the House of Representatives December 6, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 10, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTIONS.

RESOLUTION

RELATIVE TO ADJOURNING OVER THE HOLIDAYS.

Resolved by the Council, the House concurring, That when the two houses of the Legislative Assembly of Washington Territory adjourn on Saturday next, they adjourn to meet on Friday the fourth day of January, 1867.

Passed the House of Representatives December 20, 1866.

HENRY MILES.

Speaker of the House of Representatives.

Passed the Council December 19, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO THE RECEPTION OF COMMUNICATION FROM HIS EXCELLENCY GOVERNOR GEORGE E. COLE.

Resolved by the Council, the House concurring, That a committee of five to consist of Messrs. Clark and Ferguson on the part of the Council, and Messrs. Van Bokkelen, Reese and Ford on the part of the House, be and they hereby are appointed to wait upon his Excellency, Governor George E. Cole and receive and welcome him, and inform him that the Legislative Assembly are now prepared to receive any communication he may be pleased to make.

Passed the House of Representatives January 10, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 10, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO THE SAFE KEEPING OF TERRITORIAL PROPERTY.

Resolved by the House, the Council concurring, That the Quartermaster General shall be and is hereby permitted to use one of the rooms in the capitol building for the purpose of storing the Territorial arms, equipments and ammunition therein.

Passed the House of Representatives January 24, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO PAYMENT OF E. GIDDINGS FOR TERRITORIAL MAP.

*Resolved by the House, the Council concurring, That the Territorial treasurer be and he is hereby instructed not to pay the warrant drawn in favor of E. Giddings for the map made for the use of this Legislature, until said map is fully completed and the errors in the boundary lines of the counties in said map are corrected: *Provided*, That a certificate of the Surveyor General of this Territory shall be sufficient evidence that the same is correct and the map is completed.*

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 29, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO RECEPTION OF THE GOVERNOR'S MESSAGE.

Resolved by the Council, the House concurring, That the two houses of the Legislative Assembly of the Territory of Washington, meet in joint convention in the hall of the House of Representatives on Tuesday, December 11, at 12 o'clock M., for the purpose of receiving the message of his Excellency Governor Pickering.

Passed the House of Representatives December 10, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 10, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO DISTRIBUTION OF MUSKETS IN SNOHOMISH COUNTY.

Resolved by the House, the Council concurring, That one case of Government muskets be and is hereby awarded the county of Snohomish for the defense of settlers in that county, and that said case be assigned to the care of the county commissioners of Snohomish county for distribution.

Passed the House of Representatives December 17, 1866.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council December 18, 1866.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO THE EMPLOYMENT OF AN ASSISTANT ENROLLING CLERK.

WHEREAS, The extra amount of labor devolving upon the enrolling clerk makes it impossible to do the work in time to receive the proper signatures before the probable adjournment of the Legislature; therefore be it

Resolved by the House, the Council concurring, That the enrolling clerk be and he is hereby authorized to employ an assistant for such time as is necessary to do the work required; and such assistant shall be allowed the sum of five dollars per day, to be paid out of the Territorial treasury.

Passed the House of Representatives January 26, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO PRINTING CERTAIN ACTS.

Resolved by the House, the Council concurring, That the committee on printing be and are hereby instructed to secure the printing of all acts in relation to the justices of the peace and defining their duties, regulating their practice and fees, &c., and that the same be published as an appendix to the laws of this session.

Passed the House of Representatives January 15, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 25, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTIONS.

RESOLUTION

RELATIVE TO PURCHASING THE GARDNER SHACKLE.

Resolved by the House, the Council concurring, That a joint committee be appointed to examine the patent shackle and stirrup known as the "Gardner shackle," and report whether in the opinion of said committee it is advisable for the Territory to purchase a number of said shackles for Washington Territory.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO NEW BUSINESS.

Resolved by the House, the Council concurring, That no new business shall be introduced after Monday, January 28, 1867.

Passed the House of Representatives January 25, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 26, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

TO PROVIDE FOR THE BINDING OF A COPY OF THE LAWS, JOURNALS,
AND DECISIONS OF THE SUPREME COURT.

Resolved by the House, the Council concurring, That the Secretary of the Territory be requested to deposit in the library of this Territory a full and complete series of the acts of Assem-

bly passed at the fourteen annual sessions of the Territory of Washington, to be bound in law sheep in four volumes; and also copies of the journals of both branches of the Assembly bound in sheep, (half bound) and also a copy of the opinions of the supreme court bound in sheep.

Resolved, That the expense attending the binding of said books be paid by the Territorial treasurer out of any money in the treasury, on presenting to him proper vouchers therefor, provided the same shall not exceed the sum of seventy-five dollars.

Passed the House of Representatives January 19, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 24, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO PUBLICATION OF ELECTION, SCHOOL AND ROAD LAWS.

Resolved by the House, the Council concurring, That the Secretary of the Territory be and he is hereby requested to have five hundred copies each of the election, school and road laws of this Territory published in pamphlet form, and distribute the same to the respective counties, for the use of judges of election, school and road districts of the several counties of this Territory.

Passed the House of Representatives January 26, 1867.

HENRY MILES,

Speaker of the House of Representatives.

Passed the Council January 28, 1867.

B. F. DENNISON,

President of the Council.

RESOLUTION

RELATIVE TO ADJOURNING *SINE DIE*.

Resolved by the Council, the House concurring, That when the respective houses adjourn this 31st day of January, 1867, they do adjourn *sine die*.

HENRY MILES,

Speaker of the House of Representatives.

B. F. DENNISON,

President of the Council.

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