

SESSION LAWS

OF THE

STATE OF WASHINGTON

SESSION OF 1899.

COMPILED IN CHAPTERS, WITH MARGINAL NOTES,
BY WILL D. JENKINS, SECRETARY OF STATE.

PUBLISHED BY AUTHORITY.

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LAWS OF WASHINGTON.

CHAPTER I.

[S. B. No. 1.]

APPROPRIATION FOR LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, for expenses of the sixth legislature.

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

SECTION 1. That there be and is hereby appropriated out of funds in the treasury of the State of Washington, not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary, to be used for the expenses of the sixth legislature of the State of Washington.

Appropriation
\$50,000 legisla-
tive expense.

Passed the Senate January 10, 1899.

Passed the House January 11, 1899.

Approved January 17, 1899.

CHAPTER II.

[S. B. No. 250, session 1897.]

APPROPRIATION TO PAY GEORGE W. BABCOCK.

AN ACT for the relief of George W. Babcock.

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

SECTION 1. That the sum of seventeen hundred and forty-five dollars (\$1,745.00) be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the relief of George W.

\$1,745 relief
George W.
Babcock.

Babcock, for plans and specifications for, and superintending the construction of, the new cell wing of the state penitentiary.

SEC. 2. The state auditor is hereby authorized and directed to audit the claim of the said George W. Babcock, and if the same be found a just and proper charge and claim against the State of Washington, to draw a warrant on the state treasurer for said sum in favor of the said George W. Babcock, and the said state treasurer is hereby directed to pay said warrant out of any funds in the said treasury, not otherwise appropriated.

Passed the Senate February 27, 1897.

Passed the House March 11, 1897.

From information and belief I consider this claim unjust. The claimant has his remedy in the courts. The bill is vetoed this 18th day of March, 1897.

J. R. ROGERS, *Governor*.

[*Endorsed.*]

Vetoed Senate Bill No. 250. An act for the relief of George W. Babcock. Filed in the office of the Secretary of State March 18, 1897.

WILL D. JENKINS, *Secretary of State*.

Received from Governor January 13, 1899. Bill and veto message read in full January 17, 1899. Passed by the following vote: yeas 32, nay 1, absent 1, total 34.

DUDLEY ESHELMAN, *Secretary of Senate*.

Received from the Senate January 18, 1899. Set for special order of business January 19, 1899, at eleven o'clock. Passed by the following vote: yeas 65, nays 5, absent 8, total 78.

W. F. DILLON, *Chief Clerk House of Representatives*.

Filed in the office of Secretary of State January 20, 1899.

WILL D. JENKINS, *Secretary of State*.

CHAPTER III.

[H. B. No. 114.]

APPROPRIATION TO PAY PERCY G. MALTBIE AND
JAMES ROSS.AN ACT for the relief of Captain Percy G. Maltbie and Captain
James Ross, and declaring an emergency.*Be it enacted by the Legislature of the State of Washington :*

SECTION 1. That the sum of three hundred and eleven dollars and seventy cents (\$311.70) be and the same is hereby appropriated out of the military fund of this state, for the purpose of reimbursing Captain Percy G. Maltbie for money actually and necessarily expended by him for the maintenance of the members of company "D," independent battalion, Washington volunteer infantry, between the time of the enrollment of said company by the command of the governor and the mustering of said company into the service of the United States, in the late war with Spain.

\$311.70 relief
Capt. Percy
G. Maltbie.

SEC. 2. That the sum of five hundred and twenty dollars (\$520) be and the same is hereby appropriated out of the military fund of this state for the purpose of reimbursing Captain James Ross for money actually and necessarily expended by him for the maintenance of the members of company "A," independent battalion, Washington volunteer infantry, between the time of the enrollment of said company by the command of the governor and the mustering of said company into the service of the United States, in the late war with Spain.

\$520 relief
Capt. James
Ross.

SEC. 3. The state auditor is hereby authorized and directed to draw a military fund warrant for the sum of three hundred and eleven dollars and seventy cents (\$311.70) in favor of said Captain Percy G. Maltbie, and a military fund warrant for the sum of five hundred and twenty dollars (\$520) in favor of said Captain James Ross, on the treasurer of the State of Washington, and said state treasurer is hereby author-

ized and directed to pay said warrants out of the military fund of this state.

SEC. 4. An emergency exists, and this act shall take effect immediately.

Passed the House January 19, 1899.

Passed the Senate January 27, 1899.

Approved January 28, 1899.

CHAPTER IV.

[S. B. No. 54.]

DEFICIENCY APPROPRIATION FOR FISH HATCHERIES.

AN ACT making an appropriation to continue the operation of the state salmon hatcheries.

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

\$2,000 for salmon hatcheries.

SECTION 1. The sum of two thousand dollars (\$2,000) is hereby appropriated from the fish hatchery fund, to continue the operation of the state salmon hatcheries, until such a time as the regular appropriation shall become available.

Passed the Senate January 24, 1899.

Passed the House January 28, 1899.

Approved February 1, 1899.

CHAPTER V.

[S. B. No. 10.]

OPEN SEASON FOR KILLING GAME.

AN ACT to amend section 8 [of] an act entitled "An act for the protection of game animals and birds, and songbirds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272, of the Penal Code of the State of Washington," approved March 11, 1897, and declaring an emergency.

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

SECTION 1. That section 8 of an act entitled "An act ^{Amendment} for the protection of game animals and birds, and song- _{game law.} birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington," approved March 11, 1897, be and the same is hereby amended to read as follows: "Sec. 8. Every person who shall hunt, take, kill, injure or destroy any swan, sandhill crane, mallard duck, canvas back duck, widgeon, teal, woodduck, spoonbill, gray or black duck, sprigtail, or other game duck, rail, plover, or other game water fowl, between the 1st day of March and the 15th day of August of any year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided."

SEC. 2. An emergency exists, and this act shall take effect immediately.

Passed the Senate January 27, 1899.

Passed the House January 28, 1899.

Approved February 2, 1899.

CHAPTER VI.

[H. B. No. 154.]

THE NAME OF THE TOWN OF GILMAN CHANGED TO
ISSAQUAH.

AN ACT changing the name of the town of Gilman, King county,
Washington, to the town of Issaquah.

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

SECTION 1. That the name of the town of Gilman, located in King county, Washington, be and the same is hereby changed to the town of Issaquah.

SEC. 2. Whereas, an emergency now exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Passed the House January 20, 1899.

Passed the Senate January 21, 1899.

Approved February 2, 1899.

CHAPTER VII.

[H. B. No. 78.]

APPROPRIATION—TRANSPORTATION OF CONVICTS,
ETC—EXPENSES OF SUPERIOR JUDGES.

AN ACT making appropriations for deficiencies in appropriations for transportation of convicts, transportations of juvenile offenders, and traveling expenses of superior judges for the fiscal period beginning April 1, 1897, and ending March 31, 1899.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of fifteen hundred (\$1500) dollars for the transportation of convicts, and the sum of five hundred (\$500) dollars for the transportation of juvenile offenders, and the sum of two hundred (\$200) dollars for traveling expenses of superior judges.

Passed the House January 13, 1899.

Passed the Senate January 28, 1899.

Approved February 2, 1899.

CHAPTER VIII.

[H. B. No. 50.]

PROTECTION AND CUSTODY OF ORPHAN CHILDREN.

AN ACT for the protection of orphan, homeless, neglected or abused children and conferring powers upon judges of the superior court, the county commissioners and charitable societies to receive, control and dispose of the same, and declaring an emergency.

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

SECTION 1. Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for, or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state, shall have authority to receive, control, and dispose of children under fourteen (14) years of age under the following provisions:

Certain benevolent incorporations given authority in certain cases to receive, control and dispose of children under 14 years of age.

(a) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall in writing surrender such child to the charge and custody of said society, such child shall thereafter be in the legal custody of such society for the purposes herein provided.

(b) In case of the death or legal incapacity of a father or of his abandonment or neglect to provide for his family the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child then the father shall have authority to make such surrender.

(c) In all cases where the person or persons legally authorized to make such surrender are not known, the board of county commissioners of the county in which any orphan, homeless, neglected, or abused child may be found, may, when they deem it best for such child, make such surrender, and when any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted

by such society, then (but not otherwise) the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society, or person may be inquired into and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such a custody is not in the interest of the child.

Complaint to
be made to
superior judge.

SEC. 2. Upon complaint of any person in writing to any judge of the superior court giving the names and residences of the parents, guardian (if any) or next of kin of such child, so far as known, and alleging that the father of such minor child is dead or has abandoned his family, or is an habitual drunkard, or is imprisoned for crime, or has grossly abused or neglected such child, and that the mother of such child is an habitual drunkard or imprisoned for crime, or is an inmate of a house of ill fame, or is a woman of notoriously bad character, or is dead, or has abandoned her family, or has grossly abused or neglected such child, and alleging that the welfare of such child requires that legal steps be taken to provide for its care and custody, a warrant shall issue directing the proper officer to take such child into custody and to care for or dispose of it as such judge shall direct, until a hearing can be had such proceedings shall have precedence of other causes; of which hearing twenty days notice shall be given to such parents, guardian or next of kin, and such judge shall hear the allegations of the com-

plaint and all testimony offered for and against the same and determine whether in his judgment there is cause for a change in the care and custody of such child, he shall enter such finding and shall transmit the papers and the transcript of his proceedings to the county commissioners of the county in which the case arises and shall surrender such child to the custody and care of said commissioners, and such surrender by said judge shall carry with it the same powers and authority as above provided in case of voluntary surrender except as to power to consent to adoption.

Superior court to hear, try, and determine.

SEC. 3. When any minor is a county charge or has been surrendered to the board of county commissioners under the provisions of this act the board of county commissioners, if they think the welfare of the child demands it, may surrender such child to the care and custody of any family or any benevolent society or corporation without the consent of its parents unless within twenty days after the notice of the intention of such commissioners so to do, given in writing to parents, guardian or next of kin of such child, so far as known to said commissioners, such parents, guardian or next of kin shall provide for such child and relieve the county thereof.

When minor is a county charge.

SEC. 4. When any officer or agent of any such society shall request a police officer, or other peace officer, to investigate or assist in the investigation of any alleged case of any such neglected or abused child, such officer shall immediately make or assist in such investigation and if he deem it proper shall forthwith take such child into custody without warrant, taking such child and reporting such case at once to the judge of the superior court for such proceedings as may be proper under the provisions of this act.

Duties of police officers.

SEC. 5. Nothing in this act shall entitle any such society to act as guardian of or to have control of the estate of any minor child.

Estate of minor not affected.

SEC. 6. Upon the hearing of any writ of *habeas corpus* for the custody of any such child, if it appears that such child has been surrendered to any such

Effect of surrender *prima facie* evidence of legality.

corporation under the provisions of this act, such surrender shall be taken as *prima facie* evidence that such child was legally and properly surrendered to such corporation and that such corporation is entitled to the custody and control of such child under the provisions of this act.

Expenses of care of minor during examination.

SEC. 7. The board of county commissioners shall pay the expenses of bringing the child before the court and caring for it pending a hearing under this act; no clerk, sheriff, police officer, member of the board of county commissioners or witness shall charge or be allowed any costs whatever in these proceedings, except where a complaint shall be adjudged to be without sufficient cause and malicious, in which event all costs shall be taxed against the complainant.

Emergency clause.

SEC. 8. Whereas a number of orphan, homeless, neglected and abused children now await the action of the legislature, an emergency exists for the immediate taking effect of this act, the same shall be in force immediately upon its passage and approval by the governor.

Passed the House January 26, 1899.

Passed the Senate February 8, 1899.

Approved February 14, 1899.

CHAPTER IX.

[H. B. No. 120.]

TO REGULATE THE AGRICULTURAL COLLEGE LAND GRANT.

AN ACT for rendering available the endowment of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency.

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

SECTION 1. It shall be the duty of the state land commissioner to make a report to the board of regents of the agricultural college and school of science on or

before the first Monday in April, 1899, and on or before the first Monday in April of each succeeding year, which said report shall contain a complete detailed statement:

1. Of all lands which have been selected under an act of congress approved July 2, 1862, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," and all acts supplementary thereto, and under the act of congress of February 22, 1889, entitled "An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to institutions," which said selections have been approved by the secretary of the interior, for the use and support of agricultural colleges and for a scientific school, which statement shall set forth the lands set apart for the agricultural college and for the school of science in distinct and separate lists: *Provided*, That the land commissioner shall not be required to include in such annual report a statement of approved selections and locations made in any previous annual report: *And provided further*, That when the entire amount of the one hundred and ninety thousand acres of land set apart for the use and support of the agricultural college and school of science shall have been selected, located, and approved by the secretary of the interior, and included in any annual report or reports to the said board of regents, that thereafter the land commissioner shall not be required to make such annual report

State land commissioner to report annually to board of regents of agricultural college and school of science.

2. Of all lands belonging to the agricultural college and likewise to the school of science sold prior to said first Monday in April, 1899, and on or before the first Monday in April of each succeeding year, which statement shall accurately describe the lands sold, the price received for the same and all moneys received from the

What the report shall contain.

sale of [or] lease of said lands or from the sale of timber, stone or hay from said lands: *Provided*, That the land commissioner shall not be required to include in such annual report a statement of lands sold or moneys received which shall have been included in any previous annual report.

3. Of the investment of all moneys received from the sale or lease of agricultural college land, or from the sale of timber, stone or hay from said lands, which report shall describe fully the stocks, bonds or other securities in which said moneys shall have been invested, specifying the issuer or issuers, the rate of interest, the time to run, and the face or par value of said stocks, bonds or other securities, and a like report of the disposition of all moneys received from the sale or lease of lands set apart for the scientific school and from the sale of timber, stone or hay from said lands: *Provided*, That the land commissioner shall not be required to include in any annual report a statement of the disposition of any moneys included in any previous annual report.

State treasurer to report.

SEC. 2. It shall be the duty of the state treasurer to make a report to the board of regents of the agricultural college and school of science on or before the first Monday of April, 1899, and on or before the first Monday of April of each succeeding year, which said report shall contain a complete detailed statement:

Report to contain.

1. Of all stocks, bonds or other securities belonging to the agricultural college and school of science which may have been deposited with said treasurer by the land commissioner during the year next preceding said report, together with all other securities belonging to said college which may be in his custody, setting forth in separate statements those which have been derived from the sale or lease of agricultural college lands and those which have been derived from the sale or lease of the scientific school lands.

2. Of all interest received during the year next preceding said report, on all stocks, bonds or other securities belonging to the agricultural college and school

of science which may be or may have been in the custody of said treasurer, and of all premiums which may have been received on securities sold or redeemed during the aforesaid period.

3. Of all stocks, bonds or other securities belonging to the agricultural college and school of science which may have been paid, redeemed or sold during the year next preceding such report, together with the principal sum or sums remaining in the hands of said treasurer uninvested.

SEC. 3. To the end that the endowment of the agricultural college and school of science may be conserved and increased it shall be the duty of the board of regents of the said college and school of science at as early a date as practicable to inspect or cause to be inspected the lands set apart for the use and support of the agricultural college and school of science, and to gather or cause to be gathered such information relative to the character, condition and true value of said lands as may be conducive to a wise and advantageous disposition of the same, and to collect and distribute such information as shall facilitate the sale or lease of such lands, as provided by law, and to furnish such information to the land commissioner when called for: *Provided*, That the expense of collecting and distributing such information shall be paid from the maintenance fund of the college, which said expenses shall not exceed one thousand dollars in any one fiscal year and shall not exceed three thousand dollars in the aggregate: *Provided further*, That a complete report of the doings of the board of regents in the collecting and distributing of information and facilitating the sale or lease of said lands, together with the expenses incurred therein shall be included in the annual report of the board of regents to the governor and legislature.

Board of regents shall inspect lands forming grant.

Expenses of such inspection.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House January 27, 1899.

Passed the Senate February 7, 1899.

Approved February 11, 1899.

CHAPTER X.

[S. B. No. 2.]

APPROPRIATION FOR COMMISSIONER OF PUBLIC
LANDS.

AN ACT making an appropriation for the office of commissioner of public lands. An act appropriating money for clerical and engineering assistance and cost of advertising the sale of tide lands and timber on state lands, in the office of the commissioner of public lands.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of sixteen hundred dollars, or as much thereof as may be needed, to pay for clerical and engineering assistance and for advertising sale of lands and timber on state lands, in the office of the commissioner of public lands, for the remainder of the fiscal year ending March 31, 1899.

Passed the Senate January 20, 1899.

Passed the House February 11, 1899.

Approved February 16, 1899.

CHAPTER XI.

[S. B. No. 12.]

APPROPRIATION FOR SECRETARY OF STATE.

AN ACT appropriating money for postage and incidentals, and for clerical assistance in the office of the secretary of state.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury, the sum of two hundred dollars, or so much thereof as may be needed, for postage and incidentals in the office of the secretary of state, for the remainder of the fiscal year ending March 31, 1899.

SEC. 2. There is hereby appropriated out of the general fund in the state treasury the sum of four hundred dollars, or so much thereof as may be needed, for clerical assistance in the office of the secretary of state, for the remainder of the fiscal year ending March 31, 1899.

Passed the Senate January 20, 1899.

Passed the House February 11, 1899.

Approved February 16, 1899.

CHAPTER XII.

[S. B. No. 24.]

APPROPRIATION FROM PENITENTIARY REVOLVING FUND TO MAINTENANCE FUND.

AN ACT making appropriation from the revolving fund of the state penitentiary to the maintenance fund of the state penitentiary.

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

SECTION 1. There is hereby appropriated out of the revolving fund of the state penitentiary the sum of seven thousand seven hundred ninety-six and $\frac{16}{100}$ dollars, to be transferred by the treasurer from said revolving fund to the maintenance fund of the state penitentiary.

Passed the Senate January 21, 1899.

Passed the House February 15, 1899.

Approved February 16, 1899.

CHAPTER XIII.

[S. B. No. 23.]

APPROPRIATION FROM PENITENTIARY REVOLVING
FUND TO PAY EMPLOYES.

AN ACT making an appropriation to the state penitentiary.

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

SECTION 1. There is hereby appropriated out of the revolving fund of the state penitentiary in the state treasury the sum of fifteen thousand dollars to the state penitentiary, for the purchase and delivery at the state penitentiary of jute, clay and other materials, for the manufacture of jute and other fabrics and brick, and for the payment of salaries of employes in the jute mill and brick yard of said penitentiary.

SEC. 2. The appropriation provided for in section 1. of this act, if not used for the purposes above set forth on or before April 1, 1899, shall revert to the revolving fund of the state penitentiary.

Passed the Senate January 21, 1899.

Passed the House February 15, 1899.

Approved February 16, 1899.

CHAPTER XIV.

[H. B. No. 237.]

FORMATION AND ALTERATION OF SCHOOL DIS-
TRICTS.

AN ACT to amend section 4 of chapter 3 of title I, and section 72 of chapter 2 of title III, and section 116 of chapter 6 of title III of the code of public instruction, approved March 19, 1897, and declaring an emergency.

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

SECTION 1. That section 4 of chapter 3 of title I of the code of public instruction, approved March 19, 1897, and found on pages 357 and 358 of the Session

Laws of 1897, be amended to read as follows: "Sec. 4.

For the purpose of organizing a new district a petition in writing shall be made to the county superintendent, signed by at least five heads of families residing within the boundaries of the proposed new district, which petition shall describe the boundaries of the proposed new district and give the names of all the children of school age residing within the boundaries of such proposed new district, at the date of presenting said petition. The county superintendent shall give notice to the parties interested by causing notices to be posted at least twenty (20) days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places of said old district, and shall, on the day fixed in the notice, proceed to hear said petition, and if he deem it advisable to grant the petition he shall make an order establishing said district and describing the boundaries thereof, and shall certify his action to the board of county commissioners at their next regular meeting:

Method of
organizing
new school
districts.

Provided, That when in the formation or alteration of any school district, or after the refusal of the county superintendent to form or alter a school district as prayed for, if any person or school district affected by such formation or alteration, or by such refusal to form or alter a school district as prayed for, shall feel aggrieved by the action of the county superintendent, he or it may appeal to the board of county commissioners of his or its county. Said appeal shall be filed with the clerk of the board of county commissioners within twenty days after the action complained of, and shall state in a clear and concise manner the matters complained of, which statement shall be verified by the affidavit of the appellant or appellants or some one in his, her or its behalf. Copies of the notice of appeal shall be filed with the county superintendent and with the clerk of each school district affected by the

Appeal from
decision of
county super-
intendent.

appeal, at the time of filing said notice with the clerk of the board of county commissioners: *Provided*, That in case of a vacancy in the office of clerk of such school district, then the copy of the notice of appeal may be filed with any member of the school board of such school district. The county commissioners shall, at their next regular meeting, appoint a time and place when such appeal shall be heard. At such appointed time and place they shall hear and determine said appeal, and shall have power to summon witnesses and their action shall be final: *And provided further*, That at such hearing before the county superintendent he shall hear testimony offered by any person or school district interested and find and determine the amount of bonded and other indebtedness of all the school districts affected by the formation of the new district and shall find and determine the amount and value of all school property retained by the old district or districts, and shall find and determine the amount, as nearly as may be, of the said outstanding indebtedness that was incurred for permanent improvements and the amount incurred for current expenses, and shall make an equitable adjustment of all debts and liabilities between such new district and the old district or districts, and the proportion and amount of such debts and liabilities to be paid by each district, and the decision of said county superintendent shall be final, unless appealed from within the time provided by law: *And provided further*, That every school district which shall be enlarged or created from territory taken from any other school district or school districts shall be liable for a just proportion of the existing debts and liabilities of the school district or school districts from which such territory shall be taken: *Provided*, That in such accounting one school district shall not be charged with any debt or liability then existing, incurred in the purchase of any school district property or in the purchase or construction of any buildings or permanent improvements then in use or under construction (or for which obligations have

Indebtedness
of districts.

been incurred) which shall fall within and be retained by the other school district, but each district retaining such property shall be liable for the indebtedness therefor: *Provided further*, That this shall not be construed to affect the rights of creditors: *Provided further*, That in case of an appeal by the school district the affidavit on appeal may be made by any school district officer of the school district so appealing: *Provided further*, That when an appeal is taken to the board of county commissioners as herein provided they shall hear and determine the matter *de novo* and render such a decision as should have been made by the county superintendent."

SEC. 2. That section seventy-two of chapter two of title three of the Code of Public Instruction, approved March 19, 1897, and found on page three hundred and eighty-five of the Session Laws of 1897, be amended to read as follows: "Sec. 72. Each incorporated city or town in the state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town district a reasonable distance beyond the limits of such city or town: *And provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except in cases of incorporation of cities or towns lying partly in two or more school districts organized prior to the incorporation of such city or town, or the extension of the boundaries of cities or towns beyond the limits of the school districts in which they are situated, or in cases where two or more cities or towns unite, as provided by law: *And provided further*, That the fact of the issuance of bonds by school districts, heretofore or hereafter, shall not prevent the formation of new school districts whether or not such bonds have been redeemed, cancelled or paid in whole or in part; and shall not prevent the transfer or uniting with another school district of a portion, or the whole

Further amendment.

Districts in cities and towns.

District indebtedness

of a district where bonds have been or may hereafter be issued."

Further amendment.

New district's share of apportionment.

Special tax levy.

SEC. 3. That section 116 of chapter 6 of title III of the Code of Public Instruction, approved March 19, 1897, and found on page 401 of the Session Laws of 1897, be amended to read as follows: "Sec. 116. When a new district is formed from one or more old districts it shall be entitled to a just share of the school moneys to the credit of the one or more old districts, from which the new district is formed, at the time the petition was granted to establish the new district. And the county superintendent (or in case of an appeal, the board of county commissioners) shall divide such moneys, and also such moneys as may, for the current year, afterward be apportioned to the said one or more old districts, according to the number of school children resident in the new district, as may be ascertained by a census taken for that purpose: *Provided*, That the new district shall be entitled to all special tax levied within the boundaries of the new district, for the current year in which the new district is formed. And if such special tax, or any part of it, has already been collected and placed to the credit of the aforementioned one or more old districts, it shall be the duty of the county treasurer, upon the order of the county superintendent, to transfer such special tax to the credit of the new district.

Emergency.

SEC. 4. An emergency exists, and this act shall take effect immediately.

Passed the House February 2, 1899.

Passed the Senate February 15, 1899.

Approved February 21, 1899.

CHAPTER XV.

[H. B. No. 73.]

BICYCLES DECLARED TO BE BAGGAGE.

AN ACT declaring bicycles to be baggage, and providing for the carrying of the same by railroad corporations and steamboats.

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

SECTION 1. Bicycles are hereby declared to be and are deemed baggage, and shall be transported as baggage for passengers by railroad corporations and steamboats, and subject to the same liabilities as other baggage; and no such passenger shall be required to crate, cover, or otherwise protect any such bicycle: *Provided, however,* That a railroad corporation or steamboat shall not be required to transport under the provisions of this act more than one bicycle for one person.

Passed the House January 25, 1899.

Passed the Senate February 15, 1899.

Approved February 21, 1899.

CHAPTER XVI.

[H. B. No. 170.]

CLAIMS UNDER UNCONSTITUTIONAL ROAD LAW TO BE ALLOWED.

AN ACT relating to the powers of county commissioners, and declaring an emergency.

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

SECTION 1. The boards of county commissioners of the several counties of the State of Washington are hereby authorized to audit and allow without interest all claims against such county for the survey, laying out, or construction of any road now used by the pub-

lic and for which no compensation has ever been allowed, such survey, laying out, or construction having been made or done pursuant to chapter 98, page 237, of the Session Laws of 1893.

SEC. 2. An emergency exists, and this act shall take effect immediately.

Passed the House February 2, 1899.

Passed the Senate February 15, 1899.

Approved February 21, 1899.

CHAPTER XVII.

[H. B. No. 187.]

BOUNTY ON SUGAR.

AN ACT granting a bounty for the encouragement of the production and manufacture of sugar in the State of Washington.

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

Amount per
pound.

SECTION 1. There shall be paid out of the state treasury to any person, firm or corporation engaging in the manufacture of sugar in this state from beets, grown in the State of Washington, the sum of one cent per pound upon each and every pound of sugar so manufactured under the conditions and restrictions of this act.

Conditions to
bounty.

SEC. 2. No bounty shall be paid upon sugar not containing at least ninety per cent. of crystallized sugar, and only upon sugar produced from beets for which not less than four dollars per ton has been paid to the producer. The quantity and quality upon which said bounty is claimed shall be determined by the president of the state agricultural college, with whom all claimants shall from time to time file verified statements showing the quantity and quality of sugar manufactured by them and the price paid the producer for beets and the amount of sugar manufactured upon which

said bounty is claimed. The president of the agricultural college shall, without unnecessary delay, visit or cause to be visited by such persons as he shall designate in writing as inspectors, the factory where said sugar has been produced or manufactured, and inspect the sugar so manufactured, and take such evidence by sworn testimony of the officers or employes of such factory or others as to the amount and quality of sugar so manufactured and the price paid for the beets as to him or the person designated by him shall appear satisfactory and conclusive.

Method of determining bounty.

SEC. 3. When any claim arising under this act is filed, verified and proven to the satisfaction of the president of the agricultural college as herein provided, he shall certify the same to the auditor of the state, who shall draw a warrant upon the state treasurer for the amount due thereon payable to the party or parties to whom the said sum or sums are due: *Provided*, That no greater sum than fifty thousand dollars shall be paid out of the state treasury as a bounty in any one year.

State auditor to draw warrant.

SEC. 4. The benefits of this act shall accrue to any person, firm or corporation that shall erect and complete a sugar manufactory or manufactories within the state prior to November first, 1901, and the bounty herein provided shall be paid said person, firm or corporation for a period of three years from the time such factories shall have been completed and in operation. This act shall be taken and considered to be a contract irrevocable with all such persons, firms or corporations as shall complete the erection of such manufactory or manufactories prior to November first, 1901.

Who may receive bounty.

Passed the House February 6, 1899.

Passed the Senate February 15, 1899.

Approved February 21, 1899.

CHAPTER XVIII.

[H. B. No. 49.]

TO CREATE AND ORGANIZE FERRY COUNTY.

AN ACT to create and organize the county of Ferry, and declaring an emergency.

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

Boundaries.

SECTION 1. All that portion of the State of Washington described as follows, to-wit: Commencing at the point where the boundary line between Stevens and Okanogan counties intersect the Columbia river, thence up the mid-channel of the Columbia river to the mouth of Kettle river, thence up the mid-channel of Kettle river to the boundary line between the United States and British Columbia, thence westerly along the said boundary line to the intersection thereof with the said boundary line between Stevens and Okanogan counties, thence southerly along the said boundary line to the place of beginning, shall be and hereby is created and organized as the county of Ferry, and so named in honor of the Honorable Elisha P. Ferry, the first governor of the state.

Certain amounts to be paid Stevens county.

SEC. 2. The county of Ferry shall assume and pay to the county of Stevens its just proportion of the debts and liabilities of the said county, in the proportion that the assessed valuation of the said county of Ferry bears to the assessed valuation of the whole of Stevens county. The adjustment of said indebtedness to be based upon the assessment for the year 1898: *Provided*, That in accounting between the said counties, neither county shall be charged with any debt or liability incurred in the purchase of any county property, or the purchase of any county building in use or under construction, which shall fall within and be retained by the other county. Immediately upon the appointment and qualification of the auditor of Ferry county, the auditor of said Ferry county and the auditor of Stevens county shall apportion the indebtedness that Ferry

county will under this section assume, and the county commissioners of said Ferry county shall order warrant or warrants drawn to the amount of the indebtedness assumed by the said county of Ferry in favor of said Stevens county, and if said apportionment cannot be made amicably between the said auditors, then the same shall be adjusted by the superior court of Stevens county in an action brought before said court for that purpose.

SEC. 3. The county[^] seat of said county of Ferry shall be located in the town of Republic, and so remain until removed as provided by law. Republic county seat.

SEC. 4. Until otherwise classified the said county of Ferry is hereby designated as belonging to the 27th class. 27th class.

SEC. 5. Within ten days after this act shall take effect, the governor shall appoint three county commissioners for said county, who shall be *bona fide* residents and qualified electors of said county, who shall appoint such county, precinct and road district officers as provided for by the constitution and laws of this state, all of which officers shall hold their respective offices until their successors are duly elected and qualified, each of said officers, before entering upon the duties of his respective office, shall take and subscribe the oath and execute the official bond required by law. County officers, how appointed.

SEC. 6. Until otherwise directed by the legislature, one superior judge only shall be elected for the counties of Lincoln, Adams, Douglas, Okanogan and Ferry: *Provided*, That until the next general election the said county of Ferry shall be and is hereby attached to the district composed of Lincoln, Adams, Douglas and Okanogan counties for judicial purposes. Judicial district.

SEC. 7. The board of county commissioners, at their regular meeting in July, 1899, by an order duly entered in the minutes of their proceedings, shall divide their county into three commissioner districts, in the manner provided by law, and designate the boundaries thereof, and at the next general election in said county, there shall be elected three commissioners, one from Commissioner districts.

each of said districts; the commissioner for District No. 1 to be elected for four years, and the commissioners for Districts Nos. 2 and 3 for two years.

Legislative districts.

SEC. 8. For the purpose of representation in the legislature, until otherwise provided by law, the county of Ferry shall be included in the second senatorial district, and shall constitute the fiftieth representative district.

SEC. 9. Until the county of Ferry is organized by the appointment and qualification of its officers, the jurisdiction of the present officers of Stevens county shall remain in full force and effect in the territory constituting said county of Ferry.

County records.

SEC. 10. Within sixty days after the passage and approval of this act, the county auditor of Stevens county shall transcribe from the records of said county, all records and all papers and documents on file, in any wise affecting the title to any estate or property, real or personal, situate within the county of Ferry; and the county commissioners of Ferry county shall provide, at the expense of the county, proper and suitable record books, to which such records shall be so transcribed by the auditor of Stevens county in legible writing and said record books and papers shall be delivered to the auditor of Ferry county and said records and documents so transcribed shall be accepted and received as evidence in all courts and places as if the same had been originally recorded or filed in the office of the auditor of Ferry county.

Actions now pending.

SEC. 11. All actions and proceedings now pending in the superior court of Stevens county affecting the title or possession of real estate in Ferry county, or in which all the parties are residents of Ferry county, shall be transferred to the superior court of Ferry county, and all further proceedings had therein shall be had in Ferry county, the same as if originally commenced in said county; all other actions or proceedings, civil or criminal, now pending in the superior court of Stevens county, shall be prosecuted to termination thereof in in the superior court of Stevens county.

SEC. 12. All pleadings, process, documents and files ^{Transfer pleadings, etc.} in the office of the county clerk of Stevens county affecting pending suits and proceedings transferred as provided in section 11 of this act shall be transferred and all records therein transcribed, by the county clerk of Stevens county to the county clerk of Ferry county, within thirty days after said clerk shall have entered upon the duties of his office.

SEC. 13. All records, papers and documents on record ^{Records transcribed and transferred.} or on file in the office of the county clerk of Stevens county, in any wise affecting the title or possession of real estate in Ferry county, shall be transcribed and transferred to the county clerk of Ferry county by the county clerk of Stevens county, and said records and documents, when so transcribed and transferred, shall be received as evidence in all courts and places, as if originally recorded or filed, as the case may be, in the county of Ferry.

SEC. 14. All records so transcribed shall be certified ^{Transcripts certified.} by the officer transcribing the same under the seal of his office in manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Stevens county contained therein, describing in the certificate the office in Stevens county from which the same were transcribed, and each officer so transcribing shall finally certify to the completeness of all the records so transcribed by him.

SEC. 15. The county of Ferry shall pay to the county ^{Cost of transcripts.} of Stevens for transcribing of all records at the rate of eight cents for each one hundred words, including in the computation the certificate.

SEC. 16. An emergency exists, and this act shall take ^{Emergency.} effect immediately.

Passed the House February 3, 1899.

Passed the Senate February 14, 1899.

Approved February 21, 1899.

CHAPTER XIX.

[H. B. No. 320.]

APPROPRIATION FOR IMPROVEMENTS AT UNIVERSITY, PENITENTIARY AND AGRICULTURAL COLLEGE.

AN ACT providing for the construction, repair, improvement and equipment of buildings for the university of Washington, the agricultural college and school of science and the state penitentiary, and making an appropriation therefor.

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

Sundry appropriations for state institutions.

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys from the general fund of the state treasury for the repair, equipment, improvement and construction of the state buildings hereinafter set forth, viz.:

FOR UNIVERSITY OF WASHINGTON.

Building two dormitories, one for ladies, one for gentlemen, not to exceed \$25,000 each.....	\$50,000 00
For equipment and furnishing of said two dormitories..	5,000 00
For equipment of sewerage system of university buildings.....	5,000 00

FOR STATE PENITENTIARY.

For building dining hall and kitchen.....	\$6,000 00
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FOR AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

For rebuilding and furnishing boys' dormitory.....	\$40,000 00
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For the construction of a large shop and foundry and the construction and furnishing of a biological laboratory, to be known as Science Hall, sixty thousand dollars, which said appropriation of sixty thousand dollars shall be repaid to the state from the proceeds of the first sale of lands belonging to the school of science, after repayment of any sum or sums already provided by law to be paid from the proceeds of the sale of said lands.

Passed the House February 9, 1899.

Passed the Senate February 20, 1899.

Approved February 23, 1899.

CHAPTER XX.

[H. B. No. 457.]

SALE OF BAKER LAKE FISH HATCHERY TO THE
UNITED STATES.

AN ACT authorizing the state fish commission to transfer to the United States the state fish hatchery known as Baker Lake fish hatchery, located in Whatcom county, and declaring an emergency.

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

SECTION 1. The state fish commission is hereby authorized to sell and transfer to the United States all the property owned by the State of Washington, and located in Whatcom county, known as the Baker Lake fish hatchery.

SEC. 2. The state fish commission shall not sell or transfer the property mentioned in section one of this act for a less sum than the actual cost incurred by the state in the construction and improvement of such property.

SEC. 3. The money received by the state fish commission for such property shall be placed to the credit of the fish hatchery fund of the state, to be expended as other moneys belonging to such fund.

SEC. 4. Whereas, the congress of the United States has made an appropriation for a fish hatchery in the State of Washington, to be selected and maintained by the United States fish commission, and such fish commission has selected as a site the Baker Lake hatchery, and desires to purchase the state's property and to immediately enlarge the capacity and begin the propagation of salmon at such hatchery, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

Passed the House February 23, 1899.

Passed the Senate February 23, 1899.

Approved February 23, 1899.

CHAPTER XXI.

[H. B. No. 119.]

APPROPRIATION FOR SUPERINTENDENT OF PUBLIC
INSTRUCTION.

AN ACT appropriating money for clerical assistance, expressage, postage and incidentals in the office of the superintendent of public instruction.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of twelve hundred dollars, or so much thereof as may be needed, to pay for clerical assistance, expressage, postage and incidentals in the office of the state superintendent of public instruction, to supply a deficiency in the appropriation for the fiscal year ending March 31, 1899.

Passed the House February 9, 1899.

Passed the Senate February 17, 1899.

Approved February 23, 1899.

CHAPTER XXII.

[S. B. No. 42.]

APPROPRIATION FOR COMPLETION AND MAINTENANCE
OF THE NORMAL SCHOOLS.

AN ACT making appropriations for equipment and maintenance of the state normal school at New Whatcom, and for the maintenance of the state normal school at Ellensburg, and for the maintenance of the state normal school at Cheney, for the two years ending March 31st, 1901 :

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

SECTION 1. That the following sums, or so much thereof as shall be necessary, are hereby appropriated out of any money in the treasury not otherwise appro-

appropriated, for the use of the state normal school at New Whatcom, Ellensburg and Cheney, said state, for the two years ending March 31st, 1901, for the following purposes, namely:

To obtain and place in the New Whatcom school building the necessary and appropriate heating apparatus for heating and ventilating the said building.....	\$4,000 00
For equipments and supplies for chemical and physical laboratory.....	1,000 00
For the necessary furniture.....	4,000 00
To equip the museum and natural history room.....	500 00
To equip the library.....	1,500 00
For stationery and class books.....	2,000 00
For salaries and maintenance of said school.....	17,500 00
For the state normal school at Ellensburg for salaries and maintenance.....	30,000 00
For repairs.....	1,500 00
Text books and stationery.....	1,000 00
Furniture.....	2,000 00
Equipments and apparatus in the laboratory.....	2,000 00
For library and reading room.....	1,500 00
Incidentals.....	500 00
For the Cheney normal school, for maintenance.....	25,000 00
For books and stationery.....	400 00
For repairs.....	1,000 00

SEC. 2. If any of the items appropriated in section 1 of this act shall not be wholly expended for the purposes designated, and the amount named on any other items shall not be sufficient for the purpose named, then such overplus may be applied to meet the deficient item or items for said school for which appropriation is made.

SEC. 3. The state auditor is hereby authorized to audit all claims, and if found correct to issue warrants upon the state treasurer in payment of bills duly authorized by the board of trustees of each of the said schools above mentioned, and the state treasurer is hereby directed to pay the same.

Passed the Senate January 25, 1899.

Passed the House February 11, 1899.

CHAPTER XXIII.

[S. B. No. 152.]

TO PROHIBIT "BLACKLISTING"—PENALTIES.

AN ACT for the protection of employes, and to prohibit the practice of "blacklisting," and providing penalties for its violation.

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

Blacklisting
prohibited.

SECTION 1. Every person in this state who shall wilfully and maliciously, send or deliver, or make or cause to be made, for the purpose of being delivered or sent or part with the possession of any paper, letter or writing, with or without name signed thereto, or signed with a fictitious name, or with any letter, mark or other designation, or publish or cause to be published any statement for the purpose of preventing any other person from obtaining employment in this state or elsewhere, and every person who shall wilfully and maliciously "blacklist" or cause to be "blacklisted" any person or persons, by writing, printing or publishing, or causing the same to be done, the name, or mark, or designation representing the name of any person in any paper, pamphlet, circular or book, together with any statement concerning persons so named, or publish or cause to be published that any person is a member of any secret organization, for the purpose of preventing such person from securing employment, or who shall wilfully and maliciously make or issue any statement or paper that will tend to influence or prejudice the mind of any employer against the person of such person seeking employment, or any person who shall do any of the things mentioned in this section for the purpose of causing the discharge of any person employed by any railroad or other company, corporation, individual or individuals, shall, on conviction thereof, be adjudged guilty of misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprison-

Penalties.

ment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment.

Passed the Senate February 27, 1899.

Passed the House February 27, 1899.

Approved March 3, 1899.

CHAPTER XXIV.

[S. B. No. 11.]

COMPETENCY OF JURORS.

AN ACT to amend section 55 of Volume 2 of Hill's Codes of Washington, relating to the competency of jurors.

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

SECTION 1. Section 55 of Volume 2, Hill's Code of Washington, is hereby amended to read as follows :

Section 55. A person is not competent to act as a juror unless he be—

1. An elector of the State of Washington.
2. A male inhabitant of the county in which he is returned and who has been an inhabitant thereof for the year next preceding the time he is drawn or called.
3. Over twenty-one years of age.
4. In possession of his natural faculties and of sound mind.
5. Able to read and write the English language.
6. A person who has been convicted of a felony is not competent to act as juror.

Passed the Senate January 28, 1899.

Passed the House March 1, 1899.

Approved March 3, 1899.

CHAPTER XXV.

[H. B. No. 186.]

TO ABOLISH THE BOARD OF PARDONS.

AN ACT repealing an act entitled "An act establishing a board of pardons, and defining its duties and declaring an emergency," approved March 6, 1897, and an act entitled "An act to amend section 1 of an act entitled 'An act establishing a board of pardons and defining its duties, and declaring an emergency,' approved March 11, 1897," and declaring an emergency.

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

SECTION 1. That an act entitled "An act establishing a board of pardons and defining its duties, and declaring an emergency," approved March 6, 1897, be and the same is hereby repealed.

SEC. 2. That an act entitled "An act to amend section 1 of an act entitled 'An act establishing a board of pardons and defining its duties,' and declaring an emergency," approved March 11, 1897, be and the same is hereby repealed.

SEC. 3. An emergency exists, and this act shall take effect immediately.

Passed the House February 21, 1899.

Passed the Senate February 27, 1899.

Approved March 3, 1899.

CHAPTER XXVI.

[S. B. No. 108.]

TO AUTHORIZE THE PAROLING OF CONVICTS.

AN ACT to authorize and regulate the paroling of convicts.

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

Governor upon recommendation of warden may parole in certain cases.

SECTION 1. That the governor shall have authority, upon recommendation of the warden of the state penitentiary, under such rules and regulations as the governor may prescribe, to suspend the sentence of, issue a parole to, and permit to go at large within the state, any convict who now is or hereafter may be imprisoned

in the state penitentiary under a sentence other than a life sentence, or for the crime of murder, who may have served one year for the crime for which he was convicted, and who has not previously served one term of imprisonment in any penal institution for felony.

SEC. 2. Every such convict while on parole shall remain in the legal custody and under the control of the governor and shall be subject at any time to be taken back within the enclosure of the prison from which he was thereby permitted to go at large, for any reason that shall be satisfactory to the governor, and at his sole discretion and full power to retake and return any such paroled convict to the prison from which he was permitted to go at large, is hereby expressly conferred upon the governor, whose written order, when duly attested by the secretary of state, shall be a sufficient warrant authorizing all officers named therein to return to actual custody in the prison from which he was permitted to go at large, any such paroled convict, and it is hereby made the duty of all officers to execute said order the same as an ordinary criminal process.

Paroled prisoner may be returned in certain cases.

SEC. 3. This act shall not be construed to in any sense operate as a release of any convict paroled under its provisions, but simply as a suspension of his sentence and a permit granted to such convict to go without the enclosure of the prison. At the expiration of the time for which he was originally sentenced, if he has faithfully complied with his parole, the original sentence shall be held to be revoked, and said convict shall stand as fully pardoned of the crime for which he was convicted. If, however, any convict while on parole shall go beyond the limits of the state without written permission from the governor he shall be held to be an escaped convict and treated as such and retaken.

Parole terminates with sentence.

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Passed the Senate February 23, 1899.

Passed the House March 1, 1899.

Approved March 3, 1899.

CHAPTER XXVII.

[H. B. No. 130.]

TO PREVENT FRAUD ON INNKEEPERS—PENALTY.

AN ACT for the protection of hotels, boarding houses and lodging houses, and providing a penalty for the violation thereof.

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

SECTION 1. A person who obtains any food, lodging or accommodation at a hotel, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at a hotel, boarding house or lodging house by the use of any false pretense, or who, after obtaining board, lodging or accommodation at a hotel, boarding house or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, lodging or accommodations, is guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten dollars (\$10) nor more than fifty dollars (\$50) or imprisonment in county jail not less than ten days nor more than sixty days.

Passed the House February 7, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXVIII.

[H. B. No. 91.]

ANNUAL ELECTION OF ROAD SUPERVISORS.

AN ACT to fix the time for holding the annual election for road supervisors.

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

SECTION 1. There shall be elected in the several counties in this state, between the hours of two and

five o'clock P. M. on the second Saturday in October, 1899, and on the second Saturday in October annually thereafter, a road supervisor in each district who shall hold office for one year from and after the first Monday in January succeeding his election and until his successor is elected and qualified.

SEC. 2. That all acts and parts of acts in conflict with this act, so far as they fix a different time for such election, and only so far, are hereby repealed, and such elections shall be held upon the notice and in the manner provided by law.

Passed the House February 13, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXIX.

(H. B. No. 40.)

MAINTENANCE OF FERRIES BY COUNTIES AND CITIES.

AN ACT to amend section 2 of an act entitled "An act authorizing cities, towns and counties to purchase, construct and maintain ferries," approved March 20, 1895; and declaring an emergency

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

SECTION 1. That section 2 of an act entitled "An act authorizing cities, towns and counties to purchase, construct and maintain ferries," approved March 20, 1895, be amended to read as follows: "Sec. 2. That any county within the state be and is hereby authorized to construct, or condemn and purchase, or purchase, operate and maintain a ferry across or wharf at any unfordable stream, lake, estuary or bay within or bordering on said county, together with all the necessary boats, grounds, roads, approaches and landings necessary or appertaining thereto, with full jurisdiction and authority to operate and maintain the same free or for

toll, by and under the direction and control of the board of county commissioners of such county and as said board shall by resolution determine.”

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House January 26, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXX.

[H. B. No. 79.]

TO ESTABLISH A MUSEUM AT THE UNIVERSITY.

AN ACT establishing the state museum at the university of Washington.

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

SECTION 1. The museum of the university of Washington is hereby constituted the state museum as a depository for the preservation and exhibition of documents and objects possessing an historical value, of materials illustrating the fauna, flora, anthropology, mineral wealth, and natural resources of the state, and for all documents and objects whose preservation will be of value to the student of history and the natural sciences.

SEC. 2. It shall be the duty of all boards, commissioners and officers acting under the authority of this state who, in the performance of their duties, may come into possession of any documents or material having an historical or scientific value to send for preservation and exhibition all such documents or material, unless otherwise by law provided for, to the state museum constituted by section 1 of this act.

SEC. 3. This museum may receive all such above named documents or material for preservation and ex-

Museum at state university.

Duty of certain officers in relation thereto.

hibition from any private person under such rules and regulations as the board of regents of the university of Washington may deem proper to make for the care of the aforesaid museum.

SEC. 4. The board of regents of the university of Washington *ex officio* shall have full charge and management of the state museum hereby created. Board of regents to have control.

Passed the House February 15, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXI.

[H. B. No. 21.]

MAINTENANCE OF BICYCLE PATHS AND REGULATION OF BICYCLE RIDING BY CITIES.

AN ACT authorizing and empowering cities of the first second, third and fourth classes to regulate and license by ordinance the riding of bicycles and other like vehicles; to construct, maintain and regulate the use of bicycle paths and roadways; prohibiting the improper use of such paths and roadways and providing a penalty, and declaring an emergency.

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

SECTION 1. All cities of the first, second, third and fourth classes in this state are hereby empowered and authorized to regulate and license the riding of bicycles and other similar vehicles upon or along the streets, alleys, highways or other public grounds within their respective corporate limits and to construct and maintain bicycle paths or roadways within the corporate limits of such cities, respectively, or outside of any [and] beyond such corporate limits leading to or from such cities, respectively. Cities of certain classes may license bicycles and construct bicycle paths.

SEC. 2. It shall be unlawful for any person to ride upon a bicycle or other similar vehicle on the sidewalks of any city of the first, second, third or fourth Riding upon unlicensed bicycles may be prohibited.

classes within the limits within which the city council of such city may by ordinance prohibit the riding of the same on sidewalks, and such cities are hereby empowered by ordinance to provide for reasonable fines and penalties to be imposed for the violation of such ordinances.

Unlawful to use bicycle paths for other purposes.

SEC. 3. It shall be unlawful for any person to lead, drive, ride or propel any team, wagon, animal or vehicle other than those hereinbefore named, upon and along any bicycle path heretofore constructed or that may hereafter be constructed, within or without the corporate limits of any city, excepting at suitable crossings to be provided in the construction of such paths. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 4. Cities of the first, second, third and fourth class are hereby authorized and empowered by ordinance to establish and collect reasonable license fees from all persons riding a bicycle or other similar vehicle within their respective corporate limits, and to enforce the payment thereof by reasonable fines and penalties.

May regulate use of bicycle paths.

SEC. 5. The license fee to be paid and the rules regulating the riding of bicycles or other similar vehicles within any city of said classes shall be fixed by ordinance, and the rules regulating the use of such bicycle paths or roadways constructed or maintained by them within the corporate limits of such cities under the authority of this act, and the fines and penalties for the violation of such rules shall be fixed by ordinance.

Expenditure of funds collected as bicycle license fees.

SEC. 6. The city council of each city shall by ordinance provide that the whole amount or any amount not less than seventy-five (75) per centum of all license fees, fines, penalties or other moneys collected under the power hereby conferred, shall be paid into and placed to the credit of a special fund to be known as the "Bicycle road fund," and the moneys in said fund shall not be transferred to any other fund in such cities, and shall be paid out for the sole purpose of building and maintaining bicycle paths and roadways

authorized to be constructed and maintained by this act, or for special policemen, bicycle tags, stationery and other expenses growing out of the regulating and licensing of the riding of bicycles and other vehicles and the construction and maintenance and regulation of the use of bicycle paths and roadways.

SEC. 7. An emergency is hereby declared to exist, Emergency. and this act shall be in force from and after its passage and approval.

Passed the House February 21, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXII.

[H. B. No. 65.]

TAXATION OF PERSON REMOVING FROM COUNTY.

AN ACT relating to the assessment and collection of taxes.

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

SECTION 1. If any person, firm or corporation shall remove from one county to another in this state personal property which has been assessed in the former county for a tax which is unpaid at the time of such removal, the treasurer of the county from which the property is removed shall certify to the treasurer of the county to which the property has been removed a statement of the tax together with all delinquencies and penalties. Property removed from county to escape tax.

SEC. 2. The treasurer of any county of this state shall have the power to certify a statement of taxes and delinquencies of any person, firm, company or corporation, or of any tax on personal property together with all penalties and delinquencies, which statement shall be under seal and contain a transcript of the warrant of collection and so much of the tax roll as shall effect County treasurer to certify to other counties delinquent tax in case of such removal.

the person, firm, company or corporation or personal property to the treasurer of any other county of this state, wherein any such person, firm, company or corporation has any real or personal property.

Duty of
county treas-
urer on receipt
of such notice.

SEC. 3. The treasurer of any county of this state receiving the certified statement provided for in sections one and two of this act, shall have the same power to collect the taxes, penalties and delinquencies so certified as he has to collect the personal taxes levied on personal property in his own county, and as soon as the said taxes are collected they shall be remitted, less the cost of collecting same, to the treasurer of the county to which said taxes belong, by the treasurer collecting them, and he shall return a certified copy of the certified statement to the auditor of the county to which the taxes belong, together with a certified statement of the amount remitted to the said treasurer.

Passed the House February 2, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXIII.

[H. B. No. 83.]

INCORPORATION OF CEMETERY ASSOCIATIONS.

AN ACT making provisions for the incorporation of cemetery associations, defining their powers, and prescribing a penalty for injury to their property.

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

Method of
incorporation.

SECTION 1. Ten or more persons residing within any county of this state may associate themselves together be [by] an agreement in writing in the manner and form prescribed in an act entitled "An act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21,

1895, being contained in section 4445 to 4456 inclusive of Ballinger's Annotated Codes and Statutes of Washington, for the purpose of organizing themselves into a cemetery association, and upon complying with the provisions of said act, so far as applicable, they shall be and remain a corporation.

SEC. 2. All such associations shall have power to prescribe the terms on which members may be admitted, the number of its trustees and officers and the time and manner of their election or appointment and the time and place of meeting for the trustees and for the association, and to pass all such other by-laws as may be necessary for the good government of such association.

May adopt by-laws.

SEC. 3. Such association shall be authorized to purchase or take by gift or devise, and hold land exempt from execution and from any appropriation to public purposes, for the sole purpose of a cemetery not exceeding eighty acres, which shall be exempt from taxation if intended to be used exclusively for burial purposes, and in nowise with a view to profit of the members of such association: *Provided*, That when the land already held by the association is all practically used then the amount thereof may be increased by adding thereto not exceeding twenty acres at a time. Such association may by its by-laws provide that a stated per centage of the moneys realized from the sale of lots, donations or other sources of revenue, shall constitute an irreducible fund, which fund may be invested in such manner or loaned upon such securities as the association or the trustees thereof may deem proper. The interest or income arising from the irreducible fund, provided for in any by-laws, or so much thereof as may be necessary, shall be devoted exclusively to the preservation and embellishment of the lots sold to the members of such association, and where any by-laws has been enacted for the creation of an irreducible fund as herein provided for it cannot thereafter be amended in any manner whatever except for the purpose of increasing such fund. After paying

May hold 80 acres exempt from taxation, when.

Greater amount permitted, when.

Certain amount to be spent on grounds.

for the land all the future receipts and income of such association subject to the provisions herein for the creation of an irreducible fund, whether from the sale of lots, from donations, rents or otherwise, shall be applied exclusively to laying out, preserving, protecting and embellishing the cemetery and the avenues leading thereto, and in the erection of such buildings as may be necessary or convenient for the cemetery purposes, and to paying the necessary expenses of the association. No debts shall be contracted in anticipation of any future receipts except for originally purchasing, laying out and embellishing the grounds and avenues, for which debts so contracted such association may issue bonds or notes and secure the same by way of mortgage upon any of its lands, excepting such lots as shall have been conveyed to the members thereof; and such association shall have power to adopt such rules and regulations as they shall deem expedient for disposing of and for conveying burial lots.

No debts may be contracted except for purchase.

May sell land, when.

SEC. 4. It shall be lawful for said trustees, wherever in their opinion any portion or portions of their lands are unsuitable for burial purposes, to sell such portion or portions, and apply the avails thereof to the general purposes of such association.

Burial lots shall be exempt from taxation.

SEC. 5. Burial lots, sold by such association shall be for the sole purpose of interment, and shall be exempt from taxation, execution, attachment or other claims, lien or process whatsoever, if used as intended, exclusively for burial purposes and in no wise with a view to profit.

Plan of grounds.

SEC. 6. All such associations shall cause a plan of their grounds and of the blocks and lots by them laid out, to be made and recorded, such blocks or lots to be numbered by regular consecutive numbers, and shall have power to enclose, improve and adorn the grounds and avenues, to erect buildings for the use of the association and to prescribe rules for the designation and adorning of lots and for erecting monuments in the cemetery, and to prohibit any use, division, improvement or adornment of a lot which they may deem im-

Certain powers.

proper. An annual exhibit shall be made of the affairs of the association. Annual exhibit of affairs.

SEC. 7. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or grave stone, or other structure in any cemetery, or any fence railing or other work for the protection or ornament of a cemetery or tomb, monument or grave stone or other structure aforesaid or of any cemetery lot within a cemetery or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of a cemetery shall be deemed guilty of a misdemeanor and shall upon conviction thereof before any court of competent jurisdiction be punished by a fine of not less than five dollars nor more than five hundred dollars, and imprisonment in the county jail for a term not less than one nor more than thirty days, according to the nature and aggravation of the offense and such offender shall also be liable in an action of trespass in the name of said association, to pay all such damages as have been occasioned by his unlawful act or acts, which wrong, when recovered shall be applied to the reparation and restoration of the property destroyed or injured as above. Injuries prohibited. Penalties.

Passed the House February 16, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXIV.

[H. B. No. 149.]

TRESPASS ON STATE LANDS—PENALTY.

AN ACT making it unlawful to injure or damage in any way the public lands of the State of Washington, and prescribing the punishment therefor.

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

SECTION 1. If any person shall cut down, destroy, injure, or cause to be cut down, destroyed or injured, any timber standing, growing or felled upon any of the Prohibiting destruction or removal of property from public lands

lands of the State of Washington before deed shall have been issued by the state therefor as provided by law, or shall take or remove or cause to be taken or removed from any such lands, any timber, wood, clay, sand or other material or substance thereon, or shall dig, quarry, take or remove any mineral (except by contract with the state), earth or stone from such lands, or shall cause to be dug, quarried, taken or removed any mineral (except by contract with the state), earth or stone from such lands, or shall otherwise injure, deface or damage, or shall cause to be injured, defaced or damaged any such lands, he shall be deemed guilty of a misdemeanor.

Exceptions in certain cases.

SEC. 2. That nothing in this act shall be so construed as to prevent any person who shall lease said lands or hold the same under contract with the state for the purchase thereof, and occupy the same for the purpose of a home, from cutting such timber as may be necessary for domestic use or to clear land for actual cultivation: *Provided*, That such lessee or contractor may sell such timber so cut in good faith for the purpose of clearing such land for cultivation: *Provided further, however*, That before any timber may be sold by any such lessee or contractor he must first obtain the written consent of the commissioner of public lands of the State of Washington to such sale; otherwise such lessee or contractor shall not have the benefit of the provisions of this section.

Consent of commissioner to be obtained.

Penalties.

SEC. 3. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail of the county in which such conviction was had, for a time not less than one month and not more than one year, or by both fine and imprisonment.

Passed the House February 15, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXV.

[H. B. No. 188.]

SAFETY APPLIANCES ON RAILROAD SWITCHES, ETC.

AN ACT requiring persons, railroad companies or corporations to so adjust, fill, block and securely guard the frogs, switches and guard rails on their roads as to protect and prevent injury to employes and other persons, and providing a penalty for the violation thereof.

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

SECTION 1. Any person or persons, railroad companies or corporations, owning or operating a railroad or railroads in this state, shall be and are hereby required on or before the first day of October, 1899, to so adjust, fill, block and securely guard the frogs, switches and guard rails on their roads as to protect and prevent the feet of employes and other persons from being caught therein.

Railroads to provide guards for switches, frogs, etc.

SEC. 2. Any person or persons, railroad companies or corporations owning or operating a railroad or railroads in this state, shall be liable for any damage received from a failure to comply with the provisions of this act; such damages to be recovered by the parties entitled to recover as provided in sections 137, 138 and 139 of volume 2 of Hill's Annotated Codes and Statutes of Washington, being sections 4827, 4828 and 4829, Ballinger's Annotated Codes and Statutes of Washington.

Injured persons may recover for damages resulting from failure.

SEC. 3. Any person or persons, railroad companies or corporations, owning or operating any railroad in this state, failing to comply with the provisions of this act within the time limited, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five hundred dollars nor more than two thousand dollars.

Penalty for non-compliance.

Passed the House February 9, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXVI.

[H. B. No. 230.]

DELINQUENT TAXES OF CHARITABLE INSTITUTIONS.

AN ACT to remit unpaid taxes, penalty and interest on certain charitable institutions.

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

Unpaid taxes,
penalty and
interest for
years 1890 to
1898 inclusive
on property
used for cer-
tain charitable
purposes
remitted.

SECTION 1. That all unpaid taxes with penalty and interest thereon, for the year 1890, and thereafter to and including the year 1898, except where certificates have been issued to purchasers, other than the county at sales for said unpaid taxes, penalty and interest, be remitted wherever the same has been levied and assessed, and is now delinquent and unpaid, upon all orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole by public appropriations or by private charity, or are supported in part by charity, and all of the income and profits of such institutions devoted to charitable purposes after paying the expenses thereof; and the grounds whereon such institutions are built when used exclusively for the purpose herein enumerated: *Provided*, Said orphanages, asylums, institutions and hospitals shall, at all times since the levy of taxes for the year 1895, have complied with all the requirements of law entitling them to be exempt from such assessment and levy.

Passed the House February 6, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXVII.

[S. B. No. 249.]

SECOND APPROPRIATION FOR LEGISLATIVE
EXPENSE.

AN ACT making appropriation for legislative expenses.

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

SECTION 1. That there be appropriated out of the general fund of the state treasury the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary, for the purpose of paying expenses of the sixth session of the legislature.

Passed the Senate February 27, 1899.

Passed the House March 2, 1899.

Approved March 6, 1899.

CHAPTER XXXVIII.

[S. B. No. 13.]

PROPAGATION OF EASTERN OYSTERS.

AN ACT to establish experiment stations for the propagation of eastern oysters in the waters of Willapa Harbor and Puget Sound, and making an appropriation therefor.

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

SECTION 1. The fish commissioner shall establish experiment stations in the waters of Willapa Harbor and Puget Sound, and procure eastern oyster plants for the purpose of testing the feasibility of propagating eastern oysters in the waters of this state.

SEC. 2. The fish commissioner is hereby authorized to employ suitable help for the prosecution of this work.

SEC. 3. The sum of seventy-five hundred dollars

(\$7,500.00), or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of carrying out the provisions of this act, and the state auditor is hereby authorized to audit the bills of the fish commissioner and if found correct to issue his warrant for the same and the state treasurer is hereby authorized to pay the same.

Passed the Senate February 2, 1899.

Passed the House March 1, 1899.

Approved March 7, 1899.

CHAPTER XXXIX.

[S. B. No. 49.]

SWINE AT LARGE.

AN ACT to amend section 2490, volume 1, Hill's Annotated Statutes and Codes of Washington relating to swine unlawfully at large.

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

SECTION 1. Section 2490 of volume No. 1, Hill's Annotated Statutes and Codes of Washington, is hereby amended to read as follows: "Section 2490. If any swine shall be found running at large contrary to the provisions of this act, it shall be lawful for any person to restrain the same forthwith, and shall immediately give the owner notice in writing that he has restrained said swine, and the amount of damages he claims in the premises, and requiring the owner to take said swine away and pay such damages. If said owner fails to comply with the provisions of this section within three days after receiving such notice, such damages may be recovered in a civil action before any justice of the peace, and such person who sustains damages as aforesaid shall have a lien upon said swine

for the damages sustained by the said swine, and for keeping same: *Provided*, That if the owner of such swine is unknown, the notice required in this act shall be published for two weeks in a newspaper published in the county."

Passed the Senate February 16, 1899.

Passed the House March 1, 1899.

Approved March 7, 1899.

CHAPTER XL.

[H. B. No. 226.]

VENUE OF ACTIONS IN JUSTICES' COURTS.

AN ACT fixing the venue of actions in justice courts.

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

SECTION 1. All actions commenced before a justice of the peace shall be brought in the justice court of the precinct in which one or more of the defendants reside.

Passed the House February 7, 1899.

Passed the Senate March 1, 1899.

Approved March 7, 1899.

CHAPTER XLI.

[H. B. No. 107.]

INVESTMENT OF THE PERMANENT SCHOOL FUND IN STATE WARRANTS.

AN ACT in regard to the investment of the permanent school fund in state warrants, and declaring an emergency.

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

SECTION 1. It shall be the duty of the treasurer of the State of Washington, whenever he shall have in his hands any money belonging to the permanent school

Permanent school fund to be invested in general fund warrants.

fund of the state in amount equal to or in excess of any warrant hereafter drawn upon the general fund of the state presented to him for payment by the holder thereof, which warrant the treasurer cannot pay upon presentation for want of funds available for the redemption of such warrant at the time of presentation, to give to the holder of such warrant, out of the permanent school fund the amount of the face or par value of such warrant.

State treasurer shall not indorse "Not paid for want of funds."

SEC. 2. It shall be the duty of the holder of any state general fund warrant, upon presenting the same to the treasurer for payment, to accept from the treasurer therefor the amount therein directed to be paid, whenever the treasurer has in his hands money belonging to the permanent school fund in amount equal to or in excess of the face or par value of such general fund warrant, and the treasurer shall not indorse any general fund warrant, "not paid for want of funds" when there shall be in his hands money belonging to the permanent school fund in amount equal to or in excess of any such warrant presented for payment, and from and after the date of such purchase such warrants shall bear interest as though they were stamped "not paid for want of funds."

Indorsement to be made.

SEC. 3. The state treasurer shall stamp or write across the face of each of such warrants the words "purchased by the permanent school fund," and shall keep a record of all such warrants so purchased, and shall report to the state auditor by number, amount and date of purchase all state general fund warrants purchased by him with permanent school funds, and shall be credited therewith and shall safely keep such warrants until they shall be paid out of the general fund in their regular order. When so paid he shall report the payment thereof to the auditor by number, amount and date of payment together with the amount of interest accrued thereon from date of purchase to date of payment at the legal rate, and shall credit the permanent school fund with the principal thereof, and the current common school fund with the interest accrued thereon.

Report to be made.

SEC. 4. An emergency exists and this act shall take ^{Emergency.} effect immediately.

Passed the House February 14, 1899.

Passed the Senate March 4, 1899.

Approved March 7, 1899.

CHAPTER XLII.

[H. B. No. 160.]

SURETY COMPANY AS SURETY ON BONDS REQUIRED BY LAW.

AN ACT to amend an act entitled "An act relative to recognizances, stipulations, bonds and undertakings and to allow certain corporations to be accepted as surety thereon, and to provide for the payment of the charges of such suretyship on the same as part of the lawful expense and costs of the principal or principals on the same, and repealing an act of the Legislature of the State of Washington, entitled 'An act relating to official bonds of state, county, city, town and precinct officers,' approved March 20, 1895, and all other inconsistent acts, and declaring an emergency."

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

SECTION 1. That section two of the act entitled "An act to amend section 2 of an act entitled "An act relating to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon, and to provide for the payment of the charges of such suretyship on the same as part of the lawful expense and costs of the principal and principals on the same, and repealing an act of the Legislature of the State of Washington entitled 'An act relating to official bonds of state, county, city, town and precinct officers,' approved March 20, 1895, and all other inconsistent acts, and declaring an emergency," approved March 17, 1897, be and the same is hereby amended to read as follows: "Sec. 2. Any receiver, assignee, trustee, guardian, executor, administrator or other fiduciary, required by law or the order of any court or judge to give bond as such, may include, as part of his lawful expenses, such reasonable sum paid

Cost of surety bonds in certain cases to be taxed as costs of the case.

to such a corporation for becoming surety on such bond, not exceeding one per centum per annum on the amount of said bond, as the head of department, court, judge or officer by whom, or the court or body by which he was appointed, allows; and hereafter the state, or any county, city, town or school district may, in its discretion, pay out of its general funds the cost of any official bond furnished by any officer of the state or of such county, city, town or school district, when the same is executed by such surety corporation, not to exceed, however, one per centum per annum on the amount of said bond; and in all actions and proceedings the party entitled to recover costs may include therein such reasonable sum as may have been paid to such corporation for executing or guaranteeing any bond or undertaking therein, as may be allowed by the court or judge before whom the action or proceedings is pending."

Sec. 2. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the House February 16, 1899.

Passed the Senate March 3, 1899.

Approved March 7, 1899.

CHAPTER XLIII.

[H. B. No. 137.]

MANUFACTURE AND SALE OF DAIRY PRODUCTS— PENALTY.

AN ACT regulating the manufacture of dairy products, to prevent deception or fraud in the sale of the same or imitation thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a state board of dairy commissioners and defining their duties, imposing certain duties upon the chemists of state institutions, providing penalties for violations of this law, making an appropriation.

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

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery,

Unlawful to
sell impure
milk.

cheese factory, corporation, person or persons whatsoever, as pure, wholesome and unskimmed, any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

SEC. 2. In all prosecutions or other proceedings under this or any other law of this state, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subject to chemical analysis or other satisfactory tests, or that it, or any part of it, was drawn from cows known by the person complained of, to have been within fifteen days before or four days after parturition, or to have any disease or ulcers, or other running sores, then and in either case, the said milk shall be held and judged to be unmerchantable, adulterated, impure or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream, for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substance in a state of putrefaction or rotteness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream from the same that has been exposed to or contaminated by emanations, discharges or exhalations from persons or animals, or to which has been added any borax, boracic acid, salycillic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk, is hereby declared to be impure and unwholesome.

Must contain
3 per cent. of
pure butter
fat.

Cows must be
healthy.

Stables
wholesome.

Certain foods
not to be
used.

Uncontaminated
by
chemicals.

SEC. 3. The Washington state dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, and under any regulations as to the custody and use thereof as he may

Cheese must
be stamped.

prescribe, a uniform stencil brand bearing a suitable device or motto and the words "Washington State Full Cream Cheese." Every brand issued shall be used on the outside of the cheese, and shall have a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or packages containing the same, and such cheese only as shall contain thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter nor any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese, shall be stamped with the "state brand." All cheese containing less than thirty per centum of pure butter fat shall be marked "skimmed cheese" in full-face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so-called "filled cheese," is hereby prohibited: *Provided*, That nothing in this section shall be construed to apply to Edam, Brickstein, Pineapple, Limburger, Swiss or hand-made cheese, or any other fancy cheese: *Provided further*, That cheese not made in this state, but which shall be sold or offered for sale in this state, shall be so stamped as to indicate its true character: *And provided further*, That no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of "Washington full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

SEC. 4. The dairy commissioner shall furnish blanks

Stamp or
brand to
consist of.

Use of
stamps.

"Skimmed
cheese."

"Filled
cheese."

Exceptions.

to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all the vendors and peddlers of milk within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories, and all milk dairies, milk vendors or milk peddlers, shall fill out the blank, giving a full and accurate report of the business done during the year, and send it to the dairy commissioner before the first day of November of each year, every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or it to the producer a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of any proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in section 13: *Provided*, That any information thus furnished shall be published only in such form as to show totals and averages, and not the details of the business of any individual or concern.

Blanks to be furnished.

Reports to be made.

Cans tagged.

Penalty.

SEC. 5. No person, by himself, his agents or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or serve for patrons, guests, boarders or inmates of any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or the cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or the cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture and

Sale and use of impure dairy articles prohibited.

Certain imitations may be sold and used, when.

sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to resemble butter, or the use of the same by patrons, guests, boarders or inmates of any hotel, eating house, restaurant, public conveyance or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

SEC. 6. It shall be unlawful for any person to sell, or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

Governor to appoint dairy commissioner.

SEC. 7. There shall be appointed by the governor, by and with the consent and advice of the senate, one competent person who shall be denominated the dairy commissioner, whose term of office shall continue four years from and after the first Monday in April after his appointment, subject to removal for cause by the governor, or until his successor be appointed and qualified.

Commissioner's bond.

SEC. 8. Before entering upon his duties said dairy commissioner shall file with the secretary of state a good and sufficient bond in the sum of five thousand dollars (\$5,000) conditioned for the faithful discharge of his duties under this act.

Deputies to be appointed.

SEC. 9. Said dairy commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance. They shall hold office at the pleasure of the dairy commissioner who may summarily remove any such deputy whenever in his judgment the public service calls for such removal: *Provided*, No deputy shall be employed at the cost of the state for more than thirty days in any one year: *Provided*, That not more than six deputies be appointed.

Duties of commissioner.

SEC. 10. It shall be the duty of the dairy commissioner to devote his entire time and attention to the dairy interests of the State of Washington, to enforce all laws

that now exist or that may be hereafter enacted in this state regarding the production, manufacture or sale of dairy produce, and personally to inspect any articles of milk, butter, cheese, or imitations thereof, made or offered for sale within the state, which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

SEC. 11. It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without other charge to the state than necessary traveling expenses, any and all substances that the dairy commissioner may send to any of them and to report to him without unnecessary delay the result of any analysis so made, and when called upon by said dairy commissioner, any such chemist shall assist him in prosecuting violators of the law, by giving testimony, either expert or otherwise.

Duties of chemists connected with state institutions.

SEC. 12. The dairy commissioner or his deputies shall have power, in the performance of their official duties; to enter any creamery, cheese or condensed milk factory, store, salesroom, warehouse, or any place or building where he has reason to believe that any dairy products or imitations of dairy products are kept, made, prepared, sold, or offered for sale or exchange; and to open any cask, tub, package or receptacle of any kind, containing or supposed to contain any such article, and to examine, or cause to be examined and analyzed, the contents thereof; he may seize or take any such article for analysis: *Provided*, That if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom such property was taken, seal up two samples of the article seized or taken, one of which shall be for examination or analysis under the direction of said commissioner,

Powers of commissioner and deputies.

and the other of which shall be delivered to the person from whom the article is taken.

Penalties for violations.

SEC. 13. Any person who shall violate any of the provisions of this act, or who shall obstruct the dairy commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), or by imprisonment for not less than one month or more than six (6) months, or by both such fine and imprisonment.

Compensation of commissioner.

SEC. 14. The dairy commissioner shall receive an annual salary of twelve hundred dollars (\$1,200) and his necessary expenses in the discharge of his duties under this act: *Provided*, That such expenses shall not exceed one thousand dollars (\$1,000).

Duty of attorney general and prosecuting attorneys.

SEC. 15. It shall be the duty of the attorney general or the prosecuting attorney in any county of the state, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act: *Provided*, That the dairy commissioner may employ special counsel when necessary.

Board of dairy commissioners.

SEC. 16. The secretary of state, the professor of agriculture of the agricultural college and the dairy commissioner are hereby created a state board of dairy commissioners *ex officio*.

Compensation of members of board.

SEC. 17. The state board of dairy commissioners shall receive no compensation for their services as such board, but shall be allowed necessary traveling expenses. All accounts for expenditure incurred or made pursuant to the provisions of this act shall be approved and certified by said state board of dairy commissioners before presentation to the state auditor.

Commissioner shall report biennially.

SEC. 18. The state board of dairy commissioners shall biennially, on December first, report to the governor of this state a full account of their actions under this act;

also the operations and results of this and any other laws pertaining to the dairy industry of the state; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports of dairy products within the state for the biennial term; and shall make suggestions as to the need of further legislation on this subject.

SEC. 19. All expenses incurred under the provisions of this act shall be audited by the state auditor upon bills being presented, properly certified by the board of dairy commissioners, and the said auditor shall, from time to time, draw warrants upon the state treasurer for the amounts thus audited. Auditing expenses.

SEC. 20. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the state for the term beginning April 1, 1899, six thousand dollars (\$6,000). Appropriation.

SEC. 21. One-half of all fines collected under the provisions of this act shall be paid to the state treasurer and placed to the credit of the general fund and the remainder to be paid forthwith into the treasury of the county in which the conviction is obtained. Disposition of fines.

SEC. 22. All clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers shall render to the dairy commissioner and his deputies all the assistance in their power in tracing, finding, or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers to render such friendly aid, shall be a misdemeanor, punishable by fine of not less than twenty-five (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment for each and every offense. Certain persons must assist commissioner.

SEC. 23. No person shall sell or offer for sale any cream taken from impure or diseased milk, or any cream that contains less than eighteen per centum of Penalty for refusal. Unlawful to sell impure cream.

pure butter fat. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not less than one (1) month nor more than six (6) months, or by both such fine and imprisonment.

License for
wagons, carts,
etc.

SEC. 24. Every person who conveys milk in carriages, carts or other vehicle for the purpose of selling the same in any city or town in the State of Washington, shall annually on the first day of June, or within thirty (30) days thereafter, procure from the state dairy commissioner a license to sell milk within the limits of said city or town, and shall pay to the said dairy commissioner the sum of one dollar (\$1) for each carriage, cart or other vehicle to be used as provided for in section 29. Licenses shall be issued only in the names of the owners of carriages, carts and other vehicles and shall, for the purpose of this act, be conclusive evidence of ownership. No license shall be sold, assigned or transferred; each license shall contain the name, residence, place of business, number of carriages, carts or other vehicles used, and the number of the license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of the license and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk. Whoever, without being first licensed under the provisions of this section, sells milk or exposes it for sale from carriages, carts or other vehicles, or has the same in his custody or possession with intent to sell, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) for each offense, nor more than one hundred dollars (\$100), or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment: *Provided*, That nothing in this section shall ap-

Penalty for
violation.

Exception.

ply to persons handling or using the milk from not more than two cows.

SEC. 25. Every person before selling milk or offering it for sale in a store, booth, stand or market place in any town or city, shall procure a license from the state dairy commissioner and shall pay to said commissioner the sum of one dollar (\$1) yearly, within thirty days after June 1. Any person who neglects to procure such license shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment.

License for sale at store or stand.

Penalty.

SEC. 26. No person shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "skimmed milk" in large plain black letters, each letter being at least one inch high and one-half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense, or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment.

"Skimmed milk" must be so labeled.

Penalty.

SEC. 27. That all moneys received for licenses or from the sale of any and all goods confiscated by the dairy commissioner under this act shall be received by said commissioner and deposited the first of every month with the state treasurer, to be placed in the general fund.

License money to be turned into the state treasury.

Possession of prohibited articles *prima facie* proof of violation of this act.

SEC. 28. Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered *prima facie* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the state treasurer and placed to the credit of the general fund.

Commissioner must provide uniform brand "Washington creamery butter."

SEC. 29. The state dairy commissioner is hereby authorized and directed to procure and issue to the manufacturers of creamery butter of the state and under such regulations as to the custody and use thereof as he may prescribe a uniform brand bearing a suitable device or motto, and the words "Washington Creamery Butter." Every brand issued shall be used on the wrapper of each package and also on the outside of every package used by him, and shall contain a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the said brand. It shall be unlawful to use or permit such brand to be used upon any other than Washington creamery butter or packages containing the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.

Manufactory to be numbered.

Penalty.

"Renovated butter."

SEC. 30. No person, firm or corporation shall manufacture, sell or offer for sale or have in his possession with intent to sell butter known as process butter, unless the package in which the butter is sold has marked on the side of it the words "renovated butter" in capital letters one inch high and one-half inch wide with ink which is not easily removed: *Provided*, That it

shall be unlawful for any retailer to sell said butter and unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser "renovated butter," or if it is sold in packages on which a wrapper is used the words "renovated butter" shall be plainly printed on each and every wrapper: *Provided further*, That all process butter shipped from other states shall be subject to the same regulations as provided in this section. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each and every offense not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment. Penalty.

SEC. 31. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 32. An emergency exists, and this act shall take effect immediately.

Passed the House February 16, 1899.

Passed the Senate March 1, 1899.

Approved March 7, 1899.

CHAPTER XLIV.

[H. B. No. 108.]

INVESTMENT OF THE PERMANENT SCHOOL FUND IN STATE BONDS.

AN ACT authorizing the issuance of state bonds and the investment of the permanent school funds therein, and declaring an emergency.

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

SECTION 1. Whenever there shall be in the hands of the state treasurer, belonging to the state permanent school fund, money to the amount of five thousand dollars or more, of which no investment can be made in State treasurer may invest permanent school fund in state bonds.

the securities now or hereafter authorized by law, and the state shall have an outstanding general fund warrant indebtedness in amount equal to or greater than the amount of five thousand dollars (\$5,000), the governor of the state and the state auditor are hereby authorized, and it shall be their duty, to issue the bonds of the State of Washington in amount equal to that amount, and sell and deliver such bond to the state treasurer for the account of the state permanent school fund at the face or par value thereof.

Bonds to be issued in denominations of \$5,000 at 3½ per cent. interest.

SEC. 2. Such bonds shall bear date of issue and be issued in denominations of five thousand dollars (\$5,000), and shall bear interest at the rate of three and one-half per cent. per annum, payable semi-annually on the first day of May and November of each year until paid, payable out of the state general fund. The principal of said bonds shall be payable, any or all of them, on or before twenty years from the date of issue, to the state treasurer for the account of the state permanent school fund, out of the state general fund, to which the proceeds thereof shall have been credited, and when paid the principal thereof shall be credited to the state permanent school fund.

To run 20 years.

Bonds, how printed.

SEC. 3. Said bonds shall be printed on good bond paper and shall each be signed by the governor and personally attested by the state auditor, and sealed with the seal of the state auditor, but no coupon need be attached thereto.

Proceeds of bonds to be used to call general fund warrants.

SEC. 4. It shall be the duty of the state treasurer, whenever any such bonds are executed and presented to him to invest the state permanent school fund in such bonds to the amount of the face or par value thereof at par, and receipt to the state auditor therefor, and at once transfer from the state permanent school fund to the state general fund money to the amount of the face or par value of such bonds so delivered to him, and the money so transferred to the general fund shall be at once used in the redemption of outstanding general fund warrants.

SEC. 5. All interest paid on such bonds shall be credited to the current common school fund of the state on the day it falls due. Interest on bonds to go to current school fund.

SEC. 6. It shall be the duty of the state treasurer to redeem any of said bonds on any interest pay day whenever, and to the extent that he shall have in his hands money belonging to the state general fund equal to one or more of such bonds in excess of all outstanding general fund warrants. Redemption

SEC. 7. An emergency exists, and this act shall take effect immediately. Emergency.

Passed the House February 14, 1899.

Passed the Senate March 2, 1899.

Approved March 8, 1899.

CHAPTER XLV.

[H. B. No. 272.]

MINING CLAIMS AND RULES OF MINING DISTRICTS.

AN ACT providing for the manner of locating and holding lode and placer mining claims, prescribing authority of mining districts.

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

SECTION 1. The discoverer of a lode shall within ninety (90) days from the date of discovery, record in the office of the auditor of the county in which such lode is found, a notice containing the name or names of the locators, the date of the location, the number of feet in length claimed on each side of the discovery, the general course of the lode and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. Locator to record notice of location.

SEC. 2. Before filing such notice for record, the discoverer shall locate his claim by first sinking a discovery shaft upon the lode, to the depth of ten (10) feet from the lowest part of the rim of such shaft at the Before filing such notice discovery shaft must be sunk 10 feet and boundaries marked.

surface, and shall post at the discovery at the time of discovery a notice containing the name of the lode, the name of the locator or locators, and the date of discovery, and shall mark the surface boundaries of the claim by placing substantial posts or stone monuments bearing the name of the lode and date of location; one post or monument must appear at each corner of such claim; such posts or monuments must be not less than three (3) feet high; if posts are used they shall be not less than four inches in diameter and shall be set in the ground in a substantial manner. If any such claim be located on ground that is covered wholly or in part with brush or trees, such brush shall be cut and trees be marked or blazed along the lines of such claim to indicate the location of such lines.

SEC. 3. Any open cut or tunnel having a length of ten (10) feet, which shall cut a lode at the depth of ten (10) feet below the surface, shall hold such lode the same as if a discovery shaft were sunk thereon, and shall be equivalent thereto.

SEC. 4. The term "lode" as used in this act shall be construed to mean ledge, vein or deposit.

Amended certificate of location.

SEC. 5. If at any time the locator of any quartz or lode mining claim heretofore or hereafter located, or his assigns, shall learn that his original certificate was defective or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries or of taking in any additional ground which is subject to location, or in any case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefits of this act, such locator or his assigns may file an amended certificate of location, subject to the provisions of this act, regarding the making of new locations.

Proof of assessment work.

SEC. 6. Within thirty (30) days after the expiration of the period of time fixed for the performance of annual labor or the making of improvements upon any quartz or lode mining claim or premises, the person in whose behalf such work or improvement was made

or some person for him knowing the facts, shall make and record in the office of the county auditor of the county wherein such claims are situate an affidavit or oath of labor performed on such claim. Such affidavit shall state the exact amount and kind of labor, including the number of feet of shaft, tunnel or open cut made on such claim, or any other kind of improvements allowed by law or by rules of mining districts made thereon.

SEC. 7. Such affidavit when so recorded shall be *prima facie* evidence of the performance of such labor or the making of such improvements, and such original affidavit after it has been recorded, or a certified copy of record of same, shall be received as evidence accordingly by all the courts of this state.

Prima facie
evidence of
assessment
work.

SEC. 8. The relocation of forfeited or abandoned quartz or lode claims shall only be made by sinking a new discovery shaft and fixing new boundaries in the same manner and to the same extent as is required in making a new location, or the relocater may sink the original discovery shaft ten feet deeper than it was at the date of commencement of such relocation, and shall erect new, or make the old monuments the same as originally required; in either case a new location monument shall be erected and the location certificate shall state if the whole or any part of the new location is located as abandoned property.

Relocation,
requirements
for.

SEC. 9. The provision herein, relating to discovery shafts, shall not apply to any mining location west of the summit of the Cascade mountains.

No discovery
shafts west
Cascades.

SEC. 10. The discoverer of placers or other forms of deposit subject to location and appropriation under mining laws applicable to placers shall locate his claim in the following manner:

First. He must immediately post in a conspicuous place at the point of discovery thereon, a notice or certificate of location thereof, containing—(a) the name of the claim; (b) the name of the locator or locators; (c) the date of the discovery and posting of the notice hereinbefore provided for, which shall be considered

Location
placer claims.

Notice to be posted.

as the date of the location; (d) a description of the claim by reference to legal subdivisions of sections, if the location is made in conformity with the public surveys, otherwise, a description with reference to some natural object or permanent monument as will identify the claim; and where such claim is located by legal subdivisions of the public surveys, such location shall, notwithstanding that fact, be marked by the locator upon the ground the same as other locations.

Certificate of location re-recorded.

Second. Within thirty (30) days from the date of such discovery, he must record such notice or certificate of location in the office of the auditor of the county in which such discovery is made, and so distinctly mark his location on the ground that its boundaries may be readily traced.

Work to be done.

Third. Within sixty (60) days from the date of the discovery, the discoverer shall perform labor upon such location or claim in developing the same to an amount which shall be equivalent in the aggregate to at least ten (10) dollars worth of such labor for each twenty acres, or fractional part thereof contained in such location or claim.

Proof of work done.

Fourth. Such locator shall upon the performance of such labor, file with the auditor of the county an affidavit showing such performance and generally the nature and kind of work so done.

Prima facie evidence work done.

SEC. 11. The affidavit provided for in the last section, and the aforesaid placer notice or certificate of location when filed for record, shall be *prima facie* evidence of the facts therein recited. A copy of such certificate, notice or affidavit certified by the county auditor shall be admitted in evidence in all actions or proceedings with the same effect as the original and the provisions of sections six (6) and seven (7) of this act shall apply to placer claims as well as lode claims.

SEC. 12. All locations of quartz or placer formations or deposits hereafter made shall conform to the requirements of this act in so far as the same are respectively applicable thereto.

SEC. 13. Any mining district organized in the State of Washington in accordance with the laws of the United States, shall have power to make rules and regulations for such mining district, providing such rules and regulations do not conflict with the laws of the State of Washington or of the United States. Mining district may make rules.

SEC. 14. Any mining district shall have the power to make road building to mining claims within such district applicable as assessment work, or improvement upon such claims: *Provided*, That rules pertaining to such road building shall be made only at a public meeting of the miners of such district regularly called by the mining recorder of such district: *Provided further*, That such meeting shall be attended by at least twelve (12) property holders of such district, and that no such rule can be made without the assent of the majority of the property holders of such district, who are present at such meeting. Such meeting to designate where, when and how such road work shall be done, and shall designate some one of their number who shall superintend such road building or construction, and who shall receipt for such labor to the performer thereof, such receipts to be filed with the county auditor of the county in which such work is performed by the holder or holders of such receipts, and shall be received as *prima facie* evidence of labor performed as annual assessment work upon such claim or claims, as may be designated by an affidavit or oath of labor as provided for in section six (6) of this act: *Provided*, that nothing in this act can be construed as being mandatory upon any owner or holder of mining property to perform labor upon any such road. Road building to apply on assessment work, when.

Passed the House February 27, 1899.

Passed the Senate March 7, 1899.

Approved March 8, 1899.

CHAPTER XLVI.

[S. B. No. 7.]

DESTRUCTION OF CANADA THISTLES—PENALTY.

AN ACT for protection against the spread of Canada and Russian thistles, and for the destruction of the same, and for the payment of costs for destroying same, and prescribing the punishment for the violation of this act.

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

Thistles must
be cut down.

SECTION 1. It shall be the duty of every owner, possessor or occupier of land in this state to cut down or cause to be cut down all the Canada or Russian thistles growing thereon so often in each and every year as shall be sufficient to prevent them going to seed.

Penalty.

SEC. 2. If any owner, possessor or occupier of land shall knowingly suffer any such Canada or Russian thistles to grow thereon and the seed to ripen he shall be guilty of a misdemeanor, and upon conviction thereof be liable to a fine of not exceeding twenty dollars for each offense and cost of prosecution.

Duty road
supervisor.

SEC. 3. It shall be the duty of each road supervisor in each road district in this state to see that the provisions of this act are carried out within their respective districts, and he shall give notice to the owner, possessor or occupier of any land within his district, whereon Canada or Russian thistles are growing, requiring him to cause the same to be cut down within ten days from the service of such notice, and in case such owner, possessor or occupier shall refuse or neglect to cut down the said Canada or Russian thistles within the said ten days, then the said road supervisor shall enter upon the land and cause all of said thistles to be cut down with as little damage to growing crops as may be; and he shall not be liable for trespass therefor: *Provided*, That when such Canada or Russian thistles are growing upon non-resident's land and the the same is unoccupied it shall not be necessary to give such notice before proceeding to cut down Can-

ada or Russian thistles: "*And provided*, That in the case of Canada or Russian thistles growing on the right-of-way of any railroad said notice required in this section shall be served upon the section foreman who has charge of that portion of the right-of-way where said Canada or Russian thistles may be growing."

SEC. 4. Each road supervisor shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this act, with respect to each parcel of land entered upon therefor, and shall offer or send by mail a statement of such expenses, including a description of the premises, verified by oath, to the owner, possessor or occupier of such land, requiring him to pay the amount. In case such owner, possessor or occupier shall fail to pay the same within thirty days after such application said claim shall be presented to the board of county commissioners of the county in which said expenses were incurred, and the same, if found correct, shall be paid the same as other claims against the road district.

Road supervisor to keep account of expenses.

Manner of payment.

SEC. 5. The board of county commissioners to which said claim is presented shall order the said claim to be a tax upon the premises described therein, and the same shall be levied as a tax upon said premises and entered upon the tax rolls for the current year and collected together with penalty and interest as other taxes are collected, and when so collected paid into the road district fund in which the land is situated.

Levied as a tax against property, when.

SEC. 6. This law is applicable to cities and towns and when applied to cities and towns the duties enumerated in this act devolving upon the road supervisor and county commissioners shall devolve upon the city or town council, and the taxes collected on premises situated in cities or towns shall be used for the use and benefit of the streets of the cities therein.

Applicable to cities and towns.

SEC. 7. Each road supervisor of this state shall destroy all Canada or Russian thistles and prevent the same from going to seed in the highways of his dis-

Highways.

strict, and shall be paid therefor in the same manner as in doing other work upon public roads.

Penalty. SEC. 8. Any citizen may notify the road supervisor or county commissioners of the presence of Canadian thistles or Russian thistles who, upon receiving such notice, shall enforce the provisions of this act; and failure upon the part of the road supervisor to act after notice from the county commissioners within ten days of such notice shall subject him to a fine of not more than ten dollars for the first offense and not less than ten dollars or more than twenty dollars for each succeeding offense; and continued refusal or neglect shall subject him to removal from office.

Passed the Senate February 11, 1899.

Passed the House March 1, 1899.

Approved March 8, 1899.

CHAPTER XLVII.

[Senate Bill No. 105.]

SEWER FOR SCHOOL FOR DEFECTIVE YOUTH.

AN ACT providing for the construction of a sewer for the Washington school for defective youth and granting the right to acquire right-of-way therefor, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the state treasury from any moneys not otherwise appropriated the sum of twenty-five hundred dollars (\$2,500) for the construction of a sewer extending from the building for the feeble-minded to a connection with the existing sewer, for the repair of the existing sewer, and for the necessary right-of-way for the extension.

SEC. 2. The board of trustees of such institution is hereby authorized to expend as much as may be neces-

sary of said appropriation for the purposes aforesaid, and to acquire by purchase, grant, deed, or gift or condemnation the necessary easements or rights-of-way for said purposes. If condemnation is necessary in the judgment of the board of trustees for said institution, the said institution through its board may condemn in the method of procedure laid down in "An act to regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public uses of the State of Washington, and prescribing the method of ascertaining and making compensation therefor, and declaring an emergency," approved March 3, 1891.

SEC. 3. An emergency is declared to exist, and this act shall take effect immediately.

Passed the Senate February 2, 1899.

Passed the House February 23, 1899.

Approved March 8, 1899.

CHAPTER XLVIII.

[Senate Bill No. 50.]

PREFERENCE RIGHT TO RELEASE STATE LANDS.

AN ACT to amend section 30 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," being chapter 89, Session Laws of 1897, approved March 16, 1897.

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

SECTION 1. That section 30 of an act entitled "An act to provide for the selection, survey, management,

reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," being chapter 89, Session Laws of 1897, approved March 16, 1897, be amended to read as follows: "Sec. 30. The prior lessee may, if he so desires, exercise the preference right to re-lease at the highest rate bid: *Provided, however,* That the owner of improvements placed on school lands held under lease from the state when the terms of such lease have been fully complied with shall have preference right to re-lease the same or any part thereof for a period of thirty days from the expiration of such lease in the following manner: 'The owner of such improvements shall make application in writing for the re-lease of such lands, certifying under oath as to the value and character of the improvements placed thereon, setting forth the amount bid for the re-lease of the same, which bid shall be considered by the commissioner of public lands and if it be deemed sufficient and to the best interests of the state to accept said bid, the said commissioner shall proceed upon the receipt of the first year's rental to issue a new lease to such bidder in accordance with said bid as provided in section 23 of this act:' *And provided further,* That the appraisalment of all leased lands shall be made once every five years or oftener if deemed necessary."

Passed the Senate February 23, 1899.

Passed the House March 1, 1899.

Approved March 8, 1899.

CHAPTER XLIX.

[S. B. No. 44.]

RELATING TO APPEALS IN SUPREME COURT.

AN ACT to amend section 19 of an act entitled "An act relating to appeals to the supreme court, approved March 8, 1893."

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

SECTION 1. Section 19 of an act entitled "An act relating to appeals to the supreme court, approved March 8, 1893," is hereby amended to read as follows: "Sec. 19. If the supreme court on the hearing of any such motion or motions shall find the grounds or any thereof alleged, for the same, to be well taken and true in effect, the court may grant the same in whole or in part, but when any such motion does not go to the substance of the appeal, or to the right of appeal, and the court shall be of the opinion that the moving party can be compensated in costs, or by the imposition of other terms for any delay of the appellant which is made the ground of any such motion (except a failure to take the appeal within the time limited by law) the court, in its discretion, may deny the motion on such terms as may be just. The court shall upon like terms allow all amendments in matters of form, curative of defects in proceedings to the end that substantial justice be secured to the parties, and no appeal shall be dismissed for any informality or defect in the notice of appeal, the appeal bond, or the service of either thereof, or for any defect of parties to the appeal if the appellant shall forthwith, upon order of the supreme court, perfect the appeal.

Passed the Senate February 17, 1899.

Passed the House March 1, 1899.

Approved March 8, 1899.

CHAPTER L.

[S. B. No. 155.]

REGULATING SALE OF COMMERCIAL FERTILIZERS.

AN ACT to regulate the manufacture and sale of commercial fertilizers in the State of Washington and providing a penalty for the violation thereof.

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

Fertilizer in packages offered for sale to be stamped.

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

Bulk sales to be reported to state chemist.

Label must state ingredients.

Report to state chemist.

SEC. 2. Before any commercial fertilizer, the retail price of which is ten dollars or more per ton, is sold, offered or exposed for sale, the importer, manufacturer or party who causes it to be sold or offered for sale within this state shall file with the chemist of the Washington state agricultural experiment station a certified copy of the statement named in section 1 of this act, and a list of the names and addresses of his

agents in this state; and shall also deposit with said chemist, at his request, a sealed glass jar or bottle containing not less than one pound of the fertilizer, accompanied by an affidavit that it is a fair, average sample thereof.

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

Analysis must be made of fertilizer manufactured in this state.

SEC. 4. No person shall sell, offer or expose for sale in this state any pulverized leather, raw, steamed, roasted, or in any form, as fertilizer or manure without an explicit printed certificate of the fact, to be conspicuously affixed to every package of such fertilizer or manure, and to accompany or go with every lot or parcel of the same.

Certificate in case leather is used.

SEC. 5. Any person selling, offering or exposing for sale any commercial fertilizer without the statement as required by the first section of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, or respecting the sale of which all the provisions of the foregoing sections have not been fully complied with, shall pay a fine of fifty dollars for the first offense and one hundred dollars for each subsequent offense.

Penalty.

Exceptions.

SEC. 6. This act shall not effect parties manufacturing, importing or purchasing fertilizers for their own use and not selling in this state.

Duty of director of Washington state agricultural experiment station.

SEC. 7. The director of the Washington state agricultural experiment station shall cause to be collected and analyzed by the chemist of the Washington state agricultural experiment station, or deputy, samples of such fertilizing materials as are subject to the conditions of this act, which may from time to time be sold, offered or exposed for sale in this state; and the director of the Washington state agricultural experiment station shall cause the results of the analysis of fertilizers collected under this act to be published, and issue the results to the farmers of the state as rapidly as the progress of the work will allow, together with the comparative commercial value per ton, and such other information as circumstances may advise. The chemist shall compile the results of the analysis of the fertilizers collected under this act and furnish a copy of the same to the director of the Washington state agricultural experiment station for publication.

Duty of state chemist.

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

and sealing of said sample. One of said samples shall be retained by the chemist or deputy and the other by the party whose stock was sampled. Every person violating this act shall be prosecuted by the prosecuting attorney of the county in which the violation occurs, upon complaint of the director and chemist of the Washington state agricultural experiment station.

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

SEC. 10. The expenses of collection, analysis, print- ^{Expenses, etc.} ing and distribution authorized by this act shall be paid from and out of the moneys received by the treasurer of the Washington state agricultural experiment station under the provisions of section 3 of this act.

Passed the Senate February 20, 1899.

Passed the House March 4, 1899.

Approved March 8, 1899.

CHAPTER LI.

[S. B. No. 102.]

DEFICIENCY PRINTING APPROPRIATION.

AN ACT for the appropriation of money to defray the expenses of public printing.

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

SECTION 1. That there be appropriated from the general fund of the state not otherwise appropriated six thousand dollars (\$6,000), or so much thereof as may be necessary, for the purpose of defraying the expenses of public printing for the fiscal year ending March 31, 1899.

Passed the Senate February 2, 1899.

Passed the House March 6, 1899.

Approved March 8, 1899.

CHAPTER LII.

[S. B. No. 239.]

LEASING VACANT STREETS ON WATER FRONT

AN ACT providing for validating leases heretofore made by cities or towns of streets, or portions thereof, upon the water front, within or in front, of cities or towns, and declaring an emergency.

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

SECTION 1. Whenever the council of any city or town has heretofore by resolution or ordinance, or either, or both, found that any street or streets, or specified portions thereof, upon the water front, within or in front of such city or town, are imaginary streets, existing only upon maps or plats, and that the same in the portions specified have never been opened for public travel or improved as public highways, and that it will be for the best interest of such city or town, its trade or commerce, not to take possession of or improve any such street or specified portions thereof, and that the closing of such street or specified portions thereof for a period therein provided, and the occupancy of the space so closed by persons, or corporations, for the purpose of trade, commerce, navigation, transportation, manufactures, or other industries, will be without injury to any public or private interest, but will be of great benefit to the public and such community, and therein authorizing such occupancy for such purposes, for the period therein specified, such resolutions, ordinances, and the action of the council of such city or town as therein determined and set forth are hereby validated: *Provided*, That this shall not be construed as validating any such lease for a longer term than thirty years from the date of the commencement of the term mentioned in such lease: *And provided further*, That this act shall not apply to cities of the first class.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the Senate March 2, 1899.

Passed the House March 4, 1899.

Approved March 8, 1899.

CHAPTER LIII.

[H. B. No. 354.]

RELATING TO SALES OF PROPERTY UNDER EXECUTION.

AN ACT relating to the sales of property under execution, decrees, and orders of sale, and the confirmation of sheriff's sales, and redemption therefrom, and repealing an act passed by the legislature of the State of Washington March 2, 1897, approved March 10, 1897, entitled "An act relating to the sale of property under execution and decrees, and the confirmations of sheriff's sales, and repealing sections 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521 of Vol. 2 of Hill's Annotated Statutes and Codes of the State of Washington, relating to the redemption of real estate sold on decrees of foreclosure and on execution" and declaring an emergency.

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

SECTION 1. A decree of foreclosure of mortgage or other lien may be enforced by execution as an ordinary judgment or decree for the payment of money. The execution shall contain a description of the property described in the decree. The sheriff shall endorse upon the execution the time when he receives it, and he shall thereupon forthwith proceed to sell such property, or so much thereof as may be necessary to satisfy the judgment, interest and costs upon giving the notice prescribed in section three (3) of this act.

Manner of execution decree of foreclosure.

SEC. 2. When there is an agreement of the judgment debtor for the payment of any sum of money secured by a mortgage or other lien, and a deficiency judgment is consented to in said agreement, the court may direct in the decree that the balance due and costs which may remain unsatisfied after the sale of the property shall be satisfied from any property of the judgment debtor, and if any part of the judgment, interest and costs remains unsatisfied, the sheriff shall forthwith proceed to levy upon any property of the judgment debtor not exempt from execution, and all subsequent proceedings under said execution shall conform to the provisions of this act. The judgment creditor may also obtain from the clerk of the court execution on executions in the

Deficiency judgment may be had in certain cases.

ordinary form for such deficiency: *Provided*, That in case of mortgage foreclosure where the mortgage contains a stipulation that no deficiency judgment shall be taken against the mortgagor, but that the mortgagee shall look to the mortgaged premises for satisfaction of his claim, no deficiency judgment shall be allowed.

Action to recover without asking for foreclosure waives mortgage security.

The commencement of an action for the recovery of a debt secured by mortgage not asking a foreclosure of the mortgage and brought before a foreclosure of the mortgage and sale thereunder, shall be, and be deemed to be, a waiver of the mortgage security; and this provision may not be waived or avoided by agreement contained in the mortgage or otherwise.

Notice of sale.

SEC. 3. Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows: 1. In case of personal property, by posting written or printed notice of the time and place of sale in three (3) public places in the county where the sale is to take place, for a period of not less than ten (10) days prior to the day of sale. 2. In case of real property, by posting a similar notice, particularly describing the property for a period of not less than four (4) weeks prior to the day of sale, in three (3) public places in the county, one of which shall be at the court house door, where the property is to be sold, and one posted on the property to be sold, and publishing a copy thereof once a week, consecutively for the same period, in a newspaper of general circulation published in the county. 3. All notices of sales of property on execution or order of sale, required by law to be published in any newspaper shall be so published in a newspaper of the county which shall be selected by the sheriff, and if there is no newspaper published in the county, then such notice shall be published in the newspaper published in this state nearest to the place of sale: *Provided*, That if the person at whose instance the execution or order of sale is issued, or his attorney, shall present to the sheriff a receipt of the publisher of any newspaper showing full payment for the publication, then the notice shall be published in that

newspaper: *And provided further*, That the charge for any such publication shall not exceed seventy-five cents per square for first insertion, and thirty-seven and one half cents per square for each subsequent insertion.

SEC. 4. All sales of property under execution, orders of sale or decree, shall be made by auction between nine o'clock in the morning and four o'clock in the afternoon. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the office [officer] holding the execution, nor his deputy, shall become a purchaser, or be interested in any purchase at such sale. When the sale is of personal property capable of manual delivery, and not in the possession of a third person, association or corporation, it shall be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price; and when the sale is of real property, consisting of several known lots or parcels, they shall be sold separately or otherwise as is likely to bring the highest price, or when a portion of such real property is claimed by a third person, and he requires it to be sold separately, such portion shall be sold separately. Sales of real property shall be made at the court house door on Saturday.

SEC. 5. Upon a sale of real property under execution, decree or order of sale, when the estate is less than a leasehold of two years unexpired term, the sale shall be absolute. In all other cases such property shall be subject to redemption, as hereinafter provided. At the time of the sale the sheriff shall give to the purchaser a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot, or parcel, the whole price paid, and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of his proceedings upon the writ.

SEC. 6. Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause, on which the

execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation," and the following proceedings shall be had :

Confirmation of sale.

1. The plaintiff at any time after ten days from the filing of such return shall be entitled, on motion therefor, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representative, shall file with the clerk within ten days after the filing of such return, his objections thereto. 2. If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be as upon an execution received of that date.

Objection to confirmation.

Proceeds of sale to be paid to clerk.

3. Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale. 4. Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever. 5. If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made upon the motion to confirm the sale: *Provided*, Such party file with the clerk a waiver of all objections made or to

Re-sale.

Disposition of surplus.

be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to said party of course; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

SEC. 7. Property sold subject to redemption, as above Redemption. provided, or any part thereof separately sold, may be redeemed by the following persons, or their successors in interest:

1. The judgment debtor or his successor in interest, in the whole or any part of the property separately sold.

2. A creditor having a lien by judgment, decree or mortgage, on any portion of the property, or any portion of any part thereof, separately sold, subsequent in time to that on which the property was sold. The persons mentioned in sub-division two of this section are termed redemptioners.

SEC. 8. The judgment debtor or his successor in interest, or any redemptioner, may redeem the property at any time within one year after the sale, on paying the amount of the bid, with interest thereon at the rate of eight per cent. per annum to the time of redemption, together with the amount of any assessment or taxes which the purchaser or his successor in interest may have paid thereon after purchase, and like interest on such amount; and if the purchaser be also a creditor having a lien, by judgment, decree or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest. Who may redeem.

SEC. 9. If property be so redeemed by a redemptioner, another redemptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner by paying the sum paid on such last redemption with interest at the rate of eight per cent. per annum, and the amount of any taxes or assessment which the last redemptioner may have paid thereon after the redemption by him, with like interest on such amount, and in addition thereto by paying the amount of any liens, by judgment, decree or mortgage, held by said Re-redemption.

last redemptioner prior to his own, with interest; but the judgment under which the property was sold need not be so paid as a lien. The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption, on paying the sum paid on the last previous redemption with interest thereon at the rate of eight per cent. per annum, and the amount of any assessments or taxes which the last previous redemptioner paid after the redemption by him, with like interest thereon, and the amount of any liens by judgment, decree or mortgage, other than the judgment under which the property was sold, held by the last redemptioner, previous to his own, with interest. If the purchaser or redemptioner shall pay any taxes or assessments, or have or acquire any such lien as herein mentioned, he must file a statement thereof with the auditor of the county where said property is situate before the property shall have been redeemed from him, otherwise the property may be redeemed without paying such tax, assessment or lien. Such statement shall be recorded by such auditor.

Sheriff's deed.

SEC. 10. If no redemption be made within one year after the sale the purchaser or his assignee is entitled to a conveyance; or, if so redeemed, whenever sixty (60) days have elapsed, and no other redemption has been made, or notice given operating to extend period of redemption, and the time for redemption has expired, the last redemptioner or his assignee is entitled to a sheriff's deed; but in all cases the judgment debtor shall have the entire period of one year from the date of the sale to redeem the property. If the judgment debtor redeem he must make the same payments as are required to effect a redemption by the redemptioner. If the judgment debtor redeem, the effect of the sale is terminated and he is restored to his estate. A certificate of redemption must be filed and recorded in the office of the auditor of the county in which the property is situated, and the auditor must note the

Certificate of redemption.

record thereof in the margin of the record of the certificate of sale.

SEC. 11. When two or more persons apply to the sheriff to redeem at the same time he shall allow the person having the prior lien to redeem first, and so on. The sheriff shall immediately pay the money over to the person from whom the property is redeemed, if he attend at the redemption; or if not, at any time thereafter when demanded. When a sheriff shall wrongfully refuse to allow any person to redeem, his right to redeem shall not be prejudiced thereby, and the sheriff may be required, by order of the court, to allow such redemption.

In case two or more redemptioners.

SEC. 12. The mode of redeeming shall be as provided in this section. The person seeking to redeem shall give the sheriff at least five days written notice of his intention to apply to the sheriff for that purpose. It shall be the duty of the sheriff to notify the purchaser or redemptioner, as the case may be, or his attorney, of the receipt of such notice, if such person be within such county. At the time and place specified in such notice the person seeking to redeem may do so by paying to the sheriff the sum required. The sheriff shall give the person redeeming a certificate stating therein the sum paid on redemption, from whom redeemed, the date thereof and a description of the property redeemed. A person seeking to redeem shall submit to the sheriff the evidence of his right thereto, as follows:

Mode of redemption.

1. If he be a lien creditor, a copy of the docket of the judgment or decree under which he claims the right to redeem, certified by the clerk of the court where such judgment or decree is docketed; or if he seeks to redeem upon mortgage, the certificate of the record thereof; also an affidavit, verified by himself or agent, showing the amount then actually due thereon.

2. A copy of any assignment necessary to establish his claim, verified by the affidavit of himself or agent, showing the amount then actually due on the judgment, decree or mortgage.

3. If the redemptioner or purchaser has a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the sheriff the evidence thereof, and the amount due thereon, or the same may be disregarded.

Possession
during period
of redemption.

SEC. 13. The purchaser, from the time of the sale until the redemption, and the redemptioner from the time of his redemption until another redemption, except as hereinafter provided, is entitled to receive from the tenant in possession the rents of the property sold, or the value of the use and occupation thereof. But when any rents or profits have been received by such person or persons thus entitled thereto, from the property thus sold, preceding the redemption thereof from him, the amount of such rents and profits, over and above the expenses paid for operating, caring for, protecting and insuring the property, shall be a credit upon the redemption money to be paid; and if the redemptioner or other person entitled to make such redemption, before the expiration of the time allowed for such redemption, files with the sheriff a demand in writing for a written and verified statement of the amounts of such rents and profits thus received, and expenses paid and incurred, the period for redemption is extended five (5) days after such sworn statement is given by such person thus receiving such rents and profits, or by his agent, to the person making such demand, or to the sheriff. It shall be the duty of the sheriff to serve a copy of such demand upon the person receiving such rents and profits, his agent or his attorney, if such service can be made in the county where the property is situate. If such person shall, for a period of ten days after such demand has been given to the sheriff, fail or refuse to give such statement, such redemptioner or other person entitled to redeem from such sale, making such demand, may bring an action within sixty days after making such demand, but not later, in any court of competent jurisdiction, to compel an accounting and disclosure of such rents, profits and expenses, and until fifteen days from

Rents and
profits in case
of redemption.

and after the final determination of such action the right of redemption is extended to such redemptioner or other person making such demand who shall be entitled to redeem. If a sworn statement is given by the purchaser or other person receiving such rents and profits, and such redemptioner or other person entitled to redeem, who makes such demand, desires to contest the correctness of the same, he must first redeem in accordance with such sworn statement, and if he desires to bring an action for an accounting thereafter he may do so within thirty days after such redemption, but not later: *Provided*, That if such property be farming or agricultural property and be in possession of any purchaser or any redemptioner and is redeemed after the first day of April and before the first day of December, and the purchaser or his tenant has performed any work in preparing such property for crops, or planted crops, he shall be entitled to reimbursement for such work and labor or the right to retain possession of such property until the first day of December following, and the redemptioner shall be entitled to collect the reasonable rental value thereof during such farming year, unless such reasonable rental shall have been collected by such purchaser and accounted for to the redemptioner.

SEC. 14. Until the expiration of the time allowed for redemption the court may restrain the commission of waste on the property. But it is not waste for the person in possession of the property at the time of the sale or entitled to possession afterwards during the period allowed for redemption to continue to use it in the same manner in which it was previously used, or to use it in the ordinary course of husbandry, or to make the necessary repairs of buildings thereon, or to use wood or timber on the property therefor, or for the repairs of fences, or for fuel in his family while he occupies the property.

SEC. 15. The purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of his redemption until another redemption, shall

Court may restrain waste during redemption period.

Possession during redemption period.

be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: *Provided*, That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor have such right: *Provided further*, That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used at the time of sale for farming purposes the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall if the judgment debtor do not redeem have a lien upon the crops raised or harvested thereon during the period of such possession for interest on the purchase price at the rate of six per cent. per annum during the period of possession and for any taxes with interest: *And, provided further*, That in case of any homestead occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues or value of occupation.

In case of
farming lands.

In case of
homesteads.

Sheriff's deed. SEC. 16. In all cases where real estate has been, or may hereafter be sold in pursuance of law by virtue of an execution or other process, issued upon an ordinary money judgment, or by virtue of execution, or other process issued upon a decree for the foreclosure of a mortgage or other lien it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same a deed of conveyance of the real estate so sold immediately after the time for redemption from such sale has expired: *Provided*, Such sale has been duly confirmed by order of the court. In case the term of office of the sheriff or other officer making such sale shall have ex-

pired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this act, execute and deliver to the purchaser or other person entitled to the same a deed of the premises so sold, and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale.

SEC. 17. The party to whom such sheriff's deed is given shall, upon receipt thereof, take the same to the clerk of the superior court, who shall enter in his book of levies, where the levy is recorded, the sale of real estate therein conveyed, and shall endorse the fact upon the deed, with the date when presented to him and when made. And no county auditor shall record any such deed without such endorsement.

Deed to be
entered and
indorsed.

SEC. 18. An act relating to sale of property under execution, passed by the legislature March 2, 1897, and approved by the governor March 10, 1897, entitled: "An act relating to the sale of property under execution and decrees, and the confirmation of sheriff's sales and repealing section[s] 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521 of Vol. 2 of Hill's Annotated Statutes and Codes of the State of Washington, relating to the redemption of real estate sold on decree of foreclosure and on execution" is hereby repealed: *Provided*, such repeal shall not affect any rights existing under said act or said sections nor any proceeding pending thereunder.

SEC. 19. An emergency exists and this act shall take effect immediately.

Passed the House February 15, 1899.

Passed the Senate February 28, 1899.

Approved March 8, 1899.

CHAPTER LIV.

[S. B. No. 253.]

ADDITIONAL LEGISLATIVE APPROPRIATION.

AN ACT appropriating the sum of two thousand dollars or so much thereof as shall be necessary for legislative expenses.

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

SECTION 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of two thousand dollars or so much thereof as shall be necessary for expenses of the sixth legislature.

Passed the Senate March 8, 1899.

Passed the House March 9, 1899.

Approved March 9, 1899.

CHAPTER LV.

[S. B. No. 142.]

FOR RELIEF OF SUNDRY PERSONS.

AN ACT for the relief of Horatio Alling, chief clerk in the office of secretary of state, Herbert Bashford, state librarian, and B. M. Price, assistant state librarian, and making an appropriation therefor.

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

SECTION 1. That there be appropriated out of any funds in the state treasury not otherwise appropriated the sum of six hundred dollars, (\$600.00) for the balance of the salary of the chief clerk in the office of the secretary of state for the fiscal term ending March 31, 1899.

SEC. 2. That the state auditor be instructed to draw a warrant in favor of Horatio Alling for five hundred

fifty dollars (\$550.00) to cover the amount due him on account of back and unpaid salary up to January 31, 1899.

SEC. 3. That warrants for the remainder of six hundred dollars (\$600.00) be drawn in favor of the said Horatio Alling upon proper vouchers being filed therefor.

SEC. 4. That there be appropriated out of any funds in the state treasury not otherwise appropriated the sum of one hundred and sixty six and $\frac{16}{100}$ dollars (\$166.68) for the balance of the salary to end of fiscal year which is not covered by judgment in favor of Herbert Bashford, and the auditor shall draw his warrants therefor upon the presentation of proper vouchers.

SEC. 5. That there be appropriated out of any funds in the state treasury not otherwise appropriated, the sum of one hundred thirty three and $\frac{32}{100}$ dollars (\$133.32) for the balance of the salary to end of fiscal year which is not covered by judgment in favor of B. M. Price, and the auditor shall draw his warrants therefor, upon presentation of proper vouchers.

Passed the Senate February 24, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LVI.

[S. B. No. 96.]

DEFICIENCY APPROPRIATIONS.

AN ACT making appropriations for certain deficiencies of previous fiscal terms, and for other purposes.

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

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of

the general fund in the state treasury, for the purposes hereinafter designated in payment of deficiencies of the present and past fiscal periods not hitherto provided for, and the state auditor is directed to draw his warrants in payment of the same, on presentation to him of properly certified vouchers, to-wit:

JUDGMENTS AGAINST THE STATE.

	Debt.	Interest.	Total.
Alfred W. Phillips	\$23 15	\$9 45	\$32 60
Frank and William McCown.....	23 95	9 65	33 60
James Demaris.....	22 95	9 15	32 10
Jonathan Pettijohn.....	23 55	9 65	33 20
Thomas B. Romine.....	23 55	9 65	33 20
Frank M. Shelton.....	23 55	9 65	33 20
John Sanders.....	23 45	9 55	33 00
Elizabeth Romine.....	24 00	9 90	33 90
E. G. Kreider.....	2,420 20	115 00	2,535 20
Herbert Bashford.....	850 33	15 00	865 33
Benj. M. Price	683 66	12 00	695 66

TRAVELING EXPENSES OF SUPERIOR JUDGES.

Sundry claims for fiscal period ending March 31, 1899, and previous fiscal periods.....	\$600 00
For Judges <i>pro tem.</i> for fiscal periods prior to March 31, 1899.....	850 00

COUNTY COST BILLS FOR CONVICTIONS FOR FELONIES.

	Debt.	Interest.	Total.
Whatcom county.....	\$1,937 80	\$276 64	\$2,214 44
Snohomish county.....	222 60	35 60	258 20
Whitman county.....	4,345 35	695 20	5,040 55
Kittitas county.....	71 65	11 46	83 11
Kitsap county.....	73 60	11 76	85 36
Cowlitz county.....	100 65	16 10	116 75
Spokane county.....	1,971 00	38 08	2,009 08

MISCELLANEOUS CLAIMS.

Washington State Board of Pilot Com.....			\$660 00
N. B. Whitfield, surveying tide lands	\$100 00	\$22 67	122 67
James Lane, coal mine examiner.....	49 75	11 94	61 69
D. T. Davis, coal mine examiner.....	25 25	6 06	31 31
J. L. Madden, coal mine examiner.....	42 70	10 24	52 94
Wm. R. Reese, coal mine examiner.....	38 20	9 16	47 36
Morgan Morgans, coal mine examiner.....	44 75	10 74	55 49
Bancroft, Whitney & Co., 300 copies Vol. 15, Washington Supreme Court Reports.....			750 00
J. W. Green, inspecting fruit orchards.....			25 00

FROM THE PERMANENT SCHOOL FUND.

Chehalis Boom Company, for moneys erroneously paid the state under condemnation decree, as appears in State School Land Condemnation Record, Vol. 1, page 56, treasurer's receipt No. 570.....	\$775 00
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And that condemnation decree aforesaid be cancelled and said property conveyed by quit claim deeds from said Chehalis Boom Company to the state.

SEC. 2. There is hereby appropriated out of the

grain inspection fund, in payment of judgment of Lilly Bogardus & Co., the sum of seventy-six (\$76) dollars.

Passed the Senate February 23, 1899.

Passed the House March 7, 1899.

Approved March 13, 1899.

CHAPTER LVII.

[S. B. No. 182.]

SNOQUALMIE PASS WAGON ROAD.

AN ACT providing for the repair of the Snoqualmie Pass wagon road, and appropriating funds therefor.

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

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, for the repair of the wagon road across the Snoqualmie pass in King and Kittitas counties.

SEC. 2. No part of said appropriation may be expended or drawn upon until the county of King shall have expended in the repair of that part of the road over the pass which lies in King county the sum of seven hundred dollars, nor until the county of Kittitas shall have expended in the repair of that part of the road over the pass which lies in Kittitas county the sum of three hundred dollars; nor until the fact of such expenditure shall have been certified by the board of county commissioners of each county respectively to the state auditor.

Appropriation
conditional.

SEC. 3. One half of the sum hereby appropriated shall be expended in the repair of that part of the road over the pass which lies in King county, and one half thereof in the repair of that part of the road over the pass which lies in Kittitas county.

Where
expended.

Boards of
county com-
missioners to
supervise.

SEC. 4. The portion of the fund hereby appropriated which is to be expended in King county shall be expended under the direction and control of the board of county commissioners of King county; and the portion of the fund hereby appropriated which is to be expended in Kittitas county shall be expended under the direction and control of the board of county commissioners of Kittitas county.

Auditing
accounts.

SEC. 5. Each board of county commissioners shall present vouchers to the state auditor for all expenditures made by it out of the fund hereby appropriated and the state auditor is authorized to audit the same and if found correct to draw his warrant on the state treasurer for the amount or amounts so allowed and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury hereby appropriated.

Passed the Senate March 3, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LVIII.

[S. B. No. 106.]

FOREIGN CORPORATIONS MUST FILE ARTICLES WITH SECRETARY OF STATE.

AN ACT relating to foreign corporations and imposing a penalty,
and repealing conflicting laws.

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

SECTION 1. Any foreign corporation doing business in this state which shall fail to comply with the provisions of sections 1525 and 1526 of 1 Hill's Annotated Statutes and Codes of Washington, shall be subject to a penalty of two hundred and fifty dollars to be recovered in a civil action to be instituted by the attorney

general in the name of the State of Washington, upon his being furnished with a sworn statement of facts sufficient to justify such action.

SEC. 2. All penalties so recovered shall be paid into the general fund of the state treasury.

Passed the Senate February 27, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LIX.

[S. B. No. 245.]

MAY RETRACT LIBELOUS PUBLICATIONS.

AN ACT relating to the law of libel and providing for opportunity of retraction of libels.

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

SECTION 1. Before any action shall be brought for the publication of a libel in any newspaper in this state, the aggrieved party shall at least three days before the filing or serving of the complaint or summons in such suit or action, serve notice on the publisher or publishers of said newspaper at their principal office of publication, specifying the statements in said article which such party alleges to be false and defamatory. If it shall appear on the trial of said action that the article was published in good faith, that its falsity was due to mistake or misapprehension of the facts and that a full and fair retraction of any statement therein alleged to be erroneous, false or defamatory was published in each copy of the next three regular issues of such newspaper, or in case of daily papers within three days after such mistake or misapprehension was so brought to the knowledge of such publisher or publishers in as conspicuous a place and type in such newspaper as was the article complained of as libelous, then the plaintiff

in any such civil action shall recover only actual damages; *Provided, however,* That the provisions of this act shall not apply to the case of any libel against any candidate for a public office in this state unless the retraction of the charge is made editorially in a conspicuous manner at least three days before the election.

SEC. 2. The words "actual damages" in the foregoing section shall be construed to include all damages that the plaintiff may show he has suffered in respect to his property, business, trade, profession or occupation and no other damages whatever.

SEC. 3. No civil action for libel can be maintained against a reporter, editor, publisher, or proprietor of a newspaper for publication therein of a fair and true report of anything occurring at a public place or of any judicial, legislative or other public or official proceeding or of any statement, speech, argument or debate in the course of the same, or of the contents of any pleading in any court without proving actual malice.

Passed the Senate March 8, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LX.

[S. B. No. 141.]

ADVANCING CITIES TO SECOND AND THIRD CLASS.

AN ACT to amend section 16 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27th, 1890, the same being section 508 of Vol. 1 of Hill's Code.

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

SECTION 1. That section sixteen (16) of an act of the legislature of the State of Washington, entitled "An act

providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27th, 1890, the same being section 508 of Vol. 1 of Hill's Code, be and the same is hereby amended to read as follows:

SEC. 16. When a petition signed by one hundred freeholders of a town, or two hundred freeholders of a city of the third class, is presented to the council of the corporation in which the signers reside, setting forth that they desire such town to be advanced to a city of the third class, or such city of the third class to a city of the second class, and that they have the population requisite for such advancement, the council shall cause notice to be given by the mayor as in other cases, that at the next annual election for officers of such city or town, or at a special election to be called for that purpose, the electors may vote for or against the advancement, their ballots to contain the words "For advancement" or the words "Against advancement."

Passed the Senate March 4, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXI.

[S. B. No. 124.]

TO VALIDATE MUNICIPAL CORPORATIONS.

AN ACT to establish the validity of the organization of municipal corporations incorporated under existing laws of the state, and declaring an emergency.

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

SECTION 1. Any municipal corporation which has been incorporated under the existing laws of this state shall be a valid municipal corporation notwithstanding a failure to publish the notice of the election held

or to be held for the purpose of determining whether such city should or shall become incorporated, for the length of time required by law governing such incorporation; *Provided*, a notice fulfilling in other respects the requirements of law shall have been published for one week prior to such election in a newspaper printed and published within the boundaries of the corporation.

SEC. 2. An emergency exists and therefore this act shall take effect immediately.

Passed the Senate February 21, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXII.

[S. B. No. 138.]

RELIEF OF O. M. HIDDEN.

AN ACT for the relief of O. M. Hidden.

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

SECTION 1. The sum of one hundred and three dollars and fifty cents (\$103.50) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay O. M. Hidden for services rendered in drawing plans and specifications for water works and fences, and for superintendence and construction of the same, at the Washington school for defective youth, and the state auditor is hereby authorized to draw his warrant for the said amount.

Passed the Senate February 17, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXIII.

[S. B. No. 230.]

RELINQUISHMENT OF REJECTED LAND GRANTS.

AN ACT empowering the board of state land commissioners to relinquish to the United States selected lands to which the title of the state has failed, or shall fail, and declaring an emergency.

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

SECTION 1. The board of state land commissioners shall have authority and power to relinquish to the United States all lands heretofore selected by the Territory of Washington or any officer, board or agent thereof, or by the State of Washington or any officer, board or agent thereof, or which may be hereafter selected by the State of Washington, or any officer, board or agent thereof, in pursuance of any grant of public lands made by the United States or the congress thereof to the territory or state for any purpose or upon any trust whatever, the selection of which has failed or been rejected or shall fail or shall be rejected for any reason.

SEC. 2. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 27, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXIV.

[S. B. No. 72.]

APPROPRIATION FROM STATE GRAIN INSPECTION FUND.

AN ACT making an appropriation for the maintenance of grain inspection and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the state grain inspection fund the sum of five thousand

six hundred and forty-eight dollars and fifty cents (\$5648.50) or so much thereof as may be needed, and the state auditor is directed to draw his warrants against said fund in payment of outstanding certificates of indebtedness issued and all other expenses of the current fiscal period.

SEC. 2. The legislature of 1897 having failed to make an appropriation, as required by law, to meet the expenses of this department for the current fiscal period, an emergency is declared to exist, and this act shall be in force from and after its passage and approval.

Passed the Senate February 11, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXV.

[S. B. No. 207.]

TO NULLIFY INDIVIDUAL BENEFITS FROM RAILWAY PASSES.

AN ACT providing for the auditing and allowance of expense accounts for all state and county officers, and providing for penalties for the violation thereof.

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

Expenses
must be certified to by verified vouchers.

SECTION 1. That hereafter no state or county officer shall be allowed by the state auditor, or board of county commissioners, or any other officer or board charged with the auditing of accounts, any sum or sums of money whatsoever for railroad or steamboat transportation, horse hire or other conveyance, hire of any kind whatsoever, or for hotel or restaurant subsistence, or any other expense, unless the same shall be presented in an account duly sworn to before some officer authorized to administer oaths, and, also attested by a voucher

or vouchers duly and regularly signed by the person or agent furnishing said railroad, steamboat, horse or other conveyance hire, hotel or restaurant subsistence for all items of expenditure exceeding fifty cents which said voucher or vouchers must, before the signing thereof by said proprietor or authorized agent, be first written out in full, plainly giving the date of the same, the amount paid, and for what purpose so paid, and in case the same is paid for railroad or steamboat hire at an office which has a regular dater-stamp used in the stamping of railroad or steamboat tickets, then in addition to the signature of the agent thereof, said dater-stamp shall be impressed thereon. Such accounts together with all vouchers, shall, upon approval and allowance of the officer or board charged with that duty, be plainly marked or stamped with the date of allowance, and duly filed in a safe place in such office, and safely kept for the period of at least three years: *Provided*, The same shall be at all times open to public inspection. Any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Vouchers, how prepared.

Penalty.

SEC. 2. That each state or county officer making a claim before any state auditor, board of county commissioners, or any other officer or board authorized to audit claims, shall in addition to the presentation of the said vouchers, have the same accompanied with the following oath or affirmation:

Form of verification.

STATE OF WASHINGTON, COUNTY OF, SS.

I,, holding the office of, having herewith presented my account for expenses for the period ending, accompanied by vouchers numbered ... to ... inclusive, amounting to the sum of dollars, I do hereby, having been first duly sworn, depose and say: That the foregoing account is just and true as therein stated, that no payment has been received by me on account thereof; that no rebate of any character, kind or description has been made to me by any person or persons furnishing any of said railroad or steamboat transportation, horse hire or subsistence; that the expenses charged were actually and necessarily incurred and paid by me in lawful money; and that each voucher herewith accompanying said account was actually written out and duly signed by the person whose signature thereon appears at the

time of the payment of said money and before the delivery of the same to me, and the amount thereon was mutually understood.

Subscribed and sworn to before me this day of,
A. D.

..... Notary Public.

Passed the Senate March 4, 1899.

Passed the House March 8, 1899.

Approved March 13, 1899.

CHAPTER LXVI.

[S. B. No. 71.]

FOR PAYMENT OF CERTIFICATES OF INDEBTEDNESS.

AN ACT providing for the payment of various claims against the State of Washington as evidenced by certificates of indebtedness; making appropriations therefor.

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

SECTION 1. There is hereby appropriated out of the various funds of the state treasury hereinafter specified, sums for the payment of certificates of indebtedness as as follows, viz.:

Out of the general fund, the sum of twenty-two thousand eight hundred sixty and $\frac{2}{100}$ (\$22,860.82) dollars.

Out of the state normal school building fund, the sum of forty-three hundred fifty-five and $\frac{7}{100}$ (\$4,355.79) dollars.

Out of the military fund the sum of six hundred twenty-nine and $\frac{17}{100}$ (\$629.17) dollars, as per the following items:

ITEMIZED STATEMENT OF SENATE BILL NO. 71.

Cert. No.	GENERAL FUND.	Debt.	Interest.
646.....	E. Dempse, Regt. Trav. Ex. Cheney normal	\$11 20	\$1 23
647.....	U. S. School Furn. Co., ink	2 50	27
648.....	Jones & Dillingham, window glass	9 60	1 05
649.....	Wamsley, Fuller & Co., apparatus	12 45	1 37
650.....	E. H. Butler & Co., books	14 56	1 60
651.....	E. D. Olmstead, Regt. Trav. Ex.	11 20	1 23
671.....	City of Cheney Ex. drain ditch	15 00	1 56
682.....	J. R. Mulhern, Trans. insane	9 65	1 02
689.....	David Stewart, services judge <i>pro tem.</i>	10 00	1 04
711.....	E. W. Way, clerk Bd. Equalization, 1897	144 00	13 14
712.....	Hattie E. Letson, Stenog. Bd. Equalization, 1897...	45 00	4 10

ITEMIZED STATEMENT—*Concluded.*

Cert. No.	GENERAL FUND.	Debt.	Interest.		
713.....	Will D. Jenkins, postage Bd. Equalization, 1897...	\$3 00	\$0 27		
760.....	Graham Paper Co., judgment for paper.....	1,863 86	146 31		
773.....	Elizabeth Romine, judgment.....	62 40	4 68		
788.....	Spokane & Eastern Trust Co., judgment.....	37 15	2 08		
791.....	Northwestern and Pacific Hypotheek bank, judg.....	55 60	2 40		
804.....	Dudley Eshelman, clerk Bd. Equalization, 1898....	56 00	1 34		
809.....	Seattle & Montana Ry. Co., judgment.....	20,417 00	79 21		
		\$22,780 17	\$263 90		
			22,780 17		
	Total general fund.....		\$23,044 07		
	NORMAL SCHOOL FUND.				
685.....	Clark, Sharp & Truitt, judgment for brick, Cheney normal.....	\$1,438 07	\$136 61		
810.....	}	Frank G. Ketson, two judgments, construction			
-12.....				Cheney normal.....	2,781 11
		\$4,219 18	\$136 61		
			4,219 18		
	Total normal school fund.....		\$4,355 79		
	MILITARY FUND.				
645.....	E. L. Koehler, judgment rent armory.....	\$565 80	\$63 37		
394.....	}	G. A. Mottman, rent armory, Olympia.....			
458.....				30 00	10 59
567.....					
		\$595 80	\$73 96		
			595 80		
	Total military fund.....		\$669 76		

Passed the Senate March 4, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXVII.

[S. B. No. 100.]

ADOPTION OF BALLINGER'S CODE.

AN ACT to adopt Ballinger's Annotated Statutes and Codes of Washington as an official compilation.

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

SECTION 1. That the compilation arranged by R. A. Ballinger and known as Ballinger's Annotated Codes and Statutes of Washington, two volumes, is hereby adopted as an official compilation of existing statutes

of the state, up to and including the year 1897, but of no greater authority than all other existing official compilations or Session Laws of the state.

SEC. 2. It shall be proper for the legislature in amending or repealing existing statutes, and for the courts in referring to existing statutes, to refer to or cite Ballinger's Annotated Codes and Statutes of Washington, containing such law.

SEC. 3. Before the foregoing sections of this act are operative, Bancroft-Whitney Company, a corporation publisher of the compilation known as Ballinger's Annotated Codes and Statutes of Washington, two volumes, must enter into a contract with the secretary of state, agreeing to sell to the State of Washington, for the use of its state and county officers, copies of said compilation in lots of not less than twenty-five sets at a time, at the rate of ten dollars per set. Said codes so purchased as provided in this section by the secretary of state are only for said state and county officers, and for their exclusive use. The secretary of state shall under no consideration supply private individuals with said code.

Passed the Senate February 3, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXVIII.

[S. B. No. 104.]

RELATING TO SIDEWALKS IN CITIES OF THE FIRST CLASS.

AN ACT to amend section (1) of an act entitled: "An act relating to maintenance, repairs and renewal of sidewalks in cities of the first second or third class and providing for payment therefor by the owners of abutting property and declaring an emergency," approved March 21, 1895.

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

SECTION 1. That section 1 of an act entitled "An act relating to maintenance, repairs and renewals of side-

walks in cities of the first, second or third class, and providing for payment therefor by the owners of abutting property and declaring an emergency" approved March 21st, 1895, be amended to read as follows: "Sec. 1. That whenever any street, lane, square, place or alley in any city of the first, second, third or fourth class now or hereafter legally organized in this state, shall have been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repairs and renewal of such sidewalk or sidewalks, shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed as hereinafter provided. Whenever, in the judgment of that officer or department of any such city who or which is or shall be charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys in such city, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the said officer or department shall thereupon notify the owner of the property immediately abutting upon said portion of said sidewalk of the condition thereof, instructing the said owner to clean, repair or renew the said portion of said street or sidewalk. Said notice shall specify a reasonable time within which such cleaning, repairs or renewals shall be executed by the said owner, and in case the said owner shall fail to comply with the instructions of said notice within the time therein specified, then the said officer or department shall proceed to clean said walk or to make such repairs or renewal forthwith, and shall charge the full cost thereof to the said owner of abutting property, which said charge shall become a lien upon said property and shall be collected by due process of law. For the purposes of this act all property having a frontage upon that side or margin of any street shall be deemed to be abutting property, and such property shall be chargeable, as provided by this act, for all costs of maintenance, repairs or renewal of any form of sidewalk

Owner to be notified.

Repairs, how made.

Payment.

improvement between the said street margin and the roadway lying in front of and adjacent to said property, and the term sidewalk is [as] intended for the purposes of this act, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and the roadway."

Passed the Senate February 6, 1899.

Passed the House March 1, 1899.

Approved March 13, 1899.

CHAPTER LXIX.

[S. B. No. 206.]

DEFINING POWERS OF UNCLASSIFIED CITIES.

AN ACT to enlarge and define the powers of unclassified cities within the State of Washington, incorporated by special charter prior to the adoption of the state constitution.

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

SECTION 1. The council, or other legislative body, of all cities within the State of Washington which were created by special charter prior to the adoption of the state constitution, and which have not since re-incorporated under any general statute, shall have, in addition to the powers specially granted by the charter of such cities, the following powers :

1. To construct, establish and maintain drains and sewers.

2. To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city.

3. To levy and collect annually a property tax on all property within such city.

4. To license all shows, exhibitions and lawful games carried on therein ; and to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Additional
powers
granted.

5. To permit, under such restrictions as they may deem proper, the construction and maintenance of telephone, telegraph and electric light lines therein.

6. To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment or both (but no such fines shall exceed three hundred dollars or the term of imprisonment or both;) but no such fine shall exceed three hundred dollars nor the term of imprisonment exceed three months.

7. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

8. To make all such ordinances, by-laws and regulations, not inconsistent with the constitution and laws of the State of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the city, and to do and perform any and all other acts and things necessary and proper to carry out the purposes of the municipal corporation.

SEC. 2. The city council of all unclassified cities in this state are hereby authorized and empowered to construct a sewer or system of sewers and to keep the same in repair; the cost of such sewer or sewers shall be paid from a special fund to be known as the "sewer fund" [to] be provided by the city council which fund shall be created by a tax on all the property within the limits of such city: *Provided*, That such tax shall not exceed fifty cents on each one hundred dollars of the assessed value of all real and personal property within such city for any one year. Whenever it shall become necessary for the city to take or damage private property for the purpose of making or repairing sewers, and the city council cannot agree with the owner as to the price to be paid, the city council may direct proceedings to be taken by law for the condemnation of such property for such purpose.

Sewer
systems.

Tax assessments for sewers.

SEC. 3. The city council shall have power to provide by ordinance a complete system for the assessment, levy, and collection of all city taxes. All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the first day of November each year: which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for taxes shall be subject to redemption within the time and within the manner provided or that may hereafter be provided by law for the redemption of property sold for state and county taxes.

Passed the Senate March 2, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXX.

[S. B. No. 79.]

PROVIDING FOR PURE WATER SUPPLY.

AN ACT to preserve from pollution the water supplied to the inhabitants of cities and towns in the State of Washington; to declare what are nuisances in the vicinity of the source of such water supply; providing for the abatement thereof, and for the punishment of the violations of this act.

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

Municipal jurisdiction extended.

SECTION 1. That for the purpose of protecting the water furnished to the inhabitants of towns and cities within this state from pollution the said towns and cities are hereby given jurisdiction over all property occupied by the works, reservoirs, systems, springs, branches, and pipes, by means of which and of all

sources of supply from which such cities or the companies or individuals furnishing water to the inhabitants of such cities or towns obtain their supply of water, or store or conduct the same.

SEC. 2. That the establishment or maintenance of any slaughter pen, stock feeding yards, hog pens, or the deposit or maintenance of any uncleanly or unwholesome substance, or the conduct of any business or occupation, or the allowing of any condition upon or sufficiently near the sources from which the supply of water for the inhabitants of any such city or town is obtained, or where such water is stored, or the property or means through which the same may be conveyed or conducted so that such water would be polluted or the purity of such water or any part thereof destroyed or endangered, is hereby prohibited and declared to be unlawful, and is hereby declared to be and constitute a nuisance, and as such to be abated as other nuisances are abated under the provisions of the existing laws of the State of Washington, or under the laws which may be hereafter enacted in relation to the abatement thereof; and that any person or persons who shall do, establish, maintain, or create any of the things hereby prohibited for the purpose of or which shall have the effect of polluting any such sources of water supply, or water, or shall do any of the things hereby declared to be unlawful, shall be deemed guilty of creating and maintaining a nuisance, and may be prosecuted therefor, and upon conviction thereof may be fined in any sum not exceeding five hundred dollars.

Certain things prohibited in vicinity of water supply.

Method of procedure to remove.

Penalty.

SEC. 3. If upon the trial of any person or persons for the violation of any of the provisions of this act such person or persons shall be found guilty of creating or maintaining a nuisance as hereby defined or of violating any of the provisions of this act, it shall be the duty of such person or persons to forthwith abate such nuisance, and in the event of their failure so to do within one day after such conviction, unless further time be granted by the court, a warrant shall be issued by the court wherein such conviction was obtained,

Prosecution.

directed to the sheriff of the county in which such nuisance exists, and the sheriff shall forthwith proceed to abate the said nuisance and the cost thereof shall be taxed against the party so convicted as a part of the costs of such case.

Duty of certain city officers.

SEC. 4. It is hereby made the duty of the city health officer, city physician, board of public health, mayor of the city or such other officer as may have the sanitary condition of such city or town in charge, to see that the provisions of this act are enforced and upon complaint being made to any such officer to immediately investigate the said complaint and if the same shall appear to be well founded it shall be and is hereby declared to be the duty of such officer to proceed and file a complaint against the person or persons violating any of the provisions of this act and cause the arrest and prosecution of such person or persons.

Injunction proceedings.

SEC. 5. That any city supplied with water from any source of supply as hereinbefore mentioned, or any corporation owning water works for the purpose of supplying any city or the inhabitants thereof with water in the event that any of the provisions of this act are being violated by any person, may, by civil action in the superior court of the proper county, have the maintenance of the nuisance which pollutes or tends to pollute the said water, as provided for by section 2 of this act, enjoined, and such injunction may be perpetual.

Passed the Senate February 24, 1899.

Passed the House March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXI.

[S. B. No. 191.]

TO PREVENT SPREAD OF TUBERCULOSIS.

AN ACT to prevent the spread of tuberculosis, and to promote the general health, and for other purposes.

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

SECTION 1. All practicing physicians in cities of the first and second class in said state are hereby required to report to the local boards of health of such cities, in writing, the name, age, sex, occupation and residence of every person having tuberculosis who has been attended by, or who has come under the observation of such physician for the first time, within five days of such time. Physician to report.

SEC. 2. All local boards of health of cities of the first and second class in this state are hereby required to receive and keep a permanent record of the reports required by the first section of this act to be made to them; such records shall not be open to public inspection, but shall be submitted to the proper inspection of other local and state boards of health alone, and such records shall not be published nor made public. Board of health to keep record.

SEC. 3. It shall be the duty of such local boards of health unless requested by the attending physician not to do so, to furnish to each patient or to the head of the family where such patient resides, printed instructions for the prevention of the communication of such disease to other persons; to enforce compliance with section one (1) of this act; to see that the premises occupied by any such patient are kept in good sanitary condition, and within five days after the death or removal of any such patient, to see that such premises are thoroughly and properly disinfected. The expense of such disinfection shall be a charge against the owner of such premises; and, on the failure of such owner to properly disinfect such premises within five days after notice to do so given him by such board of Printed instructions to be furnished.

Disinfection.

Expense of same.

health, it shall be the duty of such board to have such disinfection done, at the expense of such city, and the costs thereof shall be a lien on said premises in favor of such city and may be enforced by the city by proper action.

Penalty.

SEC. 4. Any practicing physician who shall wilfully fail to comply with the provisions of section one of this act shall be guilty of a misdemeanor, and on conviction thereof may be fined for the first offense not exceeding five dollars, and for any subsequent offense not exceeding one hundred dollars.

SEC. 5. It is hereby made the duty of every person having tuberculosis and of every one attending such person, and of the authorities of public and private institutions, hospitals or dispensaries, to observe and enforce the sanitary rules and regulations prescribed from time to time by the boards of health, of such cities and of the state for the prevention of the spread of pulmonary tuberculosis.

Passed the Senate March 7, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXII.

[S. B. No. 236.]

FILING AND RECORDING MIXED MORTGAGES.

AN ACT relating to the filing and recording of mixed chattel and real estate mortgages in the State of Washington, and curative provisions relative thereto.

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

SECTION 1. Any mortgage upon property of a mixed character, consisting in part of real estate and in part of personal property, and particularly upon railroad property, in the State of Washington, shall be admitted

Mixed mortgages to be admitted to record.

to record and be recorded in the several counties wherein the property is located as a real estate mortgage when acknowledged in the manner provided by law, and the original of such mortgage or a copy thereof certified by the auditor of any county in the State of Washington wherein the original has been recorded may be filed in a file to be kept for that purpose in the office of the auditor of the county wherein such property is situated, and said record and filing shall constitute notice to all persons of the existence of the mortgage lien provided for by said mortgage.

SEC. 2. In case any mortgage covering mixed real estate and personal property has heretofore been or may hereafter be recorded in the record of mortgages of real estate, or in the record of chattel mortgages, and in case the affidavit required by law to be attached to chattel mortgages was not or shall not be recorded as a part of said chattel mortgage but has been or shall be afterwards recorded upon a separate page of said record and a reference made at the place of the original record of said real estate or chattel mortgage to the said affidavit stating the volume and page on which the same may be found, said record shall constitute notice from and after the date of the filing of said affidavit, the same as if the affidavit and mortgage had been recorded together at the same time and at the same place.

Form of
record.

Passed the Senate March 8, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXIII.

[S. B. No. 231.]

RELATING TO APPEALS FROM BOARD OF STATE
LAND COMMISSIONERS.

AN ACT limiting the time in which appeals from the board of state land commissioners to the superior court shall be prosecuted.

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

SECTION 1. In all cases involving the prior privilege of purchase of tide lands of the first class, wherein appeals have been or shall be taken from any decision of the board of state land commissioners to the superior court, and in which no trial has been or shall be had in said superior court for a period of time exceeding two years after the date of the taking of such appeal, the preference privilege of purchase given to the abutting upland owners and to improvers of such tide lands, shall be and the same is hereby declared to be withdrawn and cancelled: *Provided, however,* That before any such withdrawal or cancellation shall take place or effect as to any tide lands involved in any such appeal now pending a notice of ninety days shall be given to all parties to the appeal by the attorney general on behalf of the state of the intention of the state to enforce such withdrawal and cancellation.

SEC. 2. The attorney general of the state is authorized and directed to enter, on behalf of the state, motions of dismissal in all such appeals now pending or hereafter to be prosecuted: *Provided, however,* That as to appeals hereafter taken thirty days notice shall be given by the attorney general to the parties to such appeal of the intention of the state to enforce such withdrawal and cancellation.

SEC. 3. All lands so withdrawn shall be re-appraised and sold in the manner prescribed by law for the appraisal and sale of unapplied-for tide lands of the first class.

Passed the Senate March 7, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXIV.

[S. B. No. 5.]

FOR CONSTITUTIONAL AMENDMENT EXEMPTING CERTAIN PERSONAL PROPERTY FROM TAXATION.

AN ACT providing for the constitutional amendment conferring power upon the legislature to exempt certain property from taxation.

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

SECTION 1. It is proposed to amend section (2) two of article seven (7) of the Constitution of the State of Washington by adding thereto the following proviso :

“And provided further, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred (\$300.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual and bona fide owner.”

SEC. 2. The secretary of state shall cause the foregoing amendment to be published for three months next preceding said election to be held in November, 1900, in some weekly newspaper in every county within this state wherein a newspaper is published.

SEC. 3. That at the general election to be held in November, 1900, the amendment hereinbefore mentioned in section 1, shall be submitted to the qualified electors of the State of Washington for their approval, and there shall be printed on all the ballots provided for said election the words: “For the proposed amendment to section 2 of article 7 of the constitution in relation to taxation,” “Against the proposed amendments to section 2 of article 7 of the constitution, in relation to taxation.”

Passed the Senate February 27, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXV.

[S. B. No. 133.]

TO PREVENT REMOVAL OF MORTGAGED PROPERTY.

AN ACT to prevent the removal of fixtures or permanent improvements from real estate which is subject to mortgage or other liens, without the consent of the owner or holder of such liens, and providing a penalty for the violation thereof.

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

SECTION 1. That when any real estate in this state is subject to, or is security for, any mortgage, mortgages, lien or liens, other than general liens arising under personal judgments, it shall be unlawful for any person who is the owner, mortgagor, lessee, or occupant of such real estate to destroy or remove or to cause to be destroyed or removed from said real estate any fixtures, buildings, or permanent improvements, not including crops growing thereon, without having first obtained from the owners or holders of each and all of such mortgages or other liens his or their written consent for such removal or destruction.

SEC. 2. Any person willfully violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Passed the Senate February 28, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXVI.

[S. B. No. 93.]

LATAH CREEK.

AN ACT changing the name of Hangman creek in Spokane county to Latah creek.

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

SECTION 1. The stream commonly known by the name of Hangman creek, running northwesterly through Spokane county to its confluence with the Spokane river at the city of Spokane, is hereby named and shall hereafter be known by the name of Latah creek.

Passed the Senate February 17, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXVII.

(S. B. No. 178.)

REQUIRING HORSESHOERS TO PASS EXAMINATION.

AN ACT requiring horseshoers to pass an examination, and providing for a board of examiners.

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

SECTION 1. No person shall practice horseshoeing Registration. either as a master horseshoer or journeyman horseshoer for hire in any city of the first class of this state unless he is duly registered as hereinafter provided, in a book kept for that purpose in the office of the city clerk of the city in which he practices.

SEC. 2. The city clerk of every city of the first class in this state, shall keep a book in his office to be known as the "master's and journeymen's horseshoers' register," in which shall be recorded the names of all mas-

ter and journeymen horseshoers entitled to continue the practice of horseshoeing in such city.

Time for registration.

SEC. 3. Any person who at the time of the passage of this act is practicing as a master or journeyman horseshoer in this state may register within sixty (60) days after the passage of this act after making and filing with the clerk of the city of the first class in which

Affidavit.

he practices, an affidavit stating that he was practicing horseshoeing at the time of the passage of this act, and such registration shall exempt him from the provisions of this act requiring an examination. No person shall

Examination.

be entitled to register as a master or journeyman horseshoer without presenting a certificate of satisfactory examination from a board of examiners, as provided for in section 5 of this act, and whose qualifications for examination shall be that he has served an apprenticeship at horseshoeing for at least three years: *Provided*, That this section shall not be so construed as to prohibit any person who has made application for examination, to practice horseshoeing under the direct supervision of a person who has passed such examination, while the board of examiners is acting upon or deferring action upon such application.

Board of examiners.

SEC. 4. In every city affected by this act there shall be appointed a board of examiners consisting of one veterinary and two master horseshoers and two journeyman horseshoers which shall be called "horseshoers' board of examiners," who shall be residents of such city, and whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the mayor of such city, and the term of office shall be for five years, except that the members of said board first appointed shall hold office for the term of one, two, three, four, and five years, as designated by the mayor and until their successors shall be duly appointed. The board of examiners shall have a regular place of meeting and shall hold sessions for the purpose of examining applicants desiring to practice horseshoeing as a master or journeyman horseshoer in each city affected by this act, not later than three

How appointed.

Duties.

days after any applications have been presented to them, and shall grant a certificate to any person showing himself qualified to practice, and the board shall receive as compensation a fee not exceeding two dollars from each person examined. Three members of said board shall constitute a quorum.

SEC. 5. Every applicant who shall have complied ^{Fees.} with the provisions of sections 4 and 5 of this act, shall be admitted to registration and shall pay the city treasurer of the city in which he desires to register the sum of fifty cents, which shall be received as full compensation for such registration.

SEC. 6. Any person who shall present to the clerk ^{Penalty.} for the purpose of registration any certificate which has been fraudulently obtained, or shall in any wise knowingly violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor and shall, for each and every offense, be punished by a fine of not less than ten dollars or more than fifty dollars, or by imprisonment in the county jail for a term of not less than ten days or more than thirty days, or by both fine and imprisonment.

Passed the Senate March 2, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXVIII.

[S. B. No. 251.]

FIXING WARDEN'S SALARY.

AN ACT fixing the salary of the warden of the state penitentiary.

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

SECTION 1. The board having control and supervision of the state penitentiary is authorized hereafter to fix and determine the salary of the warden of the state

penitentiary, and such salary shall be fixed with a view of equalizing the same with the salaries paid in this state to the superintendents of other institutions having equally responsible duties to perform: *Provided*, That said salary shall not be more than eighteen hundred dollars per year.

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

Passed the Senate March 9, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXIX.

[S. B. No. 210.]

DEFINING BOUNDARIES OF CERTAIN TOWNS AND CITIES.

AN ACT providing for making definite and certain, the boundaries of incorporated towns or cities, of the fourth class the boundaries of which are indefinite or uncertain, and declaring an emergency.

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

Petition.

SECTION 1. That whenever a petition shall be presented to the council of any incorporated town or city of the fourth class in this state, signed by not less than five electors of such town or city, setting forth that in the belief of said petitioners, the boundaries of said town or city of the fourth class are indefinite or uncertain and that on account of such indefiniteness and uncertainty the legality of the taxes levied within such town or city are in danger of being affected, and setting forth the particular causes or reasons of such alleged indefiniteness or uncertainty, it shall be the duty of the town or city council of such town or city, to cause said petition to be filed and recorded by the clerk, and to cause a copy of the same to be made and

Duty mayor.

certified by the clerk and the corporate seal of such town or city to be attached to said certificate, and the mayor of such town or city shall forthwith present said certified copy of said petition to the board of county commissioners of the county wherein said town or city is situate, with a written request to be signed by him as such mayor that the said board of county commissioners proceed to examine the boundaries of such town or city, and make the same definite and certain.

SEC. 2. It shall be and is hereby made the duty of said board of county commissioners upon receipt of said certified copy of said petition, and the request aforesaid, to cause the same to be filed in the office of the auditor of said county, and to forthwith proceed to examine the boundaries of such town or city, and to make the same definite and certain. For this purpose they may employ a competent surveyor, and shall commence at some recognized and undisputed point on the boundary line of such town or city, if such there be and in case there be no such recognized and undisputed point, they shall establish a starting point from the best data at their command and from such starting point they shall run a boundary line by courses and distances around such town or city, in one tract or body.

SEC. 3. It shall be and is hereby made the duty of the said board of county commissioners, without unnecessary delay, to make and file a report of their doings in the premises in the office of the auditor of said county, who shall transmit a certified copy thereof under the seal of the county, to the clerk of said town or city, and the said clerk shall record the same in the records of said town or city, and keep the said copy on file in his office. Said report shall contain the description of the boundary of said town or city, as fixed by said board, written in plain words and figures and the boundaries so made and fixed shall be the boundaries of such town or city, and all the territory included within the boundary lines so established shall be in-

cluded in the said town or city, and be a part thereof.

Expenses.

SEC. 4. The expense of such proceedings shall be paid by the town or city at whose request the same shall be incurred. The said commissioners shall each receive as compensation, an amount not exceeding the amount allowed by law for their usual services as commissioners, and, any surveyor or other assistants employed by them, a reasonable compensation to be fixed and certified by said commissioners.

SEC. 5. An emergency exists and this act shall take effect immediately.

Passed the Senate March 8, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXX.

[S. B. No. 22.]

ESTABLISHING A LEGAL RATE OF INTEREST.

AN ACT to establish the legal rate of interest in the State of Washington, to prevent usury, and to provide for the establishment of the rate of interest on public warrants.

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

SECTION 1. Every loan or forbearance of money, goods, or thing in action shall bear interest at the rate of six per centum per annum where no different rate is agreed to in writing between the parties. The discounting of commercial paper, where the borrower makes himself liable as maker, guarantor or indorser, shall be considered as a loan for the purposes of this act.

SEC. 2. Any rate of interest not exceeding twelve (12) per centum per annum agreed to in writing by the parties to the contract, shall be legal, and no person shall directly or indirectly take or receive in money,

Interest not
to exceed 12
per cent.

goods or thing in action, or in any other way, any greater interest, sum or value for the loan or forbearance of any money, goods or thing in action than twelve (12) per centum per annum.

SEC. 3. All state warrants shall bear interest at a rate not greater than five (5) per centum per annum, unless a less rate be specified therein, and shall be paid by the treasurer in the order of their number date and issue and shall cease to draw interest at the expiration of 10 days from and after the date of the first publication of any call made by the treasurer for the payment of warrants.

State warrants
5 per cent.

SEC. 4. All county, city, town and school warrants, and all warrants or other evidences of indebtedness, drawn upon or payable from any public funds, shall bear interest at a rate not greater than eight per centum per annum, unless a less rate be specified therein.

Other war-
rants 8 per
cent.

SEC. 5. It shall be the duty of every public officer issuing public warrants to make monthly investigation to ascertain the market value of the current warrants issued by him, and he shall, so far as practicable, fix the rate of interest (not in any event, however, exceeding the maximum rate hereinbefore established therefor) on the warrants issued by him during the ensuing month so that the par value shall be the market value thereof.

Issuing officer
to regulate
rate.

SEC. 6. Judgments hereafter rendered founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in such contracts, not in any case, however, to exceed ten per cent. per annum: *Provided*, That said interest rate is set forth in the judgment; and all other judgments shall bear interest at the rate of six per centum per annum from date of entry thereof.

Rate on
judgments.

SEC. 7. If a greater rate of interest than is hereinbefore allowed shall be contracted for or received or reserved, the contract shall not, therefore, be void; but if in any action on such contract proof be made that

Where more
than legal rate
is charged.

greater rate of interest has been directly or indirectly contracted for or taken or reserved, the plaintiff shall only recover the principal, less the amount of interest accruing thereon at the rate contracted for, and the defendant shall recover costs; and if interest shall have been paid, judgment shall be for the principal less twice the amount of the interest paid, and less the amount of all accrued and unpaid interest; And the acts and dealings of an agent in loaning money shall bind the principal, and in all cases where there is illegal interest contracted for by the transaction of any agent the principal shall be held thereby to the same extent as though he had acted in person. And where the same person acts as agent of the borrower and lender, he shall be deemed the agent of the lender for the purposes of this act.

SEC. 8. Nothing herein contained shall be construed as affecting previous to entry of judgment thereon any contract or obligation made or entered into prior to the taking effect of this act.

SEC. 9. The act of the legislature entitled "An act to establish the legal rate of interest in the state of Washington, and to prevent usury," approved March 20th, 1895, is hereby repealed: *Provided, however,* That the repeal thereof shall not affect any existing contract.

Passed the Senate March 4, 1899.

Passed the House March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXXI.

[S. B. No. 75.]

AMENDATORY OF LAW RELATING TO SCHOOL FOR DEFECTIVE YOUTH.

AN ACT relating to the school for defective youth, and amending sections 993 and 1016 of Vol. 1, Hill's Code of the State of Washington, and declaring an emergency.

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

SECTION 1. Section 993, Vol. 1, of Hill's Code of the State of Washington, shall be amended so as to read as

follows: "Section 993. The regular annual meeting of the board of trustees shall be held at the school on the last Wednesday of May in each year, at which meeting a president, a vice president and a treasurer shall be elected by ballot from the board, and an auditor, not of the board, each to serve one year from the first day of July following, and a secretary, who shall be a member of the board and shall serve two years, whose duty it shall be to prepare and have ready for the examination and approval of the executive committee on the last Wednesday of November immediately preceding the meeting of the state legislature the biennial report required to be made by said board in section 1004, Vol. 1, Hill's Code, who shall receive twenty-five dollars per annum for his services, and one member of the executive committee to serve three years from the first day of July following, and any other business proper to come before said meeting may be transacted."

SEC. 2. Section 1016, Vol. 1, of Hill's Code of the State of Washington shall be amended to read as follows: "Section 1016. If it appears to the satisfaction of the county commissioners that the parents of any such defective youth within their county are unable to bear the expense of sending them to and from said state school, it shall then be the duty of the commissioners to send them to and from said school at the expense of the county. The word "expense" shall be construed to include clothing children while at school."

SEC. 3. An emergency exists, and this act shall take effect immediately.

Passed the Senate January 31, 1899.

Passed the House March 1, 1899.

Approved March 13, 1899.

CHAPTER LXXXII.

[H. B. No. 161.]

EXPERIMENTAL STATION AT PUYALLUP.

AN ACT providing for conducting the agricultural experiment station heretofore established at Puyallup, Washington.

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

SECTION 1. That the operation and conduct of the agricultural experiment station heretofore established at Puyallup, Washington, shall be under the supervision and control of the board of regents of the agricultural college and school of science, and the state auditor is hereby authorized to audit all claims and, if found correct, to issue warrants upon the state treasurer in payment of bills duly authorized by said board as provided by law, and the state treasurer is hereby directed to pay the same.

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXXIII.

[H. B. No. 38.]

RELATING TO SALE OF TIDE AND SHORE LANDS.

AN ACT to amend sec. 51, chapter 89, laws of 1897, being an act relating to public lands of the state, approved March 16, 1897.

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

SECTION 1. That sec. 51, chapter 89 of an act entitled "An act relating to public lands of the state," approved March 16, 1897, be and the same is hereby amended to read as follows :

"Sec. 51. All tide and shore lands except as herein expressly provided shall be sold upon the terms pro-

vided for the sale of school and granted lands, and within twenty days after the expiration of the sixty days limited in which to file applications for the purchase of tide and shore lands the applicant shall pay to the commissioner of public lands one-tenth of the purchase price thereof, and thereupon the purchaser shall enter into a contract with the state as provided for the sale of school, granted and other lands of this act: *Provided*, That any accretions that may be added to any tract or tracts of tide or shore lands heretofore sold or that may hereafter be sold by the state shall belong to the state, and shall not be sold or offered for sale until the said accretions shall have been first surveyed and platted under the direction of the commissioner of public lands, and the adjacent owner shall have the preference right to purchase said lands for thirty days after the same shall be offered for sale: *Provided further*, That where an appeal is taken the purchaser shall in all cases have twenty days from the day on which the final judgment of the superior court is certified to and filed with the commissioner of public lands in which to make said payment and enter into said contract: *And provided further*, That in case different persons make application to purchase a lot, tract or piece of tide or shore land within sixty days and no appeal is taken from the determination of the commission as to which person has the first right to purchase, then the findings of the commission shall be final and the successful applicant shall have thirty days from the time when served with notice of such finding, which notice shall be served by mailing a registered letter addressed to the party at his address, which shall be stated in the application to purchase."

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXXIV.

[H. B. No. 241.]

REPEALING COUNTY BLANK LAW.

AN ACT to repeal an act entitled "An act providing for a uniform system of public blanks for use in the counties of the State of Washington, and regulating the manufacture and sale thereof by the state," approved March 6, 1897, found on pages 47 and 48 of the laws of 1897.

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

SECTION 1. That an act entitled "An act providing for a uniform system of public blanks for use in the counties of the State of Washington, and regulating the manufacture and sale thereof by the state," approved March 6, 1897, and found on pages 47 and 48 of the laws of 1897, be and the same is hereby repealed.

Uniform system of blanks.

SEC. 2. The state auditor, with the advice and aid of the attorney general, shall compile forms for all public blanks used in the counties of this state, in conformity with the statutes thereof, and shall keep the same on file in his office open for the inspection of the public; and said forms shall be used uniformly by the respective counties of this state.

SEC. 3. All public blanks referred to in section 2 hereof shall be procured by each county respectively at its own cost.

SEC. 4. The term "public blanks" as used in this act is intended to include detail and assessment lists or schedules now or hereafter required by law.

Passed the House February 9, 1899.

Passed the Senate March 6, 1899.

Approved March 13, 1899.

CHAPTER LXXXV.

[H. B. No. 417.]

RELATING TO JUSTICES OF THE PEACE IN CITIES OF
THE FIRST CLASS.

AN ACT relating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice, and defining his duties, jurisdiction and powers.

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

SECTION 1. Each incorporated city of the first class Justices of peace in cities. in this state, together with any adjoining precincts, if any there are, lying partly within and partly without said city, shall for the purposes of this act, and for fixing and limiting the number of justices of the peace to be elected in such city, be deemed and considered one precinct, and the qualified electors within the limits thereof shall, at each general election vote for and elect two justices of the peace, who shall be attorneys at law, duly admitted to practice in the supreme court of the state, and one constable.

SEC. 2. Within ten days after such election the mayor Police justice. of the city shall appoint one of the justices so elected the police justice or police judge of such city, who shall before entering upon the duties of his office as police judge, give such additional bond for the faithful performance of his duties as the city council may by ordinance direct.

SEC. 3. The police judge so appointed, in addition to Powers of police justice. his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith in the trials of actions brought for violation of any city ordinance, no jury shall be allowed. All civil or criminal proceed-

ings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

Criminal
process.

SEC. 4. All criminal process issued by such police judge shall be in the name of the State of Washington and run throughout the state, be directed to the chief of police, marshal or other police officer of any city or to any sheriff or constable in the state and shall be served by him.

Complaints.

SEC. 5. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

Clerk of
municipal
court.

SEC. 6. The mayor of such city shall have power at any time to appoint a clerk to assist such police judge in clerical work incident to the performance of his duties, who shall be paid such salary out of the funds of the city as the city council may by ordinance determine. In case appointment is made by the mayor the county commissioners shall appoint no clerk.

Salary of
police justice.

SEC. 7. The salary of such police judge to be paid in addition to the salary paid to justices of the peace in cities of the first class, shall be fixed by the city council by ordinance and such additional salary shall be paid wholly out of the fund of the city, in equal monthly installments. The city shall provide a suitable place for holding court by such police judge, and pay all the expense of maintaining the same.

Costs and fees.

SEC. 8. In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

Cases to have
precedence.

SEC. 9. Such police judge shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of the criminal laws of the State of Washington within the city; then to civil causes coming

before him upon change of venue from the other justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

SEC. 10. Within five days after the passage of this act the board of county commissioners of the county wherein any such city is located, shall appoint a competent attorney at law residing in such city, who has been duly admitted to practice in the supreme court of the state, to be a justice of the peace of such precinct, and to hold office until his successor has been duly elected and qualified. And within five days after such appointee shall have qualified as required by law, the mayor of any such city shall appoint one of the justices of such precinct the police judge of such city as in this act provided.

County commissioners to appoint.

SEC. 11. In case of the temporary absence or inability of the police judge to act the mayor shall appoint, from among the practicing attorneys qualified electors of the city, a police judge *pro tempore*, who, before entering upon the duties as such, shall take and subscribe an oath as other judicial officers, and while so acting he shall have all the powers of the police judge: *Provided, however,* Such appointment shall not continue for a longer period than the absence or disability of the police judge. Such police judge *pro tempore* to receive compensation at the rate of five dollars a day to be paid by the city.

Mayor to appoint in certain cases.

Passed the House February 25, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXXVI.

[H. B. No. 151.]

RELATING TO TIDE AND SHORE LANDS OF THE STATE.

AN ACT to amend sections 48 and 50 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor and declaring an emergency," approved March 16, 1897, being chapter 89, Session Laws of 1897.

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

Amendment.

SECTION 1. That section 48 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners as required by articles 15 and 16 of the state constitution which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, being chapter 89, Session Laws of 1897, be amended to read as follows: Section 48. All tide and shore lands other than first class shall be offered for sale and sold in the same manner as school and granted lands, and shall be sold at not less than five dollars per lineal chain, measured on the United States meander line bounding the inner shore limit of such tide or shore lands, and each applicant shall furnish a copy of the United States field notes, certified to by the surveyor general of the State of Washington, of said meander line, with his application, and shall pay one-tenth of the purchase price on the date of sale.

SEC. 2. That section 50 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, being chapter 89, Session Laws of 1897, be amended to read as follows: "Section 50. Tide and shore lands which have not been sold, and for which applications to purchase have not been theretofore filed and are pending, may be leased in the same manner as provided for the lease of school and granted lands: *Provided*, That when application is made for the lease of tide or shore lands of the second class, adjacent to upland, the same shall be leased per lineal chain frontage, and the United States field notes of the meander line shall accompany each application as required for the sale of such lands: *And provided further*, When such lands are separated from the upland by navigable waters each application shall be accompanied by the plat and field notes of survey of such land applied for as required when making application for the purchase of such lands: *And provided further*, That tide lands may be leased for a period not to exceed thirty years."

Passed the House March 6, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER LXXXVII.

[H. B. No. 279.]

FOR RELIEF OF CAPT. ED. E. HARDIN.

AN ACT for the relief of Captain Ed. E. Hardin and making an appropriation.

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

SECTION 1. That the sum of two hundred and thirty-eight dollars and fifty-four cents (\$238.54) be and the same is hereby appropriated out of the military fund of this state, for the purpose of reimbursing Captain Ed. E. Hardin for moneys actually and necessarily expended by him for the maintenance of the members of Company "B," independent battalion, Washington Volunteer Infantry, between the time of the enrollment of said company by the command of the governor and the mustering of the same into the service of the United States, in the late war with Spain, to-wit: Between the twenty-first day of June, 1898, and the fifth day of July, 1898.

SEC. 2. The state auditor is hereby authorized and directed to draw a military warrant in the sum of two hundred and thirty-eight dollars and fifty-four cents (\$238.54) in favor of said Captain Ed. E. Hardin, on the treasurer of the State of Washington, and said state treasurer is hereby authorized and directed to pay the same out of the military fund of this state.

Passed the House February 25, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXXVIII.

[H. B. No. 440.]

OFFICIAL MEASUREMENT OF MILK CANS.

AN ACT to provide for the official measurement of all milk cans or other vessels used in the shipping and sale of milk, sealing and stamping the capacity thereon, and fixing a penalty for using unsealed milk cans or vessels.

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

SECTION 1. That all milk cans or other vessels used for the shipping, sale or dispensing of milk shall have their liquid capacity United States standard, measured and plainly sealed or stamped thereon by any county auditor, as *ex-officio* county sealer, or any of his deputies, in the manner already provided for the sealing of weights and measures.

SEC. 2. That any individual or corporation owning and using milk cans or other vessels or shipping, selling or dispensing of milk by measurement for a consideration in a can or vessel that has not been officially sealed and its liquid capacity plainly stamped thereon, shall be subject to a fine of five dollars for every offense, and the forfeiture of all unsealed milk cans or vessels found in his or its possession.

SEC. 3. That any county sealer shall charge a fee of ten cents for each milk can or vessel so stamped or sealed.

Passed the House March 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER LXXXIX.

[H. B. No. 314.]

FOR RELIEF OF CAPTAIN HARRY ST. GEORGE.

AN ACT for the relief of Captain Harry St. George.

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

SECTION 1. That the sum of seven hundred and fifteen dollars and sixty-three cents (\$715.63) be and the same is hereby appropriated out of the military fund of this state, for the purpose of re-imbursing Captain Harry St. George, for money actually and necessarily expended by him for the maintenance of the members of company "C" independent battalion, Washington Volunteer Infantry, between the time of the enrollment of said company by the command of the governor and the mustering of said company into the service of the United States, in the late war with Spain.

SEC. 2. The state auditor is hereby authorized and directed to draw a military fund warrant for the sum of seven hundred and fifteen dollars and sixty-three cents (\$715.63) in favor of said Captain Harry St. George, on the treasurer of the State of Washington; and said state treasurer is hereby authorized and directed to pay the same out of the military fund of this state.

Passed the House March 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER XC.

[H. B. No. 396.]

REALTING TO LIENS ON SAW LOGS, ETC.

AN ACT amending section 12 of an act entitled "An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens, and the benefit thereof, and the manner and the procedure of obtaining the same," approved March 15, 1893.

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

SECTION 1. That section 12, chapter CXXXII. of the Amendment. laws of the State of Washington, approved March 15, 1893, being section 5941 of Ballinger's Codes and Statutes, be and the same is hereby amended to read as follows: "Section 12. The sheriff of the county wherein the lien is filed shall be the receiver when one is appointed, and the superior court upon a showing made shall appoint such receiver without notice, who shall be allowed such fees as may seem just to the court, which fees shall be accounted for by such sheriff as other fees collected by him in his official capacity: *Provided*, That at any time when any property is in the custody of such sheriff under the provisions of this act, and any person claiming any interest therein, may deposit with the clerk of the court in which such action is pending, a sum of money in an amount equal to the claim sued upon, together with one hundred (\$100) dollars, to cover costs and interest, (unless the court shall make an order fixing a different amount to cover such costs and interest, then such an amount as the court shall fix to secure such costs and interest, which such action is being prosecuted) and shall have the right to demand and receive forthwith from such sheriff the possession and custody of such property: *Provided*, That in no action brought under the provisions of this act shall costs be allowed to lien holders unless a demand has been made for payment of his lien claim before commencement of suit, unless the court shall find the claimants at time of bringing action had reason-

able ground to believe that the owner or the person having control of the property upon which such lien is claimed was attempting to defraud such claimant, or prevent the collection of such lien.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCI.

[H. B. No. 95.]

APPOINTMENT GUARDIAN AD LITEM OF INSANE PERSONS.

AN ACT relating to the appointment of guardian *ad litem* of insane persons.

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

SECTION 1. When an insane person is a party to an action in the superior courts he shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian *ad litem*. Said guardian shall be appointed as follows :

1. When the insane person is plaintiff, upon the application of a relative or friend of the insane person.

2. When the insane person is defendant, upon the application of a relative or friend of such insane person, such application shall be made within thirty days after the service of summons if served in the State of Washington, and if served out of the state or service is made by publication, then such application shall be made within sixty days after the first publication of summons or within sixty days after the service out of the state. If no such application be made within the time above limited, application may be made by any party to the action.

Passed the House February 2, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCII.

[H. B. No. 501.]

RE-APPRAISEMENT OF TIDE LANDS AT NEW WHATCOM AND FAIRHAVEN.

AN ACT providing for the re-appraisal of the tide lands at and in front of the cities of New Whatcom and Fairhaven, Whatcom county, Washington.

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

SECTION 1. That the board of state land commissioners may, at any time on or before January 1, A. D. 1900, make, or cause to be made, a re-appraisal of any or all of the tide lands, at and in front of the cities of New Whatcom and Fairhaven, in Whatcom county, in this state, the original appraisal of which is disproportionate to, and in excess of, the value of such lands, and such re-appraisal when made shall be in lieu of the original appraisal.

SEC. 2. When such re-appraisal shall have been made, a copy thereof shall be deposited in the office of the county auditor of Whatcom county.

SEC. 3. When such tide lands shall have been re-appraised hereunder, and it has been found that any part or portion thereof has been heretofore sold upon an appraisal in excess of the value thereof as shown by such re-appraisal, the purchaser or purchasers may, and are hereby permitted to complete the purchase so made upon the valuation as re-appraised under the provisions of this act, and any partial payments heretofore made on such sale shall be credited to the purchaser as if made under the appraisal hereby authorized.

Passed the House March 6, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCIII.

[H. B. No. 93.]

IN RE PROCEEDINGS SUPPLEMENTAL TO EXECUTION.

AN ACT amending sections I and XXIV of chapter 133 of the laws of 1893 entitled "[An] act relating to proceedings supplemental to execution."

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

Amendment.

SECTION 1. Section one, chapter 133 of the laws of 1893 is hereby amended to read as follows: "Section 1. At any time within six years after entry of a judgment for the sum of twenty-five (\$25) dollars or over, and after the return of an execution against property wholly or partially unsatisfied upon proof thereof, by affidavit or other competent written evidence satisfactory to the judge or after the issuing of an execution against property and upon proof by the affidavit of a party or otherwise to the satisfaction of the court or a judge thereof judgment debtor has property which he unjustly refuses to apply towards the satisfaction of the judgment, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this act may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof.

SEC. 2. Section twenty-four of chapter 133 of the laws of 1893 is hereby amended to read as follows: "Sec. 24. Special proceedings under this act may be

instituted and prosecuted before the superior court of the county in which the judgment was entered or any judge thereof, or before the superior court of any county to the sheriff of which an execution has been issued or in which a transcript of said judgment has been filed in the office of the clerk of said court or before any judge thereof.

Passed the House February 7, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCIV.

[H. B. No. 227.]

EXTENDING RIGHT OF EMINENT DOMAIN TO ELECTRIC RAILWAY COMPANIES.

AN ACT extending the right of eminent domain to electric power and electric railroad companies, and declaring an emergency.

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

SECTION 1. The right of eminent domain is hereby extended to all corporations incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States and doing business in this state for the purpose of transmitting electric power by wire, cable or by any other means; or for operating railways or railroads by electric power: *Provided, however,* That said right of eminent domain shall not be exercised with respect to any residence or business structure or structures, public road or street.

SEC. 2. Every such corporation shall have the right to enter upon any land between the termini of the proposed lines for the purpose of examining, locating and surveying such lines, doing no unnecessary damage thereby.

SEC. 3. Every such corporation shall have the right, subject to the proviso contained in section 1 hereof, to appropriate real estate or other property for right-of-way or for any corporate purposes in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of other corporations authorized by the laws of this state to exercise the right of eminent domain.

SEC. 4. Whereas, there is at present no law upon the subject of this act,

Passed the House February 16, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCV.

[H. B. No. 413.]

CREATING THE COUNTY OF CHELAN.

AN ACT to create the county of Chelan, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties.

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

Boundaries.

SECTION 1. All those portions of the counties of Kittitas and Okanogan described as follows, to-wit: Beginning at the point of intersection of the middle of the main channel of the Columbia river with the fifth standard parallel north, thence running west along said fifth standard parallel north to the point where said fifth standard parallel north intersects the summit of the main divide between the waters flowing northerly and easterly into the Wenatchee and Columbia rivers, and the waters flowing southerly and westerly into the Yakima river, thence in a general northwesterly direction along the summit of said main divide between the waters flowing northerly and easterly into the Wenat-

chee and Columbia rivers and the waters flowing southerly and westerly into the Yakima river, following the course of the center of the summit of the water shed dividing the said respective waters, to the center of the summit of the Cascade mountains; at the eastern boundary line of King county; thence north along the east boundary of King, Snohomish and Skagit counties to the point upon the said east boundary of Skagit county, where said boundary is intersected by the water shed between the waters flowing northerly and easterly into the Methow river and the waters flowing southerly and westerly into Lake Chelan; thence in a general south-easterly direction along the summit of the main divide between the waters flowing northerly and easterly into the Methow river and the waters flowing westerly and southerly into Lake Chelan and its tributaries; following the course of the center of the summit of the water shed dividing said respective waters, to the point where the seventh standard parallel north intersects said center of the summit of said water shed; thence east along the said seventh standard parallel north to the point of intersection of the middle of the main channel of the Columbia river with said seventh standard parallel north; thence down the middle of the main channel of the Columbia river to the point of beginning, shall be and hereby is created and established as the county of Chelan: *Provided, however,* That said Chelan county is hereby created as aforesaid, subject to the requirements of the constitution of the State of Washington in respect to the establishment of new counties, and subject to an ascertainment of the fact of such compliance, as hereinafter provided, and that the creation of said Chelan county hereby shall not become operative to establish said county until such compliance shall have been so had and the fact of such compliance so ascertained.

SEC. 2. At any time within three months after this act shall take effect, any qualified voter living in any portion of Kittitas or Okanogan county embraced with[in] the boundaries of Chelan county, as hereinbefore defined, may present to the governor of the State

Proviso.

Petition to
governor.

of Washington a petition addressed to said governor, stating, in substance, that the signers of such petition are a majority of the voters living in the portions of Kittitas and Okanogan counties embraced within the boundaries of Chelan county as defined within this act, and praying that in case it shall be found that the constitutional provisions relating to the creation of new counties have been complied with that the county of Chelan shall be deemed fully established: *Provided*, That said petition shall be accompanied by a good and sufficient bond to said superior judge to be approved by him in the sum of \$3,000.00 to cover costs of proceedings under this act in case the said county shall not be established.

Bond.

Further proceedings.

SEC. 3. The governor shall forthwith transmit said petition to the judge of the superior court of Okanogan county and the said judge shall, within thirty days thereafter, examine said petition and ascertain whether said petition bears the signatures of persons living within the territory of Chelan county and entitled to vote therein, in number equal to a majority of the votes cast by voters living within said territory at the last preceding general election, as nearly as the number of such voters voting at such preceding election can be ascertained; if the judge finds the petition sufficiently signed then the said judge shall ascertain to his satisfaction upon evidence received in open court, that the striking therefrom of the territory proposed to be set over into Chelan county, will not reduce the remaining population of said Kittitas or Okanogan counties or either of them respectively to a population of less than four thousand, and that such territory so proposed to be set over contains a population of two thousand or more: *Provided however*, That the judge may in his discretion appoint an elector or electors who shall be a freeholder residing within the territory of Chelan county to take a special enumeration of the population of the counties of Okanogan and Kittitas or any part thereof which he may desire so that it will show separately the number of the population living in such por-

Enumeration of population.

tion thereof within the boundaries of Chelan county and living in the rest of said counties of Kittitas and Okanogan. It shall be the duty of the person or persons so appointed to qualify by filing with such court an oath that he will take such enumeration truly and impartially, and thereupon he or they shall take such enumeration and return the same verified by his affidavit to the effect that he believes the same to be a true and correct enumeration of such county, or as the case may be, of the portions of such county as to which the same relates, in such court, and to file the same in such court within one month after such enumeration has been completed.

Report of
enumerators.

SEC. 4. If it shall be shown to the satisfaction of such judge of the superior court of Okanogan county that there are two thousand or more inhabitants within the boundaries herein set forth for the county of Chelan, and that there shall remain four thousand or more inhabitants in the remaining portion of Kittitas and Okanogan county, respectively, thereupon he shall make a decree setting forth the fact that the provisions of the constitution of the State of Washington have been complied with. Upon the filing of such decree it shall be the duty of the clerk of such court to make and transmit to the board of county commissioners of Kittitas and Okanogan counties, respectively, a certified copy thereof, and also a certified copy thereof to the governor of the state, and to the secretary of state.

Decree.

SEC. 5. Immediately upon receipt of said certified copy of the decree of the superior court of Okanogan county the governor shall make a proclamation declaring the county of Chelan fully established.

Proclamation
by governor.

SEC. 6. The county of Chelan shall assume and pay to the counties of Kittitas and Okanogan, respectively, its proportion of the bonded and warrant indebtedness of each of said counties respectively, in the proportions that the assessed valuation of that part of Chelan county lying within the present boundaries of Kittitas and Okanogan counties respectively, bears to the assessed valuation of the whole of Kittitas and Okanogan coun-

County
indebtedness.

ties respectively. The adjustment of said indebtedness shall be based upon the assessment for the year 1898: *Provided*, That in the accounting between the said counties neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county building which shall fall within and be retained by the other county.

County seat.

SEC. 7. The county seat of said Chelan county is hereby located at the town of Wenatchee, and shall there remain until the same shall be removed in accordance with the provisions of law.

Class.

SEC. 8. Until otherwise classified said county of Chelan is hereby designated as belonging to the twenty-sixth class.

County commissioners.

SEC. 9. Dennis Strong, of Mission, Washington, Spencer Boyd, of Chelan, Washington, and G. W. Hoxsey, of Leavenworth, Washington, shall be the first board of county commissioners of said Chelan county, who shall meet at the county seat of said Chelan county within thirty days from the date of the governor's said proclamation as hereinbefore provided, and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bond in the manner required by law: *Provided, however*, That if any of the above named commissioners shall fail to qualify within the time specified then the governor shall appoint a *bona fide* resident and qualified elector of said Chelan county to fill the vacancy.

County divisions.

SEC. 10. Such commissioners shall divide their county into precincts, townships and districts, as provided for by the laws then existing, making only such changes as are rendered necessary by the altered condition of the boundaries occasioned by the segregation from the original counties.

District officers.

SEC. 11. In all townships, precincts, school and road districts which retain their old boundaries the officers thereof shall retain their respective offices in and for such new county until their respective terms of office expire, or until their successors are elected and quali-

fied, and shall give bonds to Chelan county of the same amount and in the same manner as had previously been given to the original county.

SEC. 12. Except as provided in the preceding section such commissioners shall be authorized and required to appoint all of the county officers of the county organized under the provisions of this act and of which they are commissioners, and the officers thus appointed shall commence to hold their office immediately upon their appointment and qualification according to law and shall hold their offices until the second Monday of January, 1901, or until their successors are elected and qualified.

County commissioners to appoint county officers.

SEC. 13. Until otherwise provided by law said Chelan county shall be and hereby is attached to the district composed of Okanogan, Douglas, Lincoln, Ferry and Adams counties, for judicial purposes.

Judicial district.

SEC. 14. The board of county commissioners at a regular meeting held within one year from the time when they shall qualify as commissioners of the county of Chelan, by an order duly entered in the minutes of their proceedings, shall divide Chelan county into three commissioner districts in the manner provided by law, and designate the boundaries thereof, and at the next general election in said county there shall be elected three commissioners, one from each of said districts; the commissioner for district number one to be elected for four years and the commissioner for district number two and three for two years.

Commissioner districts.

SEC. 15. For the purpose of representation in the legislature until otherwise provided by law, the county of Chelan shall be included in the first senatorial district and shall constitute the 51st representative district.

51st representative district.

SEC. 16. Until the county of Chelan is organized by the appointment and qualification of its officers, the jurisdiction of the present officers of Kittitas and Okanogan counties respectively, shall remain in full force and effect in those portions of the territory constituting the said county of Chelan lying within the boundaries of said Kittitas and Okanogan counties respectively.

County records.

SEC. 17. Within sixty days after the governor's proclamation, as hereinbefore provided, the county auditors of Kittitas and Okanogan counties, respectively, shall transcribe from the records of said counties respectively all records and all papers and documents on file in anywise affecting the title to any estate or property, real or personal, situated within the county of Chelan, and the county commissioners of Chelan county shall provide, at the expense of the county, proper and suitable record books to which such records shall be so transcribed by the auditors of Kittitas and Okanogan counties, in legible writing, and said record books and papers shall be delivered to the auditor of Chelan county, and said records and documents so transcribed shall be accepted and received as evidence in all courts and places as if the same had been originally recorded or filed in the office of the auditor of Chelan county.

Actions pending.

SEC. 18. All actions and proceedings which shall be pending in the superior courts of Kittitas and Okanogan counties at the time of the governor's proclamation hereinbefore referred to, affecting the title or possession of real estate in Chelan county, or in which one or all the parties are residents of Chelan county, shall be transferred to the superior court of Chelan county, and all further proceedings had therein shall be in Chelan county, the same as if originally commenced in that county. All other actions or proceedings, civil or criminal, now pending in the superior courts of Kittitas and Okanogan counties shall be prosecuted to termination thereof in the superior courts of Kittitas and Okanogan counties respectively.

Pleadings, etc.

SEC. 19. All pleadings, process, documents and files, in the office of the county clerks of Kittitas and Okanogan counties affecting pending suits and proceedings to be transferred as provided in the preceding section of this act, shall be transferred and all records therein transcribed by the county clerks of Kittitas and Okanogan counties, respectively, and transmitted to the county clerk of Chelan county, after said clerk shall have entered upon the duties of said office.

SEC. 20. All records, papers and documents of record or on file in the offices of the county clerks of Kittitas and Okanogan counties, respectively, in anywise affecting the title or possession of real estate in Chelan county, shall be transcribed and transferred to the county clerk of Chelan county by the county clerks of Kittitas and Okanogan counties, respectively, and said records and documents when so transcribed and transferred shall be received as evidence in all courts and places as if originally recorded or filed, as the case may be, in the county of Chelan.

Records
affecting real
estate.

SEC. 21. All records so transcribed shall be certified by the officer transcribing the same under the seal of his office in the manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Kittitas or Okanogan county, as the case may be, contained therein, describing in the certificate the office in Kittitas or Okanogan county from which the same were transcribed, and each officer so transcribing shall finally certify to the completeness of all records so transcribed by him.

Records
certified.

SEC. 22. The county of Chelan shall pay to the counties of Kittitas and Okanogan, respectively, for the transcribing of all records, at the rate of ten cents for each one hundred words, including in the computation the certificate thereto.

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER XCVI.

[H. B. No. 462.]

TO PERMIT INDIANS TO SELL PROPERTY.

AN ACT relating to sale of allotted lands by Indians.

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

SECTION 1. Any Indian who owns within this state any land or real estate allotted to him by the govern-

ment of the United States may with the consent of Congress, either special or general, sell and convey by deed made, executed and acknowledged before any officer authorized to take acknowledgements to deeds within this state, any stone, mineral, petroleum or timber contained on said land or the fee thereof and such conveyance shall have the same effect as a deed of any other person or persons within this state; it being the intention of this act to remove from Indians residing in this state all existing disabilities relating to alienation of their real estate.

Passed the House March 6, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER XCVII.

[H. B. No. 100.]

MUNICIPAL WARRANTS UPON LOCAL IMPROVEMENT FUNDS.

AN ACT authorizing municipal corporations to provide for the acceptance of warrants upon local improvement funds in satisfaction of assessments for local improvements.

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

SECTION 1. Municipal corporations may from time to time authorize by ordinance or resolution, the acceptance, in due order of priority of right, by the county treasurer or city treasurer or other designated officers, of warrants issued by such corporations against local improvement funds in satisfaction of assessments levied to supply such funds.

SEC. 2. Municipal corporations are authorized to accept local improvement warrants in satisfaction of judgments rendered in favor of such corporations against property owners who have become delinquent in the

payment of assessments levied to pay for local improvements.

SEC. 3. Municipal corporations are authorized to accept local improvement warrants in payment for certificates of purchase held by such corporations in cases where the property of delinquents has been sold by the sheriff under execution or by the county treasurer or city treasurer at tax sale for failure to pay assessments for local improvements.

SEC. 4. No warrants shall be available for the purposes designated by this act except in payment of an assessment for a local improvement, the fund for which was created by the ordinance or resolution by virtue of which the warrant was issued.

SEC. 5. This act is not intended to supersede or repeal charter provisions of any municipal corporation, but to be supplementary to and concurrent with such provisions; and the powers conferred by this act may be exercised from time to time under such restrictions and upon such conditions as municipal corporations may by ordinance prescribe.

Passed the House February 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER XCVIII.

[H. B. No. 469.]

CHATTEL MORTGAGES MAY BE FILED.

AN ACT relating to chattel mortgages, and the filing thereof, and repealing all laws in conflict therewith.

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

SECTION 1. Mortgages may be made upon all kinds of personal property, and upon the rolling stock of a railroad company and upon all kinds of machinery,

Mortgage
on crops.

and upon boats and vessels, and upon portable mills and such like property and upon growing crops and upon crops before the seed thereof shall have been sown or planted: *Provided*, That the mortgaging of crops before the seed thereof shall have been sown or planted, for more than one year in advance, is hereby forbidden, and all securities or mortgages hereafter executed on such unsown or unplanted crops are declared void and of no effect, unless such crops are to be sown or planted within one year from the time of the execution of the mortgage.

Mortgages
to be filed.

SEC. 2. Every such instrument within ten days from the time of the execution thereof shall be filed in the office of the county auditor of the county in which the mortgaged property is situated, and such auditor shall file all such instruments when presented for the purpose, upon the payment of the proper fees therefor, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book to be provided by him at the expense of his county, with an alphabetical index thereto, used exclusively for that purpose, ruled into separate columns with appropriate heads: "The time of filing," "Name of mortgagor," "Name of mortgagee," "Date of instrument," "Amount secured," "When due," and "Date of release." An index to said book shall be kept in the manner required for indexing deeds to real estate, and the county auditor shall receive for the services required by this act the sum of fifteen cents for every instrument, and the moneys so collected shall be accounted for as other fees of his office. Such instrument shall remain on file for the inspection of the public.

Indorsements.

Fees.

Constructive
notice.

SEC. 3. Every mortgage filed and indexed in pursuance of this act shall be held and considered to be full and sufficient notice to all the world, of the existence and conditions thereof, but shall cease to be notice, as against creditors of the mortgagors and subsequent purchasers and mortgagees in good faith, after the expiration of the time such mortgage becomes due, unless before the expiration of two years after the time

such mortgage becomes due, the mortgagee his agent or attorney, shall make and file as aforesaid an affidavit setting forth the amount due upon the mortgage, which affidavit shall be annexed to the instrument to which it relates and the auditor shall endorse on said affidavit the time it was filed.

SEC. 4. The effect of any such affidavit shall not continue beyond one year from the time when such mortgage would otherwise cease to be valid as against such creditors and subsequent purchasers and mortgagees in good faith; unless before the time when any such mortgage would otherwise cease to be valid, as aforesaid, a similar affidavit be filed and annexed as provided in the preceding section, and with like effect.

SEC. 5. That a mortgage contemplated by this act which is given to secure the sum of one hundred dollars or less, exclusive of interest and costs of foreclosure, may be made in substantially the following form :

This mortgage made this....day ofin the year..... by A. Form of mortgage.
B., of....., mortgagor, to C. D., of.....mortgagee,

Witnesseth : That the mortgagor mortgages to the mortgagee (here describe the property) as security for the payment to him ofdollars, on (or before) the....day of.....in the year...., with interest thereon (or security for the payment of a note or obligation, describing it, etc.)

A. B.

Signed and delivered in the presence of

E. F.

G. H.

SEC. 6. That a mortgage given to secure the sum of Costs and attorney fees. \$300 or more exclusive of interest, costs and attorneys or counsel fees may be recorded and indexed with like force and effect as if this act had not been passed, but such mortgage or a copy thereof must also be filed and indexed as required by this act.

SEC. 7. That in case the property mortgaged exists Property in two counties. in two or more counties, a copy of such mortgage may be filed in each of such counties with like force and effect as the original mortgage.

SEC. 8. Whenever any mortgage, filed under the Certificate of satisfaction. provisions of this act, has been paid, or the conditions thereof satisfied, the mortgagee, or his assignee or per-

sonal representatives shall make to the mortgagor, his assignee or personal representatives, a certificate in writing, under his hand, stating the date of the mortgage and a description of the property thereby mortgaged, and that the same has been discharged in full; and on delivering said certificate in writing to the officer with whom such mortgage is filed, the said officer shall deliver said mortgage to the person producing such certificate on payment of the sum of ten cents for filing said certificate, and shall file said certificate in his office, endorsing thereon the true date of filing the same, and shall keep and preserve said certificate among the records in his office, and shall write the word "satisfied" with the date opposite to such mortgage, in the index in which such mortgages are entered under the heading "release."

Passed the House March 8, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCIX.

[H. B. No. 384.]

PROVIDING FOR BURIAL OF INDIGENT SOLDIERS.

AN ACT to amend section 6 of an act entitled "An act to provide for the relief of indigent Union and Mexican war soldiers, sailors and marines, and the families of those deceased or indigent, and to defray funeral expenses."

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

SECTION 1. That section 6 of an act entitled "An act to provide for the relief of indigent Union and Mexican war soldiers, sailors and marines, and the families of those deceased or indigent, and to defray funeral expenses," approved February 2, 1888, is hereby amended to read as follows: "Sec. 6. It shall be the duty of the board of county commissioners in each of the

counties of this state to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, who shall be caused to be interred the body of any honorably discharged soldier, sailor or mariner, who served in the army or navy of the United States during the late rebellion or in the war with Mexico, or in any of the Indian wars that occurred in the State of Oregon and the territory that is now the State of Washington, and the wives or widows of such soldiers, sailors or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not, in any case, exceed the sum of thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, and who are unable to pay the charges thereof, then the said expenses, not to exceed the sum of thirty-five dollars, shall be paid to them or their representatives, by the county treasurer, upon due proof of the death and burial of any person provided for by this section, and proof of expenses incurred.

Passed the House March 7, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER C.

[H. B. No. 371.]

FOR APPOINTMENT OF HOP INSPECTOR.

AN ACT for the appointment of a hop inspector.

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

SECTION 1. The governor of the State of Washington shall appoint some suitable person whose duties it shall be to inspect hops and determine and fix the grade or quality thereof as hereinafter provided.

SEC. 2. Any person, firm, company or corporation owning hops within said State of Washington, who may contract for the future sale of his, her, or their hops or give a chattel mortgage on any crop of hops yet to be grown, for money advanced by the mortgagee to be used in cultivating and harvesting said crop, or any person, firm, company or corporation contracting to buy any crop of hops yet to be grown, or who takes a chattel mortgage on any such crop may if such owner, buyer, or mortgagee cannot agree on the grade of said hops when in the bale and ready for delivery, call upon said hop inspector to inspect said hops and determine and fix the grade or quality thereof, and issue to each of said parties a certificate specifying the name of the owner, the buyer or mortgagee, the date of inspection and the grade or quality fixed by him.

SEC. 3. The certificate of said hop inspector stating the grade or quality of any hops shall be *prima facie* evidence of the same.

SEC. 4. Said hop inspector shall be paid five dollars per day for each day actually engaged in the performance of his duties, together with mileage and necessary expenses, to be paid equally by said owner, and said buyer or mortgagee.

Passed the House March 8, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CI.

[H. B. No. 424.]

EIGHT HOURS TO CONSTITUTE A DAY'S WORK.

AN ACT to establish the number of hours to constitute a day's work on all state, county and municipal construction or such work done by contract or sub-contract, and providing penalties for its violation.

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

SECTION 1. Hereafter eight hours in any calendar day shall constitute a day's work on any work done for the state or any county or municipality within the state, subject to conditions hereinafter provided.

SEC. 2. All work done by contract or sub-contract on any building or improvements or works on roads, bridges, streets, alleys or buildings for the state or any county or municipality within the state, shall be done under the provisions of this act: *Provided*, That in cases of extraordinary emergency such as danger to life or property, the hours for work may be extended, but in such case the rate of pay for time employed in excess of eight hours of each calendar day, shall be one and one-half times the rate of pay allowed for the same amount of time during eight hours' service. And for this purpose this act is made a part of all contracts, sub-contracts or agreements for work done for the state or any county or municipality within the state.

SEC. 3. Any contractor, sub-contractor, or agent of contractor or sub-contractor, foreman or employer who shall violate the provisions of this act, shall be deemed guilty of misdemeanor and upon conviction shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or with imprisonment in the county jail for a period of not less than ten days nor more than ninety days, or both such fine and imprisonment, at the discretion of the court.

Passed the House February 28, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CII.

[H. B. No. 331.]

FOR DISSOLUTION OF IRRIGATION DISTRICTS.

AN ACT providing for the dissolution of irrigation districts and the liquidation of their indebtedness.

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

SECTION 1. Any irrigation district organized and existing under the laws of the State of Washington may be dissolved and its indebtedness liquidated in the manner in this act provided.

Bonds
outstanding.

SEC. 2. If there are bonds of such district outstanding, the written consent of at least two-thirds in amount of the holders of all such bonds must be filed with the county auditor of the county in which such district is situated, consenting to such dissolution, which consent shall be acknowledged before some officer authorized by the laws of this state to take the acknowledgement of deeds, and recorded in the records of deeds of said county.

Petition.

SEC. 3. Whenever the consent of two-thirds in amount of such bondholders has been filed, as in this act provided, a petition signed by at least one-third of the freeholders in said district, who shall be qualified electors thereof, reciting the fact that said consent has been filed, and praying that said district be dissolved under the provisions of this act, shall be delivered to the county auditor of such county.

Duty of
county com-
missioners.

SEC. 4. Upon the filing of the written consent of the bondholders and the petition signed by the qualified electors, as provided in the last two sections, it shall be the duty of the board of county commissioners of such county at their next regular session, or at that time, if then in session, to call an election for the purpose of submitting to the voters of said district the question whether the district shall be dissolved under the provisions of this act. Such election shall be held upon like notice and conducted in like manner, as other elec-

tions under the irrigation district laws of this state, and the form of the ballot shall be "For dissolution—Yes" "For dissolution—No," and no person not a qualified elector under the general election laws of this state and a freeholder residing within said district shall be deemed a qualified elector under the provisions of this act.

SEC. 5. Said board of county commissioners, at the Election. time of calling such election, shall designate and appoint the proper officers to conduct the same, and shall direct the county auditor to sign and post notices of such election for the time and in the manner in said election district laws provided.

SEC. 6. The officers conducting such election shall Returns. make returns thereof to the county auditor of the county in which such district is situated within ten days after such election, and the board of county commissioners of said county shall at the first meeting to be held thereafter canvass the vote of such election, and if a majority of the voters voting thereat shall vote in favor of dissolution it shall be the duty of all officers and persons having in their possession any of the books, records, documents, or proceedings appertaining to such district, to deliver the same, on demand, to the county auditor of the county in which such district is situated.

SEC. 7. As soon as such books and other records and Duty of county auditor. proceedings shall come into the possession of such county auditor it shall be his duty forthwith to certify under his hand and seal, and deliver to the county clerk of his county, a transcript of the proceedings before the board of county commissioners, and shall accompany the same with a statement of all indebtedness against said district so far as the same appears on the books and records of the same.

SEC. 8. Upon the filing of such statement and Duty of county clerk. certificate the clerk shall docket the proceedings entitled "In the matter of the dissolution of irrigation district," and the superior court shall thereupon make an order directing the clerk to give notice that such

statement has been filed in his office, which notice shall continue [contain] a general statement of the nature of the proceedings, and shall notify all persons having claims against said district to present the same for allowance and approval on or before a day in such notice to be specified. And all claims not presented and filed in said court on or before such date shall be forever barred. Such notice shall be published in some newspaper published in said county once a week for at least six weeks immediately preceding the date fixed for such hearing.

Hearing.

SEC. 9. At the time fixed for such hearing, or at any other time to which such hearing may be adjourned, if satisfied that the provisions of this act have been complied with, the court shall proceed to determine the validity of all claims and demands against said district, together with the amount thereof. No claim or debt which is barred by the statutes of limitations shall be approved or allowed. Such irrigation district, or any other person deeming himself aggrieved by the final judgment allowing or rejecting any claim, may appeal to the supreme court within ten days from the entry of such final judgment, but not thereafter.

Order of court.

SEC. 10. If no appeal be taken from such judgment or if the judgment appealed from be affirmed, the court shall thereupon appoint a master who shall forthwith give notice that the property of the district, its rights and franchises, will be sold pursuant to an order of the court directing such sale: *Provided, however,* That such sale shall not include any property within said district which has been sold for taxes or other assessments in said district. A certified copy of such order shall be delivered to such master as his authority in the premises. Such notice of sale shall be given in like manner and for the same time as a notice of sale of real property on execution, except that it shall not be deemed necessary to post any copy of such notice. Said sale shall be made at public auction at the front door of the court house in such county, and may be adjourned from time to time, not exceeding three

Sale

weeks in all, by public proclamation made at the time and place of sale, or the time from which the same may have been previously adjourned. Such master is authorized to receive in payment of the purchase price any securities or obligations of such district, the validity of which has been established by the previous judgment of the court, as herein provided; such securities or obligations to be accepted at their face value and no bids shall be accepted, and no sale of said property shall be made for a less sum than the amount of bonded indebtedness of such district, including all accrued interest.

SEC. 11. Said master shall thereupon make return of his proceedings and file the same with the clerk of the court, and if the court is satisfied that such sale was fairly conducted, it shall make an order confirming and approving the same, and upon such confirmation such master shall execute and forthwith deliver to the purchaser or purchasers at said sale a good and sufficient deed of conveyance, and such deed, when so executed, shall be operative, and shall convey to the purchaser at said sale the property, rights, franchises and privileges of such district, as hereinbefore described, clear and free from any claim or lien in favor of such district or its creditors, and shall entitle the purchaser to the immediate possession of the property so purchased.

SEC. 12. As soon as such sale is made and confirmed, it shall become the duty of the board of county commissioners of the county in which the district is situated, to levy an assessment for the purpose of liquidating all outstanding indebtedness of such district, exclusive of the bonded indebtedness herein provided, on all the property within the district, subject to assessment under the general irrigation district laws of the state, which indebtedness shall be ascertained by reference to the judgment of the court as herein provided. In levying such assessments the board of county commissioners shall be governed as near as may be by the general irrigation district laws, except

Equalization.

as herein otherwise provided. The county assessor shall, under the direction of the board of county commissioners, prepare an assessment roll of the lands in said district from the last assessment roll of the county, for state and county taxes. The board of county commissioners shall equalize the same, after giving like notice and in like manner as the board of directors of irrigation districts are required to do. The county auditor shall perform the same duties as are now devolved by law on the secretary of irrigation districts, and the county treasurer shall be *ex-officio* treasurer and collector thereof. In all other respects such tax shall be collected as under the general irrigation district laws of the state.

Order
dissolution

SEC. 13. As soon as the sale is confirmed as herein provided, the court shall make an order dissolving the irrigation district, a certified copy of which shall be recorded in the office of the county auditor of the county in which such district is situated; and from and after the filing of such order said district shall cease to exist, except for the purpose of the collection of its indebtedness; and all papers, records and proceedings appertaining to the same shall be turned over to the county auditor of the proper county, and all bonds and other obligations of the district shall be cancelled as soon as paid.

Passed the House March 2, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CIII.

[H. B. No. 506.]

POWERS OF CITIES OF FOURTH CLASS.

AN ACT relating to the powers of cities of the fourth class, and declaring an emergency.

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

SECTION 1. Cities of the fourth class are hereby given the power to establish fire limits with proper regula-

tions; to acquire by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same; *Provided, however,* That no sum shall be appropriated for that purpose until the same is authorized by a vote of two-thirds of the qualified voters residing in such city, at the annual municipal election, or at a special election held for that purpose, which election shall be held as other special elections.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House March 6, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CIV.

[H. B. No. 324.]

RELATING TO IMPROVEMENT OF COUNTY ROADS.

AN ACT to amend sections 11, 12, 33, and 36, and to repeal sections 8, 9, and 10 of an act entitled "An act providing for the establishment of a system of improved roads in counties, and providing for the manner of laying out, constructing and maintaining the same," approved March 15, 1893, and the same being chapter 123 of the laws of 1893.

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

SECTION 1. Section 11 of an act entitled "an act providing for the establishment of a system of improved roads in counties, and providing for the manner of laying out, constructing and maintaining the same," approved March 15, 1893, the same being chapter 123 of the laws of 1893, is hereby amended to read as follows: Section 11. If the bond be approved by the clerk of the board of county commissioners, he shall immediately deliver a copy of the petition to the commissioners who may appoint a time for the hearing

Amendment.

and consideration of said petition, and if the commissioners upon the hearing find against the improvement, they shall dismiss the petition and proceedings at the cost of the petitioners; and they shall cause an itemized bill of costs to be made up by the clerk for their examination and approval, which shall include the per diem of the engineer, together with all other costs necessarily made.

Amendment.

SEC. 2. Section 12 of said act is hereby amended to read as follows: Section 12. If the commissioners find for the improvement they shall cause to be entered on their journal an order directing the engineer to proceed with the construction of said improvement in the following manner:

Duty county surveyor.

1. The county surveyor shall be the engineer and shall go upon the road described in the petition or as changed in accordance with this act, and survey and level the same, and set a stake at every hundred feet, numbering from the place of beginning, out; note the intersection of lines and boundaries of lands, road districts, or township lines, land marks and road crossings, and make a report, profile and plat of the same, and estimate the number of cubic yards of earth or other substance to be removed, cut or filled, necessary bridges, culverts and drains to be constructed, obstructions to be removed, the materials along or adjacent to said road which can be made available and used in construction of the same, the estimated cost thereof, and an estimate of the cost of each working section, as hereinafter provided, and of each section of 100 feet.

Plat and schedule.

2. The engineer shall also make and return a schedule and plat of all the lots and lands lying within the improvement boundary, which plat shall be drawn upon a scale sufficiently large to represent all the meanderings of the road proposed to be improved, and shall distinctly show the boundary lines of each lot or tract of land included in the improvement boundary, the name of the owner of each lot or tract of land as the same may appear upon the records at the time, and an estimate of the total cost of the entire improvement pro-

posed, which estimate shall include all fees and salaries estimated to be paid for locating, supervising and appraising, together with such other matters as the engineer may deem material. The profile shall show the surface line, the grade line and gradient fixed, and the engineer shall make and file with his report an itemized bill of all costs made in the discharge of his duty under this section, and shall file his report with the clerk of the board of county commissioners within thirty days after making the survey and level.

SEC. 3. Section 33 of said act is hereby amended to ^{Amendment} read as follows: Section 33. It shall be the duty of the county surveyor in charge of said work, if the county commissioners so direct, to inspect all work of construction from time to time and see that the same is being done according to contract.

SEC. 4. Section 36 of said act is hereby amended to ^{Amendment.} read as follows: Section 36. Construction done under the yearly installment plan shall commence at the place of beginning and be completed without intermission toward the place of ending, and the payment of improvements under such installment plan shall not in any year exceed the benefit assessments for that year. The engineer shall divide the road into as many annual construction sections of equal cost as there are years of construction, and let contracts from time to time during the progress of construction in like manner as hereinbefore provided, and any excess funds appropriated to one section shall be applicable to the succeeding section.

SEC. 5. Sections 8, 9 and 10 of said act are hereby repealed.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CV.

[H. B. No. 304.]

RELATING TO MUNICIPAL CONTRACTS.

AN ACT amending section 2417, Volume 1, Hill's Annotated Statutes and Codes of Washington, the same being section 5927 Vol. 2, of Ballinger's Codes and Statutes of Washington in relation to an act for bonds to be taken for municipal contracts and declaring an emergency.

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

Amendment.

SECTION 1. Section 2417, Volume 1, Hill's Annotated Statutes and Codes of Washington the same being Sec. 5927, Vol. 2 of Ballinger's Codes and Statutes of Washington is hereby amended to read as follows: Section 2417. The bond mentioned in section twenty-four hundred and fifteen of this volume of general statutes shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the State of Washington, and all such persons mentioned in said section twenty-four hundred and fifteen shall have a right of action in his, her, or their own name or names on such bond, for the full amount of all debts against such contractor, or for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: *Provided*, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty (30) days from and after the completion of the contract with and acceptance of the work by the board, council, commission, trustees, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or sub-contractor, or material-man, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or

other public body, city, town or district, a notice in writing in substance as follows :

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or sub-contractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of dollars (here insert the amount) against the bond taken from (here insert the names of the principal and surety or sureties upon such bond) for the work of (here insert a brief mention or description of the work concerning which said bond was taken).

(Here to be signed).....

Such notice shall be signed by the person or corporation making the claim or giving the notice ; and said notice after being presented and filed shall be a public record open to inspection by any person. *Provided, further,* That where by the charter of any city a contractor with such city is required to enter into a bond to such city, for the use of said city and also for the use of all persons who may perform or cause to be performed any work or labor, or furnish or cause to be furnished any skilled labor, or material in the execution of such contract, conditioned to perform the contract and conditioned also to pay as they become due all just claims for all work and labor upon said contract, and all skill or labor and materials furnished in the execution of such contract, and where such bond is taken to such city in an amount equal at least to the full contract price agreed to be paid for such work or improvement, then no such or additional bond to the State of Washington need or shall be required or taken.

SEC. 2. An emergency is declared and this act shall take effect immediately.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CVI.

[H. B. No. 198.]

RELATING TO THE DECREASE OF THE CAPITAL STOCK OF CORPORATIONS.

AN ACT to amend section 1515, Vol. 1 of Hill's Annotated Codes and Statutes, being section 4271 of Ballinger's Annotated Codes and Statutes of Washington, relating to decrease of capital stock of corporations, and declaring an emergency.

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

SECTION 1. That section 1515, Vol. 1 of Hill's Annotated Codes and Statutes, being section 4271 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows: Section 1515. Any company incorporated under this chapter may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of the capital: *Provided*, That the deposits in any trust company or banking corporation shall not be included in ascertaining the debts and liabilities of such trust company or banking corporation for the purposes of this section: *Provided further*, That this act shall not relieve such trust company or banking corporation or the stockholders of any such trust company or banking corporation from liability, although contingent, or remote, incurred or entered into by such trust company or banking corporation prior to the reduction of its capital, including liability for deposits: *Provided further*, That before any banking corporation, or trust company, can reduce its capitalization, a notice, in writing, must be mailed to the last known post office address of its depositors setting forth the fact that the

Debts.

Deposits.

Trust and
banking
companies.

Notice.

said banking corporation, or trust company, intends to decrease its capitalization, showing the amount of its capitalization and the amount to which it intends to decrease same; and proof of the mailing of such notices shall be made by affidavit of the party mailing the same, showing the names and addresses of the persons to whom mailed.

Passed the House February 13, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CVII.

[H. B. No. 293.]

EMPOWERING THE BOARD OF REGENTS OF THE AGRICULTURAL COLLEGE TO GIVE BONDS FOR ARMS AND ORDNANCE STORES.

AN ACT empowering the board of regents of the agricultural college and school of science to give bonds for the safe keeping of the arms and ordnance stores loaned by the United States to the college, and declaring an emergency.

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

SECTION 1. The board of regents of the agricultural college and school of science is authorized and empowered to give and execute, on behalf of the State of Washington, the bonds and other papers required by the war department for the safe keeping of the arms and equipments loaned by the United States to the agricultural college and school of science.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CVIII.

[H. B. No. 535.]

RELATING TO THE INTERMENT OF THE BODIES OF
WASHINGTON VOLUNTEERS.

AN ACT providing for the honorable interment of the bodies of Washington Volunteers returned by the government of the United States, making an appropriation therefor, and declaring an emergency.

WHEREAS, In the Spanish-American war many of the volunteers from this commonwealth have sacrificed their lives in the service of the United States, and many others are liable to meet death in such service; and,

WHEREAS, In many cases the relatives and friends of such deceased volunteers are without means to give such bodies a suitable burial, and,

WHEREAS, The State of Washington owes to its noble citizens who sacrificed their lives at their country's call, an honorable interment; therefore

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

SEC. 1. It shall be the duty of the adjutant general of this state to make suitable provision for the interment of the remains of all deceased Washington volunteers returned to this state by the United States government, and whenever possible, he shall communicate with the relatives or friends of such deceased volunteers, and when practicable be governed by their desires as to the disposition of such remains. In case the adjutant general should fail to receive directions from relatives or friends of any deceased volunteer it shall be his duty to inter such remains in the state cemetery at Orting, Washington, or such other public cemetery as in his judgment may be deemed advisable.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general funds of the state treasury, not otherwise ap-

propriated, the sum of ten thousand dollars, or so much thereof as may be necessary.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House March 9, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CIX.

[H. B. No. 113.]

RELATING TO MUNICIPAL CORPORATIONS.

AN ACT to amend section 132 of an act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency, approved March 27, 1890, as said section was amended by section 8 of an act to amend sections 107, 109, 113, 116, 124, 125, 126, 132, 133, 134, 135 and 136 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890 and approved March 9, 1893.

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

SECTION 1. That section 132 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890, as said section was amended by section 8 of an act to amend sections 107, 109, 113, 116, 124, 125, 126, 132, 133, 134, 135 and 136 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890 and approved March 9, 1893, be amended to read as follows: Section 132. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as such treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay

out said moneys on warrants signed by the mayor and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the city clerk, upon which settlement he shall file a statement of his account with said clerk. He shall collect all taxes and assessments levied by the city council, the collection of which is not otherwise provided for, and shall receive from the city clerk all city licenses and collect the same. He shall receive such compensation and shall perform such other duties as the city council may, by ordinance, direct.

Passed the House January 28, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CX.

[H. B. No. 470.]

FOR THE RELIEF OF CERTAIN PERSONS IN CONNECTION WITH THE MOBILIZATION OF WASHINGTON VOLUNTEERS.

AN ACT for the relief of certain persons and companies who furnished supplies to, and performed services for the State of Washington in connection with the mobilization of the First Regiment of Washington Volunteers at Camp Rogers in May 1898.

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

SECTION 1. That the sum of three thousand seven hundred and thirty-four dollars and sixteen cents be and the same is hereby appropriated out of any moneys in the general treasury not otherwise appropriated for the relief of the several parties hereinafter named in the following stated sums, to-wit :

For the Western Union Telegraph Company, for telegraphing incident to the mobilization of the First Regiment of Washington volunteers at Camp Rogers

in May 1898, the sum of one hundred and fifteen dollars and twenty-eight cents.

For the St. Paul and Tacoma Lumber Company for quartermaster stores, forage and other supplies furnished to said regiment at Camp Rogers during May 1898 the sum of three thousand four hundred and fifty-one dollars and fifty-five cents.

For the city of Tacoma, water and light department, for pipes and labor in laying same, the sum of twenty-three dollars and seventeen cents.

For E. A. Sturges for transporting equipments and supplies from the armory in Tacoma to Camp Rogers the sum of two dollars and twenty-five cents.

For J. B. McCoy for traveling expenses from Tacoma to Olympia under orders from the governor the sum of two dollars and twenty-five cents.

For S. M. Percival for labor at Camp Rogers the sum of forty-two dollars.

For Holly, Mason, Marks & Co. for quartermaster stores furnished Company A of said regiment at Camp Rogers, the sum of twelve dollars and seventy-six cents.

For Emery P. Gilbert for transporting equipment and supplies from the armory in Tacoma to Camp Rogers the sum of three dollars and sixty cents.

For the Sunset Telegraph and Telephone Company for use of telephones at Camp Rogers the sum of sixty-nine dollars and fifty cents.

For Captain A. C. Steinman for amounts advanced by him in payment of telegrams and hiring of teams in transporting supplies in the mobilization of said regiment at Camp Rogers, the sum of eleven dollars eighty cents.

SEC. 2. Upon the approval of this act the state auditor shall draw his warrant on the state treasury payable out of the general fund in favor of the adjutant general of the state for the sum of three thousand, seven hundred and thirty-four dollars and sixteen cents (\$3734.16) and the adjutant general shall upon the

submission of proper vouchers shall audit and if found found correct pay said several claims.

Passed the House March 7, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CXI.

[H. B. No. 246.]

RELATING TO THE PROTECTION OF PROPERTY USED FOR THE TRANSMISSION OF ELECTRIC CURRENTS.

AN ACT making it unlawful to injure, obstruct or destroy any line erected or constructed for the transmission of electrical current, or appurtenances or appliances connected therewith; or to remove, injure or destroy any house, shop, building or other structure or machinery connected therewith; or to set any fire that shall result in such injury or destruction; or to prevent the removal of any obstruction to such lines, and prescribing the punishment therefor.

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

SECTION 1. It shall be unlawful for anyone within the State of Washington to willfully or maliciously, and without the consent of the owner, take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, wires, conduits, cables, insulators, or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof or in any manner to interrupt the transmission of electrical current over and along any such line; or to take down, remove, injure, or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected, or constructed for the transmission of electrical current.

SEC. 2. It shall be unlawful for any person within the State of Washington to willfully or maliciously set

any fire that shall result in the destruction, or injury of any line erected or constructed for the transmission of electrical current or any poles, conduits, wires, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line, or appurtenances or apparatus connected therewith, or any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to set any fire that shall in any manner interrupt the transmission of electrical current over and along any such line.

SEC. 3. Any person or persons violating any of the provisions of sections one and two of this act shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or by imprisonment in the penitentiary not exceeding ten years, or by both such fine and imprisonment in the discretion of the court.

Passed the House February 16, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXII.

[H. B. No. 519.]

APPROPRIATION FOR MONEYS DUE PERMANENT SCHOOL FUND BY THE STATE UNIVERSITY.

AN ACT providing for the payment of certain delinquent and accruing interest, making an investment of the permanent school fund, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of eight thousand

four hundred and ninety-four and $\frac{10}{100}$ (\$8,494.10) dollars, for the purpose of paying the delinquent interest due and owing from the University of Washington on state school land contract of sale No. 1351, issued October 11, 1893, to the University of Washington, for the benefit of the current school fund of said state, and the state auditor is hereby authorized and directed to draw his warrant on the general fund for said sum of \$8,494.10 in favor of said current school fund, and which said appropriation of \$8,494.10, together with the legal rate of interest on state warrants, shall be refunded to the general fund of the state from the university fund at such time as there may be funds in said university fund to refund the same: *Provided*, That in case there shall not be any money with which to pay said warrant when the same is presented for payment, said state treasurer shall purchase said warrant with any moneys in his hands belonging to the permanent school fund, under the terms and provisions of section 69, chapter LXXXIX, Session Laws of 1897.

SEC. 2. There is hereby appropriated out of the university fund of the State of Washington, annually, from and after October 11, 1898, the sum of sixteen hundred and ninety-eight and $\frac{82}{100}$ (\$1,698.82) dollars, to meet the payments of interest accruing upon said state school land contract of sale No. 1351, and the state auditor is hereby authorized and directed to draw his warrant upon the university fund in favor of the current school fund, for said annual interest charge, when the same shall become due.

SEC. 3. An emergency exists, and this act shall take effect immediately.

Passed the House March 3, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CXIII.

[H. B. No. 195.]

PROHIBITING THE ADULTERATION OF FOOD ARTICLES.

AN ACT to provide against the adulteration of food.

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

SECTION 1. No person shall, within this state, manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

SEC. 2. The term "food," as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 3. Any article shall be deemed to be adulterated within the meaning of this act: In the case of food — What shall constitute adulteration.

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4) If it is an imitation of, or is sold under the name of, another article. (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal, or vegetable or fruit substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal. (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds,

with the name and per cent. of each ingredient therein and are not injurious to health.

Sample to be furnished.

SEC. 4. Every person manufacturing, exposing or offering for sale, or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession.

Penalty.

SEC. 5. Whoever refuses to comply, upon demand with any of the requirements of section 4, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than fifty dollars, or imprisoned not exceeding ninety or less than thirty days, or both; any person found guilty of manufacturing, offering for sale or selling any adulterated articles of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the state dairy and food commission, or their agent, and by them paid into the state treasury, to be paid as a fund separate and apart for the use of the state dairy and food commissioner for the enforcement of this act, and called "pure food fund."

Fines, etc., to go into special fund.

Salary food commissioner.

SEC. 6. The state dairy commissioner shall be state dairy and food commissioner, and shall receive, in addition to his salary as dairy commissioner, \$300 per year, as extra compensation for enforcing the provisions of this act, and his necessary expense, out of the pure food fund in the discharge of his duties under this act.

Appropriation.

SEC. 7. There shall be appropriated for salary of state dairy and food commissioner \$600, for two years end-

ing April 1st, 1901, and \$1,000 out of the food commission fund for expenses of said commissioner.

SEC. 8. It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without extra charge to the state, other than necessary expenses, any and all substances that the dairy food commissioner may send to them, and to report to him without [un]necessary delay, the result of any analysis so made, and when called upon by said commissioner, any such chemist shall assist him in prosecuting violations of the law by giving testimony, either expert or otherwise. Analyses.

SEC. 9. It shall be the duty of the attorney general, or the prosecuting attorney in any county in the state, when called upon by the dairy commissioner to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act: *Provided*, That the dairy commissioner may employ special counsel if necessary. Duty county attorney.

SEC. 10. The state board of dairy commissioners, *ex officio*, shall be "the state board of dairy and food commission." All expenses incurred under the provisions of this act shall be paid out of the "pure food fund," and shall be audited by the state auditor upon bills being presented, properly certified by the board of dairy and food commission, and the state auditor shall from time to time draw warrants upon the state treasurer for the amounts thus audited. Board.

This act shall take effect April 1st. 1899.

Passed the House February 6, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXIV.

[H. B. No. 363.]

FOR THE PROTECTION OF PROPERTY AND RECORDS
UPON PUBLIC LANDS.

AN ACT to punish the injury or destruction of property and records upon public lands.

*Be it enacted by the Legislature of the State of Washington:*Damage to
buildings, etc.

SECTION 1. If any person shall maliciously or wantonly destroy or deface any cabin or other building or place of shelter or any of the contents of such cabin, building or shelter constructed by any person or persons or society of persons upon any public land of the State of Washington, or of the United States within the State of Washington, or upon any land not owned by such person so destroying or defacing the same, he shall be deemed guilty of a misdemeanor: *Provided*, That the provisions of this act shall not apply to *bona fide* settlers on government lands.

Damage to
monuments,
records, etc.

SEC. 2. If any person shall maliciously or wantonly remove, destroy or carry away any record or record book or document of any kind or any box or other receptacle for containing the same or any instrument or device for scientific purposes established or placed upon any mountain peak or summit or at any other place of resort, or upon any land belonging to this state or to the United States, or in or upon any body or stream of water within this state, such person shall be deemed guilty of a misdemeanor.

Penalty.

SEC. 3. Every person convicted of a violation of any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than six months or by both such fine and imprisonment. Any person acting as informer, in case of conviction under this act, shall be entitled to one-half of the fine imposed.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CXV.

[H. B. No. 305.]

RELATING TO DIKE DISTRICTS.

AN ACT to amend section five of an act entitled "An act to provide for the establishment and creation of dike districts, and the construction and maintenance of a system of dikes, and to provide the means of the payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section five of "An act to provide for the establishment, and creation, of dike districts and the construction of a system of dikes, and to provide the means of payment therefor, and declaring an emergency," approved March 20, 1895, be and the same is hereby amended so as to read as follows: Sec. 5. Said election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Washington, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county in which such district is located, and shall have resided within the boundaries of said proposed district for a period of not less than thirty days next preceding the day of such election. The board of county commissioners shall, on the Monday next succeeding such election, count and canvass the votes cast thereat, and if, upon said canvass and count, it appears that a majority of the votes cast are for "dike districts, yes," the board shall immediately enter an order upon its records declaring the proposed territory duly organized as a dike district, giving to such district a proper number, followed by the name of the county and state, and shall also declare the three persons receiving, respectively, the highest number of votes, the duly elected dike commissioners of such diking district. Said board shall cause a copy of the order entered of record, duly certified to be filed in the office of the secretary of state,

Amendment.

Election.

County commissioners to canvass.

Order to be filed with secretary of state.

and from and after the date of such filing, said organization shall be deemed complete; and the members of said board of commissioners, so chosen at said election, before entering upon the discharge of their duties, shall qualify as county officers are required to qualify, and each shall enter into a bond, payable to the State of Washington, for the benefit of said district, with two or more sureties, in a penal sum of not less than one thousand dollars nor more than five thousand dollars, conditioned for the faithful performance of their duties as dike commissioners, to be approved by the board of county commissioners; and to be filed with the county clerk, of the county in which said district is situated.

Qualification
of board.

Term of office.

The said dike commissioners shall hold office until the next general election at which officers of said dike district are to be elected, and until such further time as their successors are elected and qualified. The members of each successive board of dike commissioners, whether elected or appointed, shall, before entering upon their duties, enter into a bond as herein provided, and after being approved by the board of county commissioners, shall be filed in the office of the county clerk of the county in which said district is situated.

Passed the House February 25, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CXVI.

[H. B. No. 452.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1899, and ending March 31, 1901, and making an appropriation for deficiency in the maintenance fund of the western Washington hospital for insane.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys from the several funds of the state treasury for payment of the salaries provided by law for certain officers and employes of the state, and for the other purposes hereinafter expressed, for the fiscal term beginning April 1, 1899, and ending March 31, 1901:

FROM GRAIN INSPECTION FUND.

For expenses, postage, incidentals and assistants.....	\$23,000 00	
Total from grain inspection fund.....		\$23,000 00

FROM REVOLVING FUND.

For the purchase of materials and payment of salaries of employes in the jute mill and brickyard for the fiscal year beginning April 1st, 1899, and ending March 31st, 1900.....	\$50,000 00	
For the purchase of materials and payment of salaries of employes in the jute mill and brickyard for the fiscal year beginning April 1st, 1900, and ending March 31st, 1901.....	50,000 00	
Total from revolving fund.....		\$100,000 00

FROM LIBRARY FUND.

For postage and incidental expenses.....	\$400 00	
For purchase of maps and books for state library.....	2,000 00	
Total from library fund.....		\$2,400 00

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE.

For salary of governor, at \$4,000 per year.....	\$8,000 00	
For private secretary of governor, at \$1,200 per year.....	2,400 00	
For postage, traveling expenses and incidentals.....	1,500 00	
For publishing governor's proclamations.....	300 00	
For extradition expenses.....	3,000 00	
For rewards authorized by governor.....	2,000 00	
For examination into alleged infractions of law.....	500 00	
For the suppression of riots, insurrections, or the raising of troops.....	10,000 00	
For survey of public lands by governor as provided by United States statutes.....	10,000 00	
Total for governor's office.....		\$37,700 00

SESSION LAWS, 1899.

FOR LIEUTENANT GOVERNOR'S OFFICE.

Salary of lieutenant governor, at \$1,000 per year.....	\$2,000 00
Total for lieutenant governor's office.....	\$2,000 00

FOR WESTERN WASHINGTON HOSPITAL FOR THE INSANE.

For maintenance.....	\$175,000 00
For the construction and equipment of additional wing, or building.....	40,000 00
For extension of laundry building.....	2,500 00
For new laundry, carpenter shop and ice machinery.....	2,400 00
For new boiler for pumping plant.....	750 00
For remodeling bathing apparatus.....	500 00
For new greenhouse.....	300 00
For new kitchen steam kettles.....	500 00
For repairs and improvements.....	2,000 00
For furniture, including iron bedsteads.....	1,000 00
For library.....	200 00
Total for western Washington hospital for insane.....	\$225,150 00

FOR EASTERN WASHINGTON HOSPITAL FOR THE INSANE.

For maintenance.....	\$105,000 00
For infirmary.....	4,000 00
For extension of laundry building and new machinery for laundry.....	1,000 00
For repairs and improvements.....	1,000 00
For furniture and carpets.....	500 00
For library.....	100 00
Total for eastern Washington hospital for the insane.....	\$111,600 00

STATE PENITENTIARY.

For maintenance.....	\$100,000 00
For library.....	200 00
For repairs and incidentals.....	2,000 00
Total for state penitentiary.....	\$102,200 00

FOR STATE AUDITOR'S OFFICE.

For auditor's salary, at \$2,000 per year.....	\$4,000 00
For salary chief deputy, at \$1,200 per year.....	2,400 00
For bookkeeper's salary at \$1,000 per year.....	2,000 00
For stenographer and typewriter's salary, at \$720 per year.....	1,440 00
For contingent expenses, extra clerical hire, postage, expressage, telegrams, distribution of revenue forms, and incidentals.....	1,200 00
Total for state auditor's office.....	\$11,040 00

STATE REFORM SCHOOL.

For maintenance.....	\$40,000 00
For repairs and improvements.....	2,500 00
For library.....	200 00
Total for state reform school.....	\$42,700 00

SOLDIERS' HOME.

For maintenance.....	\$15,000 00
For new dormitory and amusement hall.....	5,000 00
For furnishing new dormitory and amusement hall.....	1,250 00
For repairs and improvements.....	3,000 00
For library.....	200 00
For sidewalk to Orting.....	1,000 00
Total for soldiers' home.....	\$25,450 00

FOR WASHINGTON STATE FAIR.

Total for Washington state fair.....	\$8,000 00
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FOR BOARD OF HEALTH.

Salary and expenses, state board of health.....	\$750 00	
Total for board of health.....		\$750 00

FOR STATE BOARD OF AUDIT AND CONTROL.

Salary of commissioner of public institutions, which shall hereafter be \$2,000 per year.....	\$4,000 00	
Expenses of commissioner of public institutions, at \$1,000 per year.....	2,000 00	
Clerk hire, at \$1,000 per year.....	2,000 00	
Expenses of board of audit and control, at \$250 per year..	500 00	
Total for state board of audit and control.....		\$8,500 00
For cost bills in convictions of felony.....		25,000 00
For transportation of convicts to state penitentiary.....		14,000 00
For transportation of incorrigibles.....		3,500 00
For transportation of insane persons to hospitals for insane.....		12,000 00

FOR STATE UNIVERSITY.

For maintenance.....	\$100,000 00	
For alterations and improvements.....	5,000 00	
Total for state university.....		\$105,000 00

FOR SECRETARY OF STATE'S OFFICE.

For salary of secretary of state, at \$2,500 per year.....	\$5,000 00	
For salary of chief clerk, at \$1,500 per year.....	3,000 00	
For salary of recording clerk, at \$900 per year.....	1,800 00	
For salary of recording clerk, at \$820 per year.....	1,640 00	
For salary of bookkeeper and stenographer, at \$720 per year.....	1,440 00	
For postage and incidentals.....	1,600 00	
For distribution of Session Laws, supreme court reports, House and Senate Journals.....	350 00	
For indexing Session Laws.....	200 00	
For extra clerk hire.....	500 00	
For salary of deputy insurance commissioner, at \$1,500 per year.....	3,000 00	
For traveling and incidental expenses.....	400 00	
For publishing constitutional amendments.....	1,000 00	
Total for secretary of state's office.....		\$19,930 00

FOR STATE TREASURER'S OFFICE.

For salary of state treasurer, at \$2,000 per year.....	\$4,000 00	
For salary of bookkeeper, at \$1,500 per year.....	3,000 00	
For clerk hire.....	600 00	
For incidental fund.....	500 00	
Total for state treasurer's office.....		\$8,100 00

FOR SUPREME COURT.

Salary of supreme judges, at \$4,000 each, per year.....	\$40,000 00	
Salary of clerk of supreme court, at \$2,000 per year.....	4,000 00	
Salary of supreme court reporter, at \$2,000 per year.....	4,000 00	
Contingent expenses, supreme court.....	8,000 00	
Total for supreme court.....		\$56,000 00

FOR SALARY AND EXPENSES OF SUPERIOR JUDGES.

Salary of superior judges.....	\$63,000 00	
For traveling expenses of superior judges whose jurisdiction contains more than one county.....	2,500 00	
For payment of salary and expenses of superior judges pro tem.....	500 00	
Total for superior judges.....		\$66,000 00

SESSION LAWS, 1899.

FOR ATTORNEY GENERAL'S OFFICE.

For salary of attorney general, at \$2,000 per year	\$4,000 00
For salary of assistant attorney general, at \$1,800 per year	3,600 00
For stenographic work and clerk hire, at \$500 per year at Olympia office	1,000 00
For stationery, postage and incidentals, \$200 per year	400 00
Traveling expenses attorney general, at \$750 per year....	1,500 00
Legal assistance land office cases, at \$125 per year	250 00
For court expenses, advance per diem and mileage of witnesses, at \$100 per year.....	200 00
Total for attorney general's office	\$10,950 00

FOR OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of state superintendent, at \$2,500 per year	\$5,000 00
For salary of deputy superintendent, at \$1,000 per year ..	2,000 00
For clerical assistance and incidentals, \$1,000 per year...	2,000 00
For expenses state board of education, \$1,000 per year...	2,000 00
For traveling expenses superintendent, \$350 per year....	700 00
For postage, express, telegraphing, telephone, at \$350 per year	700 00
Total for superintendent of public instruction.....	\$12,400 00

FOR OFFICE OF COMMISSIONER OF PUBLIC LANDS.

Salary of commissioner of public lands, at \$2,000 per year	\$4,000 00
Salary of chief clerk, at \$1,500 per year	3,000 00
Salary of chief engineer, at \$1,200 per year.....	2,400 00
Salary of recording clerk and stenographer, at \$720 per year.....	1,440 00
Salary of bookkeeper, abstractor and recorder, at \$900 per year.....	1,800 00
Salary of two abstractors and recorders, at \$900 each per year.....	3,600 00
For extra engineering help, at \$1,000 per year.....	2,000 00
For expense of appraisement, sales and lease of school, granted, tide and other state lands	10,000 00
For salary and fees of agents in selecting lands.....	20,000 00
For advertising sale of state lands.....	1,000 00
For postage and incidental expenses.....	1,500 00
For contingent fund, for defending state's title to school, granted and other lands before the courts and the several United States land offices of the state, the secretary of the interior, United States land office filing fees, and court fees and expenses on escheated lands.....	2,175 00
For establishing harbor lines, completing and correcting tide land surveys and school land surveys within corporate limits.....	2,000 00
For procuring plats and abstracts of entries from United States land offices.....	300 00
For traveling expenses commissioner of public lands, and board of state land commissioners.....	500 00
Total for commissioner of public lands.....	55,715 00

FOR GRAIN INSPECTOR.

For salary of inspector.....	\$3,600 00
Total for grain inspector.....	\$3,600 00

FOR AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

For maintenance, two years.....	\$37,500 00
For library.....	1,500 00
For equipment of gymnasium.....	250 00
Total for agricultural college and school of science.....	\$39,250 00

For the purchase of three hundred copies each of volumes 20, 21,
22, 23, 24, 25, Washington reports..... \$4,500 00

FOR THE BUREAU OF LABOR.

Incidental traveling expenses and mileage for both officials..... \$2,400 00
Commissioner's salary..... 2,400 00
Mill, factory and railroad inspector..... 2,400 00
Office expenses, postage, incidentals, etc..... 200 00
Office rent, furnishings, etc..... 100 00
Contingent expenses for enforcing labor laws..... 500 00
Total for bureau of labor..... \$8,000 00

FOR COAL MINE INSPECTORS.

For salaries of coal mine inspectors..... \$3,000 00
For traveling expenses, coal mine inspectors..... 750 00
For coal mine examiner..... 400 00
Total for coal mine inspectors..... \$4,150 00

FOR STATE BOARD OF HORTICULTURE.

For salary..... \$2,000 00
For expenses..... 1,000 00
Total for state board of horticulture..... \$3,000 00

FOR SCHOOL FOR DEFECTIVE YOUTH.

For laundry..... \$2,000 00
For maintenance..... 56,000 00
Total for school for defective youth..... \$58,000 00

FOR OFFICE OF FISH COMMISSIONER.

Salary of fish commissioner at \$2,000 per year..... \$4,000 00
Traveling and incidental expense fund, \$750 per year..... 1,500 00
Office expense, rent, etc., \$250 per year..... 500 00
Salaries of three deputies, at \$250 per year..... 1,500 00
Traveling and incidental expenses of deputies, \$500 per year..... 1,000 00
Total for office of fish commissioner..... \$8,500 00

FROM FISH HATCHERY FUND.

Improvements Kalama river hatchery..... \$1,500 00
Maintenance of Kalama river hatchery, two years..... 6,000 00
Improvements Chinook hatchery..... 500 00
Maintenance Chinook, two years..... 4,000 00
Maintenance Chehalis hatchery, two years..... 5,000 00
Maintenance of hatcheries for two years, authorized by H. B. No. 438..... 47,750 00
Total from fish hatchery fund..... \$64,750 00

FROM MILITARY FUND.

FOR MAINTENANCE OF NATIONAL GUARD TO MARCH 31, 1901.

For salary of adjutant general, at \$1,200 per year..... \$2,400 00
For incidentals, traveling expenses, postage, etc..... 1,600 00
For clerk hire..... 2,000 00
For armory rent and maintenance of militia companies..... 18,000 00
Total for maintenance of National Guard..... \$24,000 00

FROM GENERAL FUND.

FOR STATE LIBRARY.

For salary of state librarian, at \$1,500 per year..... \$3,000 00
For salary of assistant state librarian, at \$800 per year.. 1,600 00
Total for state library..... \$4,600 00

For indexing house journal.....	\$200 00
For indexing senate journal.....	200 00
For transportation and salaries state veterinarian and deputies....	500 00
For surveying boundary lines between Oregon and Washington on Columbia river, per concurrent resolution No. 9.....	1,200 00
Expense state board equalization.....	400 00
For experimental station at Puyallup.....	5,000 00
For completing road from Republic to Marcus.....	4,000 00
For state mining bureau, traveling expenses, etc.....	1,500 00
For Whatcom normal school, improving and grading grounds.....	3,000 00
For care of capitol, at \$100 per year.....	200 00
For removal of library.....	500 00
Rent of state offices, \$10,200 per year.....	20,400 00
For deficiency in maintenance fund, Western Washington hospital for the insane.....	876 83
FOR STATE PRINTING OFFICE.	
For printing and binding.....	\$36,000 00
For desk supply fund.....	4,000 00
Total.....	\$40,000 00
From state normal [school] fund, for relief of Jasper N. Warren as custodian of the normal school building at New Whatcom, to March 31st, 1899.....	\$300 00

Passed the House March 9, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CXVII.

[H. B. 379.]

RELATING TO FOOD FISHES.

AN ACT providing for the protection and propogation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency.

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

Prohibited
waters.

SECTION 1. Hereafter it shall be unlawful to construct, own, operate and maintain within any of the rivers of this state flowing into Puget Sound, and within said bodies of water within a distance of three miles from the mouth of any such rivers, and also within that arm of Puget Sound and body of water known as Deception Pass, or within one half mile of the west entrance thereof and in any of the other salt

waters of this state at a greater depth than sixty-five feet at low tide, any pound net, trap, weir, fish wheel, or other fixed appliance, set lines excepted, for the purpose of catching salmon or other food fishes, and for the purpose of enforcing the provisions of this section, the fish commissioner shall indicate the mouths of said rivers by driving piles therein. It shall also be unlawful hereafter to use any purse net or other like seine within three miles and any drag seine within one mile from the mouth of any of said rivers or within said rivers: *Provided*, That nothing in this or any other act shall prevent any Indian residing in this state, from taking salmon or other fish by any means at any time for the use of himself and family.

SEC. 2. The use of pound nets, traps, weirs, fish wheels and other fixed appliances, and purse nets, drag seines and other seines for catching salmon is hereby authorized in all the waters of this state wherein the same is not prohibited by section one, subject to the regulation and license hereinafter provided for or otherwise required by law, and the use of set nets and gill or drift nets, subject to said license and regulation for said purpose, is authorized in all the waters of this state, except as otherwise provided by law: *Provided, however*, That no fishing appliances shall be constructed, operated or maintained upon any of the waters of this state or the Columbia river or its tributaries by any person whomsoever, without such person shall have first obtained a license so to do from the fish commissioner of this state, who is hereby authorized to issue said license under the regulations provided by law. A separate license shall be required for each trap, pound net, weir, fish wheel or any other fixed appliance, and for every purse net, purse seine, drag seine or other seine, gill net, drift net or set net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, weir, fish wheel or other fixed appliance, seine, gill net, drift net or set net, which number shall be designated by the said commissioner, and said license shall also contain the name of the person to whom

such license shall be granted. No license shall be issued to any person who is not a citizen of the United States, unless such person has declared his intention to become such one year prior thereto, and is and has been for one year immediately prior to the time of the application for license an actual resident of the State of Washington, nor shall any license be issued to any corporation, unless such corporation shall be authorized to do business in this state: *Provided*, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors of the age of eighteen years or more, or Indians, who possess the qualifications of citizenship and residence hereinbefore required, nor to prevent the renewal of any licenses by persons now holding the same: *Provided*, Licenses issued by the State of Oregon shall be deemed valid as to gill nets for use on the Columbia river as though issued by the fish commissioner of this state. No more than three licenses shall be issued to any one person, firm or corporation. Licenses may be assigned or transferred to any person or corporation entitled to hold licenses under the provisions of this act: *Provided*, That notice is given to the fish commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment: *And provided further*, If such notice of transfer is not given such license shall be void. No person or corporation shall own, operate or construct, or cause to be constructed or operated any pound net, trap, weir, fish wheel or other fixed appliance for the catching of salmon on the waters of the Columbia river, or its tributaries, or in any of the waters of the State of Washington, the meshes of which are less than three inches stretch measure.

SEC. 3. Any person owning, operating or using any pound net, trap, weir, fish wheel or other fixed appliance for taking salmon, shall cause to be placed in a conspicuous place on said pound net, trap, weir, fish wheel or other fixed appliance, the number designated by the fish commissioner at the time of issuing the license for the operation thereof; said number to

Who may be licensed.

Certain Oregon licenses valid.

Transfer.

Size of mesh.

License number to be posted.

consist of black figures, not less than six inches in length, painted on white ground; any person owning, or operating or using any seine, purse net, gill net or set net for the purpose of taking salmon, shall cause to be branded the corks of each end of the seine, purse net, gill net or set net, and upon the cork nearest the center thereof, the number designated by the fish commissioner at the time of issuing the license for the operation of said seine or net, said number to consist of figures not less than one-half inch in length, and shall also cause to be placed upon each side of the bow of the boat used to operate such seine or net such license number, preceded by a capital "W" the same to consist of black figures not less than six inches in length, painted on white ground. All pound nets or traps shall conspicuously show at night time, between sunset and sunrise, a bright white light.

SEC. 4. No lead of any pound net, trap, fish wheel or other fixed appliance used or operated in the waters of the Columbia River or its tributaries, Willapa Harbor, or Gray's Harbor in this state for catching salmon shall exceed eight hundred feet in length, and in the waters of Puget Sound two thousand five hundred feet in length. There shall be an end passage way of at least thirty feet, and a lateral passageway of at least nine hundred feet, between all pound nets, traps, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of the Columbia River and its tributaries, Willapa Harbor and Gray's Harbor within this state, and there shall be an end passage way of at least six hundred feet and a later[al] passage way of at least twenty-four hundred feet between all pound nets, traps, weirs or other fixed appliances hereafter constructed and placed within the waters of Puget Sound in this state, for the purpose of determining end passage way a line shall be drawn parallel to the general direction of the shore line for one-half mile on either side of a proposed location, which parallel line shall intersect the outer end of any location theretofore made, and maintained as by law

provided, and a new location shall be driven at least six hundred feet distant at right angles from such base line.

Fisherman's
license.

Who may
receive.

Fee.

SEC. 5. Any person, other than minors under eighteen years of age, who desires to work as a fisherman in any of the waters of this state on or with any of the fishing appliances mentioned in this act, whether said person be the owner of an appliance or an employe of an owner, shall obtain a fisherman's license from the fish commissioner of this state as follows: Such applicant shall present in writing to the fish commissioner his application, which application shall be accompanied by the affidavit of said applicant that he is a citizen of the United States, or has declared his intention to become such one year prior to the making of such application and that he is and has been, for six months next preceding such application, a *bona fide* resident of the State of Washington, or of any adjoining state, and shall pay to the said fish commissioner a license fee of one dollar when said application is presented, and thereupon a license shall issue to such applicant authorizing him to engage in taking and catching fish in any of the waters of the state not prohibited under the provisions of this act. In addition to the license aforesaid, any licensed fisherman desiring to engage in the business of operating a fish trap, pound net, set net, gill net, fish wheel, seine or other appliance not prohibited by law, for the purpose of catching fish, shall make application in writing to the said fish commissioner, specifying with convenient certainty the character of the appliance that applicant desires to obtain a license for, together with the number of his individual license as provided in this act, and upon the payment of a license fee as hereinafter provided, the fish commissioner shall issue to such person a license to operate the character of appliance desired in said application.

SEC. 6. All licenses provided in sections two and three of this act shall be issued as follows: Upon application therefor by any person, an annual license

shall be issued by the fish commissioner for fixed and other appliances for catching salmon or other food fishes as herein provided, which shall entitle the holder to operate said appliances for the term of one year in the waters of this state, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the fish commissioner and paid over to the state treasurer on or before the tenth of each month, and by him turned into the fish hatchery fund, to-wit:

	License fees.
For each drag seine not exceeding two hundred and fifty feet in length	\$2 50
For each drag seine more than two hundred and fifty feet in length, and not exceeding five hundred feet in length..	5 00
For each drag seine exceeding five hundred feet in length, and not exceeding ten hundred feet in length.....	10 00
For each drag seine more than one thousand feet in length, and not exceeding fifteen hundred feet in length.....	15 00
For each drag seine more than fifteen hundred feet in length, and not exceeding two thousand feet in length.....	20 00
For each drag seine more than two thousand feet in length, and not exceeding twenty-five hundred feet in length..	25 00
For each drag seine more than twenty-five hundred feet in length	30 00
For each first class pound net, trap or weir on the Columbia river.....	20 00
For each second class pound net, trap or weir on the Columbia river.....	10 00
For each first class purse seine	50 00
For each second class purse seine.....	25 00
For each gill net or drift net	2 50
For each set net.....	2 50
For each pound net, trap or weir on Willapa Harbor and Gray's Harbor	10 00
For each pound net, trap or weir (except on the Columbia river, on Willapa Harbor or Gray's Harbor).....	50 00
For each scow fish wheel	15 00

Stationary fish wheels shall pay \$25.00 for first class wheels and \$10.00 for second class wheels; all classifications of wheels, pound nets and purse seines to be determined by the fish commissioner: *Provided*, Where any trap or pound net is so constructed as to take fish at each end of its main lead it shall obtain and pay for a license especially permitting the taking of fish at both ends, for which it shall pay a license fee double

Double
license fee.

Additional
fees.

Sworn
statement.

Packer's
license.

Statement to
be furnished.

the amount of a pound net or trap taking fish at one end only. In addition to the foregoing license charges there shall also be paid by the owners of each trap, pound net or fish wheel operated in the waters of the state, the sum of one dollar for each one thousand fish taken by such trap, pound net or fish wheel, and the said additional fee shall be paid on or before the tenth day of each month. It shall be the duty of every person owning or operating any trap, pound net or fish wheel to furnish to the fish commissioners on or before the tenth day of each month a sworn statement giving the number and location of such trap or pound net and a detailed statement of the actual number of fish caught at such trap or pound net, and in addition to answer such questions as the fish commissioner shall propound with reference thereto, which statement shall be filed with and retained by the fish commissioner.

SEC. 7. Every person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in salmon other than canners thereof, shall pay as a license the sum of thirty cents per ton gross weight or in the round of said fishes bought and sold, packed or preserved or otherwise dealt in: *Provided*, No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each person, firm or corporation affected by the provisions of this section to render to the fish commissioner of the State of Washington, on or before the tenth day of each month, on blanks to be furnished by the said fish commissioner, a detailed statement showing gross amount of fresh fish in the round bought and sold, packed and preserved or otherwise dealt in during the preceding month, and each person shall pay to the said commissioner the amount due under the provisions hereof, on or before the tenth of each month, and a failure or neglect to do so shall constitute a misdemeanor, and upon conviction thereof the offender may be punished as hereinafter provided.

SEC. 7½. Every person, firm or corporation engaged in canning salmon shall procure a license before commencing the season's packing, as follows :

	Amount fees.
For each cannery packing less than 10,000 cases per annum.....	\$100 00
For each cannery packing from 10,000 to 15,000 cases per annum.....	150 00
For each cannery packing from 15,000 to 20,000 cases per annum.....	200 00
For each cannery packing from 20,000 to 25 000 cases per annum.....	250 00
For each cannery packing from 25,000 to 30,000 cases per annum.....	300 00
For each cannery packing from 30,000 to 40,000 cases per annum.....	400 00
For each cannery packing from 40,000 to 50,000 cases per annum.....	500 00
For each cannery packing from 50,000 to 60,000 cases per annum.....	600 00
For each cannery packing from 60,000 to 70,000 cases per annum.....	700 00
For each cannery packing from 70,000 to 80,000 cases per annum.....	800 00
For each cannery packing from 80,000 to 90,000 cases per annum.....	900 00
For each cannery packing from 90,000 to 100,000 cases per annum.....	1,000 00

Rates on all canneries to be based upon pack of each preceding year. New canneries shall pay a license of \$250 until their pack is definitely known.

SEC. 8. And it shall be unlawful to take or fish for salmon in any of the tributaries of Puget Sound during the month of April and [from] the 15th of October to the 15th of November in each year. It shall also be unlawful to take or fish for salmon by any means whatsoever in any of the following named rivers above tide water in said rivers: Nooksack river, Skagit river up to the town of Hamilton, Stillaguamish river, Snohomish river, White river, Nesqually river and Skokomish river; and it shall be unlawful to take or fish for salmon in the waters of Gray's Harbor or its tributaries from the 15th of March to the 15th of April, and from the 15th of November to the 15th of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named trib-

Fishing season.

Limitations
of fishing
ground.

utaries of Gray's Harbor from the 15th day of August to the 15th day of November of each year, above the points hereinafter described, to wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half mile above the [mouth of] the Johns river. The fish commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the 15th of March to the 15th of April, and from the 15th of November to the 15th of December in each year. And also it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tide water in said rivers: North river, Willapa river and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above named rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever, in any year, between 12 m. the 1st day of March and 12 m. the 15th day of April, or between 12 m. the 10th day of August and 12 m. the 10th day of September; and it shall be unlawful at any time to take or fish for any salmon, by any means whatever, except with hook and line, commonly termed angling, in the Kalama river, Wind river, Little White Salmon river, Wenatchee river, Methow river, and Little Spokane river, and in the Columbia river within one mile of the mouths of the above named rivers. It shall be unlawful at any time to take any

Hours of
fishing.

Certain waters
prohibited.

fish with a net, trap or other device than hook and line in Chambers creek, in Pierce county, or within two hundred and fifty yards of the mouth of said creek, and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide.

SEC. 9. Any person or corporation, after first having obtained a license as provided for in this act, shall indicate locations for traps or pound nets made under such license, by driving at least three substantial piles thereon, which must extend not less than ten feet above the surface of water at high tide, one of said piles to be driven at each end of the location claimed, and upon said terminal piles there must be posted the license number, and if the locator fails to construct his appliance during the fishing season covered by his license, said location shall be deemed abandoned. After any such trap or pound net has been located, the owner thereof may file a description thereof sufficient for identification with the fish commissioner, and shall thereafter have the exclusive right to fish such location and to sell and transfer such right during such time as the locator or owner of such right shall comply with the requirements of the law pertaining thereto in other respects. Locations for drag seines may be made by driving a substantial stake or erecting a permanent monument at each end of the location claimed and posting thereon the number of the license under which such drag seine is operated: *Provided*, That no seine location the title to which is in the state shall occupy a greater space than twice the length of the seine covered by above license. Locations for set nets may be made by driving a substantial stake or erecting a permanent monument or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such set net is operated: *Provided*, There shall be a lateral passage way of at least three hundred feet and an end passage way of thirty feet between all set nets. No fishing appliance or device of any kind whatsoever located or

Trap limits
marked.

License
posted.

Other loca-
tions, how
marked.

Passageway.

used upon any streams or rivers of this state shall, either by a lead or any parts of said appliance occupy more than one-third of the width of such streams or rivers.

Penalty.

SEC. 10. Any person or corporation owning, operating, maintaining or using any pound nets, traps, weirs, fish wheels or other fixed appliances, or any seines, set nets, gill nets or drift nets, for the purpose of catching salmon or other food fishes within or upon the waters of this state, without first having obtained a license so to do as provided for in this act, shall be deemed guilty of a misdemeanor, and any assignee of a license operating any such appliance without giving notice of such assignment as required by this act to the fish commissioner, shall be guilty of a misdemeanor.

SEC. 11. Nothing in this act shall be so construed as to prevent fishing with set nets in any of the rivers of this state except when such fishing is expressly prohibited by law or prohibited by the fish commissioner in his discretion in rivers on which are located state fish hatcheries.

Commissioner
may close
waters.

SEC. 12. Whenever the fish commissioner shall consider that the protection of the food fishes mentioned in this act shall require it, he may close to fishing any stream or river in this state emptying into Puget Sound, the Columbia River, Gray's Harbor or Willapa Harbor, in the manner following, to-wit: he shall post in the office of the county auditor of the county or counties through which the stream or streams desired to be closed shall run, a notice stating that on a date set up in said notice, which date shall be not less than thirty days from the date of notice, said stream or streams will be closed to public fishing, and shall cause a like notice to be published in some weekly paper published in said county or counties for not less than four successive issues. Any person fishing in said stream or streams after it shall have been closed as hereinabove provided, shall be guilty of a misdemeanor and upon conviction shall be punished as provided for the punishment of misdemeanors in this act; *Provided,*

Notice to be
given.

Penalty.

Nothing in this section contained shall be construed to prohibit hook and line fishing for salmon in any stream or streams in this state.

SEC. 13. All moneys collected for licenses and fines under the provisions of this act shall be turned into the state treasury and placed in the fish hatchery fund.

Fish hatchery fund.

SEC. 14. Whenever the term salmon is used in this act it shall be construed to include and apply to chinook, steelhead, blueback, silverside, and all other species of salmon.

SEC. 15. Nothing in this act shall be construed so as to prevent the taking of salmon or other food fishes by the fish commissioner or proper officers of the United States for propagating purposes.

Exceptions.

SEC. 16. It shall be the duty of all persons who purchase salmon or food fishes from fishermen or takers or catchers of salmon, or other food fishes, for the purpose of selling or canning them or the product of the same for profit, to report to the fish commissioner on blanks furnished by him, on or before the 15th day of November of each year hereafter, the number of each species of fish, stated separately, so purchased by them, or if purchased by weight, the number of pounds of each species, and the average price per pound; such statement or report shall be made under oath.

Purchases to be reported.

SEC. 17. The fish commissioner is hereby authorized to administer oaths, and may require any statement made to him in application for license, or in any report submitted to him, or in any matter connected with the discharge of his official business, to be made to him under oath.

Commissioner may administer oaths.

SEC. 18. The term "person or persons," when used in this act, shall be taken to include partnerships, associations and corporations. The term "seine" in this act, is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, draw nets, bag nets, drag nets, drift nets, reef nets and dredge nets.

Meaning of certain terms.

SEC. 19. All reports showing the status of the business of any person required under the provisions of

Reports to be confidential.

this act to report to the fish commissioner, shall be treated by said commissioner as confidential and shall not be open to public inspection, nor shall they be published in any way by the commissioner or communicated to any person unless their publication shall be necessary in some civil or criminal proceeding against said person or persons for the purpose of enforcing the provisions of this act: *Provided*, That the fish commissioner may utilize any and all statistics furnished him in any annual, biennial or other report made by him where the use of said statistics or information will not disclose to the public the condition of business of any person: *And provided further*, That if the fish commissioner or any one in his employ shall willfully publish the said information or statistics disclosing the condition of business of any individual in violation of this section, he shall be guilty of a misdemeanor and shall be punished by a fine of any amount not exceeding one thousand dollars.

Penalty.

SEC. 20. Any person violating any of the provisions of this act, whether or not such violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this act or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction therefor for each and every offense, be subject to a fine of not less than ten dollars nor more than two hundred and fifty dollars.

Repeal.

SEC. 21. All acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That all licenses now existing under the laws heretofore in force shall be continued for the time such licenses may have to run or for the unexpired portion thereof, the same as if this act had not taken effect, and such licenses shall be renewed upon application upon the payment of the license fees as provided by this act.

Emergency.

SEC. 22. An emergency exists, and this act shall be in effect immediately.

Passed the House February 21, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXVIII.

[H. B. No. 332.]

RELATING TO PUBLIC PRINTING AND BINDING.

AN ACT to provide for the state printing and binding, fixing the methods and rules to govern the same; creating commissioners of public printing and a state printing expert; also repealing the following acts: An act entitled "An act to provide for the state printing and binding, fixing the compensation of the state printer, etc.," approved February 19, 1890; also an act entitled "An act to create the office of state printer, to provide for the election, etc.," approved February 19, 1890; also an act entitled "An act to amend sections 1 and 5 of "An act to provide for the state printing and binding etc.," approved March 9, 1893; also sections 3, 4 and 5 of an act entitled "An act providing for uniform systems of public blanks for use in the counties of the State of Washington, and regulating the manufacture and sale thereof by the state," approved March 6, 1897.

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

SECTION 1. The governor, secretary of state, and state auditor shall be *ex officio* commissioners of public printing during their terms of office respectively and shall have full power to prescribe such rules and regulations for the government and control of the department of printing, as it may deem necessary for the proper and economical administration of such department, not in conflict with the provisions of this act.

SEC. 2. The printing of the state is divided into classes, to be let in separate contracts, as follows: The printing and binding of all bills for either or both houses of the legislature together with such resolutions and other matters as may be ordered by the two houses, or either of them, or the officers thereof, other than in pamphlet form, constitute the first class, and be let in one contract; the printing and binding of the journals of the senate and house of representatives and of such reports, communications and other documents as enter into and make a part of the journals, constitute the second class, and shall be let in one contract; the printing and binding of all reports, communications and other documents ordered by the legislature, or either

Commissioners public printing.

Classification.

First class.

Second class.

Third class.

branch thereof, or by the executive departments, to be printed in pamphlet form, together with the volumes of executive documents, and the legislative manual, constitute the third class, and shall be let in one contract; the printing and binding of the general and special laws, and joint resolutions, constitute the fourth class, and shall be let in one contract; the printing of all blanks, circulars, and other work necessary for the use of the executive departments, other than such as are printed in pamphlet form, and all printing not included in the foregoing classes, constitute the fifth class, and shall be let in one contract.

Fourth class.

Fifth class.

Advertisement for proposals.

SEC. 3. The commissioners of printing shall, during the first week in May, A. D. one thousand nine hundred and one, and every year thereafter, give notice in one newspaper printed in the city of Seattle, one newspaper printed in the city of Tacoma, one newspaper printed in the city of Spokane, and one newspaper printed in the city of Olympia, once a week for four successive weeks, that sealed proposals will be received at the office of the secretary of state, until a day and hour specified in the said notice, for the execution of the several classes of the state printing, in separate contracts, as specified in section two of this act, for the term of one year from the first day of August next ensuing; said advertisement shall contain the maximum list of prices established by law, and such other information as the said commissioners may deem necessary. The following prices are hereby established as the maximum prices for doing said work:

Composition.— First class, fifty cents per one thousand ems; second, third and fourth class, seventy-five cents per one thousand ems for plain matter; fifth class, one dollar per one thousand ems: *Provided*, For composition of more than one and less than three justifications, the price shall be not to exceed price and one-half; for three or more justifications, not to exceed double price.

Maximum price.

Presswork.— For the first one hundred impressions of a form, one dollar; for each additional one hundred

impressions of the same form, twenty-five cents. In bookwork the form is hereby determined to consist of eight pages octavo, or twelve pages duodecimo, or fraction thereof, whenever said fraction is made necessary. In all other work the form shall consist of one side of the sheet upon which the job is printed and delivered.

Folding.—When no charge is made for binding, per one hundred sheets of eight pages or fraction thereof, eight cents.

Stitching, including collating, stabbing and cutting, per one hundred copies, one dollar.

Binding, including folding, collating, stabbing, stitching, sawing, sewing and trimming brochure covering, for books of eight pages or less, for one hundred copies, one dollar and fifty cents; brochure covering, for each additional eight pages or fraction thereof, per one hundred copies, twenty cents. Quarter binding, per one hundred copies, forty-five dollars; half binding, per one hundred copies, seventy-five dollars; full cloth binding cut flush, per one hundred copies, fifty-five dollars; full cloth binding, with squares, per one hundred copies, sixty dollars; full roan leather, with squares, per one hundred copies, eighty dollars; full law, per one hundred copies, one hundred and fifty dollars.

Each proposal shall be in writing, sealed and addressed to the secretary of state, and it shall be accompanied by a bond executed in due form by the bidders and a surety company authorized to do business within this state or with at least two good and sufficient sureties, satisfactory to the commissioners, in the penal sum of five thousand dollars, conditioned for the faithful performance, pursuant to this chapter, of such class or classes of the state printing as may be adjudged to him, and for the payment as liquidated damages by such bidder to the state of any excess of cost over the bid or bids of such bidders which the state may be obliged to pay for such work by reason of the failure of such bidder to complete his contract; said bond to be null and void if no contract is awarded to him. No

bid unaccompanied by such bond shall be entertained by the commissioners of printing. The contract shall be let to the person who shall bid to execute the work at the greatest per centum of discount from the maximum prices established by law, such per centum of discount to be uniform on every item of work: *Provided, further,* That all printing and binding for which provision is made in this act shall be performed within the State of Washington.

Opening bids.

SEC. 4. The commissioners of printing, or any two of them, shall at the time of the expiration of the term for receiving proposals, as aforesaid, proceed to open in public all such proposals by them received, and they shall award the contract for each class of printing to the party making the lowest and best bid therefor: *Provided,* That nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing if he shall be the party making the lowest and best bid therefor. If two or more persons bid the same, and the lowest for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as, in their opinion, will best subserve the interests of the state; having reference, however, to a division of the work, as far as practicable, among the several bidders aforesaid. If any of the aforesaid printing shall be executed without the city of Olympia all transportation of paper, copy, proof, or printed sheets shall be at the expense of the contractor or contractors for such printing.

Awarding contract.

Notice to successful bidder

SEC. 5. It shall be the duty of the secretary of state to give prompt notice to each successful bidder that his proposals are accepted. If from death, or any unforeseen cause, there be a failure on the part of any successful bidder to execute his contract the commissioners of printing, or a majority of them, may enter into a contract with the next lowest bidder. If any contractor, after commencing upon his contract, fails to execute the work embraced therein with reasonable expedition an[d] in a suitable manner the commission-

Execution contract.

ers of printing may notify him that, (for) reasons they shall specify, his contract is cancelled, and they may then contract with some other person to do the work at the lowest practicable rate.

SEC. 6. The commissioners of printing shall reject any and all printing that is not done in a workmanlike manner and with ordinary promptness; and the commissioners may withdraw the work from any contractor for unreasonable delay, and may by their agent or otherwise go into the open market and contract for and have the same done, to be paid for in the same manner and from the same fund as would have been paid the original contractor; and if from any cause there is an excess of cost over and above what the same would have been furnished by the original contractor for, such excess of cost shall be charged to and collected from the original contractor, or shall be payable by and collected from the bondsmen for said original contractor; and the action of said commissioners shall be final and conclusive on said original contractor and his sureties.

Commissioners may cancel contract.

SEC. 7. All contractors shall, under the provisions of this chapter, promptly and without unnecessary delay, execute all orders issued to them by the legislature, or either branch thereof, or by the commissioners of printing on behalf of the executive officers of the state. The secretary of state shall furnish to the contractor, within twenty days after the adjournment of the legislature at each session, a copy of all acts and joint resolutions and memorials to congress, or any officer or department of the government of the United States, passed at such session, and the contractor shall, within forty days after such copy shall be furnished him as aforesaid, print all the copies thereof that may be by law required, and the secretary of state shall within ten days after the same are printed, make out and deliver to the contractor an index to the same, and he shall within twenty days print the same and deliver to the secretary of state such number of copies of such laws bound in such manner as by law required.

Copy for Session Laws.

Time of issue Session Laws.

SEC. 8. In estimating the composition of all pamph-

lets, laws, journals and volumes of public documents, every necessary fraction of a page will be counted as a full page, but no entire blank page shall be counted or charged for; and if, in any branch of the (printing), tabular statements occur, which it shall be impracticable to print on the ordinary sized pages, the same shall be printed on tabular sheets of the necessary size, and the amount of composition on the same shall be ascertained by measuring the printed surface, and thereby ascertaining the number of ems. In any class, all figure work requiring additional justification in each line and all rule work requiring the fitting in of rules shall be allowed, the same to be ascertained by strict measurement and count. But one charge shall be made for the composition of all documents ordered to be printed by both branches of the legislature, and no charge or allowance shall be made for composition, when extra or addition copies are ordered to be printed: *Provided*, Such subsequent order shall be made before the type contained therein shall be distributed.

State printing expert.

SEC. 9. The governor is hereby authorized to appoint some competent person, a practical printer thoroughly versed in all branches of the business, who shall be designated "state printing expert," whose duties shall be prescribed by the commissioners of printing. He shall hold his office during the pleasure of the governor and perform such other duties in connection with the public printing as may be required by the secretary of state. He shall receive for his services the sum of eighteen hundred dollars per annum, the same to be paid in monthly payments out of any appropriation for printing and binding, and in the same manner as payments are made to contractors and others for work performed, and to be charged upon the books of the printing expert as an expense account for supervision of state printing and binding.

Salary.

Samples of work.

SEC. 10. Every contractor for any class of printing and binding shall file and preserve one copy of each document or other matter by him printed for the state, which he shall deliver to the state printing expert,

together with a memorandum bill of the same, made out in the manner prescribed by the printing expert. Said printing expert shall certify to the state auditor the amount found due upon any contract for printing or binding and the state auditor shall immediately examine and audit the same and issue his warrant or warrants for the amount which he shall find to be due and owing any contractor, and the state treasurer shall pay such warrant or warrants in like manner as other state warrants are paid. Payment for work.

SEC. 11. All printing, making and binding required by any officer, institution, board or commission of the State of Washington, except printing in newspapers and legislative printing, shall be done under the supervision of the commissioners of printing. It shall be the duty of the said commissioners of printing to determine what stationery and printing shall be furnished every state officer, institution, board or commission, and no requisition for stationery, printing or binding shall be filled by any state contractor unless the same shall first be approved by the said commissioners of printing, or a majority thereof, endorsed thereon in writing. It shall be the duty of said commissioners of printing to examine all matter for biennial reports of state officers, institutions, boards or commissions, and reject therefrom all unnecessary verbiage or statistics, and the officer, institution, board or commission so reporting, shall be bound by the action of a majority of said board, in the rejection of such unnecessary matter. Said commissioners of printing shall have full power to adopt such rules and regulations for the transaction of its business as by them may be deemed necessary. Requisitions shall be made only by the head of the department institution, board or commission, for which stationery, printing, book-making or binding may be required, or by a first assistant of any of the state officers constituting the executive department: *Provided*, That nothing in this act shall apply to printing to be paid for out of the maintenance fund of any state institution, such printing to be done under the control of Commission to approve requisitions. Requisitions. Maintenance printing.

Operative
after July
1, 1901.

the board of management of each institution. This act shall take effect and become operative so far as its repealing clause shall operate, upon the first day of July, 1901 and the present state printer shall continue in office and perform his duties under the present laws until that date and there shall be no public printer elected at the next general election.

Advertise-
ment for bids
for material.

SEC. 12. The commissioners of printing shall, on the first day of April of each year, advertise in two newspapers of this state, for sealed bids for furnishing at the office of the secretary of state the necessary paper and binding materials to be used in the state printing for the ensuing year; and at the time and place named in such advertisement, such sealed bids shall be opened by said board, and the contract or contracts to furnish such paper and binding materials shall be awarded by said board to the lowest responsible bidder or bidders at such bidding: *Provided*, That if it shall appear to the satisfaction of said board that such bids are collusive, it shall re-advertise for sealed bids as hereinbefore provided. The paper and binding material for the state printing shall be provided by the state and delivered to the contractor and be received by the contractor in such quantities as may be necessary for the printing which he is required by his contract to do.

Repeal.

SEC. 13. An act act entitled "An act to provide for the state printing and binding, fixing the compensation of the state printer, prescribing his duties, and to provide for the purchase of printing materials, and declaring an emergency," approved February 19, 1890; also an act entitled "An act to create the office of state printer; to provide for the election, the term of office, and qualifications of said officer, and prescribing his duties, and declaring that an emergency exists," approved February 19, 1890; also an act entitled "An act to amend sections 1 and 5 of 'An act to provide for the state printing and binding, etc.,'" approved March 9, 1893; also sections 3, 4 and 5 of an act entitled "An act providing for a uniform system of public blanks for use in the counties of the state of Washington, and

regulating the manufacture and sale thereof by the state," approved March 6, 1897, are all hereby repealed.

Passed the House March 8, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CXIX.

[H. B. No. 316.]

APPROPRIATION FOR FISH WAY ON THE SKOKOMISH RIVER.

AN ACT appropriating the sum of \$400.00, or so much thereof as may be necessary, for the construction of a fish-way on the Skokomish river, Mason county.

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

SECTION 1. The sum of four hundred dollars (\$400.00) or so much thereof as may be necessary, is hereby appropriated from the fish hatchery fund, to construct a fish way in the Skokomish river: *Provided*, That a portion of the above sum may be used for the purchase of the right of the owner to construct the above fish-way.

Passed the House March 7, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXX.

[H. B. No. 245.]

APPROPRIATION FOR EXPENSES FISH COMMISSIONER.

AN ACT appropriating money for incidental and traveling expenses of the state fish commissioner.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury from any moneys

not otherwise appropriated, the sum of five hundred dollars (\$500.00) for traveling and incidental expenses of the state fish commissioner for the fiscal period ending March 31, 1899.

Passed the House February 25, 1899.

Passed the Senate March 6, 1899.

Approved March 13, 1899.

CHAPTER CXXI.

[S. B. No. 101.]

RELATING TO THE PRACTICE OF PHARMACY.

AN ACT relating to drugs and medicines, the licensing of persons to compound, dispense, buy and sell the same in the State of Washington, placing restrictions on the sale of wines, malt and spiritous liquors, defining crimes and misdemeanors and prescribing penalties in cases of violations of the provisions of this act, repealing chapter 153 of the Session Laws of 1891 of Washington, being an act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of Washington," approved March 9, 1891, and also repealing chapter 113 of the Session Laws of 1893 of Washington, being an act entitled "An act to amend section 8, chapter 153, of the Session Laws of 1891, of Washington, regulating the practice of pharmacy, approved March 9, 1891 and declaring an emergency," approved March 10, 1893, and declaring an emergency.

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

Drugs dis-
pensed only by
registered
pharmacist.

SECTION 1. That it shall hereafter be unlawful for any person to compound or dispense drugs medicines or poisons, or to institute any pharmacy, store or shop for wholesaling or retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist or shall place in charge of said pharmacy store or shop a registered pharmacist except as hereinafter provided.

Who are reg-
istered phar-
macists.

SEC. 2. In order to be a registered pharmacist, all persons must be either graduated in pharmacy, licentiates in pharmacy, assistant pharmacists or licensed physicians.

SEC. 3. Graduates in pharmacy shall be such persons Graduates. as have obtained a diploma from such college or school of pharmacy as be approved by the state board of pharmacy, as sufficient guaranty of their attainments and proficiency.

SEC. 4. Licentiates in pharmacy shall be such persons Licentiates. as shall have had three years practical experience in drug stores wherein the prescriptions of medical practitioners are compounded and have sustained a satisfactory examination before the state board of pharmacy hereinafter mentioned. The state board may grant certificates of registration to licentiates of such other state boards as it may deem proper without examination.

SEC. 5. Assistant pharmacists shall be such persons Assistants. not less than eighteen years of age as have had two years' practical experience under a registered pharmacist, the time of attendance at any reputable school of pharmacy to be accredited to such time, and who shall have passed a satisfactory examination before the state board of pharmacy. Persons who have passed a similar examination before any other state board of pharmacy, upon furnishing satisfactory proof thereof, may receive a certificate of registration as assistant pharmacist without further examination, at the discretion of the state board. The holder of a certificate of registration as assistant pharmacist shall be deemed competent to act as clerk or salesman in a drug store or pharmacy under the supervision of the registered pharmacist in charge thereof, and during the temporary absence of said registered pharmacist.

SEC. 6. It shall be the duty of the registered pharmacist Apprentices to be reported. who take into their employ an apprentice for the purpose of becoming a pharmacist to report to the board within three months thereafter, such facts regarding his schooling and preliminary qualifications as the board may require for the purpose of registration. The board shall furnish proper blanks for this purpose and may issue to such apprentice a certificate of registration as a registered apprentice, and the date of the

certificate shall be proof of the time when practical experience began with the apprentice named therein. The fee for such registration shall be fifty cents.

Board of
pharmacy.

SEC. 7. The members of the board of pharmacy of the State of Washington shall hold office as respectively designated in their appointments, for the term of one, two, three, four or five years, and until their successors may have been duly elected and appointed. The Washington state pharmaceutical association shall annually elect five pharmacists, from which number the governor of the state shall appoint one to fill the vacancy annually occurring in said board. The term of office shall be five years. In case of a vacancy occurring from any cause, the governor shall fill the vacancy by appointing a pharmacist from the names last submitted, to serve as a member of the board for the remainder of the term: *Provided*, That the board of pharmacy of the State of Washington heretofore duly elected and appointed under and by virtue of the provisions of that certain act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of Washington," being chapter 153 of the Session Laws of 1891, approved March 9, 1891, shall continue as such board, the members thereof holding their respective offices under this act by virtue of their election and appointment made heretofore, and their successors to be elected and appointed in the manner set forth herein.

Officers of
board.

SEC. 8. The state board shall annually elect a president and a secretary from the number of its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applicants for registration submitting application in the proper form; to grant certificates of registration to such person as may be entitled to the same under the provisions of this act; to cause prosecutions of all persons violating its provisions; to report annually to the governor and to the Washington state pharmaceutical

Duties of
board.

association upon the condition of pharmacy in the state, which said report shall furnish a record of the proceedings of said board for the year, as well as the names of all persons registered under this act; and also an itemized account of all moneys received and disbursed by them as such board, which account shall be audited by the Washington state pharmaceutical association annually. The board shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties at least once in six months: *Provided*, That the president of the board of pharmacy may call special meetings of said board not more than twice in any one year for the purpose of transacting such business as may properly come before it, and said board shall give thirty days public notice of the time and place of all its meetings. The said board shall also have power to make by-laws for the proper execution of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, together with a record of the conditions justifying such registration. Three members of said board shall constitute a quorum for transaction of all business that may properly come before the board.

SEC. 9. All persons hitherto registered, either as pharmacists, assistant pharmacists or physicians, under the laws of this state, shall be entitled to all rights and privileges of registration under this act: *Provided*, That physicians to be entitled to the benefits of this act must make application for registration hereunder within thirty days of the taking effect of this act.

SEC. 10. Every person claiming registration as a graduate in pharmacy or as a licentiate of some other state board shall, before a certificate be granted, pay to the secretary of the state board of pharmacy the sum of three dollars, and every applicant for registration by examination under this act, shall pay the said secretary the sum of five dollars before such examination be attempted: *Provided*, That in case the applicant fails

Meetings.

Status pharmacists already registered.

Certificate graduation.

Fee.

to pass a satisfactory examination he shall have the privilege, under section 13, of a second examination without charge any time within one year. Every shop keeper desiring to secure the benefits and privileges of this act is hereby required to secure a certificate of registration, and he shall pay the sum of one dollar for the same, and annually thereafter the sum of one dollar for renewal as required of registered pharmacists: *Provided, however,* That nothing in this section shall apply to shop keepers dealing only in patent or proprietary medicines in the original packages.

Exception.

Annual fee.

SEC. 11. Every registered pharmacist and assistant pharmacist who desires to continue the practice of his profession shall annually on or before the first day of June of each year pay to the secretary of said board a renewal registration fee, the amount of which shall be fixed by the board, and which in no case shall exceed two dollars for a pharmacist and one dollar for an assistant, in return for which payment he shall receive the renewal of such registration. Every certificate of registration and every renewal shall be conspicuously exposed in the pharmacy or shop to which it applies.

Certificate to be exposed.

Any registered pharmacist, assistant pharmacist or shop keeper who shall fail or neglect to conspicuously expose such certificates as are herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than ten dollars, and the costs of the action.

Salary secretary of board.

SEC. 12. The secretary of the board of pharmacy shall receive an annual salary not to exceed three hundred dollars, which salary shall be determined by said board; he shall also receive his traveling and other expenses necessarily and actually incurred in the performance of his official duties. The other members of said board shall each receive the sum of five dollars for every day actually engaged in their official duties, and all legitimate and necessary expenses incurred therein.

Compensation other members of board.

Said expenses shall be paid from the fees and penalties received by the board under the provisions of this act, and no part of the salary or other expenses

Disbursement of moneys received for fees.

of said board shall paid out of the public treasury, and of all moneys received by said board in excess of said allowance and other expenses hereinbefore provided for, one-half shall be held by the secretary of the board as a special fund for meeting the expenses of the board; the remaining one-half shall be by him paid over annually to the treasurer of the Washington State Pharmaceutical Association on the order of the president and secretary of said association, to be expended in defraying the necessary expenses incurred in carrying out the provisions of this act subject to the approval of the state board of pharmacy. Said secretary of the board shall give such bonds as the board shall from time to time direct. Bonds.

SEC. 13. Any person not a registered pharmacist, and not having in his employ a registered pharmacist within the full meaning of this act, who shall retail, compound or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not to exceed fifty dollars. Any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist, or any registered pharmacist or shop-keeper registered under this act while continuing in business, who shall fail or neglect to procure annually his renewal of registration, or any person who shall willfully make any false representations or to procure registration for himself or any other person, or who shall violate any of the provisions of this act willfully and knowingly, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars: *Provided*, That nothing in this act shall operate in any manner to interfere with the business of any physician in regular practice, or prevent him from supplying to his patients such medicines as he may deem proper, nor with the making or selling of proprietary medicine or medicines. Penalty. Exceptions.

placed in sealed packages, nor with the exclusive wholesale business of any dealer, except as hereinafter provided, nor prevent shop-keepers from dealing in and selling the commonly used medicines and poisons or patent and proprietary medicines, if such medicines and poisons are sold in the original package of the manufacturer, or in packages put up by a registered pharmacist.

Liability of
druggist.

SEC. 14. Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by the pharmacopœa of the United States or used or intended to be used in medical practice, or shall willfully, knowingly or fraudulently offer for sale, sell or cause the same to be sold for medicinal purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five nor more than one hundred and fifty dollars or by imprisonment in the county jail for a period of not less than one month nor more than three months, and any person convicted a third time for violation of any of the provisions of this section may suffer both fine and imprisonment. In any case he shall forfeit to the State of Washington all drugs or preparations so falsified or adulterated.

Adulteration.

Penalty.

Registry book.

SEC. 15. The proprietor of every drug store shall keep in his place of business a registry book, in which shall be entered an accurate record of all sales of mineral acids, carbolic acid, oxalic acid, hydrocyanic acid, potassium cyanide, arsenic and its preparations, corrosive sublimate, red precipitate, preparations of opium (except paregoric), phosphorus, nux vomica and strychnine, aconite, belladonna, hellebore and their preparations, croton oil, oil of savin, oil of tansy, creosote,

wines and spiritous or malt liquors, and such other dangerously poisonous drugs, chemicals and medicinal substances as may from time to time be designated by the state board of pharmacy, upon a recommendation to them to that effect by the Washington state pharmaceutical association. Printed notice of all such additions to the poisons named and provided for in this section shall be given to all persons registered under this act with the next following renewal of their certificate thereafter. Said record shall state quantity purchased, the date, for what purpose used, buyer's name and address, and said record at all times during business hours shall be subject to the inspection of the prosecuting attorney or any authorized agent of the board of pharmacy: *Provided*, That no such wines, spiritous or malt liquors shall be sold for any other than medical, scientific, mechanical or sacramental purposes, and no other license shall be necessary under any law of the state for pharmacists to make said sale in compliance with the provisions of this act. All ^{Labels.} poisons shall be plainly labeled as such and that such label shall also bear the name and address of the manufacturer if said poison is in the original package of the manufacturer, if otherwise that of the druggist putting up or selling the same. The provisions of this section shall not apply to dispensing under physicians' certificates.

SEC. 16. Any itinerant vendor or any peddler of any ^{Vendor's} medicine, drug, nostrum or ointment or preparation, ^{license.} for the treatment of disease or injury, shall pay a license fee of not less than one dollar nor more than twenty-five dollars per month into the treasury of the board, subject to regulations formulated by said board of pharmacy. It shall be lawful for said board to issue license to such itinerant vendor or peddler on application made to the state board of pharmacy, such license to be signed by the president and attested by the secretary with the seal of the board. And such itinerant vendor or peddler, who shall vend or sell or offer to sell any such medicine, drug, nostrum or ointment or

preparation without having a license so to do as herein provided shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty dollars, and not exceeding fifty dollars for such offense, and each sale, or offer for sale, shall constitute a separate offense.

Suits for penalties.

SEC. 17. All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of the State of Washington in any court having jurisdiction and it shall be the duty of the prosecuting attorney of the county wherein such offense is committed to prosecute all persons violating the provisions of this act upon the filing of proper complaint. All penalties collected under the provisions of this act shall inure one-half to the state board of pharmacy and one-half to the school fund of the county in which suit was prosecuted and judgment obtained.

Repeal.

SEC. 18. Chapter 153 of the Session Laws of 1891 of Washington, being an act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of Washington, approved March 9, 1891, and chapter 113 of the Session Laws of 1893, being an act entitled "An act to amend section 8, chapter 153 of the Session Laws of 1891 of Washington, regulating the practice of pharmacy, approved March 9, 1891, and declaring an emergency," approved March 10, 1893, are hereby repealed.

Passed the Senate February 25, 1899.

Passed the House March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXII.

[S. B. No. 225.]

RELATING TO PUBLIC LANDS.

AN ACT to amend section 53 of an act of the legislature of the State of Washington entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, and making an appropriation for the use of the commissioner of public lands, and declaring an emergency.

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

SECTION 1. Section 53 of an act of the legislature of ^{Amendment.} the State of Washington, entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, is hereby amended so as to read as follows:

"Sec. 53. The board of state land commissioners ^{Lease of harbor areas.} shall have the power to lease the right to build and maintain wharves, docks and other structures upon the harbor areas laid out or which shall hereafter be laid out in pursuance of the provisions of article XV of the constitution of the State of Washington, for such rental and under such general rules as said board shall prescribe, except in so far as the same are or may be pre-

scribed by law; but no such lease shall be made for any term longer than thirty years. The rental fixed and reserved to the State of Washington in each such lease shall be such sum as said board shall fix, not exceeding one per centum of the value as ascertained by the last assessment for state and county purposes previous to the making of each such lease, of a strip of the shore or tide lands (exclusive of the improvements thereon) adjoining the portion of the harbor area embraced in such lease and of equal width, and where such adjoining strip of shore or tide lands is of less width than the harbor area, a value proportional to said width. Said board shall require of each such lessee a bond with sufficient surety, to be approved by the commissioner of public lands, in such penalty, not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars, as may be prescribed by the board, conditioned for the payment by the lessee of the rental reserved in his lease at or prior to the times of payment therein specified, during the term of such lease, or during such part thereof as the board in its discretion shall require to be covered by such bond; and in case only a part of the term of such lease shall be covered thereby, said board shall require of such lessee another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the lease, or such part thereof as the board in its discretion shall require to be covered thereby. The board shall have power at any time to summon sureties upon any bond and to examine into the sufficiency thereof, and if it shall find the same to be insufficient it shall require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the lease; and the board shall have power to cancel any lease for a substantial breach by the lessee of any of the conditions thereof, or for lack of a bond therewith as herein required. The lessee of any part of such

Rental.

Bond.

Renewal of
bond.

harbor area may at his or its option, improve the same in such manner, subject to the approval of the board and to such extent as such lessee shall elect. The application for, or the making or acceptance of any lease herein authorized shall not work any estoppel against either party thereto or against those in privity with either party, as to any right or claim which might otherwise be made or contested. Any holder of any lease made prior to and in full force on the 1st day of March 1899, who has theretofore fully complied with all the requirements of law relative to such leases, but no other person, shall be entitled upon making application therefor to said board, to have the rental reserved by his lease adjusted in conformity with the provisions of this section; but such adjustment shall not apply to any rental previously paid or accrued. If the person, association or corporation having the preference right to lease any part of any such harbor area has not exercised or shall not exercise such right within such time and in such manner as may be prescribed by said board in its rules and regulations, then said board whenever it shall deem it advisable that such part should be leased shall give thirty days notice by publication that a lease of such part of such harbor area for such rental and under such general rules within the limitations of this section as said board shall have prescribed will be sold, at a time and place to be specified in said notices, to the person, association or corporation offering at such public sale to pay to the state the highest sum as a cash bonus for such lease; and upon the giving of such notices such lease shall be sold and made and delivered, accordingly, the payment of the sum offered by the successful bidder being required at the time of such sale. All the rentals derived from the leases herein authorized shall be paid into the state treasury under such regulations as said board may prescribe, and shall constitute a harbor fund to be used as the legislature may direct; but the sum of one thousand dollars is hereby appropriated to be paid by the state treasurer out of said harbor fund to the commissioner of public

Improve-
ments.

Leases prior
to March 1,
1899.

Preference
right.

Harbor fund.

lands, as he shall call therefor by warrants drawn on the treasurer against said harbor fund, to be expended by said commissioner, and he is hereby authorized to expend the same so far as necessary in the examination of the policy and systems of other states and countries relative to the control and regulation of harbors and water frontage and in the gathering, collating and publication of data respecting the same, and in paying for any advertising which may be done in pursuance of this section, and any part of said sum unexpended by said commissioner prior to the 1st day of January, 1901, shall be repaid by him into the state treasury and credited to said harbor fund. Notwithstanding any such lease now or hereafter existing, the state shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage or other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used, and the right to prevent extortion and discrimination in such use thereof."

Rates and
tolls.

Passed the Senate March 7, 1899.

Passed the House March 8, 1899.

Approved March 14, 1899.

CHAPTER CXXIII.

[S. B. No. 130.]

MARBLE MOUNT ROAD.

AN ACT providing for a state wagon road beginning at the nearest practicable point at the mouth of the Sans Poil creek in Ferry county; thence in a northerly direction up the Sans Poil creek by the most feasible and practicable route to the town of Republic; thence in a westerly direction to the Okanogan river at a point about one mile north of and opposite the mouth of Johnson creek in Okanogan county; thence in a westerly direction along the state road as heretofore laid out and established from a point about three miles south of Best's ranch on Bonaparte creek to the east bank of the Methow river; thence across said Methow river at the most practicable bridge site near the mouth of the Twisp river, to be selected; thence in a westerly direction over the road already laid out and established across the Twisp pass to the bridge on Bridge creek near the mouth of said creek; thence in a southeasterly direction to Stehekin landing, at the mouth of the Stehekin river at the head of Lake Chelan; thence from the bridge near the mouth of Bridge creek in a westerly direction over and across the summit of the Cascade mountains, as said road has heretofore been laid out and established, to a point on the Skagit river opposite the town of Marble Mount, in Skagit county, making an appropriation therefor, creating a road commission, and declaring an emergency.

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

SECTION 1. That there be laid out, established, constructed and maintained for the use of the public a state wagon road beginning at the nearest practicable point at the mouth of the Sans Poil creek in Ferry county; thence in a northerly direction up the Sans Poil creek by the most feasible and practicable route to the town of Republic in said county; thence in a westerly direction to the Okanogan river at a point about one mile north of and opposite the mouth of Johnson creek in Okanogan county; thence in a westerly direction along the state road as heretofore laid out and established from a point about three miles south of Best's ranch on Bonaparte creek to the east bank of the Methow river; thence across said Methow river at the most practicable bridge site near the

mouth of Twisp river, to be selected ; thence in a westerly direction over the road already laid out and established across the Twisp pass to the bridge on Bridge creek near the mouth of said creek ; thence in a southeasterly direction to Stehekin landing at the mouth of the Stehekin river at the head of Lake Chelan ; thence from the bridge near the mouth of Bridge creek in a westerly direction over and across the summit of the Cascade mountains, as the said road has been heretofore laid out and established, to a point on the Skagit river opposite the town of Marble Mount in Skagit county.

Commission.

SEC. 2. That a commission of three members is hereby created, one of which shall be a resident of Ferry county and two of Okanogan county, to be appointed by the governor and to be known as the board of state road commissioners.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until the road is completed or the appropriation made in this act is exhausted, unless sooner removed. Should a vacancy occur in said commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor. The governor is hereby empowered to remove at any time any member of such commission if in his judgment he shall deem it best to do so.

Qualification
of commis-
sioners.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as a member of such commission. Each of said commissioners shall execute a bond unto the State of Washington in the sum of five thousand dollars (\$5,000.00) to be approved by the governor, conditioned for the faithful performance of his duty as a member of the board of state road commissioners and further conditioned that they will well and truly account for all money which is hereby appropriated, and will honestly expend the same as by

this act provided, which bond shall be filed with the secretary of state.

SEC. 5. The said board of road commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners of the several counties and in the viewers generally relating to the control and management of county roads, and shall proceed as nearly as shall be practicable in conformity with the laws provided for the establishment of county roads.

Powers of
commission.

SEC. 6. That said commissioners are hereby empowered to take deeds of right of way in the name of the state and to cause them to be filed with and recorded by the auditor of the proper county where said deeds can be obtained without expense to the state other than may be necessary for the drawing and recording of the same, and when deeds of right of way cannot be so obtained said commissioners are hereby empowered to cause, when necessary, the right of way for said road to be appropriated and condemned by the state in the same manner as is or may be provided by law for the appropriation and condemnation of real estate for county or public roads.

SEC. 7. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state wagon road there is hereby appropriated the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary, to be expended upon the said road as hereinafter provided and in no other manner.

Appropriation.

SEC. 8. Before beginning the construction of said road or the improvement of same or any part thereof the said commissioners shall carefully view the road, decide upon the width of the roadbed and grades and decide upon the number of bridges, the most practical places where bridges can be built over streams, and shall carefully estimate the building and improvement of said road and the cost of the bridges thereof and shall select the most feasible route and shall superin-

Commissioners to view
and locate.

tend the opening and construction of said road and bridges as herein provided and in no other manner.

Compensation
commis-
sioners.

SEC. 9. Each member of said board of commissioners shall receive five dollars (\$5.00) per day for each and every day employed in the discharge of his work, which shall also be pay for his traveling and other expenses. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties and bills for all contract work provided for in this act and present their vouchers to the state auditor, who is authorized to audit said bill and if found correct to draw his warrant on the treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no, expense shall be incurred for the payment of which no appropriation shall have been made.

Auditing
contractor's
claims.

Papers, ac-
counts, etc.,
filed with
state auditor.

SEC. 10. All letters, papers and documents relating to the establishment of said road, together with a full and complete report of all transactions and proceedings and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office in each of the several counties within whose boundaries portions of the road extend.

County com-
missioners.

SEC. 11. After the completion of said road, and when the term of office of such board of commissioners shall have expired, it shall become the duty of the board of county commissioners, respectively, of the county in which said road extends, to keep such portions of the road as are situated in like manner as though the same was a county road.

Certain pro-
portions of
fund to be
expended on
certain sec-
tions of road.

SEC. 12. The money appropriated in this act, or so much thereof as may be necessary, shall be expended in the following manner: No more than eight thousand eight hundred dollars (\$8,800.00) for the building and repairing of said road from the mouth of the Sans Poil creek, on the Columbia river, to the town of Republic; not more than sixteen hundred and fifty

dollars (\$1,650.00) from said town of Republic to a point on the Okanogan river about one mile north of and opposite the mouth of Johnson creek, in Okanogan county; not more than two thousand four hundred dollars (\$2,400.00) for the erection of a bridge over Methow river at a point where the road crosses said river; not more than sixteen hundred and fifty dollars (\$1,650.00) for the erection of four bridges, to wit: Two on Bridge creek, one on Maple creek and one on the north fork of Bridge creek at the point where the said road crosses these creeks, respectively, and no more than five thousand five hundred dollars (\$5,500.00) shall be expended in building and repairing the road from the mouth of Bridge creek to Stehekin landing, at the mouth of Stehekin river at the head of Lake Chelan, in Okanogan county.

SEC. 13. That all of the work done upon the road above described, or any part thereof, must be by contract, and it is made the duty of the commission to segregate the work of repairing and building of said road in such a manner as to let the same by contract, and to that end they must advertise for bids for building or repairing the same, or any part thereof, in such a manner as they believe most advantageous, by advertising in at least one newspaper published in the county in which said work is to be done for a period of at least two weeks for bids for the building or repairing of said road, or any part thereof, giving the necessary specifications therefor. And it is made the duty of said board to let the building or repairing of said road to such contractor or contractors as are the lowest and most responsible bidders, but the commission shall have the right to reject any or all bids, and re-advertise for bids. Before letting such contract or con-

Work must be
done under
contract.

Advertis-
ment.

Bond.

tracts, the contractor or contractors must execute a good and sufficient bond, to be approved by said commission, in double the sum of the contract price, conditioned for the faithful performance of the contract according to plans and specifications; that no more than eighty per cent. of the contract price shall be paid

to the contractor or contractors until the contract or contracts are completed and accepted by said state road commission, and in no event shall more than eighty per cent. be paid upon the work as it progresses.

Camp equip-
ments.

SEC. 14. All instruments, camp equipage, material, tools, horses and supplies now belonging to the state and accounted for by the last state road commission for the Cascade state road shall be turned over to the commissioners appointed by the governor under this act, and all funds in the treasury belonging to the Cascade state road shall be credited to the road fund created under the provisions of this act and be subject to the order of said commissioners appointed under this act.

Repeal.

SEC. 15. All previous acts to provide for a state wagon road known as the Marcus and Marble Mount state wagon road through the Cascade mountains, and making an appropriation therefor, are hereby repealed.

SEC. 16. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 9, 1899.

Passed the House February 28, 1899.

Approved March 14, 1899.

CHAPTER CXXIV.

[S. B. No. 27.]

AUTHORIZING THE ISSUE OF BONDS BY CITIES FOR LOCAL IMPROVEMENTS.

AN ACT authorizing the issuance and sale of bonds by cities, to pay for local improvements, providing for the payment thereof, and declaring an emergency.

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

Bonds for
local im-
provements.

SECTION 1. Whenever any city shall have power and authority vested in it by its charter or by any law of this state to order or cause the whole or any part of

the streets, lanes, alleys, squares or public places of such city to be graded, re-graded, planked, re-planked, graveled, re-graveled, piled, re-piled, paved, re-paved, macadamized, re-macadamized, capped, re-capped, or to order or cause sidewalks, sewers, man-holes, culverts, curbing, gutters, water mains, or crosswalks to be constructed or to order or cause to be made any local improvements whatever, and to levy and collect assessments upon the property benefited thereby or abutting, adjoining, contiguous or approximate thereto, to defray the whole or any portion of the cost and expense of any such improvement, the proper authorities of such city may, in their discretion, provide for the payment of the cost and expense of such improvement by bonds of the district, which shall include the property liable to assessment for the payment of the cost and expense of such improvement according to the charter of such city, issued to the contractor, or by the proceeds of such bonds to be issued and sold as hereinafter provided.

SEC. 2. Such bonds shall be issued only in pursuance of ordinances of the cities issuing the same, and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of the issue of such bonds, which latter date may be fixed by resolution, by council or other legislative body of said city and shall bear such interest as may be provided in such ordinance, not exceeding eight per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by ordinance, and each bond shall have attached thereto interest coupons for each interest payment. Such bonds shall be in such denominations as shall be provided in the ordinance ordering their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon *fac-simile* of the signatures of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the im-

Bonds payable.

Interest.

Denomination.

Coupons.

provement to pay for which the same shall be issued and to the ordinance ordering the same, each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Disposition. **SEC. 3.** The bonds issued under the provisions of this act or such portion of such bonds as may remain unsold if same is ordered as hereinafter provided may be issued to the contractor constructing the improvement in payment therefor, or the ordinance directing the issue of such bonds may provide that the same may be sold by some duly authorized officer or officers of the city, in the manner prescribed therein, at not less than their par value and accrued interest, and that the proceeds thereof shall be applied in payment of the cost and expense of the improvement.

Assessments. **SEC. 4.** In all cases where any city shall issue bonds as provided in this act to pay the cost and expense of any local improvement, the said cost and expense shall be assessed against the lots and parcels of land, which under the provisions of law and the charter of such city, shall be liable therefor, but the ordinance levying such assessment shall declare that the sum charged thereby against each of such lots and parcels of land may be paid in equal annual installments; the number of which installments shall be equal to the number of years which the bonds issued to pay for the improvement may run, with interest upon the whole sum so charged at a rate fixed by said ordinance, and each year thereafter one of such installments together with the interest due thereon and on all installments thereafter to become due shall be collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued.

Payments.

SEC. 5. The owner of any lot or parcel of land charged

with any such assessments may redeem the same from all liability for the contract price of such improvement by paying the entire assessment charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment, which notice shall be given as follows: The city treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city for ten consecutive daily or two consecutive weekly issues, that the said roll is in his hands for collection and that any assessment therein may be paid at any time within thirty days from the date of the first publication of said notice without penalty, interest or cost. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. The owner of any such lot or parcel of land may redeem the same from all liability for said assessment at any time after said thirty days by paying the entire installments of said assessment remaining unpaid and charged against such lot or parcel at the time of such payment, with interest thereon to the date of the maturity of the installment next falling due. In all cases where any assessment or any installment thereof is paid as herein provided the same shall be paid to the city treasurer, or to the officer whose duty it is to collect said assessments, and all sums so paid shall be applied solely to the payment of the cost and expense of such improvements or the redemption of the bonds issued therefor.

SEC. 6. If the city shall fail, neglect or refuse to pay said bonds or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five per centum, together with the cost of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs and any number of owners of the

Redemption.

Publication
notice.Foreclosure
liens.

property on which the same are a lien may be joined as defendants in such suit.

Payment
interest.

SEC. 7. The city treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds: *Provided*, That such bonds shall be called in and paid in their numerical order: *Provided further*, That such call shall be made by publication in the city official newspaper on the day following the delinquency of the installment of the assessment or as soon thereafter as practicable, and shall state that bonds No.—(giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on said bonds shall become due, and interest on said bonds shall cease upon such date.

SEC. 8. Nothing herein shall be construed as repealing or modifying any existing law, manner or method for cities of the first class to issue bonds for local improvements, but shall be construed as an additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements, payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner provided in such charter, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

Bonds not a
claim against
city.

SEC. 9. Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this

section shall be plainly written, printed or engraved on each bond so issued.

SEC. 10. Whenever any city has heretofore issued bonds for the purpose of paying the cost and expense of local improvements, or has sold such bonds and paid such cost and expense from the proceeds thereof, such city may, with the consent of the holders of such bonds, exchange for them bonds authorized by this act. Certain bonds may be exchanged.

SEC. 11. Cities may pass general ordinances for the purpose of more effectually carrying this act into effect.

SEC. 12. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 11, 1899.

Passed the House February 25, 1899.

Approved March 14, 1899.

CHAPTER CXXV.

[H. B. No. 147.]

RELATING TO PRIVATE DITCHES AND DRAINS.

AN ACT to provide for laying out and establishing private ditches and drains.

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

SECTION 1. The owner or owners of any land which requires drainage and which is so situated that it is necessary to the proper drainage of the same to construct ditches or drains across the lands of others, may obtain the location and establishment of such ditch or drain across such lands, in the manner provided in this act. Location of ditches.

SEC. 2. The person or persons desiring the location and establishment of such ditch or drain may file in the superior court of the county in which the lands sought to be appropriated are situated, a petition showing the name of the petitioner or petitioners; a description of Petition.

the lands to [be] benefited, and of those over which the ditch would pass, and setting forth the name of every owner, incumbrancer, or other person or party interested in the lands over which said ditch would pass, or any part thereof, so far as the same can be ascertained from the public records of the county. Such petition shall also show the object for which the lands are sought to be appropriated, the necessity for the appropriation, and the length, width and depth of the ditch on the lands of each separate owner, with a description of said ditch, as nearly as practicable; and shall also set out the estimated damage to the lands of each owner to be crossed by such ditch.

Bond.

SEC. 3. The petitioner, or someone in his behalf, shall enter into a bond in the penal sum of one hundred dollars, with two or more sureties, to be approved by the clerk of said court, payable to the State of Washington, conditioned that the petitioner or petitioners will pay all costs and expenses incurred in the proceeding; which said bond shall be filed with the petition.

Viewers.

SEC. 4. Upon the filing of said petition the court shall appoint three viewers, two of whom shall be resident freeholders of said county, and not interested in the result of the proceeding, and the other the county surveyor of the county in which the lands are situated (unless said county surveyor shall be a party in interest, in which case some other competent surveyor shall be appointed in his place who shall receive the same compensation as is allowed by law to county surveyors) who shall, upon a day to be fixed by the court, in the order appointing them, view the lands of the petitioner and the lands which said proposed ditch or drain is to cross, for the purpose of determining: *First*, whether there is a necessity for the establishment of a ditch; and, *second*, the most practicable route for said ditch to run, if the same be necessary. The clerk of said court shall furnish to said viewers a certified copy of the order appointing them, which shall warrant them entering upon the lands described in the petition for the purpose of viewing the same.

SEC. 5. When said viewers shall have made said ex-^{Report.}amination they shall, within ten days after the day appointed by the court for such examination, report to the court, in writing, (filing the same with the clerk of said court) their decision as to the necessity for said ditch and if they deem such ditch necessary, then the county surveyor shall file with such report an accurate description and plat of the proposed ditch, showing the course thereof as recommended by the viewers. The viewers shall also estimate the amount of damage which each separate owner would suffer by reason of the construction thereof.

SEC. 6. Upon the filing of the report of the viewers^{Summons.} aforesaid, a summons shall be issued in the same manner as summonses are issued in civil actions, and served upon each person owning or interested in any lands over which the proposed ditch or drain will pass. Said summons must inform the person to whom it is directed of the appointment and report of the viewers; a description of the land over which said ditch will pass of which such person is the owner, or in which he has an interest; the width and depth of said proposed ditch, and the distance which it traverses said land, also an accurate description of the course thereof. It must also show the amount of damages to said land as estimated by said viewers; and that unless the person so summoned appears and files objections to the report of the viewers, within twenty days after the service of said summons upon him, exclusive of the day of service, the same will be approved by the court, which summons may be in the following form:

In the superior court of the State of Washington, for..... county. In the matter of the application of..... for a private ditch.

The State of Washington to.....
 Whereas, on the....day of..... 19.....
 filed his petition in the above entitled court praying that a private ditch or drain be established across the following described lands, to-wit :.....

for the purpose of draining certain lands belonging to said.....
, and whereas, on the....day of....., 19.., Messers
and.....with.....county
 surveyor of.....county, were appointed to view said
 premises in the manner provided by law, and said viewers having,
 on the....day of....., 19...., filed their report in this court,
 finding in favor of said ditch and locating the same upon the fol-
 lowing course:.....
 for a distance of.....upon said land, and of
 a width of.....feet and a depth of.....feet;
 and they further find that said land will be damaged by the estab-
 lishing and construction of said ditch in the sum of \$.....:
 Now therefore, you are hereby summoned to appear within twenty
 days after the service of this summons, exclusive of the day of ser-
 vice, and file your objections to said petition and the report of said
 viewers, with this court; and in case of your failure so to do, said
 report will be approved and said petition granted.

Plaintiff's Attorney.

P. O. Address.....

Service by publication.

SEC. 7. In case any person interested in any of the lands to be crossed by such ditch, as aforesaid, does not reside in the county, or cannot be found therein, or conceals himself so that personal service cannot be had upon him, upon proof thereof being made satisfactorily to appear to said court, said summons may be served by publication, in the same manner and with like effect as is done in civil actions: *Provided*, That no other or different form of summons shall be required for publication than is required for personal service.

Hearing.

SEC. 8. Upon the expiration of the time within which exceptions may be filed to the report of the viewers aforesaid, the court shall set a day upon which the petition and the report of the viewers shall be heard and considered by the court. In case exceptions have been filed by any party or parties, which exceptions must have been served upon the petitioner or petitioners prior to the hearing, the court shall hear evidence in regard thereto, and without a jury, pass upon the questions of the necessity for said ditch and the location thereof. If the court finds that such ditch is necessary, and the route selected is the best and most practicable, and that the compensation allowed by the viewers is

Order.

just and reasonable, then the court shall file his findings to this effect and cause an order to be entered approving the petition and report of the viewers. If, within twenty days from the filing of the findings of facts aforesaid, the petitioner or petitioners shall pay into court all the costs and sums awarded to the owner or owners of the land over which said ditch shall pass, a decree shall be entered establishing the same: *Provided*, If any party shall except to the amount of damages found by the viewers, then the amount of such damages shall be tried by jury, unless a jury trial be waived by the parties, in which case trial thereof may be had by the court. Such trial shall be at a regular term of said court, at which a jury shall be present, and shall be conducted and verdict rendered in the same manner as in civil actions: *Provided further*, That it shall not be incumbent on the petitioner to pay into court the amount of the award or awards of said jury, until within twenty days after said verdict shall have been rendered and entered.

SEC. 9. No appeal shall be taken from the finding of the court as to the necessity of such ditch or as to the route thereof until after final judgment or decree is entered: *Provided*, That exceptions shall be taken and allowed to such orders at the time that they are made, and appeal from such orders and from the award of damages shall be taken at the same time. All the provisions of the law in regard to appeals in civil actions shall apply to the proceedings provided for in this act.

SEC. 10. The viewers appointed under the provisions of this act shall receive the sum of two dollars per day for their services, and the county surveyor shall receive such compensation as is allowed by law for like services, the same to be taxed as costs and paid by the petitioner. All other costs shall be the same as in civil actions in the superior court.

SEC. 11. In case the court should not for any reason adopt the report of the viewers, or the same should be deemed insufficient for any reason, the court may ap-

point other viewers whose duties shall be the same as the duties of the viewers first appointed.

Passed the House February 25, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXVI.

[H. B. No. 533.]

RELATING TO PUBLIC SEWERS AND DRAINS.

AN ACT authorizing cities and towns, other than cities of the first class, to construct sewers and drains within assessment districts, and to levy and collect special assessments and taxes to pay therefor, and declaring an emergency.

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

SECTION 1. That all cities and towns within the state, other than cities of the first class, where such cities are now or may hereafter be empowered to construct sewers or drains, may do so either by the entire city or by assessment districts, as the mayor and council of said city may determine.

SEC. 2. Before letting any contract for the construction of any sewer or drain, or system of sewerage or drainage, the mayor and council shall by ordinance or resolution adopt the plans therefor and shall fix and establish the assessment district, if the same is to be constructed at the expense of a district, and such cities and towns are hereby authorized to charge the expense of such sewer or drain to all the property included within such district which is contiguous or approximate to any street in which any main pipe or lateral pipe of such sewer, drain or sewer system is to be placed, and to levy special taxes upon such property to pay therefor, which assessment and tax shall be levied in accordance with the last general assessment of the property within said district for city purposes.

Cities other than first class.

How determined.

Charge against property.

SEC. 3. That the purpose of providing for constructing and maintaining such sewer, drain or sewer system, and issuing bonds to pay therefor, such cities and towns are hereby authorized to proceed in all ways in accordance with, and apply all the provisions of, an act of the legislature of this state, entitled "An act relating to internal improvements in cities, authorizing the issuance and collection of bonds upon the property benefited by local improvements, and declaring an emergency," approved March 9th, 1893, and of any and all other laws now in force or which may be hereafter enacted relating to the levy and collection of special assessments and taxes. ^{Powers enlarged.}

SEC. 4. Whereas, in many cities and towns no adequate provision is made in the charter or laws providing for the organization and government of such cities and towns for the construction of sewers and drains, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its approval by the governor. ^{Emergency.}

Passed the House March 8, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXVII.

[H. B. No. 431.]

RELATING TO HORTICULTURE.

AN ACT to amend sections 4, 12 and 14, Chapter 109, page 308, Session Laws of 1897, entitled "An act to promote and protect the fruit growing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture; to repeal certain laws in conflict therewith" approved March 17, 1897, and declaring an emergency.

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

SECTION 1. That section 4 of an act entitled "An act ^{Amendment.} to promote and protect the fruit growing and horticultural

tural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture, to repeal certain laws in conflict therewith," approved March 17, 1897, be, and the same is hereby amended to read as follows: "Section 4. Fruit culturists in any county in this state are hereby authorized and empowered to organize into a county horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate a qualified person for county inspector of fruits, trees and plants, and of insect pests destructive to the fruit interests of the county. The nomination shall be made to the board of commissioners (of the county wherein said society is organized) who are hereby authorized to appoint such person as county fruit inspector, deliver to him a certificate of his appointment, and mail a duplicate copy of such certificate to the said state commissioner of horticulture. In case horticulturists in any county fail to organize, or any county horticultural society to nominate, or the county commissioners of any county to appoint, as aforesaid, the said commissioner of horticulture is hereby authorized to appoint a county inspector at his discretion, after having given notice to the county commissioners that he will do so at the expiration of sixty days, in case such appointment has not been made during that time. Said county inspectors shall be appointed for a term of two years and shall be entitled to a per diem of two dollars and fifty cents for each day's actual service, to be paid by the county in which said inspector is appointed. Any county inspector shall be removed for incompetency or neglect of duty, or other sufficient cause, upon complaint filed with the board of county commissioners, signed by the proper officers of the horticultural society in the county in which such inspector is sought to be removed, and countersigned by the state horticultural commissioner. In order to furnish information to the office of the state commissioner regarding the condition of orchards throughout the state and to determine the compensation of said county inspectors, they shall

County society.

Inspector.

Term of office.

Removal.

Reports.

make monthly reports to the state horticultural commissioner on blanks furnished by the said commissioner, upon which evidence the said state horticultural commissioner shall issue a certificate showing the number of days' work performed in each month, upon which the said county inspectors shall receive payment from the county in which inspection has been made."

SEC. 2. That section 12 of the same act be and the same is hereby amended to read as follows: "Sec. 12. It is hereby made the duty of the county fruit inspector, if from his personal observation, complaint or other credible information, he has reason to suspect that any person, company or corporation has an orchard, trees or nursery of trees, vines or garden, fruit packing house, store room, or that any other place or material in his county is infected with, or is a repository for eggs, larvæ of any noxious insects, injurious to fruits and plants, or that any trees, fruits or plants are in transit to his county from outside of this state, or about to be disseminated within his county, which are known or are suspected to be from localities that are infested with any disease or pests injurious, or that may become injurious, to the fruit interests of his county or state, he shall without delay inspect the premises, property or materials so suspected, and if the same is found to be infected as aforesaid he shall notify, in writing (prescribing the manner of disinfection), the owner, his agent, or the person in charge of the same, to treat and disinfect the said premises or property within five days unless further time is granted by the inspector. If any person so notified shall neglect or fail to disinfect said premises or property in the manner and in the time prescribed in said notice, the person so notified and failing to disinfect the infected property or premises shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) and costs of action in court, which fine and costs shall be a judgment lien upon said

Duty of inspector.

Penalty.

premises or property. After the expiration of said five days and the failure on the part of the owner or person in charge to disinfect the said premises or property as aforesaid, then, to prevent the spread of insect pests or disease, it will be the duty of the county inspector to enter on such premises or property and disinfect the same. The cost of such disinfection shall be a lien against said premises or property, the payment of which shall be collectible with cost, in any court of the state."

Powers of
inspector.

SEC. 3. That section 14 of the same act be, and the same is hereby amended to read as follows: "Section 14. The county fruit inspector shall, in the performance of his duty as such inspector, have on any day (except Sundays) free access to orchards, nurseries, gardens, hop fields, packing houses, fruit stands and store rooms where fruit may be kept; fruit boxes, full or empty, or any other materials or place suspected of being infected with insect pests or diseases injurious to the fruit interests of the state. If he find any nursery, orchard, garden or other place or material infested with insects or fungus growth, larvæ or spores injurious to the fruit interests, he shall forthwith notify in writing the owners, occupants or persons in possession thereof that the same is infested, and direct the manner in which the same shall be disinfected. If the owner, occupant or person in possession of said orchard, garden, store room, fruit stand or other place or infested material, shall not within five days unless further time is granted by the inspector disinfect the same in the manner by the county inspector required, or shall not have appealed from the decision of the county inspector to the commissioner of horticulture, if the premises infested be an orchard or nursery of fruit trees, a garden, fruit stand or store room, and the person or persons in charge thereof having neglected or refused to disinfect the said premises within the time specified in said notice, nor have appealed as aforesaid, then the county inspector shall enter on and disinfect any of the said premises so neglected, and the

cost thereof shall be a legitimate charge and lien, with interest until paid, upon the real property of the owner of such premises so disinfected; such lien shall be collectible, with costs of suit, in any of the courts of the state as other lawful claims are collectible. If the infested property be transportable material the county inspector shall notify in writing the person in charge thereof to disinfect the same within twenty-four hours, and prescribe the manner of disinfection. If the person in charge of said infested materials neglect or refuse to disinfect the same as notified, or fail to appeal, then the inspector shall destroy such infested materials as fruits, fruit boxes, baskets, wrappings and portable fruit stands by burning the same. If an appeal be taken the inspector shall (after the twenty-four hours' notice) take immediate possession of such movable property and safely keep the same until the appeal is decided; if the decision of the commissioner be in favor of the appellant the property shall be returned to him; on an adverse decision the property will be destroyed by the inspector. All appeals from the action or demands of the county inspector shall be taken to the said state commissioner of horticulture.

SEC. 4. An emergency exists, and this act shall take Emergency. effect immediately.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXVIII.

[H. B. No. 280.]

AUTHORIZING MUNICIPAL OWNERSHIP OF CERTAIN
PUBLIC UTILITIES.

AN ACT amending section one of an act entitled "An act authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterways, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric and other railways, with all land and property required thereof, providing for payment therefor, repealing an act entitled an act relating to and authorizing cities and towns to purchase, construct and maintain waterworks, systems of sewerage, gas and electric light plants, and to issue bonds to pay therefor and declaring an emergency; approved February 10, 1893, and declaring an emergency; approved March 17, 1897, being section 1 of chapter 112 of the Session Laws of the State of Washington for 1897.

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

Amendment.

SECTION 1. That section 1 of an act entitled an act authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterways, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric and other railways, with all land and property required therefor, providing for payment therefor, repealing an act entitled "An act relating to and authorizing cities and towns to purchase, construct and maintain waterworks, systems of sewerage, gas and electric light plants and issue bonds to pay therefor and declaring an emergency, approved February 10, 1893 and declaring an emergency," approved March 17th, 1897, being section 1, chapter 112, of the Session Laws of the State of Washington for 1897, be and the same is hereby amended to read as follows: Section 1. That any incorporated city or town within the state be and is hereby authorized to construct, condemn and purchase, purchase, acquire, and to maintain, conduct and operate water works within or without its limits for the purpose of furnishing such city or town and the

Conferring
powers upon
cities and
towns.

inhabitants thereof, and any other persons with an ample supply of water for all uses and purposes, public and private, including water power or other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; and to construct and maintain systems of sewerage, with full jurisdiction and authority to manage, regulate and control the same, within and without the limits of the corporation; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof and any other persons with gas, electricity and other means, power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof; and to authorize the construction of such plant or plants by others for the same purposes, and purchase such power from others, when delivered within such city, for its own use and for the purpose of selling to its inhabitants and other persons doing business within such city, and to regulate and control the use and price of electrical power so supplied, and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate cable, electric or other railways within the corporate limits of such city or town, for the transportation of freight and passengers, with full authority to regulate and control the use and operation thereof, and to fix, alter, regulate and control the fares and rates to be charged thereon, and for the purpose aforesaid, it shall be lawful for any city or town in said state to take and appropriate water from any public or navigable lake or water course within the state, and by means of aqueducts or pipe lines conduct the same to said city or town; and such city or town is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or watercourse in said state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aque-

ducts, pipe lines, dams, water works or other necessary structures and storing and retaining water as above provided, such city or town shall have the right to occupy and use the beds and shores up to high water mark of any such water course or lake: *Provided*, That no such dam or other structure shall impede, obstruct or in any way interfere with public navigation, or other public uses of such lake or water course: *Provided*, That should private property be necessary for any such purposes or for storing water above high water mark, such city or town may condemn and purchase or purchase and acquire such private property.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXIX.

(H. B. No. 335.)

RELATING TO PUBLIC LANDS.

AN ACT to amend section 12 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897.

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

Amendment.

SECTION 1. That section 12 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line com-

missioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, being chapter 89, Session Laws of 1897, be and the same is hereby amended to read as follows: Sec. 12. That when applications are made for the purchase of timber, stone, fallen timber, hay or gravel, or other valuable materials situated upon public lands of the state, the same inspection shall be had as for application to purchase lands: *Provided*, That no standing timber or stone shall be sold for less than the appraised value, and such timber, stone, hay and gravel may be sold separate from the land when, in the judgment of the board, it is for the best interests of the state to sell the same: *And provided further*, That the full purchase price of such valuable material shall be paid for in cash when sold separate from the land. That in every appraisement of land granted to this state the board of appraisers shall be and serve as the board of appraisers mentioned in section 2 of article XVI of the state constitution, and in every appraisement under this act the said board shall separately appraise all improvements placed upon any land of the state and found on such land at the time of the appraisement; and shall also appraise all damages and waste done to the said land by the cutting and removal of timber, or the removal of stone or other materials by the person or persons claiming such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said lands, shall be considered in the appraisement, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised; and every such appraisement shall be recorded in the proceedings of said board of appraisers: *Provided*, That this section shall not be considered to affect the right of the state to the value of such land: *Provided fur-*

Application to purchase timber, stone, etc.

May be sold separate from the land.

Purchase price.

Appraisers

Appraisal.

ther, That if the purchaser of such land from the state be not the owner of the improvements he shall deposit with the state treasurer, through the board of appraisers, within thirty days after the sale, the appraised value of such improvements; and if it be found by the said board that the owner of said improvements was not holding adversely to the state or improving said land, or that said improvements were placed on said land in good faith by a lessee from the state or territory, and that said lessee had in all respects complied with the terms of his lease and his leasehold interest, not forfeit or subject to a forfeiture, then the board of appraisers shall direct the state treasurer to pay, and he shall pay to the owner of said improvements such sum so deposited; but if it be found by said board of appraisers that the said improvements owned or made on said land by parties holding or claiming the land adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the state treasurer to pay over such sum so deposited into the permanent school fund. In case the purchaser shall not deposit the appraised value of the improvements in the manner described above, the sale may be disapproved by the board of appraisers: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser, the sum so deposited shall be returned, in the manner described above, to the state: *Provided further*, That in determining the value and nature of such improvements, the board is hereby authorized to compel by subpoena the attendance of, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXX.

[H. B. No. 428.]

AS TO CONDEMNATION OF LOGGING ROAD RIGHT OF WAY.

AN ACT providing for condemnation of right of way for logging purposes and for conveying timber products and declaring an emergency.

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

SECTION 1. Any owner or owners of any timbered lands, or timber, desiring to cut or remove the same to a point wherein the same may be manufactured, transported, by either rail or water, driven, rafted, assorted, boomed or shipped for lumbering purposes and having no practical route for a road or right-of-way whereon to remove or haul said timber, shall have the right to condemn as hereinafter provided, a right-of-way for a logging road, or chute, stream, or watercourse from said lands to any waters, railroad logging road or chute or public highway, by the most direct and feasible route, and shall have the right to condemn the use of any stream, water-course, slough, pond or lake together with sufficient land along the bank or banks thereof, to enable the driving, rafting, booming or handling of such timber for the removal of said timber provided that proceedings to obtain such right-of-way shall conform to the law allowing private corporations to condemn a right-of-way in this state, except as is hereinafter provided.

SEC. 2. Such owner or owners desiring the location Complaint. and establishment of such right-of-way, shall file a complaint with the clerk of the superior court, in the county in which such proposed right-of-way or some part thereof is situated, against all persons owning or claiming an interest in, or lien upon, the land, stream, water-course, slough, pond or lake sought to be condemned, so far as the same can be ascertained from the public record, which complaint shall describe with

reasonable certainty the commencement and termini of such proposed logging road or chute, or water-course, and the route thereof, together with a description of the land or other property sought to be condemned, the particular description of the timber land the product of which it is proposed to haul over said right-of-way, together with an estimate of the amount of timber contained on each tract of land owned separately, to which complaint shall be attached a map showing the said timber lands and the route of the said logging road or chute, or substantially the course of such stream, water-course or slough, or the location of such pond or lake and the description of the property through which such stream, water-course or slough has its course, or upon which such pond or lake is situated, and said complaint be verified and otherwise conform to complaints in civil action, and there shall be filed therewith a bond to [in] the sum of two hundred dollars, payable to the State of Washington, for the use and benefit of all parties to said action, conditioned that such owner or owners will pay or cause to be paid all costs and expenses of said proceedings when ordered to do so by the superior court, which bond shall be signed by two or more good sureties to be approved by the clerk of the superior court.

Bond.

Notice.

SEC. 3. Upon the filing of said complaint, and the filing and approval of said bond, the clerk shall issue and give to such owner or owners for service a notice directed to the defendant in such action requiring them to appear in said cause within twenty days after service upon them of said notice, and show cause why an order should not be entered establishing such right-of-way, said notice to contain the name of the parties to such action, the purpose for which the same is being prosecuted together with a description of the land through which said right-of-way is sought to be condemned. Said notice shall be in substance as follows:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON. . .
IN AND FOR THE COUNTY OF

	vs.	Plaintiff,	}	<i>Notice of proceedings to condemn right-of-way for logging purposes.</i>
		Defendant.		

The State of Washington

To..... the above named defendant,

You are hereby notified that the above named plaintiff has filed in my office a complaint and bond as required by law, and that the object and purpose of this proceeding is to condemn a right-of-way for logging purposes upon, over and across the following land, to-wit: (Here give description of lands by legal subdivisions through which said right-of-way is sought to be condemned) and you are hereby required to appear in said cause within twenty days from date of service of this notice upon you, if served within this state, and within sixty days if served without this state, and show cause why an order shall not be made establishing said right-of-way for logging purposes and ascertain just compensation for all land taken or injuriously affected by reason of the appropriation of said right of way.

Witness my hand and seal of said superior court this..... day of A. D.

.....
Clerk of said superior court.

SEC. 4. Said notice shall be served in the same manner that a summons is served in a civil action, either personally or by publication, and when service has been completed and time expired for appearance, the court shall proceed to hear and determine any objections to said proceedings, and shall when requested by any party to said action appoint not to exceed three commissioners, who shall upon a day to be fixed by the court, in the order appointing them view the lands owned or controlled by the plaintiff, and the lands of the defendants and proposed right-of-way and logging road or chute or water course, and report to the court whether in their opinion there is a necessity for the establishment of such right-of-way and the most practicable route thereof, setting forth an accurate description of such right-of-way sought to be condemned. Such report to be made and filed within such time as may be prescribed by said court and said commissioners shall be under control of said court and shall receive

Service of notice.

as compensation for their services such sum as the court shall deem proper: *Provided, however,* That the court shall have the power to discharge said commissioners at any time and appoint others in their places.

Exceptions
may be filed.

SEC. 5. Any person interested may file exceptions to said report within five days after the same shall be filed with the clerk and the court shall proceed to hear and fully determine any objections to said proceedings, or said report, and if it finds that it is necessary for the practical handling and removal of such timber, to have said logging road or chute, stream, water course, slough, pond or lake, and to condemn such right-of-way it shall determine the route thereof sought to be condemned, and shall order the cause set down for trial by jury, unless the parties appearing waive a jury trial and agree that the cause shall be submitted to the court for determination, and when requested by plaintiff shall summon a special venire of jurors to try said case, provided plaintiff shall deposit with the clerk of the court the sum to be fixed by the court, sufficient to pay the expenses of such jury.

Trial of issue.

SEC. 6. Such trial shall be conducted as trials in civil actions and a verdict shall be rendered by the jury, when it is tried by a jury, and a finding by the court when tried before it, assessing and awarding the amount of damages which shall result to any person, firm, corporation, state, county or municipal corporation by reason of the appropriation and use of such lands or other property for said logging purposes, and shall ascertain and award the amount of damages to be paid to such owners, respectively, and to all tenants, encumbrances, or others interested for the taking or injuriously affecting such lands or other property for said logging purposes. Upon the verdict of the jury or finding of the court, judgment shall be entered for the amount of damages awarded to said owner or owners, respectively, and to all tenants, encumbrances or others interested for the taking or injuriously affecting such land or property.

SEC. 7. Judgment shall be entered upon said verdict Judgment.
 or finding appropriating an easement upon said land and other property for said right-of-way for the purpose only of logging or removing timber from the land set forth in said complaint: *Provided, however,* That any one or more persons owning or controlling timber land or timber and entitled to condemn such right-of-way under the provisions of this act may join as plaintiffs in such action. Any person condemning such right-of-way shall have the exclusive use thereof and the right to remove therefrom any improvements or structures placed thereon, subject to the right of any other person or persons to condemn said logging road, chute, stream, water-course or slough, as herein provided: *Provided further,* That any other party owning or controlling timber tributary to any such stream or water-course condemned as aforesaid, and and who has not joined in such condemnation, may have the right to use the same upon paying to the parties owning the right-of-way the proper proportion of the cost of such improvement and the expenses of maintaining the same, to be determined by the superior court of the proper county, if the parties cannot agree.

SEC. 8. This act shall be liberally construed, and the Construction.
 word person, as used herein, shall mean any one or more persons, firm or firms, corporation or corporations, and the words logging road or chute shall include any bridges, tramways, chutes, logging railroads, flumes or landings, whether used for logs, lumber, shingles, shingle bolts, or other timber whatsoever.

SEC. 9. When any logging road or chute, stream or Vacation.
 water-course, slough or lake shall cease to have been used for one year, any party interested may file a motion in such action and upon notice to the owner or person in charge of such timber, obtain an order vacating such right-of-way unless good cause is shown why such logging road or chute, stream, water-course, slough, pond or lake upon such condemned right-of-way should not be vacated. Nothing but an easement

can be acquired by this proceeding and no interest in the land shall pass by the decree of appropriation.

Time of pay-
ment.

SEC. 10. The court at the time of entering the final judgment shall fix a time within which all damages and costs shall be paid, which shall not be less than twenty days except by consent of plaintiff, and may dismiss said cause for failure to make such payment as ordered.

Appeal.

SEC. 11. No appeal shall be taken from the order of the court as to the necessity of the road or chute or the route thereof until after judgment of appropriation shall be entered, but an appeal shall bring before the superior court the propriety and the necessity of such road and the route thereof and justice of the amount of damages of the parties to the appeal: *Provided*, That no party shall be entitled to appeal who has not contested said proceedings and taken and caused to be entered exceptions to the order, findings and judgment of the court.

Construction.

SEC. 12. The construction or improvement of the proposed logging road, chute or water-course shall not be delayed by any appeal provided the amount [of] damages and costs have been paid to the clerk of the court for the use of the parties entitled thereto, and the plaintiff shall have in addition thereto entered into a bond in such sum as the court or judge thereof shall determine, conditioned to pay any and all judgments for costs or damages that may thereafter be rendered in such proceedings, which bond shall be approved by the court or judge thereof.

SEC. 13. All proceedings herein contemplated shall be governed by the practice in civil actions except as herein otherwise provided.

SEC. 14. An emergency exists, and this act shall take effect immediately.

Passed the House March 2, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXXI.

[H. B. No. 388.]

RELATING TO RIGHT OF WAY FOR DITCHES, CANALS
AND FLUMES.

AN ACT providing for condemnation proceedings for right-of-way for irrigating ditches, canals, and flumes for agricultural and mining purposes and relating to right of appropriation of water.

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

SECTION 1. That any person, corporation or association of persons is entitled to take from the natural streams or lakes in this state water for the purposes of irrigation and mining, not theretofore appropriated or subject to rights existing at the time of the adoption of the constitution of this state, subject to the conditions and regulations imposed by law: *Provided*, That the use of water at all times shall be deemed a public use, and subject to condemnation as may from time to time be provided for by the legislature of this state.

SEC. 2. All persons who claim, own or hold possessory right or title to any land, or parcel of land or mining claim within the boundaries of the State of Washington, when such lands, mining claims or any part of the same are on the banks of any natural stream of water, shall be entitled to the use of any water of said stream not otherwise appropriated for the purposes of mining and irrigation to the full extent of the soil for agricultural purposes.

Riparian proprietors.

SEC. 3. When any person owning claims, lands or mining claims as specified in the foregoing section, is not a riparian proprietor or being such has not sufficient frontage on said stream, lake, artificial stream, ditch or reservoir, to obtain a sufficient flow of water to irrigate his land or use on his mining claim, he shall be entitled to the right of way through the farms or tracts of lands or other mining claims which lie between him and said stream, lake, artificial stream, ditch or reservoir, or the farms, tracts of lands or mining

Non-riparian proprietors.

claims which lie above and below him on said stream, lake, artificial stream, ditch or reservoir.

Right-of-way. SEC. 4. Such right-of-way shall extend only to a ditch sufficient for the purpose required, together with the right of ingress and egress to construct maintain and repair the same; and whenever any person or persons find it necessary to convey water for the purposes of irrigation or mining through the improved or occupied lands of another, he or they shall select for the line of such ditch through such property the shortest and most direct route practicable upon which can be constructed with uniform or nearly uniform grade, and discharging the water at a point where it can be conveyed to and used upon the land or lands or mining claim of the person or persons constructing such ditch canal or works.

Condemnation.

SEC. 5. Upon the refusal of the owner of the lands, lessees or those in possession, through which it is proposed to run said canal ditch or works to permit the passage of the same through their property the person or persons desiring the right-of-way for such ditch canal or works may proceed to condemn and take the right-of-way therefor, as hereinafter provided.

Complaint.

SEC. 6. In case of the refusal of the owners or claimants of any lands or mining claims through which such ditch, canal or other works are proposed to be made or constructed, to allow the right-of-way or the passage thereof, the persons, company or corporation desiring the right-of-way shall file in the superior court of the county, a complaint describing the land or mining claim to be crossed, the size of the ditch, canal or works, the quantity of land required to be taken and the value of the land and damages to the property, setting forth the names of the owners or reputed owners or parties interested in the lands to be crossed, and praying that the right-of-way be granted. A summons shall issue and be served on all parties interested, as in all other cases of civil nature. In case the defendant fails to appear the court shall when the cause shall come on to be heard, impanel a jury in the cause, and

Summons.

they shall determine the value of the land occupied by said ditch, canal or works and the damages, and, upon the return of the verdict, the court shall enter a decree, directing that the right-of-way for the ditch, canal or works be established according to the description in the complaint, and that the plaintiff shall pay to the clerk of the court the full amount of the value of the land and damages found by the jury, before the plaintiff shall begin work on said ditch, canal or works.

Judgment
upon default.

SEC. 7. That whenever the defendant shall appear in the cause, he shall allege in his answer the value of the land proposed to be used by said ditch, canal or works and the jury shall determine the value and the proceedings shall be had as in the preceding section: *Provided*, That plaintiff shall not be required to reply to the answer of the defendant, but the sole issue to be determined by the jury shall be the value of the land to be occupied by said ditch, canal or works, and the damages thereto.

Issue to be
joined.

SEC. 8. The word person, whenever used in this act, shall be construed to mean either a natural person, an association, or corporation, and the word he shall be construed to mean she, it, or they, and the word ditch shall be construed to include and mean dike, flume-way and irrigating canal.

SEC. 9. The provisions of this act shall be liberally construed so that the ultimate object and the intent of this act shall be fully carried out.

Passed the House March 2, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXXII.

[H. B. No. 382.]

AS TO MUTUAL FIRE INSURANCE COMPANIES.

AN ACT to regulate mutual fire insurance companies and associations.

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

Number
necessary to
form.

SECTION 1. Any number of persons, residents of this state, not less than fifty (50), may form an association or corporation for the purpose of mutual protection of its members against loss by fire and any such association or corporation that is conducted for the mutual protection and relief of its members only and not for profit shall be exempt from all other insurance laws of this state.

How or-
ganized.

SEC. 2. Such corporation shall be organized substantially in the manner prescribed in an act providing for the incorporation of social, charitable and educational associations, approved March 2, 1895.

When risks
may be
written.

SEC. 3. No policy of insurance shall be issued by any such corporation until not less than \$50,000 of insurance, in not less than fifty separate risks, have been subscribed and entered upon its books.

Limitation of
risks, when.

SEC. 4. No single risk for more than one thousand (\$1,000) dollars shall be taken by any such corporation until its membership is sufficiently large so that an assessment on all its members, equal to one-fourth of the standard premium specified in each certificate or policy of insurance, would cover the risk and no single risk shall be taken for more than two thousand (\$2,000) dollars until the membership is sufficiently large so that an assessment on all its members, equal to one-eighth of the standard premium specified in each certificate, would cover the risk taken.

Prohibited
risks.

SEC. 5. No risk shall be assumed nor certificate issued by any such corporation on property on which the annual rate charged by standard insurance companies would be more than three per cent.

SEC. 6. No certificate shall be issued for more than two-thirds the estimated cash value of the property insured.

SEC. 7. All assessments levied shall be at the rate of Premiums. fifteen (15) per cent. of the amount of the annual premium charged by standard insurance companies upon similar risks, which annual premiums shall be ascertained before the issuance of each certificate and specified therein as the standard premium, and such rate, when so ascertained, shall be binding on each member of the corporation. If one assessment shall not pay the losses of such company, a sufficient number of assessments shall be made to pay the losses remaining unpaid at the time of such assessment.

SEC. 8. The total expenses of such corporations in- Expenses. curred in the management of their business shall not exceed the money received with applications for membership and insurance.

SEC. 9. Any member of such corporation may with- Members may withdraw, how. draw at any time by surrendering his policy or certificate of insurance to the company and by giving five days' notice of his intention to withdraw, and paying all assessments due or pending at the time of his withdrawal.

SEC. 10. Each company organized and operating un- Annual meetings. der the provisions of this act shall hold an annual meeting of its members, at which each member shall be entitled to vote in the election of its directors or trustees, but no officer of the company shall be allowed to vote the proxy of any other member.

SEC. 11. It shall be the duty of the president and secretary of each corporation doing business under the provisions of this act annually, on or before the fifteenth day of January, to prepare and deposit in the office of the insurance commissioner of this state, a statement certified under the oath of said president and secretary, exhibiting the following facts and items: *First*, The amount of the property at risk on the 31st day of December, next preceding; the amount of risks added during the previous year; the amount of risks

canceled, withdrawn or terminated during the year and the largest amount of insurance carried on any single risk. *Second*, The amount of cash received with the applications for insurance during the year, the amount received from assessments levied, the amount received from all other sources and the total income. *Third*, The amount paid for losses during the year, the amount paid officers and directors and office help, the amount of all other expenditures and the total expenditures. *Fourth*, The amount of cash on hand, the amount and nature of all other assets and the total assets. *Fifth*, The amount of losses reported during the year and unpaid, the amount and the nature of all other liabilities and the total liabilities.

Conditions preceding organization.

SEC. 12. Any mutual fire insurance company desiring to organize and incorporate in this state must file with the state insurance commissioner a copy of its articles of incorporation, together with a statement, certified under the oath of its president and secretary, showing the amount of insurance and the number of risks pledged upon its books and when, in the opinion of the commissioner, such articles of incorporation and statement meet the requirements of this act, the commissioner shall grant such corporation a license to do business.

Insurance commissioner may examine, when.

SEC. 13. Whenever it shall appear to the insurance commissioner, from its annual report or otherwise, that the solvency of any mutual company doing business under this act is impaired, or that the provisions of this act are being violated, or upon the written request, signed by ten members of such company, he may immediately make examination of such company, and for that purpose he shall have access to all books and papers of the company and shall have power to administer oaths and to examine the various officers thereof as to all matters pertaining to the business of such company, and also such other witnesses as may be material or important. If the unpaid losses of the company amount to twenty-five cents on each \$100.00 insurance actually in force, or if the laws of the state

are being violated by the company, the commissioner shall order the laws complied with and require all losses to be paid within sixty days. If such company shall fail to comply with such requirements, the commissioner shall revoke its license to do business until all liabilities shall have been paid in full.

SEC. 14. Each insurance company doing business ^{Fees.} under this act shall pay to the insurance commissioner: For filing articles of incorporation, \$5.00; for annual license to do business in the state, \$5.00; for filing each annual statement, \$5.00; for annual license of each agent or solicitor of such company, \$2.00. When the insurance commissioner shall make an examination of any mutual company, under the provisions of this act, the actual traveling expenses of such commissioner, while engaged in making such examination, shall be paid by such company.

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

Approved March 14, 1899.

CHAPTER CXXXIII.

[H. B. No. 438.]

FISH HATCHERIES.

AN ACT providing for the construction of fish hatcheries, and making appropriations therefor.

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

SECTION 1. There is hereby appropriated out of the ^{Wenatchee.} fish hatchery fund in the treasury of the State of Washington the sum of forty-four thousand dollars (\$44,000) for the purpose of constructing fish hatcheries as follows, to-wit: \$5,000 for the construction of a fish hatchery on the Wenatchee river at a point on said river to be hereafter determined by the fish com-

mission in its discretion, said appropriation to be available as follows: \$3,000 for the year 1899, \$2,000 for purposes of improvements, enlargements or repairs in the year 1900;

- Nooksack. \$5,000 for a fish hatchery on the Nooksack river or tributaries thereto at a point on said stream or streams to be hereafter determined by the fish commission, said appropriation to be available as follows: \$3,000 for construction purposes in the year 1899, \$2,000 for improvements, enlargements or repairs in the year 1900;
- Skokomish. \$5,000 for a fish hatchery on the Skokomish river or tributaries thereto at a point to be hereafter determined by the fish commission, to be available as follows: \$3,000 for construction purposes in the year 1899, \$2,000 for improvements, enlargements or repairs in the year 1900;
- Willapa. \$4,000 for a fish hatchery on Willapa Harbor at some point to be hereafter determined by the fish commission, to be available as follows: \$2,500 for construction purposes in the year 1899, \$1,500 for improvements, enlargements or repairs in the year 1900;
- Wind. \$2,500 for a fish hatchery on Wind river at a point to be hereafter determined by the fish commission, to be available as follows: \$1,500 for construction purposes in the year 1899, \$1,000 for improvements enlargements or repairs in the year 1900;
- Samish. \$1,500 for a fish hatchery on Samish lake to be constructed or purchased by the fish commissioner;
- Little Spokane. \$2,000 for a fish hatchery on Little Spokane river to be located at a point hereafter to be determined by the fish commission;
- Snohomish. \$3,000 for a fish hatchery on Snohomish river to be located at a point hereafter to be determined by the fish commission, to be available as follows: \$2,000 for construction purposes in the year 1899, \$1,000 for improvements, enlargements or repairs in 1900;
- White. \$2000 for a fish hatchery on White river to be located at a point to be hereafter determined by the fish commission;
- Methow. \$2000 for a fish hatchery to be located on the Methow

river at a point hereafter to be determined by the fish commission ;

\$2000 for a fish hatchery on the Nisqually river to ^{Nisqually.} be located at a point to be hereafter determined by the fish commission ;

\$2000 for a fish hatchery on the Colville river to be ^{Colville.} located at a point hereafter to be determined by the fish commission ;

\$2000 for a fish hatchery on the Klickitat river to be ^{Klickitat.} located at a point to be hereafter determined by the fish commission ;

\$2000 for a fish hatchery on the Stillaguamish river ^{Stillaguamish.} to be located at a point hereafter to be determined by the fish commission ;

\$2000 for a fish hatchery on the Dungeness river to ^{Dungeness.} be located at a point hereafter to be determined by the fish commission ;

\$2000 for a fish hatchery to be located on the Skagit ^{Skagit.} river or tributaries at a point hereafter to be determined by the fish commission :

Provided, That said fish hatcheries shall be constructed in the order that appears in the above segregation, the first one appearing upon the list to be constructed first and the others in the order following.

SEC. 2. No warrants for the construction of said fish hatcheries shall be drawn against the treasury nor shall the work of construction of said fish hatcheries be begun nor a contract let therefor when there shall be in the fish hatchery fund in the state treasury a sum less than the ordinary operating expenses of the various fish hatcheries, completed and in operation, for the period of six months in advance: *And provided*, That construction shall not be begun on any of said fish hatcheries nor shall a contract for such construction be let when the amount appropriated for the construction of said fish hatcheries shall not be in the said fish hatchery fund as cash on hand over and above the operating expenses of [the] then existing fish hatcheries as immediately before provided: *And provided further*, That at no time shall any warrant be drawn against

the fish hatchery fund in the treasury for any purpose contemplated in this act when there is not sufficient cash money on hand in the treasury to pay the same.

Auditing.

SEC. 3. All moneys appropriated in this act shall be disbursed as follows: Vouchers for all expenditures shall be audited and approved by the state fish commission before presentation to the state auditor.

Passed the House February 24, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXXXIV.

[H. B. No. 243.]

RELATING TO OYSTER BEDS.

AN ACT amending section 1 of an act entitled "An act relating to beds of natural oysters and declaring an emergency," approved March 7, 1895, being section 3375 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1 of an act entitled "An act relating to beds of natural oysters and declaring an emergency," approved March 7, 1895, being section 3375 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows: Section 1. It shall be unlawful to gather oysters or to remove them from any natural oyster bed or natural oyster bed reserve in any of the rivers, bays or waters of the State of Washington, at any time from the fifteenth day of June to the fifteenth day of March following and inclusive, of each year, except under the supervision of the fish commissioner of the State of Washington or of the United States, for purposes of propagation, experimental or other scientific purposes: *Provided,* That nothing in this section shall be construed to in-

terfere with the provisions of section 3362 of Ballinger's Annotated Codes and Statutes of Washington, being section 1198 of the Code of 1881.

Passed the House March 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXXXV.

[S. B. No. 160.]

FOR THE PROTECTION OF STURGEON.

AN ACT to protect sturgeon and to regulate the time and manner of fishing for sturgeon in the waters of the Columbia river, prohibiting the use of Chinese hooks in the waters of this state, and providing a penalty.

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

SECTION 1. Hereafter it shall not be lawful for any person or persons to take, capture or kill in the waters of the Columbia river or tributaries thereof any sturgeon between the first day of March and the first day of November in each and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured or killed, or had unlawfully. Closed season.

SEC. 2. It shall not be lawful at any time to take or kill any young sturgeon under four feet in length, or fish for the same by any device or appliance whatever in the waters of the Columbia river or tributaries thereof, and any person or persons fishing with gill nets, fish-wheels or other fishing apparatus whatever in the waters of the Columbia river or tributaries thereof who, on lifting, drawing, taking up or removing any of said nets, or other fishing apparatus, shall find young sturgeon under four feet in length entangled or caught therein, shall immediately, with care and the least possible injury to the fish, disentangle and let Young sturgeon.

loose the same and transmit the fish to the water without violence. Any person or persons violating any of the provisions of this section, or having in their possession young sturgeon under four feet in length, either for consumption or sale, or who is known to willfully destroy the same, for so offending shall, on conviction thereof, be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed.

Penalty.

Chinese lines prohibited.

SEC. 3. It shall be unlawful to cast, extend, set, use or continue or assist in casting, extending or using any Chinese sturgeon lines, or lines of a similar character, in the waters of this state. The fish commissioner and any deputies are hereby authorized to seize and destroy any such lines found in said waters, and they are hereby authorized to arrest forthwith any person or persons detected in setting or using any Chinese sturgeon lines, or lines of similar character, in the waters of this state. Any person violating any of the provisions of this section shall be fined in a sum not less than twenty-five dollars and not more than one hundred dollars.

SEC. 4. Chapter 73, being "An act for the protection of sturgeon in the waters of this state," approved March 16th, 1897, is hereby repealed.

Passed the Senate March 3, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER CXXXVI.

[H. B. No. 488.]

DEEP WATER OYSTERS.

AN ACT to encourage and protect the culture of deep water oysters in the State of Washington, and declaring an emergency.

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

Lands to be leased.

SECTION 1. All lands in the waters of the State of Washington lying below extreme low tide, not covered

by natural oyster beds, and not in front of any incorporated city or town nor within two miles on either side thereof shall be subject to lease, for the purpose of planting and cultivating thereon artificial oyster beds, under the provisions of this act.

SEC. 2. All persons who, prior to the passage of this act, in good faith entered upon lands not in front of any incorporated city or town, nor within two miles thereof on either side, and planted and cultivated thereon artificial oyster beds, and who continue to occupy and work the same, and who are now in possession of and working said oyster beds in good faith, shall have the prior right to lease for a period of six months from and after the passage of this act.

SEC. 3. Applications for the lease of land for the cultivation of deep sea oysters under the provisions of this act shall be made to the commissioner of public lands and shall be accompanied by a map or plat of the lands so to be leased. The commissioner of public lands shall upon receipt of such application direct the fish commissioner to immediately inspect the lands applied for and report to the commissioner of public lands his findings as to the following facts:

First. Whether the land or any portion thereof is a natural oyster bed.

Second. Whether it be necessary in order to secure adequate protection to any natural oyster bed to retain to the public domain the land the application for the lease of which has been made or any part thereof.

Third. Whether the land or any portion thereof having been a natural oyster bed within ten years past may reasonably be expected to again become such within ten years in the future.

SEC. 4. In case all of the above three questions be answered negatively, the commissioner of public lands shall immediately issue to the applicant therefor a lease for the term of twenty (20) years of the lands so applied for at an annual rental of twenty-five cents per acre. Should the fish commissioner answer one or more of

Hearing.

the above three questions affirmatively, the commissioner of public lands shall investigate the matter at a public hearing in the county where the lands in question are situated. Due notice of such hearing shall be given by the said land commissioner by publishing a notice to that effect in some paper of general circulation in the county, at the expense of the applicant, not less than one week and not more than four weeks before the date of hearing. Unless at such hearing it be conclusively shown to the commissioner of public lands that in the matters at issue the fish commissioner was in error, he shall refuse to lease such lands or such portion thereof as may be determined by the foregoing restrictions. Application for the lease of lands thus withheld may not be made again within six years, except that the person last making application may repeat the application during the three months next preceding the expiration of the six years.

New application.

Description.

SEC. 5. All applications for the lease of oyster lands under this act shall, in addition to the surveyor's description by metes and bounds, make description in such local geography as shall suffice to convey a knowledge of its location with reasonable accuracy to persons acquainted with the vicinity.

Affidavit.

SEC. 6. All applications for lease of oyster lands under the provisions of this act shall be for an area not to exceed forty acres to any one person, and such application shall be accompanied by an affidavit under oath, that the party making such application leases said lands for the purpose of oyster culture only.

When to revert.

SEC. 7. It shall be expressly provided in the lease of any such oyster land that if at any time after the granting of said lease the lands described therein shall cease to be used for the purposes of an artificial oyster bed, it shall thereupon revert to, and become the property of the State of Washington, and that the same is leased to the lessee only for the purposes of cultivating oysters thereon, and the State of Washington hereby reserves the right to enter upon and take possession of said

tract or tracts, if at any time the same is used for any other purpose than the cultivation of oysters.

SEC. 8. This act shall in no manner apply to the provisions of any act heretofore enacted by the legislature of the State of Washington providing for the sale of tide and shore lands for the purpose of oyster planting and the manner of taking oysters from said tide land beds.

SEC. 9. Survey and description of all tracts applied Survey. for shall be in duplicate, one of which shall be filed with and be recorded by the county auditor of the county in which said lands are situated in a book kept by him for such special purpose, and a duplicate description in the office of the commissioner of public lands.

SEC. 10. If from any cause any tract or tracts, parcel Abandonment of lease. or parcels of land leased under the provisions of this act, shall become unfit and valueless for the purpose of oyster culture, the party having so leased or being in possession of the same, may, upon certifying such fact under oath to the commissioner of public lands and to the auditor of the county wherein such lands are situated, also upon filing under oath a certificate of abandonment of such tract or tracts, parcel or parcels of land, in the office of each of said officials, such party shall then be entitled to lease other lands as hereinbefore provided.

SEC 11. The fish commissioner of the State of Wash- Dredging. ington may and he is hereby authorized to dredge or permit others to dredge in all the waters of the State of Washington for the purpose of discovering whether any particular waters, not already reserved, leased or appropriated under existing laws, or the provisions of this act, contain oysters in a natural state, and regulate the taking thereof, under such rules as the fish commissioner may prescribe.

SEC. 12. An emergency is hereby declared to exist and this act shall take effect from and after its passage.

Passed the House March 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXXXVII.

[H. B. No. 330.]

FOR THE PROTECTION OF GAME ANIMALS, BIRDS AND FISH, AND CREATING OFFICE OF GAME WARDEN.

AN ACT for the protection of game animals and birds, song birds and game fish, creating the office of State Game Warden, and defining duties and imposing additional duties on county game wardens.

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

State game warden.

SECTION 1. There is hereby created the office of state game warden, and the state fish commissioner shall be *ex officio* such officer.

Duties

SEC. 2. The state game warden shall have full control and supervision over all county game wardens appointed in pursuance to any statute now existing on the statute books of this state, and may have the power to appoint said county game wardens special deputy fish commissioners for the county in which said county game wardens may reside and shall have general supervision over the enforcement and execution of all laws of this state for the protection of game animals, game birds, song birds and game fish, and shall have all the authority and powers as a peace officer conferred on county game wardens by any law of this state.

Report.

SEC. 3. The said state game warden in connection with his report as said fish commissioner, shall annually, on December first, report to the governor of this state a full account of his actions as said state game warden; also the operation and result of all laws pertaining to the protection of game animals, game birds and game fish.

Expenses.

SEC. 4. The expenses of the county game wardens may be paid in the discretion of the state game warden and state fish commissioner for all services performed by them as deputy fish commissioners, upon the request or direction of said state game warden and said state fish commissioner, and said expenses when so audited

and allowed are made payable out of the fish commissioner's traveling and incidental expense fund.

Passed the House March 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER CXXXVIII.

[H. B. No. 296.]

AS TO GAME ANIMALS AND BIRDS.

AN ACT to amend sections 2, 3, 12, 13 and 15 of an act entitled "An act for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation, and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the penal code of the State of Washington," approved March 11, 1897.

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

SECTION 1. That section two of an act entitled "An Amendment.

act for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation, and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the penal code of the State of Washington," is hereby amended to read as follows: Sec. 2. Every person who shall, within the

State of Washington, at any time between the fifteenth day of December of any year and the fifteenth day of September of the following year, hunt, pursue, take, kill, injure or destroy any deer, shall be guilty of a Closed season.

misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Hunting with
dogs pro-
hibited.

Counties
excepted.

SEC. 2. That section three of said act is hereby amended to read as follows: Sec. 3. Every person who shall at any time pursue, take, kill, injure or destroy any moose, elk, caribou, antelope, mountain sheep or goat, or deer with dogs, or knowingly allow dogs to chase or destroy said animals, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That the provisions of this section shall not apply in the counties of the state lying westward of the eastern boundary of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania, between the first day of October and the first day of November of each year.

Sale of game
prohibited.

SEC. 3. That section twelve of said act is hereby amended to read as follows: "Sec. 12. Every person who shall offer for sale or market, or sell or barter any moose, elk, caribou, killed in this state, antelope, mountain sheep or goat, deer, or the hide or skin of any moose, elk, deer or caribou, or any grouse, pheasant, ptarmigan, partridge, sage hen, prairie chicken or quail at any time of the year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided."

Unlawful to
buy game.

SEC. 4. That section thirteen of said act is hereby amended to read as follows: "Sec. 13. Every person, agent or employe of a company or corporation, hotel-keeper, restaurant keeper, boarding house keeper, or keeper of a market, or other person who shall buy or barter for, at any time of the year, the whole or any part of the meat of any moose, elk, caribou, antelope, mountain sheep or goat, deer, or the hide or skin of any moose, elk, deer or caribou, or any grouse, pheasant, ptarmigan, partridge, sage hen, prairie chicken or quail, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided."

SEC. 5. That section fifteen of said act is hereby amended to read as follows: "Sec. 15. Every person

who shall hunt, pursue, take, kill, trap, ensnare, injure or destroy any imported or oriental pheasant, golden, silver, ring-necked, copper, bronze, Chinese or Mongolian pheasant, or California, valley or mountain quail or Bob White quail, at any time after the passage of this act and before the 15th day of October in the year 1901, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That thereafter and after the 15th day of October, A. D. 1901, the hunting and killing of all varieties of imported and oriental pheasants, valley, mountain, California or Bob White quail shall be permitted between the 15th day of October and the 1st day of December, otherwise be governed by the law heretofore enacted for the hunting and killing of native pheasants and grouse: *Provided, further*, That the clause prohibiting the killing of Chinese or Mongolian pheasant shall not apply to Skamania county: *Provided*, That in the counties of Kittitas and Klickitat it shall be unlawful to hunt, pursue, take, kill, trap, ensnare, injure or destroy any prairie chicken from and after the passage of this act and before October, A. D. 1901.

Closed season
for certain
game birds.

Quail.

Prairie
chickens.

Passed the House February 9, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXXIX.

[H. B. No. 300.]

FOR THE RELIEF OF MRS. J. H. STAHL, ET AL.

AN ACT for the relief of Mrs. J. H. Stahl, R. A. Koontz and the Vancouver Auditorium Association and appropriating money therefor.

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

SECTION 1. That the sum of three hundred and twenty-five (\$325) dollars be and the same is hereby

appropriated out of the state treasury from the general military fund to pay Mrs. J. H. Stahl for rent of armory used and occupied by Company C, First Battalion, National Guard of Washington, from the first day of March, 1897, to the first day of April, 1898.

SEC. 2. That the sum of three hundred (\$300) dollars be and the same is hereby appropriated out of the state treasury from the general military fund to pay the Vancouver Auditorium Association for rent of armory used and occupied by Company H, Second Battalion, National Guard of Washington, for the period of twelve months.

SEC. 3. That the sum of one hundred and sixty-three and $\frac{5}{100}$ (\$163.50) dollars for maintenance and armory fund be and is hereby appropriated for the relief of Captain R. A. Koontz, Company B, First Regiment, National Guard of Washington.

SEC. 4. The state auditor is hereby authorized to draw warrants on the state treasurer for the sum in favor of the said persons, and said treasurer is hereby directed to pay said warrants out of any funds in the state treasury not otherwise appropriated.

Passed the House March 7, 1899.

Passed the Senate March 8, 1899.

Approved March 14, 1899.

CHAPTER CXL.

[H. B. No. 284.]

COMPULSORY SCHOOL ATTENDANCE.

AN ACT providing for the compulsory attendance of children in the public schools in cities of more than ten thousand inhabitants.

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

SECTION 1. Every person residing in a city containing ten thousand or more inhabitants, having under

School at-
tendance
compulsory.

his control a child between the ages of seven and fifteen years, shall annually cause such child to regularly attend some public day school at least six full school months, and for every neglect of such duty the person so offending shall be fined not exceeding twenty-five dollars: *Provided*, If the person so charged shall prove, or shall present a certificate made by or under the direction of the board of directors of the city wherein he resides, setting forth that the child has attended for the required time a private day school approved by the board of directors of the city wherein such school is located, or that the child has otherwise been furnished for a like period of time with the means of education, or has already attained a reasonable proficiency in the common school branches of the first eight years as outlined in the course of study for the common schools of the State of Washington, or that his physical or mental condition was such as to render his attendance inexpedient or impracticable, or that the child, for satisfactory reasons, has been excused from attending school by the board of directors of the city in which he resides, then such penalty shall not be incurred.

SEC. 2. For the purpose of this act the board of directors of the several cities shall approve a private school only when the teaching therein is in the English language, and when they are satisfied that such teaching is thorough and efficient, and when the persons in charge of said school shall keep the record of attendance of the pupils thereof upon blanks provided by the state for such purpose, and shall render the board of directors of the city where such school is located a detailed report of the attendance of any pupil for any specified time: *Provided*, That the request for such report be made in writing and sets forth that such pupil is suspected of irregular attendance.

SEC. 3. The board of directors of each city shall annually appoint one or more special officers, and fix their compensation, who shall be truant officers and who shall, under the direction of the board of direc-

tors, inquire into all cases arising under the provisions of this act, or under any rules made in pursuance thereof, by the board of directors by which such officers were appointed, and such officers shall have power and authority in case of the violation of any of the provisions of this act to make complaint therefor to the superior court as hereinafter provided; they shall also serve all legal processes issued in pursuance of this act or of any such rules, but shall not be entitled to receive fees for such services.

Duties.

SEC. 4. The secretary of the board of directors of the several cities shall furnish the truant officers of their respective cities the names of all children between the ages of seven and fifteen which are found upon the census rolls for the current year and are not enrolled in any of the public day schools of the city, and it shall be the duty of the truant officers to ascertain in all cases why such children are not attending school and inquire into all cases of neglect of duty prescribed in section one of this act, and such truant officers, or any of them, shall when so directed by the board of directors, proceed with the necessary legal processes against any person liable to the penalty provided for in section one.

Employment
of children.

SEC. 5. No child under the age of fifteen years shall be employed in any manufacturing, mechanical or mercantile establishment, or by any telegraph or telephone company in this state, except during the vacations of the public schools of the city in which such child resides, unless during the twelve months next preceding such employment, he shall have attended school as provided for in section one of this act, or has already attained a reasonable proficiency in the common school branches for the first eight years as outlined in the course of study for common schools of the State of Washington, or shall have been excused by the board of directors of the city in which such child resides; nor shall such employment continue unless such child shall attend school each year, or until he shall have

acquired the elementary branches of learning taught in the public schools as above provided.

SEC. 6. No child under the age of fifteen years shall ^{Certificate.} be so employed who does not present a certificate made by or under the direction of the board of directors of the district in which such child resides, of his compliance with the requirements of section five of this act; and said certificate shall also give the place and date of birth of such child as nearly accurate as may be; and every owner, superintendent or overseer of any establishment or company employing any such child shall keep such certificate on file so long as such child is employed therein. The form of said certificate shall be furnished by the superintendent of public instruction.

SEC. 7. Every owner, superintendent, or overseer of ^{Penalty.} any such establishment or company who employs or permits to be employed any child in violation of any of the provisions of the two next preceding sections, and every parent or guardian who permits such employment, shall be fined not exceeding twenty-five dollars.

SEC. 8. The truant officers shall, at least once in ^{Inspection.} every school term, and as often as the board of directors shall require, visit the establishments or companies employing such children in their respective cities, and ascertain whether the provisions of the three next preceding sections hereof are duly observed, and report all violations thereof to the said board.

SEC. 9. The truant officers shall demand the names of the children under fifteen years of age employed in such establishments or companies in their respective cities, and shall require the certificates of age and school attendance, prescribed in section six of this act, to be produced for their inspection; and a refusal to produce such certificate shall be punished by a fine not exceeding twenty-five dollars.

SEC. 10. Every owner, superintendent or overseer of any such establishment or company who employs or permits to be employed therein a child under sixteen years of age who cannot write his name, age and place of residence legibly, while the public schools in the

city where such child lives are in session, shall for every such offense be fined not exceeding twenty-five dollars.

Habitual truants.

SEC. 11. The board of directors of each school district shall make all needful rules and provisions governing habitual truants and children who may be found wandering about in the streets or public places therein, having no lawful occupation or business, not attending school, and shall make such rules as will be most conducive to the welfare of such children in such city; and shall designate or provide suitable provisions for the discipline and instruction of such children.

Report of board.

SEC. 12. The board of directors of each school district under the provisions of this act shall annually report to the state board of education whether their respective cities have made provisions required by this act; and in case the said board of any city shall in any year refuse or neglect to comply with the provisions of section three and section eleven of this act, or of either of them, after having been duly notified by the superintendent of public instruction, twenty-five per centum of the money apportioned to such city from the state for school purposes shall be withheld until the provisions of section three and section eleven of this act have been complied with.

Penalty for non-enforcement.

Fines.

SEC. 13. All fines under the provisions of this act shall inure and be applied to the support of the public schools in the city where such offense was committed.

SEC. 14. The superior courts of the state shall have jurisdiction in their respective counties of all cases arising under this act, and all rules passed in conformity with this act.

Costs.

SEC. 15. No officer performing any duty under any of the provisions of this act, or under the provisions of any rules that may be passed in pursuance hereof, shall not in any wise become liable for any costs that may accrue in the performance of any duty.

Passed the House March 2, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXLI.

[H. B. 439.]

RELATING TO REVENUE AND TAXATION.

AN ACT amending an act entitled, "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119½, 119½, 119½, 120½, 120½, 120½ to said act, and declaring an emergency.

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

SECTION 1. (Vetoed by the governor.)

SEC. 2. That section five of said act is hereby amended to read as follows: "Section 5. All property described Amendment. in this section, to the extent herein limited, shall be exempt from taxation, that is to say—

First. All lands used exclusively for public burying Exemptions. ground or cemeteries, all churches built and supported by donations whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity: *Provided,* That such grounds are used wholly for church purposes and not otherwise.

Second. All property, whether real or personal, belonging exclusively to any school district, county, municipal corporation, the state or to the United States.

Third. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town or fire company organized therein.

Fourth. All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen woman, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such

institutions are devoted, after paying the expenses thereof, to the purposes of such institution; and the grounds, wherever such libraries, orphanages, institutions, homes and hospitals are built when used exclusively and not otherwise for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes, within the true intent of this act, the state board of health, the county and city authorities of the county and city wherein such institutions are respectively situated, shall have access to the books of such institutions, and the institution claiming exemption shall provide by its articles of incorporation that the mayor of the city and the chairman of the board of county commissioners wherein such institution is located shall be *ex officio* trustees thereof, and shall be notified of each and every meeting thereof, and shall have the same powers as a trustee of such institution. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that all of the income and the receipts thereof, including donations to it have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make an annual report to the state board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived, and the object to which disbursements have been applied, and shall further furnish, in the said report, full and complete vital statistics for the use and information of the state board of health, who may publish the same in its annual report.

Fifth. All fruit trees, except nursery stock, for four years after being transplanted from the nursery into the orchard.

Sixth. All ships, vessels and boats in actual construction, and all materials especially designed and set apart for the construction of any such ship, vessel or boat in

process of building within this state, shall be exempt from taxation.

Seventh. The personal property of each head of a family liable to assessment and taxation under the provisions of this act, of which such individual is the actual and *bona fide* owner as follows, to-wit: All necessary wearing apparel for himself and family; one bed and bedding for himself and one additional bed and bedding for each additional member of his family; all necessary household and kitchen furniture including stoves and cooking utensil and all necessary tools of trade; in all, not to exceed three hundred dollars in value.

SEC 3. Section forty-three of said act is hereby ^{Amendment.} amended to read as follows: "Section 43. The assessor shall list all real property according to the largest legal subdivision as near as practicable. The assessor shall make in the detail and assessment books, in numerical order, complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, and if unknown, so stated opposite each tract or lot, the number of acres and lots or parts of lots included in each description of property, and the values per acre or lot: *Provided*, That the board of county commissioners of any county may by order direct that the property be listed numerically according to lots and blocks or section, township and range, in the smallest platted or government subdivision, and when so listed the value of each block, lot or tract, the value of the improvements thereon and the total value thereof, including improvements thereon, shall be extended after the description of each lot, block or tract, which last extension shall be in the column headed 'Total value of each tract, lot or block of land assessed with improvements, as returned by the assessor.' In carrying the values of said property into the column representing the equalized value thereof, the county auditor shall include and carry over in one item the equalized valuation of all lots in one block, or lands in one section, listed consecutively, which belong to any

one person, firm or corporation, and are situated within the same road or school district or municipal corporation, and in the assessed value of which the county board of equalization has made no change. Where assessed valuations are changed the equalized valuation must be extended and shown by item. The detail and assessment lists and blanks shall be in readiness for delivery to the assessor on the third Monday of January of each year."

Amendment.

SEC. 4. Section sixty of said act is hereby amended to read as follows: "Section 60. The secretary of state, the commissioner of public lands and the auditor of state shall constitute the board of equalization. The auditor shall be president of the board and they shall remain in session not to exceed twenty days; may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors: *Provided*, That the expense of such board shall not exceed the sum of \$500 in any one year. The said board shall meet annually on the first Tuesday in September, at the office of the auditor of state, and shall examine and compare the returns of the assessment of the property in the several counties of the state, and proceed to equalize the same, so that each county in the state shall pay its due and just proportions of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all the property in the state.

First. They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal and uniform, so far as possible, in every part of the state, for the purpose of ascertaining the just amount of tax due from each county for state purposes.

Second. The secretary shall keep a full record of the proceedings of the board, and the same shall be published in the biennial report of the auditor of the state.

Third. They shall have authority to adopt rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in rela-

tion to the returns of county assessments, and the equalization of values by said board. The said board of equalization shall apportion the amount of tax for state purposes as required by law, to be raised in the state among the several counties therein, in proportion to the valuation of the taxable property therein for the year as equalized by the board, and shall also ascertain the gross amounts justly due from each county for military, state bond interest, and state bond sinking fund taxes, at rates and limitations fixed by law. It shall be the duty of the county auditor in each county when he shall have received the report of the state auditor, as provided in section sixty-one of this act, to determine the rates per cent. necessary to raise the taxes required for state purposes as determined by the state board of equalization, and place the same on the tax rolls of the county as provided by law.

SEC. 5. Section sixty-one of said act is hereby amended to read as follows: "Section 61. When the state board complete their equalization, the auditor of state shall transmit to each county auditor a transcript of the proceedings of the board, within ten days after said board adjourns, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto he shall certify to each county auditor the amount due to each fund and unpaid from such county for the seventh preceding year, commencing with the tax levied for the year 1892. Every succeeding year thereafter the delinquent state taxes shall be so certified to the county auditors, and this sum shall be added to the amount levied for the current year. The state auditor shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year, shall belong to the county and by the county treasurer be credited to the county cur-

Auditor to transmit proceedings of state board of equalization.

Amount of tax due each fund and delinquent tax for 7th preceding year to be certified.

rent expense fund of the county in which collected. The county auditor shall compute the required per centum on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, and shall extend such taxes in the proper columns of such books: *Provided*, That the rate so computed shall not be such as to raise a surplus of more than five per cent. over the total amount required by the state board.

Taxes, when due and delinquent.

SEC. 6. Section sixty-eight of said act is hereby amended to read as follows: "Section 68. The county treasurer shall be the receiver and collector of all taxes extended upon the tax books of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real property made payable by the provisions of this act shall be due and payable to the treasurer as aforesaid on or before the thirty-first day of May in each year, after which date they shall become delinquent, and interest at the rate of fifteen per cent. per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, however*, When the total amount of tax payable by one person is two dollars or more, then if one-half of such taxes be paid on or before said thirty-first day of May, then the time of payment of the remainder thereof shall be extended, and said remainder shall be due and payable on or before the thirtieth day of November following; but if the remaining one-half of such taxes be not paid on or before the thirtieth day of November, then such remaining one-half shall be delinquent, and interest at the rate of fifteen per cent. per annum shall be charged thereon from the first day of June preceding until paid: *Provided further*, There shall be an allowance of three per cent. rebate to all payers of taxes who shall pay the taxes on real property in one payment and in full on or before the fifteenth day of March next prior to the date of delinquency. All rebates allowed under this section

Rebate for pre-payment of taxes.

shall be charged to the county current expense fund and all collections from penalties and interest on delinquent taxes shall be credited to the current expense fund.

SEC. 7. Section seventy-one of said act is hereby amended to read as follows: "Section 71. On and after the first Monday of February succeeding the levy of taxes the county treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes and if such taxes are not paid within thirty days after said notice, he shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, together with all accruing costs with interest, and shall immediately proceed to advertise the same by posting written notices thereof in three public places in the county in which such property has been levied upon, stating the time when and place where such property will be sold, and if the taxes for which such property is distrained, and the costs which accrue thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as will be sufficient to pay such taxes with interest and costs, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall immediately pay any such overplus to the owner of the property so sold, or to his legal representatives: *Provided*, That if any personal property upon which the taxes have been levied but not paid, is about to be removed from the county where the same has been assessed, the county treasurer may demand such taxes without the notice provided for in this section, and if necessary, may distrain and sell sufficient goods and chattels to pay the same."

Personal
property taxes
collected—
Notice.

Removal of
personal prop-
erty—Tax due
without
notice.

SEC. 8. Section seventy-two of said act is hereby amended to read as follows: "Section 72. If the county treasurer is unable, for the want of goods or chattels

List of uncol-
lectible per-
sonal property
tax to be filed
with county
auditor.

whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or an executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of January following, a list of such taxes, with an affidavit of himself or of the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected."

County treasurer to remit state taxes monthly.

SEC. 9. Section seventy-six of said act is hereby amended to read as follows: "Section 76. Immediately after the last day of each month, the county treasurer shall pay over to the state treasurer the amount collected by him and credited to the various state funds, but every such payment shall be subject to correction for error discovered upon the quarterly settlement next following. The county auditor shall at the same time ascertain and report to the state auditor by ordinary letter or other written memorandum, the amounts due to the various state funds. If the same be not paid to the state treasurer before the tenth day of the month he shall then make a sight draft on the county treasurer for such amount. On the first Mondays of January, April, July, and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts, and collections for all purposes from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which such settlement is made, notify the state auditor of the result of the quarterly settlement with the county treasurer, as above specified. Should any county treasurer fail or refuse to honor

Quarterly settlement with county treasurer.

such draft or make payment of the amount thereon (except in case of manifest error or other good and sufficient cause) he shall be guilty of nonfeasance in office and upon conviction thereof shall be punished according to law."

SEC. 10. Section seventy-seven of said act is hereby amended to read as follows: "Section 77. On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund. He shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with his collection and credits on account of errors and double assessments, should balance his roll accounts as he stands charged. He shall then report the amount of collections on account of interest since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. He shall also at the same time submit to the auditor his collection register, showing all taxes collected by him since the last preceding annual settlement of current and delinquent taxes. The county auditor shall thereupon proceed to compare the stub tax receipts of the treasurer with the treasurer's tax rolls and the collection register submitted to him, and shall note if the tax rolls are properly marked opposite each tract or tax with the date and number of the treasurer's receipt that he gave in discharge of any tax, if same is properly entered to the credit of each tract or tax described in such receipt, and if the description, amount, names and numbers and funds agree. The auditor shall also compare such receipts with the treasurer's cash book or collection register, upon which he is required to post them, and if properly credited to the several funds, and also coincides in all respects with the tax rolls. He shall then

Annual settle-
ment between
county treas-
urer and
county
auditor.

test the footings upon the treasurer's collection register to see that no errors have been made or frauds perpetrated. He shall then satisfy himself that the collections of the interest required to be added after taxes have become delinquent have been collected and properly accounted for, and if so to charge the treasurer with the same. If the treasurer's receipts in all respects are correct and true, and the collections fully and properly accounted for on the same, the auditor shall enter the credits and debits upon the treasurer's roll accounts and properly balance the same up to date."

SEC. 11. Section eighty-two of said act is hereby amended to read as follows: "Sec. 82. Any person who has a lien by mortgage or otherwise, upon any real property upon which the taxes have not been paid, may pay such taxes and the interest, penalty and costs thereon; and the receipt of the county treasurer shall constitute an additional lien upon such land, to the amount therein stated; and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument shall be collectible with, or as a part of, and in the same manner as the amount secured by the original lien. Any person desiring to pay taxes upon any part or parts of real estate heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county treasurer, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and taxes collected accordingly: *Provided*, Where the assessed valuation of the tract to be divided exceeds two thousand dollars, a notice by registered mail must be given to the several owners interested in said tract, if known, and if no protest against said division be filed with the county treasurer within twenty days from date of notice, the county treasurer shall duly accept payment and issue receipt on apportionment as by him made. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the

Lien holders
may pay taxes.

Tax on part or
parts of tract
listed as one
tract may be
paid — Re-
assessment
of tract as
subdivided.

county treasurer shall accept and receipt for said taxes as determined and ordered by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole."

SEC. 12. Section eighty-four of said act is hereby amended to read as follows: "Section 84. Whenever any person, firm or corporation shall, subsequent to the first day of March of any year, bring or send into any county any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation bringing into any county of this state goods or merchandise after the first day of March shall be deemed subject to the provisions of this section: *Provided*, That all persons having paid the tax as herein provided for, shall at the time of the regular assessment next succeeding said payment, be allowed by the county assessor in making his assessment a deduction in a sum equal to that part of the entire assessment of the previous year as the number of days of the previous assessment year he was not in such county bears to the whole of such assessment year."

Temporary or
itinerant
merchants,
how taxed.

Foreclosing
of delinquency
certificate.

SEC. 13. Section ninety-six of said act is hereby amended to read as follows: Section 96. Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of any certificate of delinquency may give notice to the owner of the property described in such certificate that he will apply to the superior court of the county in which such property is situated for a judgement foreclosing the lien against the property mentioned. Such notice shall contain—

1. The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amounts.

2. A direction to the owner summoning him to appear within sixty days after service of the summons, exclusive of the day of service, and defend the action or pay the amount due.

3. A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien for such taxes and costs against the land and premises named.

4. The summons shall be subscribed by the holder of the certificate of delinquency, or by some one in his behalf, and residing within the State of Washington, and upon whom all process may be served.

SEC. 14. Section ninety-seven and one-half is hereby added to said act to read as follows: Section 97½. The county prosecuting attorney shall furnish to holders of certificates of delinquency, at the expense of the county, forms of applications for judgment, forms of summons, and form of publication notices when the same are required, and shall prosecute to final judgment all actions brought by holders of certificates under the provisions of this act for foreclosure of tax liens, when requested so to do by the holder of any certificate of delinquency: *Provided*, Said holder has

Form of application for judgment to be furnished applicants—
Prosecuting attorney to procure judgments on certificates of delinquency.

duly paid to the clerk of the court the sum of two dollars for each action brought as per section 119: *Provided, further,* That nothing herein shall be construed to prevent said holder from employing other and additional counsel, or prosecuting said action independent of and without assistance from the prosecuting attorney, if he so desires: *And, provided, also,* That in no event shall the county prosecuting attorney collect any fee for the services herein enumerated.

SEC. 15. Section ninety-eight of said act is hereby amended to read as follows: Section 98. After the expiration of four years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with the assistance of the county prosecuting attorney, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceeding shall be had as when held by an individual: *Provided,* That summons may be served or notice given exclusively by publication in one general notice, describing the property as the same is described on the tax rolls. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made co-defendants in said action, and if unknown, may be therein named as unknown owners and the publication of such notice shall be sufficient service thereof on all persons interested in the property therein described. The publication of the summons or notice required by this section shall be made by the county treasurer in the official newspaper of the county: *Provided,* The price charged by any newspaper for each publication shall

After four years county treasurer shall put certificates of delinquency to judgment in name of county.

not exceed in any case the sum of ten cents for each description contained in said notice.

Sections 100
and 101 re-
pealed.

SEC. 16. Section one hundred and one hundred and one of said act are hereby repealed.

Redemption of
certificates of
delinquency
before deed —
All taxes must
be paid.

SEC. 17. Section one hundred and two of said act is hereby amended to read as follows: "Section 102.

Real property upon which certificates of delinquency have been issued under the provisions of this act, may be redeemed at any time before the issuance of tax deed, by payment, in legal money of the United States, to the county treasurer of the proper county, for the benefit of the owner of the certificate of delinquency against said property, the amount for which the same was sold, together with interest at fifteen per cent. per annum thereon from date of issuance of said certificate of delinquency until paid. The person redeeming such property shall also pay the amount of all taxes, assessments, penalties, interest and costs accruing after the issuance of such certificate of delinquency, and paid by the holder of said certificate of delinquency or his assignee, together with fifteen per cent. interest on such payment from the day the same were made. No fee shall be charged for any redemption after the passage of this act. Tenants in common or joint tenants shall be allowed to redeem their individual interests in real property for which certificates of delinquency have been issued under the provisions of this act, in the manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject however, to the right of the person making the same to be reimbursed by the person benefited. If the real property of any minor heir, or any insane person, be sold for non-payment of taxes or assessments, the same may be redeemed at any time after sale and before the expiration of one year after such disability has been removed upon the terms specified in this section on the payment of interest at the rate of fifteen per

Tenants in
common or
joint tenants
may redeem.

Minor heirs
and insane
persons may
redeem one
year after
disability is
removed.

cent. per annum on the amount for which the same was sold, from and after the date of sale, and in addition the redemptioner shall pay the reasonable value of all improvements made in good faith on the property, less the value of the use thereof, which redemption may be made by themselves or any person in their behalf.

SEC. 18. Section one hundred and three of said act is hereby amended to read as follows: Sec. 103. The court shall examine each application for judgment foreclosing tax lien and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as it may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, assessments, and the penalties, interest and costs thereon, all amendments may be made which by law can be made in any personal action pending in such court and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment rolls or on account of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name or any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such

Summary proceedings on application for judgment.

Informalities in tax proceedings not to be considered.

Judgments.

Treasurer to
sell property
under judg-
ment of court.

taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to law by the court. The court shall give judgment for such taxes, assessments, penalties, interest and cost as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax or assessment included therein, including all penalties, interest and costs, and the court shall order and direct the clerk to make out and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in law and equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with a list of the property therein ordered sold shall be delivered to the county treasurer, and shall be full and sufficient authority for him to proceed to sell said property or so much of each tract or lot as may be necessary for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell said property as provided in this act. All sales shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon, and shall continue from day to day (Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively, by posting notice thereof in three public places in such county, one of which shall be in the office of said treasurer. Said notice shall be substantially in the following form :

TAX JUDGMENT SALE.

Public notice is hereby given that pursuant to a real estate tax judgment of the superior court in the county of, in State of Washington, and an order of sale duly issued by said court, entered the day of,, in proceedings for foreclosure of tax liens upon real estate, as per provisions of law, I shall on the day of,, at o'clock, at the front door of the court house in the city of, and county of, State of Washington, sell the following described lands or lots, or so much of each of them as shall be sufficient to satisfy the full amount of taxes, assessments, penalties, interest and costs adjudged to be due thereon as follows, to-wit: (Description of property).

Form of notice of tax judgment sale.

In witness whereof, I have hereunto affixed my hand and seal this day of,

.....
*Treasurer of County,
 State of Washington.*

The person at such sale offering to pay the amount due on each tract or lot for the least quantity thereof shall be the purchaser of such quantity which shall be taken from the east side of such tract or lot, and the remainder thereof shall be discharged from the lien. In determining such piece or parcel of such tract or lot, a line is to be drawn due north and south, far enough west of the eastern point of tract to make the requisite quantity. The treasurer may include in one notice any number of separate tracts or lots. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgement or evidence of such conveyance and shall be substantially in the following form:

STATE OF WASHINGTON, COUNTY OF, SS.

This indenture made this day of,, between, as treasurer of county, State of Washington, party of the first part and, party of the second part:

Form of deed for land sold at tax judgment sale.

Witnesseth, That, whereas, at a public sale of real estate held on the day of,, pursuant to a real estate tax judgment entered in the superior court in the county of on the day of,, in proceedings to foreclose tax liens upon real estate and an order of sale duly issued by said court,

duly purchased in compliance with the laws of the State of Washington, the following described real estate, to-wit: (Here place description of real estate conveyed) and that said has complied with the laws of the State of Washington necessary to entitle (him, her or them) to a deed for said real estate.

Now, therefore, know ye, That I,, county treasurer of said county of....., State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases provided, do hereby grant and convey unto, his heirs and assigns, forever, the said real estate hereinbefore described.

Given under my hand and seal of office thisday of....., A. D.,... ..

.....
County Treasurer.

Sections 105 and 106 repealed.

SEC. 19. Sections one hundred and five and one hundred and six of said act are hereby repealed.

All taxes to be paid by applicant before judgment and failure to pay forfeits rights.

SEC. 20. Section one hundred and seven of said act is hereby amended to read as follows: Sec. 107. Every purchaser of a certificate of delinquency shall before applying for judgment, pay all taxes that have accrued on the property included in said certificate since the issuance of said certificate or any prior taxes that may remain due and unpaid on said property, and any purchaser of delinquent certificates that shall suffer a subsequent tax to become delinquent and a subsequent certificate of delinquency to issue on the same property included in his certificate, such first purchaser shall forfeit his rights thereunder to the subsequent purchaser, and such subsequent purchaser shall at the time of obtaining his certificate redeem said first certificate of delinquency outstanding by depositing with the county treasurer the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of delinquency and draw interest at the rate of fifteen per cent. per annum from the date of payment. Said holder of a certificate of delinquency permitting a subsequent certificate to issue on the same property shall, on notice from the county treasurer, surrender said certificate of delinquency on payment to him of the redemption money

paid by the subsequent purchaser: *Provided*, That this section shall not apply to counties or municipalities.

SEC. 21. Section one hundred and ten of said act is hereby repealed. Section 110 repealed.

SEC. 22. Section one hundred and eleven of said act is hereby amended to read as follows: Sec. 111. The receipt of the redemption money of any tract or lot by any purchaser, or by the county treasurer for the benefit of such purchaser or the return of the certificate of delinquency for cancellation, shall operate as a release of all the claims to said tract under or by virtue of the issuance of said certificate of delinquency, and the county treasurer, upon the receipt of any such redemption money, shall immediately endorse upon the proper records the fact that such taxes, penalties, interest and cost have been paid and the property therein described redeemed by said payment, and shall deliver to the person redeeming the same a certificate of redemption therefor. Payment to treasurer of redemption money releases land.

SEC. 23. Sections one hundred and thirteen and one hundred and fifteen are hereby repealed. Sections 113 and 115 are repealed.

SEC. 24. Section one hundred and sixteen of said act is hereby amended to read as follows: Sec. 116. All lots, tracts and parcels of land upon which taxes remain due and unpaid at the date of the approval of this act, except the taxes for the year 1898, shall be deemed to be delinquent under the provisions of this act, and the same proceedings may be had to enforce the payment of such unpaid taxes, with penalty, interest and costs, and payment enforced and liens foreclosed under and by virtue of the provisions of this act. For purposes of foreclosure under this act, the date of delinquency shall be construed to mean the date when the taxes first became delinquent; *Provided*, That on all certificates of delinquency issued for the taxes of 1895 and prior years, proceedings for foreclosure under the provisions of this act, may commence on and after December first 1900, and not sooner; and on certificates of delinquency for 1895 and prior years held by the county must be commenced on or before the first day All taxes except for year 1898 shall be deemed delinquent.

of June 1901, by the several county treasurers, under the provisions of this act. At all sales of property for which certificates of delinquency are held by the county if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, penalties, interest and costs due thereon and where no bidder appears acquire title thereto as absolutely as if purchased by an individual under the provisions of this act.

Repeal.

SEC. 25. Sections one hundred and seventeen and one hundred eighteen of said act are hereby repealed.

Fees.

SEC. 26. Section one hundred and nineteen of said act is hereby amended to read as follows: Sec. 119. 1. The treasurer shall upon the issuance of a certificate of delinquency collect fifty cents. 2. For making a deed, to include not more than ten tracts or lots, including all services rendered, including sales and posting notices, three dollars. 3. The clerk of the court shall upon filing application for judgment and for all services rendered to and including judgments, collect two dollars. 4. The clerk of the court shall collect from each contestant at time of filing such contest, five dollars.

County property not to be listed.

SEC. 27. Section one hundred and nineteen and one-fourth is hereby added to said act to read as follows: Sec. 119½. All property deeded to the county under the provisions of this act shall be stricken from the tax rolls as county property and exempt from taxation and shall not be again assessed or taxed while the property of the county.

Claims cancelled.

SEC. 28. Section one hundred and nineteen and one-half is hereby added to said act, to read as follows: Sec. 119¾. No claims shall ever be allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this act, but all taxes shall at the time of deeding said property be thereby cancelled: *Provided*, That the proceeds of any sale of any property acquired by the county by tax deed shall be justly apportioned

to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

SEC. 29. Section one hundred and nineteen and three-fourths is hereby added to said act, to read as follows:

Sec. 119 $\frac{3}{4}$. Real property acquired by the county for taxes shall be subject to sale by the county commissioners in the manner provided by the statutes of this state for the sale of other real property owned by the county. County commissioners may sell.

SEC. 30. Section one hundred and twenty and one-fourth is hereby added to said act, to read as follows:

Sec. 120 $\frac{1}{4}$. Certificates of delinquency issued to counties shall be assignable to individuals by the county treasurer on demand and payment of the full amount due thereon, and said assignee shall have the same rights and proceed in the same manner as if said certificate had been originally issued to him. Assignment of certificates.

SEC. 31. Section one hundred and twenty and one-half is hereby added to said act, to read as follows:

Sec. 120 $\frac{1}{2}$. Certificates of delinquency shall be assignable in law, and an assignment thereof shall rest in the assignee or his legal representatives all the right and title of the original purchaser.

SEC. 32. Section one hundred and twenty-one of said act is hereby repealed.

SEC. 33. An emergency exists, and this act shall take effect immediately. Emergency.

Passed the House February 25, 1899.

Passed the Senate March 6, 1899.

For reasons hereto appended, section 1 of this bill is this 15th day of March, 1899, disapproved and vetoed. All other sections approved.

J. R. ROGERS, Governor.

CHAPTER CXLII.

[H. B. No. 472.]

SUNDRY AMENDMENTS TO THE SCHOOL CODE.

AN ACT to amend an act entitled and cited as the Code of Public Instruction of the State of Washington, amending sections 6, 10, 11, 22, 30, 33, 39, 42, 48, 49, 54, 56, 78, 97, 99, 101, 102, 105, 111, 121, 141, 142, 144, 153, 175, 177, 222, 223, 255, all being of said act; also declaring an emergency.

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

SECTION 1. That section 6 of an act known and cited as the Code of Public Instruction of the State of Washington, approved March 19, 1897, be amended to read as follows: Sec. 6. In forming new districts, or transferring territory from one district to another, or changing boundaries of districts, no school district shall contain less than four sections of land, unless said district can support six months' school per year after such change of territory: *Provided*, That the county superintendent may establish a district with less than four sections on a petition signed by all the heads of families of the proposed district, by and with the consent of the state superintendent of public instruction.

SEC. 2. That section 10 of said act be amended to read as follows: Sec. 10. The board of directors and clerk provided for in the preceding section shall, in all matters relating to the union or graded schools of such districts, possess all the powers, discharge all the duties and be governed by the laws herein provided for school district officers, and the clerk of such union district shall, immediately upon his election, inform the county superintendent of the organization of the district. Upon receipt of such notice of organization the county superintendent shall designate such union district by number, as "Union District No.....,county," and shall notify the county treasurer, of the organization of such district: *Provided*, That such district shall be entitled to and shall receive

Union districts.

apportionments from the state annual school fund in the manner provided by law for the apportionment of said fund to other school districts: *Provided further*, That the superintendent of public instruction shall apportion annually to each such union district the sum of one hundred (\$100) dollars for each grade above the grammar grade maintained in such schools.

SEC. 3. That section 11 of said act be amended to read as follows: Sec. 11. The directors of such union districts shall determine what grade or grades above the grammar grade of the state common school course of study shall be pursued and maintained in such schools: *Provided*, That the course of study for such grade or grades shall not be inconsistent with the laws of this state; and the teacher or teachers of such union schools shall keep such records and make such reports as are required of teachers of schools in the districts composing such union districts, and shall make such other reports as may be required by the superintendent of public instruction.

Rural high schools.

SEC. 4. That section 22 of said act be amended to read as follows: Sec. 22. The powers and duties of the superintendent of public instruction shall be—

Duties.

First. To have supervision over all matters pertaining to the public schools of the state.

To supervise.

Second. To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report three thousand copies shall be printed and delivered to the superintendent of public instruction, who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables, by counties, showing the number of schools and the attendance; the state and county school funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of

To make biennial report.

schools, and the amount paid him for incidentals and expenses ; the amount paid for buildings and providing school houses, furniture and apparatus ; the amount of bonded or other school indebtedness, with the rate of interest paid thereon ; the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

To have
printed blanks
and registers.

Third. To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools ; and to distribute the same to the county superintendents.

To visit
schools.

Fourth. To travel in the different counties of the state where public schools are taught, without neglecting his other official duties as superintendent of public instruction, for the purpose of visiting schools, of consulting the county superintendents, and of addressing public assemblages on subjects pertaining to public schools ; also to conduct such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states.

Fifth. To submit to the state auditor a monthly statement of his expenditures for traveling expenses : *Provided,* That said expenditures shall not exceed eight hundred dollars in any one year.

To have
printed school
laws.

Sixth. To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer, and to cause the same to be printed and distributed as often as any change in the laws makes it of sufficient importance, in his opinion to justify the same.

Seventh. To act as *ex officio* president of the state board of education. President state board of education.

Eighth. To hold biennially, on or before the first day of May following the election of county superintendents, a convention of the county superintendents of the state, at such time and place as he may deem convenient, for the discussion of questions pertaining to the supervision and administration of the school laws, and such other subjects affecting the welfare and interests of the common schools as may be brought before it. To hold county superintendents' convention.

Ninth. Upon receipt from the state auditor of a certificate of the state school fund subject to apportionment, to apportion within ten days said fund among the several counties of the state, in proportion to the total days' attendance: *Provided*, That each school district shall be credited with at least two thousand total days' attendance. The basis of said apportionment shall be the last annual reports of the several county superintendents on file in his office at the time of making his apportionment. *Provided further*, If a pupil attends any school of the state outside his resident district during the time the resident district maintains school of the grade in which the pupil belongs, the attendance shall be credited to the district in which the pupil resides, unless mutually arranged otherwise by the directors; and the clerk of any district whose resident pupils are attending school in another district, shall notify the clerk of the district where such pupils attend, when the school of said pupils' resident district will be in session, and the grades maintained; and without such notice all claim to attendance will be forfeited. To apportion school funds.

Tenth. To require annually, on or before the fifteenth day of August, of the president, manager or principal of every seminary, academy or private school, and of the president, manager or principal of every state educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports, and it To require reports from private schools.

is made the duty of every such president, manager or principal to fill up and return such blanks within such time as the superintendent of public instruction shall direct.

To keep directory of school officers.

Eleventh. To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

To examine manuscript.

Twelfth. To grade and make record of the standing of all examination papers submitted to him by county superintendents, and to issue certificates thereon as provided by law.

To preserve official documents.

Thirteenth. To keep in his office at the capital of the state all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the state board of education. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state each year, separately. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

To render decisions or opinions.

Fourteenth. To decide all points of law which may be submitted to him in writing by any county superintendent, or that may be submitted to him by any other person upon appeal from the decision of any county superintendent, and shall publish his rulings and decisions from time to time, for the information of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

Fifteenth. To deliver over to his successor at the expiration of his term of office, all records, books, maps and documents, and papers of whatever kind belonging to his office, or which may have been received by him for the use of his office.

SEC. 5. That section 30 of said act be amended to read as follows: Sec. 30. A county superintendent of common schools shall be elected in each county of the state at each general election, whose term of office shall begin on the first Monday in August next succeeding his election and continue for two years and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond in a sum to be fixed by the board of county commissioners. He may, at his own cost, appoint a deputy, who shall qualify in the same manner as the county superintendent, and perform all the duties of the office, subject, however, to revision by the county superintendent. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

SEC. 6. That section 33 of said act be amended to read as follows: Sec. 33. Each county superintendent shall have the power, and it shall be his duty —

First. To exercise a careful supervision over the common schools of his county, and to see that all the provisions of the common school laws are observed and followed by teachers and school officers.

Second. To visit each school in his county not less than once in each year.

Third. To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and the teachers.

Fourth. To enforce the course of study adopted by the state board of education and to enforce the rules and regulations required in the examination of teachers.

Fifth. To keep on file and preserve in his office the biennial reports of the superintendent of public instruction and of the county superintendent of his county.

Sixth. To keep in good and well-bound books, to be furnished by the county commissioners, records of his official acts.

Seventh. To preserve carefully all reports of school officers and teachers, and at the close of his term of

office, to deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor.

To administer oaths.

Eighth. To administer oaths and affirmations to school directors, teachers and other persons, on all official matters connected with or relating to schools, but shall not make or collect any charge or fee for so doing.

To keep record of contracts.

Ninth. To keep in a suitable book an official record of all persons under contract to teach in the schools of his county, showing the number of the school district, the date of the contract, the names of the contracting parties, the date of the expiration of the teacher's certificate and the grade thereof, the salary paid, and the date of commencing school, with the length of the term in weeks.

To make annual report.

Tenth. To make an annual report to the superintendent of public instruction on the first day of August of each year for the school year ending June 30, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct.

To fix district boundaries.

Eleventh. To keep in his office a full and correct transcript of the boundaries of each school district in the county. In case the boundaries of said districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting, he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts.

To fill vacancies.

Twelfth. To appoint directors and district clerks to fill vacancies caused by death, resignation, failure to hold election, failure to qualify before the day for

taking office, and absence from the district for a period of ninety days; to appoint directors and district clerks for any new districts: *Provided*, That when any new district is organized, such of the directors and district clerk of the old district as reside within the limits of the new one shall be directors and district clerk of the new one, and the vacancies in the old district shall be filled by appointment.

Thirteenth. To apportion, within ten days after receiving the certificate of apportionment of the superintendent of public instruction, the state annual school fund, and such other funds as are subject to apportionment, to the several school districts entitled to receive the same, in accordance with the instructions of the superintendent of public instruction. He shall certify the result of the apportionment to the county treasurer, and also notify each clerk of the amount apportioned to that district. To apportion funds.

Fourteenth. To grant such temporary and special certificates and to conduct such examinations of teachers and make such records thereof as may be prescribed by law: *Provided*, That he shall give ten days' notice of such examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by posting up hand bills, or otherwise. To issue certificates.

Fifteenth. To hold teachers' institutes according to law, and to conduct such other meetings of the teachers of his county as may be for the best interests of the schools. To hold institutes.

Sixteenth. Upon receipt of the report of the clerk and at any time upon the complaint of the clerk or a parent of the school or any member of the board of directors of any school district that any child is not attending school as required by law, to immediately notify the parents or guardian of such child that the law must be complied with and otherwise endeavor to procure the attendance of such child at school. To enforce attendance.

SEC. 7. That section 39 of said act be amended to read as follows: Sec. 39. Directors of school districts Election and qualification of directors.

shall be elected at the regular annual school election. At the first annual election in all new districts three directors shall be elected, for one, two and three years respectively. No person shall be eligible to the office of school director who is not able to read and write the English language. The ballot shall specify the term for which each is to be elected. In all districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms; and the ballot shall specify the respective term for which each director is to be elected. Directors-elect shall take office on the first Monday in July next succeeding their election, and shall hold office until their successors are qualified. In case of vacancy in the board of directors from any cause, the county superintendent shall fill such vacancy by appointment until the next annual election.

Non-resident
attendance.

SEC. 8. That section 42 of said act be amended to read as follows: Sec. 42. Any board of directors shall have power to make arrangements with adults wishing to attend school or with the directors of another district for the attendance of such children in the school of either district as may be best accommodated therein: *Provided*, That in case such arrangements are not made, or children from school districts not adjoining desire to attend school in their district, they may charge reasonable tuition for such attendance; *Provided, further*, That all moneys collected by any school district officer for the use of the district shall, within thirty days after the date of its collection, be turned over to the county treasurer and placed to the credit of the district.

Election of
clerk.

SEC. 9. That section 48 of said act be amended to read as follows: Sec. 48. A district clerk shall be elected in each district at each annual election, to hold office for one year, beginning on the first Monday in August next succeeding his election, and until his successor is elected and qualified. In case of vacancy in the office of district clerk from any cause, the county

superintendent shall fill such vacancy by appointment until the next annual election.

SEC. 10. That section 49 of said act be amended to read as follows: Sec. 49. The duties of the district Duties. clerk shall be as follows: *First.* To attend all meetings of the board of directors; but if he shall not be present the board of directors shall select one of their number to act as clerk; who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his records in a book To keep records. to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor. *Second.* To keep accurate and detailed accounts of all receipts and expenditures of school money. To keep financial account. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection. *Third.* To take annually, in June of each year, an exact census of all children and youth between the ages of five and twenty-one years who were *bona fide* residents of the district on the first day of June of that year; and he shall designate the number of weeks each child between the ages of six and twenty-one years has attended school during the school year; the names and sex of all children subject to enumeration, together with the names of their parents or guardians: *Provided,* That Indian children not living under the guardianship of white persons, or who have not severed their tribal relations, or Mongolian children not native born, shall not be included in said census. He shall note all defective youth between the ages of five and twenty-one years; and he shall, on or before the fifteenth day of July, make to the county superintendent a full and complete report of all children enumerated, together with a complete statistical report of the To take census.

affairs of his district, which report shall be verified by affidavit. Said report shall be made upon blanks to be furnished by the superintendent of public instruction, and shall contain such items of information as said superintendent shall require, including the following: The names of all persons, male and female, between the ages of five and twenty-one years, residing in the district on the first day of June last past, together with the number of weeks each has attended school during the last school year; the names and residences of the parents or guardians of all such children; the number of schools or departments taught during the year, and the branches taught; the number of children, male and female, enrolled in school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; the text-books used, and the number of volumes, if any, in the school district library; the aggregate amount paid teachers during the year; the number of school houses in the district, and the value of them; the aggregate value of all school furniture and apparatus belonging to the district; the amount raised by special tax during the year for the support of schools, and for buildings, sites and furniture; the amount raised by subscription, or by other means than taxation; the amount of bonded indebtedness of the district, and the rate of interest paid; the amount of all other indebtedness, and such other items as the superintendent of public instruction may deem of importance, and as may be provided for in the blanks furnished for said report, and the clerk shall keep on file a duplicate copy of said report. *Fourth.* To keep an accurate account of all expenses incurred by him in his district in keeping the school house in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred by him on account of the school, which accounts must be audited by the board of directors, and paid out of the district school fund. *Fifth.* To give

the required notice of all annual or special elections; also, to give notice of the regular and special meetings of the board of directors as herein authorized. *Sixth.*

To give notice of meetings.

To report to the county superintendent at the beginning of each term of school the name of the teacher and the proposed length of the term, and to supply the teacher with the school register furnished by the superintendent of public instruction. *Seventh.* To issue

To make reports.

and countersign all warrants ordered to be issued by the board of directors, and to report to the county treasurer on or before the first Monday of each calendar month all the warrants drawn by the directors of his district, giving date, number and fund on which each warrant is drawn. *Eighth.* To report to the

To sign warrants.

county superintendent on or before the first day of December of each year the name and residence of every child that failed to attend school as required by law, and shall submit, at their next regular meeting, a duplicate of said report to the school board of his district.

To report non-attendance.

SEC. 11. That section 54 of said act be amended to read as follows: Sec. 54. Teachers shall faithfully enforce in the schools the course of study and regulations prescribed, and shall furnish promptly all information relating to the schools which may be requested by the county superintendent.

To enforce course of study.

SEC. 12. That section 56 of said act be amended to read as follows: Sec. 56. No teacher shall be required to teach school on Saturdays, or on Thanksgiving Day, Christmas, New Year and Fourth of July: *Provided,* That if the foregoing holidays fall on Sunday, the teacher shall not be required to teach on the following Mondays; and no deduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

Holidays.

SEC. 13. That section 78 of said act be amended to read as follows: Section 78. The board of directors shall, at a regular meeting, provide not more than two voting places in each ward of the city, and appoint

Registration and election.

judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of the state applicable thereto not otherwise provided for: *Provided*, That only those persons, male and female, who have complied with the laws governing registration in cities of the class for which this section provides, shall be permitted to vote, and that no person shall be permitted to vote at said election except in the ward in which he or she resides. In cities of ten thousand (10,000) or more inhabitants, books of registration shall be open for the purpose of registration at not more than two convenient places in the district, to be designated by the board of directors, on each day between the hours of 9 o'clock A. M. and 4 o'clock P. M. of each day, except legal holidays, and they shall be closed and no names shall be registered therein during the five days preceding any special election, and during the ten days preceding any general election held in such district, except only on the last day, not Sunday or a legal holiday, preceding the day of said election, said books shall again be opened during the hours specified for the purpose of further registration. The secretary of the board shall give notice of the closing of the books of registration in his district by a notice published in a newspaper of general circulation, published in his district, at least ten days before the day for first closing of said books: *Provided, however*, That any elector of said district who has duly registered as a voter at any general election in said district shall be allowed to vote at the next succeeding school election held in the same year without registration. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy.

Annual levy
and expend-
iture.

SEC. 14. That section 97 of said act be amended to read as follows: Sec. 97. The board of directors shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate of the amount of

funds in addition to estimated receipts from the state tax required for the support of the schools, for the purchase of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said additional amount the same as other taxes; *Provided*, That in case the purchase of school sites and the erection of buildings shall require an expenditure exceeding fifty thousand dollars (\$50,000) for any one current school year, the question shall be submitted to a vote of the electors of the district, at the time and places the board of directors may appoint. The board of directors shall, previous to such election, designate in at least one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such an election shall be held, the locality of the site or sites required, and the proposed cost of the buildings to be erected thereon: *Provided*, That the board of directors of any school district of this state may proceed to condemn and appropriate sufficient land for a school house site not to exceed one acre in extent; such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use.

SEC. 15. That section 99 of said act be amended to read as follows: Sec. 99. Whenever the number of ^{Institutes.} school districts in any county is twenty-five or more, the county superintendent must hold a teachers' institute each year, and every teacher holding a valid certificate employed in a common school in the county must attend such institute during its whole time. County superintendents of contiguous counties may by ^{Joint.} mutual arrangements hold a joint institute, the expenses to be shared in proportion to the departments maintained in the counties as shown by the county superintendent's last annual reports. The work of the

Program.

institute shall be in conformity to a syllabus prepared by the state superintendent and a committee of three county superintendents appointed by him, for at least one-half of the program, the remaining part to be supplied by the county superintendent of each county where institute is held.

Duration.

SEC. 16. That section 101 of said act be amended to read as follows: Sec. 101. Each session of the institute must continue not less than five days.

Credit for attendance.

SEC. 17. That section 102 of said act be amended to read as follows: Sec. 102. When the institute is held during the time when a teacher is employed in teaching, his pay shall not be diminished by reason of his attendance, when certified to by the county superintendent, and in addition to the actual attendance earned by the district, an additional attendance shall be accredited to the district, determined by multiplying the average daily attendance for the term by the number of days the teacher attended the institute.

SEC. 18. (Vetoed by the governor.)

State school tax.

SEC. 19. That section 111 of said act be amended to read as follows: Sec. 111. In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the state board of equalization, annually, at the time of levying tax for state purposes, to levy a tax that shall be sufficient to produce a sum which, when added to the estimated amount of money to be derived from the interest on the state permanent school fund for the current fiscal year, shall equal eight dollars for each child of school age residing in the state as shown by the last report of the several county superintendents to the superintendent of public instruction: *Provided*, That said tax shall not exceed five mills on the dollar. Said tax levy shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and transmitted to the state treasurer at the same time and in the same manner as other state taxes are required to be collected and transmitted; and it shall be the duty of the state auditor within thirty

days after the date at which county treasurers are required to transmit state funds to the state treasurer, to certify to the superintendent of public instruction the amount of all state annual school funds in the hands of the state treasurer subject to apportionment.

SEC. 20. That section 121 of said act be amended to read as follows: Sec. 121. The county commissioners ^{Bond-interest levy.} must ascertain and levy annually the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter until full payment of said bonds is made, they may, if deemed advisable, levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payment of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property in said district, and must be collected in the same manner as taxes for other school purposes: *Provided*, That the county treasurer, ^{Investment of sinking fund.} when authorized to do so, by the board of directors of any school district, may invest any accumulated sinking fund of said district in school, county or state warrants of the State of Washington, and all profits accruing from such investment and the funds so invested shall revert to the sinking fund of said district, and the county treasurer shall be custodian of all warrants purchased by and with the said sinking fund until the same are redeemed.

SEC. 21. That section 141 of said act be amended to read as follows: Sec. 141. All applicants at the examination mentioned in the preceding section shall be at least seventeen years of age, and shall be examined according to the rules and regulations of the state board of education, in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and consti- ^{Requirements for certificates.}

tution of the United States school law and the constitution of the State of Washington and the theory and art of teaching; but no person shall receive a first grade certificate who does not pass a satisfactory examination in the additional branches of physics, English literature and algebra, and who does not present satisfactory written evidence of having taught successfully one school year of nine months: *Provided*, That the state board of education may adopt two subjects in lieu of algebra and physics for teachers who have taught exclusively in primary schools for not less than fifty months, and the certificates granted to such primary teachers shall be known as first grade primary certificates, and shall entitle the holders to teach only in the primary grades of city and village schools. The state superintendent shall also have power to grant common school certificates without examination to all applicants who are graduates of a regular four year collegiate course of the University of Washington, the Agricultural College, and school of science, state normal schools equal in requirements to the state normal schools of Washington, or of other reputable institutions of learning whose requirements for graduation are equal to the requirements of the University of Washington; also to all applicants who hold state certificates or diplomas equal in requirements to the requirements of the State of Washington: *Provided*, That an applicant shall pass an examination in state school law and constitution with a standing required for a first grade certificate.

Certificates
without ex-
amination.

SEC. 22. That section 142 of said act be amended to read as follows: Sec. 142. Each applicant before taking the examination for a certificate, or upon application for a temporary certificate or for a renewal, shall pay to the county superintendent the sum of one dollar, and shall receive a receipt therefor. The fees so received by the superintendent shall in no case be returned to the applicant, but shall be paid to the county treasurer to the credit of the institute fund.

Examination
fee.

SEC. 22½. That section 144 of said act be amended to

read as follows: Sec. 144. The holder of a first grade certificate who shall present to the superintendent of public instruction evidence of having taught successfully twenty-four school months during the time said certificate has been in force, may have his certificate renewed without further examination, which renewal shall be endorsed thereon by the superintendent of public instruction, upon its presentation, for a like term of five years: *Provided*, That such renewed certificate shall lapse upon the failure of its holder to teach for a period of two consecutive school years: *Provided further*, That a teacher holding a second grade certificate who has taught in a primary grade of the public schools of the state for not less than four years immediately preceding the expiration of said certificate, and who has taken at least one subject of the teacher's reading circle each year under the regulations prescribed by the state board of education, may have said certificate renewed for two years as a primary teacher only.

SEC. 23. That section 153 of said act be amended to read as follows: Sec. 153. Every person, male or female, over the age of twenty-one years, who shall have resided in the school district for thirty days immediately preceding any school election, and in the state one year, and is otherwise, except as to sex, qualified to vote at any general election, shall be a legal voter at any school election, and no other person shall be allowed to vote: *Provided*, That registration for purposes of school election shall not be required except in cities of ten thousand or more inhabitants. Persons offering to vote may be challenged by any legally qualified school elector of the district, and one of the judges of election shall thereupon, before receiving his vote, administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such; that you are twenty-one years of age, according to your information and belief, and that you have resided in this district thirty days next preceding this election, and in the state one year,

Renewal
without ex-
amination.

Legal voters
at school
election.

and that you have not voted before on this day." If he shall refuse to take the oath, his vote shall be rejected. Any person guilty of illegal voting shall be punished as provided in the general election laws of the state.

Forfeiture of school funds.

SEC. 24. That section 175 of said act be amended to read as follows: Sec. 175. No school district shall be entitled to receive any apportionment of school moneys which shall not have maintained school for the time required by law during the preceding school year: *Provided*, That any new district formed from the division of an old one shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least the time required by law in the old district: *Provided further*, That if any school district has heretofore failed to receive apportionment of state school funds because of failure to hold school the time required by law, and there are unpaid warrants drawn on the general funds of said district for maintenance of school prior to the said failure, the superintendent of public instruction shall apportion to the county, at the time of the next regular apportionment of state school funds, an additional amount sufficient to pay said warrants and interest on the same to the date on which said apportionment is made.

Warrants of defunct districts.

Superior judge to compel attendance.

SEC. 25. That section 177 of said act be amended to read as follows: Sec. 177. Any parent or guardian, who, after being notified by the county school superintendent of the provisions of the law relative to children attending school, shall further refuse or neglect to send such child to school, shall upon complaint of the superintendent, be summoned before the judge of the superior court, who shall have power to remove any child, if an orphan, who fails to attend school, as required by law, and place it in the care of some other person who will be likely to send such child to school, or if the child be under the care of a parent or parents, then said judge shall have power, upon the complaint

of the county school superintendent, to summon such child and such parent or parents before him, and if he shall, upon inquiry, find that said child has not already attained a reasonable proficiency in the common school branches for the first eight years outlined in the course of study for common schools for the State of Washington, he shall issue an order commanding such parent or parents to place such child in school, if school be then in session, or immediately when school shall resume, if school be not in session, or appear before him and show cause for the neglect or refusal so to do.

SEC. 26. That section 222 of said act be amended to read as follows: Sec. 222. The board of higher education shall prescribe the following courses of study which shall be uniform for all state normal schools of the state: (1) An elementary course of three years; (2) An advanced course of two years for those who have completed the elementary course; (3) An advanced course of two years for graduates from a four year high school accredited by the board of higher education; (4) An advanced course of one year for graduates from colleges and universities. A student who completes the elementary course shall receive a certificate which shall entitle him to teach the common schools of the state for a period of five years. A student who completes any advanced course shall receive a diploma which shall entitle him to teach in the common schools of the state for a period of five years and upon satisfactory evidence of having taught successfully for two years during the time for which the diploma was issued, shall receive a life diploma issued by the state board of education. Graduates from accredited high school shall receive an elementary certificate after completing one year's work of the advanced course: *Provided*, That no one shall receive a diploma or certificate who has not been in attendance one school year of forty weeks, and who has not given evidence of ability to teach and govern a school by not less than twenty weeks' practice teaching in the training school: *Provided further*, That any of the foregoing certificates

Normal school
course of
study.

or diplomas may be revoked by the state board of education for incompetency, immorality or unprofessional conduct. The board of higher education shall also prescribe uniform rules and regulations for admission to and graduation from the state normal school: *Provided*, That a student shall pass the examination required for a third grade teacher's certificate before entering the second year of the elementary course, and shall pass the examination required for a second grade teacher's certificate before entering the third year of the elementary course.

Normal school library fee. SEC. 27. That section 223 of said act be amended to read as follows: Sec. 223. The board of trustees shall provide out of funds appropriated for the purpose, such text books and supplies as are needful for successfully carrying into effect the course of study prescribed. Each student upon admission to the school may be required to pay into the library fund of the school a sum not to exceed \$10.00, one-half of which shall be applied to the support of the general library and reading room, and the remaining half shall be kept as indemnity for loss or damage of books belonging to the school in the hands of the student, and shall be returned to him after deducting such amount which may be justly charged for any loss or damage beyond reasonable wear.

Expenses of children of indigent parents. SEC. 28. That section 255 of said act be amended to read as follows: Sec. 255. If it appears to the satisfaction of the county commissioners that the parents of any such defective youth within their county are unable to bear the expense of sending and returning them to said state school, it shall then be the duty of the commissioners to send and return them to and from said school or to maintain them at said school during vacation at the expense of the county.

SEC. 29. An emergency is declared to exist, and this act shall take effect immediately.

Passed the House March 4, 1899.

Passed the Senate March 9, 1899.

Section 18 of this bill vetoed for reasons appended in margin this 15th day of March, 1899. Other sections approved.

J. R. ROGERS,
Governor.

Section 18 of this bill is amended to correspond to the provisions of House Bill 193, and is objected to for the same reasons offered against that bill. It furthermore has amended the present law which provides for contracting with publishers for text books for a period of five years, by changing the period to two years. This change necessarily makes the contract of less value to the publisher, and precludes the possibility of favorable exchange of books and reasonable retail prices to the public.

CHAPTER CXLIII.

[H. B. No. 350.]

AS TO INSURANCE COMPANIES.

AN ACT to regulate and control insurance companies, corporations and associations in this state, and to amend section[s] 4 and 31 of an act entitled "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895.

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

SECTION 1. Section 4 of an act entitled "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895, is hereby amended to read as follows: Section 4. The insurance commissioner shall issue to any insurance company, corporation or association his certificate of authority to transact business in this state under the following conditions:

Provisions for admission of companies.

First. If a company, corporation or association organized under the laws of this state, when he is satisfied that the provisions of this act in relation to such company, corporation or association has been complied with.

State companies.

Second. If a company, corporation or association organized in any of the United States or territories, when he is satisfied that the company, corporation or association has net assets or paid up and unimpaired capital of one hundred thousand dollars.

Domestic companies.

Foreign
companies.

Amount and
kind of se-
curities to be
deposited.

Third. If a foreign company, corporation or association, when he shall be satisfied that the company, corporation or association has made a deposit with the insurance commissioner of this state, or with the proper officers of some other state, of not less than \$200,000.00 in the bonds of the United States, the bonds of any state in the United States, the bonds of any city outside the State of Washington having a population exceeding one hundred thousand inhabitants, or the bonds of any of the counties, school districts or cities of this state, in trust for the benefit of its policy holders in the United States, and that the said two hundred thousand dollars is unimpaired and free from all liabilities: *Provided,* That warrants of the State of Washington may also be accepted in lieu of the bonds above enumerated: *Provided further,* That no bonds or warrants shall ever be accepted as a deposit whose market value is less than par.

Deputy com-
missioner,
salary of.

SEC. 2. Section 31 of an act entitled "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895, is hereby amended to read as follows: Section 31. The commissioner shall appoint a deputy whose salary is hereby fixed at fifteen hundred dollars per annum, and in the absence of the commissioner or his inability from any cause to exercise the powers and discharge the duties of his office, the powers and duties of the office shall devolve upon the deputy.

Agents'
licenses.

SEC. 3. The annual fee for licensing every person acting as agent for any company, corporation or association doing a life, accident, sick benefit or indemnity business of any character whatever, shall be and hereby is fixed at five dollars. All licenses provided for in this act shall expire on the thirty-first day of December succeeding the date of issue.

Passed the House February 27, 1899.

Passed the Senate March 7, 1899.

Approved March 15, 1899.

CHAPTER CXLIV.

[H. B. No. 347.]

AS TO FIRE INSURANCE COMPANIES AND AGENTS.

AN ACT to regulate, control and license insurance companies, corporations and associations, and their agents, prescribing license fees and imposing penalties.

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

SECTION 1. No license shall hereafter be issued to any fire insurance company, corporation or association, permitting said fire insurance company, corporation or association to do business in this state until such fire insurance company, corporation or association shall file with the insurance commissioner of this state its written agreement that it will not accept any application for fire insurance upon, nor will it write, issue or deliver any policy of fire insurance covering any property located or situated within the State of Washington except through a citizen of this state, resident herein, and who shall be a duly appointed agent of such fire insurance company, corporation or association, and licensed by the insurance commissioner of this state as agent of such fire insurance company, corporation or association to solicit and write fire insurance.

Policies must be issued only through licensed agents.

SEC. 2. Any fire insurance company, corporation or association holding a license issued by the insurance commissioner of this state prior to the date that this act shall take effect shall, within sixty days after this act shall take effect, file with the said insurance commissioner a like written agreement as that prescribed by section 1 of this act, as a condition precedent for the continuance of the business of such fire insurance company, corporation or association in this state, and if such fire insurance company, corporation or association shall fail so to do within said time, said insurance commissioner shall forthwith revoke the license of such fire insurance company, corporation or association.

Agreement to be filed with commissioner.

SEC. 3. No fire insurance company, corporation or

association licensed to do business in this state shall accept any application for fire insurance upon nor shall it write, issue or deliver any policy of insurance covering property located or situated within this state except through a duly appointed agent of such fire insurance company, corporation or association, who is a citizen of this state, resident herein and licensed as agent of such fire insurance company, corporation or association by the insurance commissioner of this state to write and solicit insurance for such fire insurance company, corporation or association. The license of any such fire insurance company, corporation or association which shall accept any application for insurance upon or which shall write, issue or deliver any policy covering any property located or situated in this state in violation of this section, shall be revoked by the commissioner of this state.

Penalty for violating law.

Penalty.

SEC. 4. No fire insurance company, corporation or association, the license of which shall be revoked for violation of this act after its passage, shall be again licensed to do business in this state until it shall have paid into the state treasury the sum of \$500.00 as a license fee.

Policies to be delivered only by licensed agents.

SEC. 5. No person shall write or solicit fire insurance upon any property located or situated in this state, nor shall any person deliver any policy of fire insurance upon any property located or situated in this state, unless such person be a duly authorized agent of some fire insurance company, corporation or association holding a license granted by the insurance commissioner of the state, authorizing it to do business in this state, and unless such person be duly licensed by such insurance commissioner as a fire insurance agent authorized to write and solicit fire insurance in this state. Any person violating this section shall be guilty of a misdemeanor and shall be fined in a sum not exceeding \$50, or imprisonment in the county jail not exceeding thirty days.

Penalty.

Fees.

SEC. 6. No person shall be licensed as a fire insurance agent authorized to solicit or write fire insurance

until each company, corporation or association represented by such person shall have paid a license fee as prescribed in this section. The annual license fee for an agent's license authorizing the solicitation and writing of fire insurance in this state shall be two dollars for each company represented by any person, firm or corporation.

SEC. 7. Any owner of property situated or located in the State of Washington at the time of being insured who shall insure his property in a company, corporation or association not authorized to do business in this state, shall be held liable to the State of Washington for twenty-five per cent. of the gross premiums paid to any such unauthorized company. The insurance commissioner is hereby authorized to institute actions against any person violating the provisions of this section, and for the recovery of the penalty herein provided for.

Property
owner liable
for violating
law.

SEC. 8. Any policy of fire insurance solicited, issued or delivered in violation of the provisions of this act shall nevertheless be a valid contract in favor of the insured.

Valid con-
tracts.

SEC. 9. Any person through whom any insurance company writing insurance upon any property in this state shall deliver a policy of insurance shall be deemed the agent of such company as to all transactions relating to such insurance had between such person and the insured named in the policy, prior to and at the delivery thereof.

Who deemed
agent.

Passed the House February 16, 1899.

Passed the Senate March 9, 1899.

Approved March 15, 1899.

CHAPTER CXLV.

[H. B. No. 349.]

AMENDING INSURANCE LAWS.

AN ACT to regulate and control insurance companies, corporations and associations in this state, and to amend sections 1, 6, 7 of an act entitled "An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of 'An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency,' approved March 19, 1895," approved March 13, 1897.

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

SECTION 1. Section 1 of an act entitled "An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of 'An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency,' approved March 19, 1895," approved March 13, 1897, is hereby amended to read as follows: Sec. 1. It shall be unlawful for any insurance company, corporation or association doing business in the State of Washington to write, place or cause to be written or placed any policy or contract for indemnity for insurance on property situated or located in the State of Washington except through or by the duly authorized and licensed agent or agents of such insurance company, corporation or association residing and doing business in the State of Washington. At the time of the filing of the annual statement of every such company with the insurance commissioner there shall be attached thereto the affidavit of the president, manager or chief executive officer in the United States that this section has not been violated.

SEC. 2. Section 6 of an act entitled "An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of 'An act to regulate and license insur-

ance in this state, to repeal existing laws in relation thereto, and declaring an emergency,' approved March 19, 1895," approved March 13, 1897, is hereby amended to read as follows: Section 6. Whenever any policy of insurance shall be hereafter written or renewed insuring real property, or any building or structure erected thereon or connected therewith, and the property insured shall be wholly destroyed, without criminal fault on the part of the insured, or his assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property when insured, and the true amount of the loss and measure of damages when destroyed. In case there is a partial destruction of the property insured, no greater amount shall be collected than the injury sustained: *Provided*, That the insurer shall have the option to repair, rebuild or replace the property lost or damaged with other of like kind and quality if he gives notice of his intention so to do within twenty days after the receipt of notice of loss: *Provided*, Such insurer shall, within thirty days from the receipt of notice above, commence such rebuilding or replacing and shall diligently prosecute the same to completion, and shall pay to the insured the reasonable rental value of the premises, with the buildings thereon, from the date of loss to the date of such completion.

Valued policy law.

Face of policy to be paid, when.

SEC. 3. Section 7 of an act entitled "An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33, and 34 of 'an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency,' approved March 19, 1895," approved March 13, 1897, is hereby amended to read as follows: Section 7. All insurance companies, corporations or associations now doing business in this state, or that may hereafter do business in this state, must file with the insurance commissioner annually, on or before the fifteenth day of February in each year, a statement, under oath, stating the amount of all premiums received by said companies, corporations

Statement to be filed, when.

Tax on net
premiums.

When
payable.

Penalty for
failure to pay.

or associations during the year ending December thirty-first preceding in this state, and the amounts actually paid policy holders during the same time, and shall pay into the state treasury, through the insurance commissioner, a tax of two per cent on all such premiums collected, less the amount of losses actually paid policy holders. Said tax shall be due and payable on the first day of March succeeding the filing of the statement provided for herein. Any organization failing or refusing to render such statement and to pay the required two per cent tax on premiums, for more than thirty days after the time so specified, shall be liable to a fine of twenty-five dollars for each additional day of delinquency, and the taxes may be collected by distraint and the fine recovered by an action to be instituted by the insurance commissioner in the name of the state in any court of competent jurisdiction; and the insurance commissioner shall revoke and annul the certificate of authority of such delinquent organization until such taxes and fine, should any be imposed, are fully paid and notice given thereof to the said insurance commissioner.

Passed the House February 27, 1899.

Passed the Senate March 7, 1899.

Approved March 15, 1899.

CHAPTER CXLVI.

[H. B. No. 423.]

AS TO COLLECTION OF TAXES FROM PROPERTY BENEFITTED BY PUBLIC IMPROVEMENTS.

AN ACT authorizing cities of the first class to levy and collect assessments upon property benefitted by local improvements; and declaring an emergency.

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

Local im-
provements.

SECTION 1. Any city of the first class having the authority to provide for making local improvements and to levy and collect special assessments on property

benefited thereby, and for paying for the same or any portion thereof; and to determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining, contiguous or proximate property, or others specially benefited thereby, and to provide for the manner of making and collecting assessments therefor, may exercise such authority by general or special ordinance or by general and special ordinance jointly.

SEC. 2. The city council or other legislative body of How paid for. such city ordering the making of a local improvement at the expense, in whole or in part, of the owners of property benefited, may ordain whether payment is to be made in one sum or by installments, and levy assessment upon the property benefited for its part, or the whole of the cost as the case may be.

SEC. 3. Such assessment shall be a lien upon the Lien. property assessed from the time when the assessment is levied, which lien shall be paramount and superior to any other lien heretofore or thereafter created, whether by mortgage or otherwise, except a lien for prior assessment and for general taxes, and shall be payable at such time, and when delinquent, shall bear such interest and penalty as the city may by ordinance prescribe.

SEC. 4. The regularity or validity of said assessment Incontest-
able. cannot in any manner be contested or questioned by any proceeding whatsoever by any person not filing objections to such assessment roll prior to the same being confirmed.

SEC. 5. The decision of the legislative body upon any objection may be reviewed by the superior court in the manner prescribed by law.

SEC. 6. Any city of the first class may sell benefited City may sell. property upon which assessments are not paid, or may enforce the lien for such assessment by civil action in like manner and with like effect as actions for the foreclosure of mortgages.

SEC. 7. In payment to the contractor of such part of Warrants. the improvement as is to be paid for by the property benefited, cities may issue warrants from time to time

as the work progresses upon the special improvement fund, which shall bear interest at the rate of not more than ten per cent. per annum from date of delinquency of the assessment, and these warrants may be accepted in payment of assessments payable into the same fund as that upon which the warrants are drawn; but either by endorsement or on the face it shall be made known that the city is not liable on them out of its general fund. When practicable such warrants may be made to correspond in amount with the assessment against each parcel of land. In payment for such part of the improvement as is to be borne by the city, if any, warrants may be drawn upon such fund as the city shall by ordinance direct.

SEC. 8. Cities of the first class shall by ordinance prescribe the method by which this act shall be put into operation, and any provisions herein which may be made applicable to existing delinquent assessments may be extended by ordinance to them.

SEC. 9. The provisions of this act may be by ordinance extended to re-assessments.

Sale for in-
installment.

SEC. 10. Where property is assessed in installments the sale of the property to pay any particular installment shall not prevent a subsequent sale to pay any unpaid installment when the same shall become due, but such subsequent installment shall be collected in the manner provided by ordinance.

SEC. 11. This act shall not prevent or be construed to prohibit the collection of street improvement assessments in any manner now or hereafter provided by charter or ordinance of any city, but any city may pursue the means now or hereafter provided by charter, or may, at its option, follow the provisions of this act, and this act shall not be construed as repealing any existing charter provision, but shall be a concurrent remedy.

Emergency.

SEC. 12. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the House February 24, 1899.

Passed the Senate March 8, 1899.

Approved March 18, 1899.

CHAPTER CXLVII.

[H. B. No. 393.]

AS TO THE LEASING OF MINERAL LANDS BELONGING
TO THE STATE.

AN ACT amending section 6 of an act entitled "An act to regulate the leasing of mineral lands belonging to the State of Washington, and declaring an emergency," approved March 17, 1897.

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

SECTION 1. That section 6 of an act entitled "An act to regulate the leasing of mineral lands belonging to the State of Washington, and declaring an emergency," approved March 17, 1897, be amended to read as follows: Section 6. At any time prior to the expiration of said lease, the lease holder, or any assignee thereof, shall have the right to obtain from the said commissioner of public lands a contract which shall bind the State of Washington as the party of the first part, and the person, persons or corporations to whom said contract shall issue as the party of the second part, in a mutual observance of the obligations and conditions as specified therein (the contract provided for in this act shall be as follows):

"THIS INDENTURE, made this.....day of.....A. D. one thousand eight and....., by and between the State of Washington, party of the first part, and....., party of the second part, Form of lease.

Witnesseth, that the party of the first part, in consideration of the sum of ten dollars to it in hand paid by the party of the second part, being the first annual payment as provided for in chapter 102 section 7, of the Session Laws of 1897, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions herein contained, to be kept and performed by the part... of the second part, does hereby contract, lease and demise to the part... of the second part for a term of thirty years from and after the....day of....., one thousand eight hundred and....., the following described land situated in the county of....., in the State of Washington, viz:....., which premises are leased to the part... of the second part for the purposes of exploring for, mining, taking out and removing therefrom the merchantable shipping ore, containing copper, lead, silver, gold and other minerals, which is or which hereafter may

be found on, in or under said land, together with the right to construct all buildings, make all excavations, openings, ditches, drains, railroads, wagon roads, smelters and other improvements upon said premises, which are or may become necessary or suitable for the mining or removal of ore containing copper, lead, silver, gold or other minerals from said premises, with the right, during the existence of this lease, to cut and use the timber found upon said premises for fuel, and so far also as may be necessary for the construction of buildings required in the operation of any mine or mines, on the premises hereby leased, as also the timber necessary for drains, tramways and supports for such mine or mines: *Provided, however*, that the part . . . of the second part shall have the right at any time to terminate this agreement in so far as it requires the part . . . of the second part to mine ore on said lands, or to pay a royalty therefor, by giving written notice to the party of the first [part], which shall be served by leaving the same with the commissioner of public lands, who shall officially, in writing, acknowledge the receipt of said notice and the foregoing lease shall terminate sixty days thereafter, and all arrearages and sums which may be due under the same up to the time of its termination, as set forth in said notice, shall be paid upon settlement and adjustment thereof. The party of the first part further agrees that the part . . . of the second part shall have the right under this agreement to contract with others to work such mine or mines, or any part thereof, or to sub-contract the same, and the use of the said land or any part thereof, for the purpose of mining for ore, with the same rights and privileges as are herein granted to the said part . . . of the second part.")

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

Approved March 18, 1899.

CHAPTER CXLVIII.

[H. B. No. 248.]

REMITTING INTEREST AND PENALTIES ON CERTAIN
DELINQUENT TAXES.

AN ACT relating to revenues and taxes on real property which became delinquent during the year 1897, and all years prior thereto, remitting all penalties and interest thereon if paid on or prior to the 1st day of November, 1899, and declaring an emergency.

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

SECTION 1. That all costs, penalties and interest in excess of six per cent. per annum from the date of delinquency, on all state, county, municipal, school district and road district taxes which became delinquent during the year 1897, and previous years within this state on lands which have not been sold at tax sale or certificates of delinquency issued to parties other than the county or municipality for which the original tax was levied, be and are hereby remitted ; and the county treasurers in the respective counties in this state are hereby authorized and directed to receive and receipt for the net amount of such taxes as originally levied ; together with the interest herein provided: *Provided*, That in order to receive the benefit of the remission herein provided for, all such delinquent taxes shall be paid on or before the 1st day of November, 1899, and if not so paid then all the penalties, costs and interest now charged against the same shall be and remain a charge against such delinquent property and shall be proceeded against as now provided by law.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

(This act was neither approved nor vetoed by the governor, and became a law on March 22nd, 1899, that being ten days after the adjournment of the legislature.)

WILL D. JENKINS,

Secretary of State.

CHAPTER CXLIX.

[H. B. No. 285.]

RELATING TO NEGOTIABLE INSTRUMENTS.

AN ACT relating to negotiable instruments.

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

TITLE I.

NEGOTIABLE INSTRUMENTS IN GENERAL.

ARTICLE I.—*Form and Interpretation.*

SECTION 1. An instrument to be negotiable must conform to the following requirements :

1. It must be in writing and signed by the maker or or drawer ;
2. Must contain an unconditional promise or order to pay a sum certain in money ;
3. Must be payable on demand, or at a fixed or determinable future time ;
4. Must be payable to order or to bearer ; and,
5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

SEC. 2. The sum payable is a sum certain within the meaning of this act, although it is to be paid —

1. With interest ; or
2. By stated installments ; or
3. By stated installments, with a provision that upon default in payment of any installment or of interest, the whole shall become due ; or
4. With exchange, whether at a fixed rate or at the current rate ; or
5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

SEC. 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with —

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount ; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay only out of a particular fund is not unconditional.

SEC. 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable—

1. At a fixed period after date or sight; or
2. On or before a fixed or determinable future time specified therein; or
3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

SEC. 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which—

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or
2. Authorizes a confession of judgment if the instrument be not paid at maturity; or
3. Waives the benefit of any law intended for the advantage or protection of the obligor; or
4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

SEC. 6. The validity and negotiable character of an instrument are not affected by the fact that—

1. It is not dated; or
2. Does not specify the value given, or that any value has been given therefor; or
3. Does not specify the place where it is drawn or the place where it is payable; or
4. Bears a seal; or

5. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

SEC. 7. An instrument is payable on demand—

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or
2. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

SEC. 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of—

1. A payee who is not maker, drawer, or drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or some of several payees; or
6. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

SEC. 9. The instrument is payable to bearer—

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

SEC. 10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

SEC. 11. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed *prima facie* to be the true date of the making, drawing, acceptance or indorsement as the case may be.

SEC. 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

SEC. 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

SEC. 14. Where the instrument is wanting in any material particular, the person in possession thereof has a *prima facie* authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a *prima facie* authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

SEC. 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of

any holder, as against any person whose signature was placed thereon before delivery.

SEC. 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

SEC. 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply—

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount;
2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;
3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;
4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;
5. Where the instrument is so ambiguous that there

is doubt whether it is a bill or note, the holder may treat it as either at his election ;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser ;

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

SEC. 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed his own name.

SEC. 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

SEC. 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

SEC. 21. A signature by "procurator" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

SEC. 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

SEC. 23. Where a signature is forged or made without the authority of the person whose signature it pur-

ports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

ARTICLE II.—*Consideration.*

SEC. 24. Every negotiable instrument is deemed *prima facie* to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

SEC. 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

SEC. 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

SEC. 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

SEC. 28. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense *pro tanto*, whether the failure is an ascertained and liquidated amount or otherwise.

SEC. 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE III.—*Negotiation.*

SEC. 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

SEC. 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

SEC. 32. The indorsement must be an indorsement of the entire instrument. An indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

SEC. 33. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

SEC. 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

SEC. 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

SEC. 36. An indorsement is restrictive, which either—

1. Prohibits the further negotiation of the instrument; or

2. Constitutes the indorsee the agent of the indorser; or

3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

SEC. 37. A restrictive indorsement confers upon the indorsee the right—

1. To receive payment of the instrument ;
2. To bring any action thereon that the indorser could bring ;
3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

SEC. 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

SEC. 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

SEC. 40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

SEC. 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

SEC. 42. Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed *prima facie* to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorse-

ment of the bank or corporation, or the indorsement of the officer.

SEC. 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

SEC. 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

SEC. 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

SEC. 46. Except where the contrary appears, every indorsement is presumed *prima facie* to have been made at the place where the instrument is dated.

SEC. 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

SEC. 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

SEC. 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

SEC. 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

ARTICLE IV.—*Rights of the Holder.*

SEC. 51. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

SEC. 52. A holder in due course is a holder who has taken the instrument under the following conditions:—

1. That it is complete and regular upon its face;
2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;
3. That he took it in good faith and for value;
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SEC. 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

SEC. 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

SEC. 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

SEC. 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

SEC. 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among them-

selves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

SEC. 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

SEC. 59. [Every] holder is deemed *prima facie* to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

ARTICLE V.—*Liabilities of Parties.*

SEC. 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to endorse.

SEC. 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to endorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent endorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

SEC. 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits—

1. The existence of the drawer, the genuineness of

his signature, and his capacity and authority to draw the instrument; and

2. The existence of the payee and his then capacity to indorse.

SEC. 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

SEC. 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

SEC. 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants—

1. That the instrument is genuine and in all respects what it purports to be;

2. That he has a good title to it;

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

SEC. 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course—

1. The matters and things mentioned in subdivisions

one, two and three of the next preceding section ; and

2. That the instrument is at the time of his endorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

SEC. 67. Where a person places his endorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

SEC. 68. As respects one another, indorsers are liable *prima facie* in the order in which they endorse ; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

SEC. 69. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

ARTICLE VI.—*Presentment for Payment.*

SEC. 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument ; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

SEC. 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, present-

ment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

SEC. 72. Presentment for payment, to be sufficient, must be made—

1. By the holder, or by some person authorized to receive payment on his behalf.
2. At a reasonable hour on a business day;
3. At a proper place as herein defined;
4. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

SEC. 73. Presentment for payment is made at the proper place—

1. Where a place of payment is specified in the instrument and it is there presented;
2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;
4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

SEC. 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

SEC. 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

SEC. 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

SEC. 77. Where the persons primarily liable on the

instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

SEC. 78. Where there are several persons not partners, primarily liable on the instrument and no place of payment is specified, presentment must be made to them all.

SEC. 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

SEC. 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.

SEC. 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

SEC. 82. Presentment for payment is dispensed with —

1. Where after the exercise of reasonable diligence presentment as required by this act cannot be made;
2. Where the drawee is a fictitious person;
3. By waiver of presentment, express or implied.

SEC. 83. The instrument is dishonored by non-payment when,—

1. It is duly presented for payment and payment is refused or cannot be obtained; or
2. Presentment is excused and the instrument is overdue and unpaid.

SEC. 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

SEC. 85. Every negotiable instrument is payable at

the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may at the option of the holder, be presented for payment before 12 o'clock noon on Saturday when that entire day is not a holiday.

SEC. 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

SEC. 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

SEC. 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

ARTICLE VII.—*Notice of Dishonor.*

SEC. 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

SEC. 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

SEC. 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

SEC. 92. Where notice is given by or on behalf of

the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

SEC. 93. Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

SEC. 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

SEC. 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

SEC. 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

SEC. 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

SEC. 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

SEC. 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution.

SEC. 100. Notice to joint parties who are not part-

ners must be given to each of them, unless one of them has authority to receive such notice for the others.

SEC. 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

SEC. 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

SEC. 103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times—

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

2. If given at his residence, it must be given before the usual hours of rest on the day following.

3. If sent by mail, it must be deposited in the post-office in time to reach him in usual course on the day following.

SEC. 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times—

1. If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the postoffice, then within the time that notice would have been received in due course of mail, if it had been deposited in the postoffice within the time specified in the last subdivision.

SEC. 105. Where notice of dishonor is duly addressed and deposited in the postoffice, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

SEC. 106. Notice is deemed to have been deposited in the postoffice when deposited in any branch postoffice

or in any letter box under the control of the postoffice department.

SEC. 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

SEC. 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows —

1. Either to the postoffice nearest to his place of residence, or to the postoffice where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

SEC. 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

SEC. 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

SEC. 111. A waiver of protest, whether in case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

SEC. 112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

SEC. 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances be-

yond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

SEC. 114. Notice of dishonor is not required to be given to the drawer in either of the following cases—

1. When the drawer and drawee are the same person ;
2. Where the drawee is a fictitious person or a person not having capacity to contract ;
3. When the drawer is the person to whom the instrument is presented for payment ;
4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument ;
5. Where the drawer has countermanded payment.

SEC. 115. Notice of dishonor is not required to be given to an indorser in either of the following cases—

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument ;
2. Where the indorser is the person to whom the instrument is presented for payment ;
3. Where the instrument was made or accepted for his accommodation.

SEC. 116. Where due notice of dishonor by non-acceptance has been given notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

SEC. 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

SEC. 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment, as the case may be ; but protest is not required except in the case of foreign bills of exchange.

ARTICLE VIII—*Discharge of Negotiable Instruments.*

SEC. 119. A negotiable instrument is discharged—

1. By payment in due course by or on behalf of the principal debtor ;

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation ;

3. By the intentional cancellation thereof by the holder ;

4. By any other act which will discharge a simple contract for the payment of money ;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

SEC. 120. A person secondarily liable on the instrument is discharged —

1. By any act which discharges the instrument ;

2. By the intentional cancellation of his signature by the holder ;

3. By the discharge of a prior party ;

4. By a valid tender of payment made by a prior party ;

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved ;

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

SEC. 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged ; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent endorsements, and again negotiate the instrument, except—

1. Where it is payable to the order of a third person, and has been paid by the drawer ; and

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

SEC. 122. The holder may expressly renounce his rights against any party to the instrument, before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor

made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

SEC. 123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

SEC. 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers. But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SEC. 125. Any alteration which changes—

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number or the relations of the parties;
5. The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

TITLE II.

BILLS OF EXCHANGE.

ARTICLE I.—*Form and Interpretation.*

SEC. 126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to

whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

SEC. 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

SEC. 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

SEC. 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

SEC. 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

SEC. 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

ARTICLE II.—*Acceptance.*

SEC. 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

SEC. 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and, if such request is refused, may treat the bill as dishonored.

SEC. 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

SEC. 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

SEC. 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance if given dates as of the day of presentation.

SEC. 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

SEC. 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

SEC. 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

SEC. 140. An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

SEC. 141. An acceptance is qualified, which is—

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;
2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

3. Local, that is to say, an acceptance to pay only at a particular place ;

4. Qualified as to time ;

5. The acceptance of some one or more of the drawees, but not of all.

SEC. 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

ARTICLE III.—*Presentment for Acceptance.*

SEC. 143. Presentment for acceptance must be made—

1. Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

SEC. 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

SEC. 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawer or some person authorized to accept or refuse acceptance on his behalf; and—

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

2. Where the drawee is dead, presentment may be made to his personal representative ;

3. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

SEC. 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections seventy-two and eight-five of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before 12 o'clock, noon, on that day.

SEC. 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

SEC. 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases —

1. Where the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill ;

2. Where, after the exercise of reasonable diligence, presentment cannot be made ;

3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SEC. 149. A bill is dishonored by non-acceptance,—

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained ; or

2. When presentment for acceptance is excused and the bill is not accepted.

SEC. 150. Where a bill is duly presented for acceptance, and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorser.

SEC. 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

ARTICLE IV.—*Protest.*

SEC. 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

SEC. 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify—

1. The time and place of presentment;
2. The fact that presentment was made and the manner thereof;
3. The cause or reason for protesting the bill;
4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

SEC. 154. Protest may be made by,—

1. A notary public; or
2. By any respectable [responsible] resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

SEC. 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is ex-

cused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

SEC. 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence, of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

SEC. 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

SEC. 158. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

SEC. 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

SEC. 160. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.—*Acceptance for Honor.*

SEC. 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill *supra* protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part

only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

SEC. 162. An acceptance for honor *supra* protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

SEC. 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

SEC. 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

SEC. 165. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance: *Provided*, It shall not have been paid by the drawee: *And provided also*, That it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

SEC. 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

SEC. 167. Where a dishonored bill has been accepted for honor *supra* protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

SEC. 168. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.
2. If it is to [be] presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and four.

SEC. 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

SEC. 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

ARTICLE VI.—*Payment for Honor.*

SEC. 171. Where a bill has been protested for non-payment, any person may intervene and pay it *supra* protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

SEC. 172. The payment for honor *supra* protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it.

SEC. 173. The notarial act of honor must be founded on a declaration made by the payer for honor, or by his agent in that behalf, declaring his intention to pay the bill for honor and for whose honor he pays.

SEC. 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

SEC. 175. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

SEC. 176. Where the holder of a bill refuses to receive payment *supra* protest, he loses his right of recourse against any party who would have been discharged by such payment.

SEC. 177. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

ARTICLE VII.—*Bills in a Set.*

SEC. 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to

the other parts, the whole of the parts constitutes one bill.

SEC. 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

SEC. 180. Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

SEC. 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

SEC. 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

SEC. 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

TITLE III.

PROMISSORY NOTES AND CHECKS.

ARTICLE I.

SEC. 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

SEC. 185. A check is a bill of exchange drawn on a

bank, payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

SEC. 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

SEC. 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

SEC. 188. Where the holder of a check procures it to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

SEC. 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder unless and until it accepts or certifies the check.

TITLE IV.

GENERAL PROVISIONS.

ARTICLE I.

SEC. 190. This act shall be known as the Negotiable Instruments Act.

SEC. 191. In this act unless the context otherwise requires,—

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counter-claim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

SEC. 192. The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay same. All other parties are “secondarily” liable.

SEC. 193. In determining what is a “reasonable time” or an “unreasonable time,” regard is to be had to the nature of the instrument, the usage of trade or business, if any, with respect to such instruments, and the facts of the particular case.

SEC. 194. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

SEC. 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage thereof.

SEC. 196. In any case not provided for in this act the rules of the Law-Merchant shall govern.

SEC. 197. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Passed the House February 14, 1899.

Passed the Senate March 3, 1899.

This act was neither approved nor vetoed by the governor and became a law March 22d, 1899, that being ten days after the adjournment of the legislature.

WILL D. JENKINS,
Secretary of State.

MEMORIALS AND RESOLUTIONS.

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the House concurring, the governor's message be printed and 2500 copies published for the public service.

Passed the Senate January 11, 1899.

Passed the House January 13, 1899.

SENATE CONCURRENT RESOLUTION No. 2.

Resolved by the Senate, the House concurring, that the sergeants at arms of the Senate and House be instructed to procure a suitable flag for the capitol.

Passed the Senate January 11, 1899.

Passed the House January 13, 1899.

SENATE CONCURRENT RESOLUTION No. 3.

WHEREAS, An all-wise Providence has removed from our midst our esteemed friend and brother, Hon. Horace E. Houghton, a senator of the State of Washington and one whose life has been prominently identified with the history of the state from its territorial organization to the present day;

His able and faithful public services in all important trusts to which he was called, the ability and integrity which he manifested throughout his public and private career, and the uniform kindness and courtesy

which characterized him in all the relations of life, endeared him to a large circle of friends, to the legal profession, public servants and to the community, by all of whom he is justly held in grateful remembrance.

His many excellent traits of character, presented through a long, useful and honorable life, rendered him one of the most distinguished and respected citizens of the state. The members of this legislature in common with the whole community deeply deplore his loss, and join with profound respect, regret and reverence in paying this last tribute to his memory; therefore be it

Resolved by the Senate of the State of Washington, the House concurring, That in the death of Senator Horace E. Houghton, the state has been deprived of one of its most useful and honored representatives, the legal profession of one of its noblest and most distinguished members, and society of one of its brightest ornaments; and be it further

Resolved, That as a testimonial of our high appreciation of his life, services and character, and of his many friends as statesman, lawyer, patriot, citizen and friend, these resolutions be spread upon the minutes of both Senate and House, and a copy be transmitted to his family, and the proceedings of this legislature in the premises be given to the press for publication; and be it further

Resolved, That the chair occupied by him at the last session of the Senate be properly draped in commemoration of our departed member.

Passed the Senate January 13, 1899.

Passed the House January 16, 1899.

Approved January 26, 1899.

SENATE CONCURRENT RESOLUTION No. 4.

Resolved by the Senate, the House concurring, That—

WHEREAS, Since the last session of the legislature of the State of Washington, the Almighty, in His infinite wisdom, has called unto Himself the Hon. V. A. Pusey, a former member of this body; therefore, be it

Resolved, That the Senate and House of Representatives of the State of Washington, ever mindful of the debt of gratitude the state owes to his memory as a faithful servant and an honorable citizen, hereby expresses its sincerest respect for the memory of the deceased, and heartfelt sympathy to his bereaved family; and be it further

Resolved, That a copy of this resolution be spread upon the journals of the Senate and House, and the secretary be instructed to forward a copy to the family of the deceased.

Passed the Senate January 13, 1899.

Passed the House January 16, 1899.

Approved January 26, 1899.

SENATE CONCURRENT RESOLUTION No. 7.

WHEREAS, The present method of electing a United States senator is expensive, unsatisfactory and ruinous to the best interests of the people, as also conducive to unnecessary delays in the passage of useful legislation; and

WHEREAS, We believe the will of the people can best be ascertained by a direct vote of the people; now, therefore, be it

Resolved, That the Senate of the State of Washington, the House concurring, do by memorial respectfully and earnestly urge the congress of the United States to make

provisions for submitting a constitutional amendment providing for the election of United States senators by the direct vote of the people; and be it further

Resolved, That the president of the United States, the president of the Senate and the speaker of the House of Representatives, be each sent one official copy of these resolutions; and be it further

Resolved, That one copy of these resolutions be sent to each of our senators and representatives in congress, and they be requested to use their influence to secure the object herein set forth.

Passed the Senate February 2, 1899.

Passed the House February 15, 1899.

Approved February 18, 1899.

SENATE CONCURRENT RESOLUTION No. 9.

WHEREAS, The question of the boundary lines between the states of Oregon and Washington being indefinite and has resulted in a large amount of expensive litigation and has never been determined by the courts; and

WHEREAS, There are certain tide lands in the Columbia river claimed by both the states of Oregon and Washington, which are in constant litigation owing to the uncertainty of said boundary line, and it is difficult to determine the jurisdiction of the fish commissioners of the two states relative to the collection of licenses, or the enforcement of the fishing laws; therefore be it

Resolved by the Senate the House concurring, That the governors of Oregon and Washington appoint two commissioners, each to consist of competent citizens of each state, with power to employ a competent engineer to ascertain and fix the boundaries between the two

states and make a report to the legislative assembly of each state at the next session thereof, said engineer to fix and establish said boundary line and file his report with said commissioners, containing the maps, profiles and description of said boundary line.

Passed the Senate February 21, 1899.

Passed the House February 23, 1899.

Approved March 3, 1899.

SENATE CONCURRENT RESOLUTION No. 18.

WHEREAS, The Legislature of the State of Washington during its sixth legislative session, has this day been informed of the death of the Honorable J. C. Horr, a senator of the Third and Fourth Legislatures of the State of Washington, therefore be it

Resolved, that the Senate of the State of Washington, the House concurring, Sincerely regrets the untimely removal from our midst by an all-wise Providence of our brother legislator, the Honorable J. C. Horr, an excellent citizen and prominent statesman of the State of Washington.

Senator Horr was a man devoted to the best interests of the State of Washington, always ready and willing to aid by every possible method and means the people of the state in the upbuilding and development of our commonwealth, and his sudden demise is an irreparable loss both to the state and its citizens. Be it further

Resolved, That a copy of these resolutions be spread upon the minutes of the Senate and House, given to the press for publication, and an enrolled copy sent to the bereaved family of the deceased.

Passed the Senate March 9, 1899.

Passed the House March 9, 1899.

HOUSE JOINT RESOLUTION No. 12.

To the Senate and House of Representatives of the United States :

We, your memorialists, the Legislature of the State of Washington, represent as follows :

WHEREAS, There has been introduced in the Senate of the United States a bill entitled: "A bill to promote the commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports and seamen for government use when necessary," and

WHEREAS, The State of Washington is assuming new relations in matters of foreign trade with the new possessions of the United States, and

WHEREAS, The shipping interests of the said State of Washington is one of the chief commercial industries of the State.

Resolved, That the Legislature of the State of Washington petitions for the passage of said bill introduced in the Senate of the United States, believing that the same will greatly benefit the American merchant marine of the entire Pacific coast, as well as of the State of Washington.

Passed the House January 26, 1899.

Passed the Senate February 3, 1899.

HOUSE JOINT RESOLUTION No. 19.

Commemorative of Rev. John R. Thompson, deceased, late chaplain First Regiment Washington Volunteers.

WHEREAS, Rev. John R. Thompson, chaplain of the First Regiment of Washington Volunteers, is dead at

Manila, in the Philippine Islands, where he was faithfully and heroically serving his country; and

WHEREAS, Said deceased was and had been for many years a useful and honored citizen of the State of Washington, having served as the president of the last territorial council and filled other positions of public trust and honor: therefore,

Resolved, That the legislature of the State of Washington sincerely regrets the death of Dr. Thompson and deplores the loss thus suffered by his regiment and by the state, and that the sincerest condolence is hereby tendered to his family, relatives and friends. That this resolution be entered upon the house and senate journals and a copy thereof forwarded to his regiment and nearest family relative.

Passed the House February 21, 1899.

Passed the Senate March 4, 1899.

HOUSE JOINT RESOLUTION No. 26.

Be it Resolved by the House of Representatives, the Senate concurring, That the governor and attorney general be and they hereby are authorized to enter into, a contract on behalf of the state with T. I. McKenny for the lease of his brick building on the corner of Fourth and Main streets in the city of Olympia, for the term of two years, with the privilege of four years, from the first day of August, 1899, at the annual rental of ten thousand two hundred dollars (\$10,200) payable monthly.

The terms of this lease shall be in accordance with the provisions of the bid of said T. I. McKenny, which bid is hereto attached and marked "Bid of T. I. McKenny."

Be it further Resolved, That upon the leasing of said building in accordance with said bid, the two first floor

rooms of said building shall be immediately fitted up and used as library rooms for the state library.

Passed the House March 9, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

HOUSE CONCURRENT RESOLUTION No. 2.

Be it resolved by the House, the Senate concurring, That as a mark of respect to the memory of the late Arthur A. Denny, formerly a member of the legislative council of the Territory (now State) of Washington, the presiding officer of each house appoint a committee of three to attend the funeral; that the flag on the capitol be hung at half mast on the day of the funeral; that the secretary of state be directed to have suitably engrossed and framed a copy of the memorial resolutions, which shall also be signed if he so desire it by the governor and shall be attested by the signature of the secretary of state and the state seal; and that the two houses pledge themselves to the provision of the cost thereof: *Provided,* That estimates be first furnished to the presiding officer of the Senate and the speaker of the House for their approval.

Passed the House January 10, 1899.

Passed the Senate January 11, 1899.

HOUSE CONCURRENT RESOLUTION No. 5.

WHEREAS, The parliament of British Columbia has passed to its second reading an act prohibiting all persons except British subjects from owning or working mines within the province of British Columbia, not-

withstanding British subjects under the laws of this state may own and control "lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof, and the manufacture of the products thereof;" and, under the laws of the United States, may own and control "lots or parcels of lands in any incorporated or platted city, town or village, or in any mine or mineral claim, in any of the territories of the United States;" and

WHEREAS, Said act is in violation of the spirit of reciprocity and common custom that has heretofore prevailed between the United States and the British province of North America; and

WHEREAS, FURTHER, The object and purpose of said act is to exclude citizens of the United States from any share in the rich Atlin gold fields, which have been discovered and developed so far almost exclusively by the enterprise of these same American citizens: therefore, be it

Resolved by the House of Representatives of the State of Washington, the Senate concurring therein, That the president of the United States be and he is hereby respectfully requested to cause the matter of this unfriendly legislation to be laid before the government of the Dominion of Canada at Ottawa, with a request for the suspension of said act until the matter can be fully considered by the two governments whose citizens are interested; and further, that this matter of reciprocity in mines and mining be also by the president submitted to the commission now existing to settle matters of difference between the two governments; and be it further

Resolved, That the other states of the union be and they are hereby requested to co-operate with the State of Washington in preventing or obviating this proposed unfriendly legislation.

Passed the House January 16, 1899.

Passed the Senate January 16, 1899.

HOUSE CONCURRENT RESOLUTION No. 9.

Resolved by the House, the Senate concurring, That the legislature of the State of Oregon, be and they are hereby invited to appoint a committee of five (5) members, to meet a like committee from this legislature in any city in the State of Washington, to be agreed on by the joint committee, on as early a date as practicable, to be named by the committee of Oregon, to confer together regarding necessary concurrent legislation to be submitted to the legislatures of the two states, referring to the fishing interests on the Columbia river;

Resolved, That the president of the Senate appoint two, and the speaker of the House three members, to represent the State of Washington on such joint committee.

Resolved, That a copy of these resolutions signed by the president of the Senate and the speaker of the House, be transmitted through the proper channels to the legislature of the State of Oregon.

Passed the House January 19, 1899.

Passed the Senate January 20, 1899.

HOUSE CONCURRENT RESOLUTION No. 14.

Resolved, That D. C. Conover, clerk of the fisheries committee of the House of Representatives, be and he is hereby designated as clerk of the joint committee representing the State of Washington on the joint committee of the two States of Oregon and Washington, on the fisheries interests on the Columbia river, and that no expense be incurred thereby except for his actual and necessary expenses.

Passed the House January 26, 1899.

Passed the Senate January 27, 1899.

HOUSE CONCURRENT RESOLUTION No. 10.

WHEREAS, It has been the will of a just and all-wise Providence to call to an eternal and everlasting rest the late Hon. John W. Feighan, of Spokane; and

WHEREAS, He was the speaker of the first House of Representatives of this state, an honored and respected citizen of the United States, a soldier and a man, an attorney of ability, a public prosecutor of fidelity, a loved and loving husband, father, friend, a volunteer defender of the Union and the flag; therefore, be it

Resolved by the Senate and House of Representatives in sixth session now assembled, That in the death of the Hon. John W. Feighan, the commonwealth has lost a brilliant, useful, able and loyal citizen, and as a mark of humble tribute and respect, do hereby direct the clerk of each house to spread this resolution upon the minutes and send a copy of the same to the family of the deceased.

Passed the House January 19, 1899.

Passed the Senate January 20, 1899.

HOUSE CONCURRENT RESOLUTION No. 20.

WHEREAS, The proceedings of the Sixth Session of the Legislature of the State of Washington have been greatly accelerated by the untiring devotion to duty and distinguished ability of Mr. Harry W. Carroll, reading clerk of the House of Representatives, and

WHEREAS, Mr. Carroll served in same capacity during the Third and Fourth Sessions of Washington's Legislature, with corresponding fidelity, and whose selection as reading clerk in this session was conferred upon him without solicitation on his part, and

WHEREAS, The Fourth Session of our state's Legisla-

ture, by concurrent resolution, unanimously endorsed Mr. Carroll as being worthy and well qualified to creditably discharge the duties devolving upon reading clerk in the United States Senate (Session Laws of Washington of 1895, page 590), and

WHEREAS, It is imminent and probable that upon the convening of the Fifty-sixth Congress, at Washington, D. C., there will occur a reorganization of the United States Senate; now, be it therefore

Resolved by the House of Representatives of the State of Washington, the Senate concurring, That Mr. Harry W. Carroll be commended to the United States Senate as pre-eminently qualified to subserve the duties incumbent upon reading clerk of that honorable body, in a finished and highly satisfactory manner, and that our state's representatives in the Senate of the United States, of the aforesaid congress, the Honorable George Turner and the Honorable Addison G. Foster, be earnestly requested to endeavor to influence and effect the accomplishment of such end in this instance as shall accord with a just commendation.

Passed the House February 28, 1899.

Passed the Senate March 1, 1899.

SENATE JOINT MEMORIAL No. 2.

To the Honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent,

That the Chamber of Commerce of the city of Seattle passed the following preambles and resolutions:

WHEREAS, By reason of the annexation of Puerto Rico, Hawaii and other islands during the past few months, and by reason of the

changed condition of affairs in Cuba, the Philippines and elsewhere, new and unbounded opportunities for commerce have been opened to the capitalists, business men and marine interests of the United States,

AND WHEREAS, With a proper encouragement by Congress, it is certain that no industry and no interest will be more favorably effected in consequence of these great changes in our national affairs, than ship-building and ship-owning, which may not only be restored to their former great prominence, but may also be placed on a higher plane, rivaling that even of Great Britain,

AND WHEREAS, Commerce and trade is as essential, to the life and prosperity of our Nation, as mining, manufacturing and agriculture, at least to the extent of conducting its own carrying trade,

AND WHEREAS, This country is very deficient in its merchant marine and depends largely upon foreign bottoms for its ocean traffic,

AND WHEREAS, The president of the United States, in his recent message to Congress, recommends "prompt, durable and liberal" legislation for the encouragement of American shipping,

Therefore, be it Resolved. That the Seattle Chamber of Commerce respectfully petition Congress to take action looking to the improvement and upbuilding of the interests of the whole American people on the seas and oceans of the world, than which nothing more important can call attention at this time.

And further Resolved. That our delegation in Congress be invited and urged to use their best efforts to bring about as speedily as possible the desired results.

And further Resolved. That our legislature also be invited and urged by memorial or otherwise, to aid with its influence in the accomplishment of the same object.

And further Resolved. That the Seattle Chamber of Commerce earnestly call upon all commercial bodies, political parties, newspapers and citizens of the State of Washington, to give their countenance and warm support to this movement, in behalf of American shipping in the foreign trade.

Now THEREFORE, We respectfully solicit your honorable bodies to take such action in the matter of the American merchant marine, as will the most readily, and in the most effective manner, reach the object sought in the resolutions above referred to.

And your memorialists will ever pray.

Passed the Senate February 14, 1899.

Passed the House February 15, 1899.

Approved February 16, 1899.

SENATE MEMORIAL NO. 5.

To the President of the United States :

Your memorialists, the legislature of the State of Washington, would respectfully represent that in 1825 the governments of Russia and Great Britain, by clear and formal treaty, determined the intervening line between their respective possessions on the continent of North America. Great Britain then acknowledged the right of Russia to all of the Pacific Coast north of 54 degrees, 40 minutes and Portland canal, and west of the summits of the range of mountains nearest to the coast. If such mountains were far from the shore, then the line was to be drawn ten marine leagues from the ocean. During the following forty-two years Russia remained in undisputed ownership of all that region known then as Russian America, and until, in 1867, her title thereto was passed to the United States for \$7,000,000.

At that time the white inhabitants numbered about one thousand, all of whom, save a few engaged in the fur trade, were reliant upon the Russian government for their means of living. There were no fisheries, no manufactures, no mining, no farming, no business or relations with any other country and people than Russia and the Russians.

With the advent of the Americans came a change. Steamers began to run there from California, Oregon and Washington ports; people of the world were invited to take advantage of the opportunities on every hand; military and naval protection was given against the savages of the land; mail services were established and government explorations undertaken; the fur seal fishery employed scores of vessels and hundreds of men and became worth millions of dollars; salmon were found off the coast and great fisheries were established; employing other hundreds of men, who put up

now 25,000,000 to 40,000,000 one-pound cans of fish each summer for the Australian, European and American markets; quartz was found, mines were opened and mills built, one of them, with 880 stamps, being the largest in the world; placers were also found, and from the two sources upwards of \$5,000,000 of gold were obtained during the year 1898.

Two hundred and fifty American steamers were engaged in the Alaska trade last year, and an average of more than one vessel a day departed from Seattle alone for ports in that territory. Sawmills have been started there, some farming done, a halibut fishery begun, and in the summer a great number of tourists go to those interesting shores.

All this development of resources has involved the opening of the country, the civilizing of the natives and the establishment there of a large population of American citizens, with two cities of at least 3,000 inhabitants each, and many smaller towns. In these cities are daily newspapers, electric lights, telephones, street cars, and a railroad to the interior. In the whole territory are over 30,000 citizens of our country, an average gain since 1867 of 1,000 per annum.

With its practically untouched timber, its coal, petroleum, codfish, whale, fur-bearing animals, etc., added to its seal, salmon, gold and other resources as attractions, there is reason to believe that Alaska, with its half million square miles of territory, will support comfortably a half million people a half century hence. It is no Greenland, but rather a Sweden and Norway, and like those countries will be a great factor in the commerce of the world.

While Russia held the country Great Britain apparently cared nothing for it. Beyond a fur trading privilege no attempt was made to avail of it. Taken during the Crimean war, it was cheerfully relinquished at the close as of no value.

Not until the citizens of the United States showed its worth in fish, in timber, in gold and in trade, did the Britons and Canadians evince interest in and de-

sire for it. Then by insidious methods attempts began to fix a claim upon the country. The old maps were discarded, and new maps issued, upon which the boundary line began farther north and was located nearer the sea, taking into the dominion a considerable area of the best portion of southeastern Alaska.

The next step was to get the newspapers to publish the claim and to fix it in the public mind as a proper and regular thing contemplated even by the treaty makers of 1825. From this it was easy to cause a contention, first local and then international, in consequence of which their claim could be placed before the British-American joint high commission, where nothing could be lost, but where something might be gained in the making of concessions and exchanges common to such bodies. It was a clever scheme, but one without honesty, justice or merit.

In accordance with this plan, it is now proposed to cede to the Canadians a portion of Alaska. It is said that the ceded portion will include the head of Lynn Canal, made world famous during the past two years by the rush of 50,000 gold miners to the Klondike. It will wholly include the town of Dyea, with its inhabitants, its aerial tramway and its United States military garrison. And it will also include one-half the city of Skagway, with four thousand more inhabitants, its twenty miles of American built railway, its four large wharves, its trade and growing importance.

Again it is reported that the ceded portion is to be other than that above described, and is to include the head of Pyramid Harbor, from which [it] takes inland the route to the Yukon known as the Dalton trail, established by and heretofore solely used by Americans.

The cession of either of these places or of any other Alaskan port will transfer from the United States to a foreign power the sole and absolute control of intercourse with the great interior, in which is involved a traffic of enormous proportions and of great wealth. Such cession will injure every citizen of the United States from San Diego to Sitka, and will humiliate the coun-

try from ocean to ocean and end to end. For the first time in our history our flag will be hauled down and the land over which it has long floated will be given away, sold or surrendered. This, too, without considering the wishes, wants or rights of the people most affected; and this, too, for either no consideration or for a consideration of trifling character. That such an act can be perpetrated in these days of national glory, of patriotism and expansion is incredible. Against its commission the protests of the people should prevail, and that of the State of Washington is here and now earnestly and respectfully presented.

Your memorialists respectfully ask that after consideration of this, their memorial, by the president, it be transmitted to the joint high commission for the adjustment of Canadian questions.

And your memorialists will ever pray.

Passed the Senate February 11, 1899.

Passed the House February 11, 1899.

Approved February 16, 1899.

HOUSE MEMORIAL No. 1.

In Memoriam.

WHEREAS, In the course of nature Arthur A. Denny has passed to his last rest, and thus closed a long and useful life; and

WHEREAS, He was not only a public spirited pioneer of the Territory (now State) of Washington, but at one time a distinguished member of its Legislative body; now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Washington, That the members of the Senate and House of Representatives take this means to express their profound sense of the great loss the State

of Washington has sustained in the death of Hon. Arthur A. Denny, who landed upon the shores of Puget Sound in 1851, was one of the little colony which settled upon the site of the City of Seattle, rendered valuable services to the commonwealth as a delegate to Congress, and who took a conspicuous part in forming the early history of the State of Washington; and to express their appreciation of that inflexible integrity, that sturdy earnestness of purpose, and that broad citizenship which marked his whole career and set a standard which it should be our pride and ambition to maintain.

The Senate and House of Representatives direct that this resolution be spread upon the records, and that a copy be transmitted to his bereaved family.

Passed the House January 11, 1899.

Passed the Senate January 11, 1899.

HOUSE MEMORIAL No. 3.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the House of Representatives and Senate of the State of Washington, most respectfully represent that

WHEREAS, Snake river is one of the largest tributaries of the Columbia river; and

WHEREAS, Snake river is navigable from Riparia to Asotin City, Washington, at all times during the year; and

WHEREAS, Snake river above Asotin City, Washington, is navigable to the mouth of Grande Ronde river, a distance of twenty [?] (25) miles about six (6) months in each year, beginning about the first of March and ending about the 1st of September; and

WHEREAS, Owing to obstructions in Snake river at the following points: Ten-mile, Captain John and

Billey Creek Rapids, the navigation of Snake river above Asotin City, Washington, is wholly obstructed for six months during the year, thereby working a hardship and financial loss to the numerous settlers living in the southeastern section of the State of Washington; and

WHEREAS, The shipping points on Snake river above Asotin City, Washington are Waha, Cousecreek and Grande Ronde landings, and

WHEREAS, The number of bushels of wheat stored at Waha landing during the year 1898 and 1899 is one hundred and forty thousand bushels (140,000) and the number of bushels of wheat stored at Cousecreek landing during the year 1898 and 1899 is (16,000) sixteen thousand bushels; and

WHEREAS, The landing at the mouth of Grande Ronde on Snake river is used as the principal shipping point for live stock and other products of the range of the southeastern portion of the State of Washington; and

WHEREAS, The obstructions to the navigation of Snake river at Ten-mile rapids consists of large boulders in the channel of Snake river, and the removal of said boulders will remove the obstructions to the navigation of Snake river at this point; and

WHEREAS, The obstruction to the navigation of Snake river at Captain John and at Billey Creek Rapids consists of boulders and solid rock which when removed will clear the obstructions to the navigation of Snake river at those points, thereby opening up of Snake river to navigation for a distance of twenty-five miles above Asotin City, Washington, be it therefore

Resolved by the Legislature of the State of Washington, That the State of Washington respectfully ask the Congress of the United States to appropriate (\$20,000) twenty thousand dollars for the purpose of removing the obstructions to navigation in Snake river between Asotin City, Washington, and the mouth of the Grande Ronde river.

Be it further resolved, That the Senators and Repre-

sentatives of this state in Congress are requested to use their most earnest efforts to procure an appropriation for the improvement of Snake river between Asotin City, Washington, and the mouth of the Grand Rounde river.

And your memorialists will as in duty bound ever pray.

Passed the House January 25, 1899.

Passed the Senate February 2, 1899.

HOUSE MEMORIAL No. 4.

To the Senate and House of Representatives of the United States:

Your memorialists, the Legislature of the State of Washington, respectfully represent, that a large number of citizens of Clarke and Cowlitz counties in the State of Washington are actual settlers and home builders upon certain odd-numbered sections of public land within the forfeited limits of the grant to the "Northern Pacific Railroad Company" opposite to and co-terminous with the line of said road not constructed between Wallula, Washington, and Portland, Oregon.

That said settlers established their homes on said lands after the time expired within which, under the grant, said road was to have been completed, and after it had become apparent said line would not be built down the Columbia river between said points by said company, and fully expecting to derive title to said lands from the government of the United States under the homestead laws.

That said settlers number about six hundred and are mostly heads of families, and, although poor and without capital, they have by hard labor and self denial made extensive and valuable improvements on said

lands, consisting largely in clearing off timber, stumps, logs and brush at great labor and expense of time, amounting in many instances to one hundred dollars per acre, and in building dwellings and other structures thereon, as homes for themselves and families.

That the grant to said company from "Wallula to Portland," was made July 2d, 1864.

That an additional and new grant was made to said company May 31st, 1870, on its line from Portland to Tacoma, which line was definitely located September 22d, 1882, but was not constructed until the year 1884.

That the technical limits of these two grants overlapped northeast of Portland into both Clarke and Cowlitz counties.

That a general withdrawal of lands was made under said grants by the interior department on August 13, 1870, and maintained regardless of the congressional act of forfeiture of September 29, 1890, until the 18th day of July, 1895, when in a decision known as the Spaulding case (21 Land Decisions, page 57) the secretary of the interior held, in conformity with a decision of the supreme court of the United States (152 U. S. 284) that no lands included in the prior grant of July 2, 1864, were or could be granted in the subsequent grant of May 31st, 1870, and that all said lands, pursuant to said forfeiture act, were, therefore, public lands, and subject to entry under the laws of the United States.

That homestead entries were thereafter allowed on said lands in all cases, except where the railroad company had obtained patents thereto.

That patents were procured by said company for a large part of said lands in May, 1895, notwithstanding the then pending homestead applications of said settlers, and the fact that the Spaulding decision above referred to was then being formulated.

That subsequently the secretary of the interior determined that these patents were wrongfully issued and requested the attorney general to bring suits for their cancellation.

That said settlers were threatened by the railroad company with eviction from their homes on said lands, and before the Spaulding decision many of them were driven, against their protest, into making contracts with the company for the purchase of their homes, in which they had invested years of toil, but to defend which they had no money or other resources to carry on litigation with a powerful corporation.

That common justice and humanity calls for legislative relief.

That attempts of this kind have been made but so far they have been ineffectual.

That the act of congress of March 3, 1896, extending the time for bringing suits to cancel patents, has resulted in nothing for the benefit of said settlers, but has, on the contrary, apparently confirmed the company's title and to an extent aided the company in enforcing said contracts.

That the act of congress of July 1st, 1898, gives the company the right to select other lands in lieu of all lands it desires to relinquish in these limits, but does not require it to relinquish any lands it has sold or contracted to sell.

That said last mentioned act does not appear applicable to the lands of said settlers, situated in forfeited limits, and if it did would be fatally injurious to hundreds of their number who have been compelled to contract with the railroad company under the erroneous rulings of the land department prior to the Spaulding decision, and by the threats of the company to eject them from their homes.

That the practical effect of said act is to confuse and embarrass the rights of said settlers and ought to be amended.

Your memorialists therefore ask in behalf of said settlers that said act of congress of July 1, 1898, be amended by eliminating from the second proviso thereof the provision that the company shall not be bound to relinquish lands sold or contracted by it, and that an act be passed declaring that the forfeiture act of

September 29, 1890, applies to and includes the lands within the limits of the grant to the Northern Pacific Railroad Company opposite to and co-terminous with the line of said road not constructed between Wallula, Washington, and Portland, Oregon, within which limits extending to or near the Willamette meridian are situated the lands of said settlers, and directing the immediate institution of suit by the attorney general of the United States for the cancellation of the patents to said lands wrongfully issued as aforesaid to said railroad company. And we request our senators and representatives in congress to do all in their power to that end, and hereby direct that copies of this memorial be transmitted to the president of the senate and speaker of the house of representatives, and to the senators and representatives in congress from this state.

Passed the House January 17, 1899.

Passed the Senate February 9, 1899.

HOUSE MEMORIAL No. 9.

To the Honorable the Senate and the House of Representatives of the United States in Congress assembled:

Your memorialists, the House of Representatives and the Senate of the State of Washington in legislative session assembled, most respectfully represent:

WHEREAS, The question of transportation of cereals and other products of the farm, mines and pastoral pursuits and fruit culture of all that section of our state in the north central portion thereof east of the Cascade range, is of very great importance; and

WHEREAS, The Columbia river can be made navigable for more than one hundred miles by the expenditure of a small amount of money at Priest, Rock Island, Orondo and Methow Rapids; and

WHEREAS, A great demand exists for the improvement of said river at said places; therefore, be it

Resolved, That your memorialists most respectfully and earnestly urge that your honorable bodies favor such legislation as will hasten the opening of said river to navigation by removing natural obstructions at said rapids, which will greatly aid transportation of persons and products in a territory three times as large as the State of Connecticut;

Resolved further, That your memorialists request of our senators and representatives in the national Senate and House of Representatives, to press this matter before our national legislature, and urge upon it the necessity of immediate legislation that will afford the long prayed for relief sought, and that a copy of this memorial be sent to each of our senators and representatives in congress, and to the president of the Senate and speaker of the House.

And this your memorialists will ever pray.

Passed the House February 25, 1899.

Passed the Senate March 3, 1899.

ADDENDUM.

Senate bill No. 42, (chapter 22, page 32) having been presented to the Governor of the state for his approval and not having been filed together with his objections thereto in the office of the Secretary of State within the time prescribed by the constitution of the state, has become a law under the provisions of the constitution. This bill was received by the Governor February 17, 1899 and filed in the office of the Secretary of State February 24, 1899.

WILL D. JENKINS,
Secretary of State.

AUTHENTICATION.

STATE OF WASHINGTON, }
OFFICE OF THE SECRETARY OF STATE, }
OLYMPIA, April 1, 1899. }

I, Will D. Jenkins, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that the laws, memorials and resolutions hereinbefore published are true and correct copies of the original enrolled bills, resolutions and memorials now on file in this office, with the exception of corrections of certain obvious errors in orthography and use of words, which corrections have in each case been indicated by brackets, thus [], as provided by law.

In witness whereof, I have hereunto set my hand and affixed the seal of the State of Washington the day and year above written.

[SEAL.]

WILL D. JENKINS,
Secretary of State.

LIST OF ACTS

PASSED AT THE SIXTH SESSION OF THE LEGISLATURE OF THE STATE OF
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2 ...	An act for the relief of George W. Babcock.— (See note, page 4) ..	3
3 ...	An act for the relief of Captain Percy G. Maltbie and Captain James Ross, and declaring an emergency.—Approved January 28, 1899.....	5
4 ...	An act making an appropriation to continue the operation of the state salmon hatcheries.—Approved February 1, 1899.....	6
5 ...	An act to amend section 8 [of] an act entitled "An act for the protection of game animals and birds, and songbirds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272, of the Penal Code of the State of Washington," approved March 11, 1897, and declaring an emergency.—Approved February 2, 1899.....	7
6 ...	An act changing the name of the town of Gilman, King county, Washington, to the town of Issaquah.—Approved February 2, 1899.....	8
7 ...	An act making appropriations for deficiencies in appropriations for transportation of convicts, transportation of juvenile offenders, and traveling expenses of superior judges for the fiscal period beginning April 1, 1897, and ending March 31, 1899.—Approved February 2, 1899.....	8
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9 ...	An act for rendering available the endowment of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency.—Approved February 11, 1899.....	12

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