

A C T S

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF WASHINGTON:

PASSED AT THE FIFTH REGULAR SESSION,
BEGUN AND HELD AT OLYMPIA,
DECEMBER 7TH, 1857.

OLYMPIA:
EDWARD FURSTE, PUBLIC PRINTER.

1858.

L A W S

OF

WASHINGTON TERRITORY:

1857-8.

AN ACT

TO PROVIDE FOR THE ERECTION OF THE PUBLIC BUILDINGS AT THE SEAT
OF GOVERNMENT OF WASHINGTON TERRITORY.

- Sec. 1. Commissioners appointed ; to agree upon a plan, issue proposals, &c. ; to appoint acting commissioner ; board of.
2. Duties of.
 3. To report to Legislative Assembly annually.
 4. Vacancy in board, how filled.
 5. Governor to be treasurer of the funds appropriated ; how to pay the same.
 6. Capitol building, where to be located ; proviso as to the actual site.
 7. Term of office of commissioners.
 8. Compensation of.
 9. Commissioner not to be contractor.
 10. Commissioners not to draw for more money than is due.
 11. No money to be expended until title pronounced valid.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That James Biles, Benjamin Harned and R. M. Walker,

be, and they are constituted and appointed a board of commissioners to superintend the erection of the Capitol building at Olympia, the seat of government of Washington Territory; and the said commissioners, or a majority of them, shall agree upon a plan of said building, and shall issue proposals, giving two months' notice thereof, and contract for the erection of said building without delay; and said commissioners shall agree upon one of their number to be acting commissioner, and said acting commissioner shall give bond to the United States in the sum of twenty thousand dollars, to be approved by the Governor of this Territory, for the faithful performance of his duties, and said bond shall be filed in the office of the Secretary of this Territory.

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

Sec. 3. The acting commissioner shall annually report to the Legislative Assembly a true account of moneys received and paid out by him, and all his disbursements shall be substantiated by proper vouchers, duly verified by the affidavit of said acting commissioner.

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

Sec. 5. The Governor of this Territory is hereby declared to be the treasurer of the fund appropriated by the Congress of the United States, to be applied to the erection of suitable public buildings at the seat of government of Washington Territory, and shall apply for and receive all moneys that are now and may be hereafter appropriated for the erection of said public building, and pay the same on drafts drawn by said board of commissioners, or a majority of them.

Sec. 6. Said commissioners shall proceed to locate said capitol building at Olympia, upon the ten acres of land now occupied by the present temporary capitol building, or, on so much thereof not less than eight acres, to which a title to the Territory of Washington, satisfactory to said commissioners, has been, or shall be made: *Provided,* That in case a title satisfactory to said commissioners shall only be made to eight acres, then it shall be competent for said commissioners to receive on behalf of said Territory, free of expense, a strip of land running parallel with the

northern line, equal to a strip of land ten rods wide running parallel with the southern line of said ten acres, as may be expedient and best for said site and location.

Sec. 7. The appointment of each of said commissioners shall continue for one year, or until his successor shall be duly elected and qualified.

Sec. 8. Said commissioners shall receive, each, the sum of five dollars per day for each and every day necessarily employed in attending to the duties of this appointment, and in the payment of their accounts for service they shall verify the same by affidavit as to the number of days employed.

Sec. 9. *And be it further enacted,* That no one of said commissioners, shall, directly or indirectly, be interested in any contract for furnishing materials for said capitol building, or for work to be performed in erecting the same.

Sec. 10. Said commissioners shall at no time draw upon said treasurer for more money than is due at the time of drawing, on account of said building.

Sec. 11. No part of the money appropriated by Congress for the erection of said capitol building shall be applied to that purpose, or to improving a site for the same, until the title of Washington Territory to at least ten acres of land, including that whereon the present capitol stands, shall be pronounced valid by the Attorney General of the United States.

Passed January 5th, 1858.

AN ACT

TO AMEND AN ACT, ENTITLED AN ACT, TO AMEND AN ACT ENTITLED, "AN ACT APPOINTING COMMISSIONERS TO SELECT A SITE AND SUPERINTEND THE CONSTRUCTION OF THE PENITENTIARY OF THE TERRITORY OF WASHINGTON.

- Sec. 1. Commissioners appointed.
 To appoint acting commissioner ; board of.
2. Duties of.
 3. To report annually to Legislative Assembly.
 4. Vacancy in board, how filled.
 5. Governor to be treasurer of the funds appropriated.
 How to pay the same.
 Commissioners not to draw for more than is due.
 6. Penitentiary, where to be located.
 7. Compensation of commissioners.
 8. Expenses of previous commissioners to be paid.
 9. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Gay Hayden, William Dillon and George Barlow, be, and are hereby constituted and appointed a board of commissioners to superintend the erection of the penitentiary at Vancouver, Washington Territory; and the said commissioners, or a majority of them, shall agree upon a plan of said building without delay; and said commissioners shall agree upon one of their number to be acting commissioner, and said acting commissioner shall give bond to the United States in the sum of twenty thousand dollars, to be approved by the Governor of this Territory.

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

Sec. 3. The acting commissioner shall annually report to the Legislative Assembly a true account of all moneys received and paid out by him, and all his disbursements shall be substantiated by proper vouchers, duly verified by the affidavit of said acting commissioner.

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

Sec. 5. The Governor of this Territory is hereby declared to be the treasurer of the fund appropriated by the Congress of the United States, to be applied to the erection of a penitentiary of Washington Territory, and shall apply for and receive all moneys that are now or may be hereafter appropriated for the erection and building said penitentiary, and pay the same on drafts drawn by said board of commissioners, or a majority of them: *Provided,* That said commissioners shall at no time draw upon said treasury for more money than is due at the time of drawing, for materials for said building actually delivered, and work on said building actually performed.

Sec. 6. Said commissioners shall proceed and locate and erect said penitentiary at Vancouver, Clarke county, upon the ten acres of land (upon the land claim of Esther Short,) heretofore selected as a site and location for the penitentiary of Washington Territory.

Sec. 7. Said commissioners shall receive, each, the sum of five dollars for each and every day necessarily employed in attending to the duties

of this appointment, and in the payment of their accounts for services, they shall verify the same by affidavit as to the number of days employed.

Sec. 8. All necessary expenses incurred by the previous commissioners on account of penitentiary, are hereby authorized to be paid out of the funds appropriated by Congress for building the penitentiary.

Sec. 9. All acts and parts of acts, repugnant to the provisions of this act, are hereby repealed.

Passed January 6th, 1858.

AN ACT

TO PROVIDE FOR A SPECIAL TERM OF THE SUPREME COURT OF WASHINGTON TERRITORY.

- Sec. 1. Special term to be held, when.
2. All laws in conflict herewith suspended.
 3. Secretary to forward copies of this act to the judges.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the judges of the supreme court now in this Territory, be required to hold a special session of the supreme court on or before the first Thursday in February, at the seat of government.

Sec. 2. That all laws and parts of laws in conflict with this act, be, and they are hereby suspended until it may be executed.

Sec. 3. That the Secretary of the Territory be, and he is hereby required to forward a certified copy of this act by express to each of the judges of the supreme court now in this Territory.

Passed January 23d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES," AND AN ACT ENTITLED, "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN PROSECUTIONS FOR CRIMES."

- Sec. 1. Grand jury to have cognizance of all offences.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section six, of the act to which this is amendatory, be stricken out, and insert instead thereof: "The grand jury shall have cognizance of all offences against the laws of the United States and the laws of this Territory."

Passed February 3d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO REGULATE THE PRACTICE AND PLEADINGS IN PROSECUTIONS FOR CRIMES."

- SEC. 1. Sec. 155 of criminal practice act amended.
Time of execution of criminal having passed, the judge may resentence.
2. Sec. 152 of said act amended.
Sheriff, when to return warrant.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 155 of the act to which this is an amendment, be amended so as to read as follows: Whenever the time appointed for the execution of a prisoner shall have passed, from any cause, the court by whom the time was fixed, or the judge or judges thereof, shall cause the prisoner to be brought immediately before the said court, judge or judges, and proceed to appoint a day for the carrying into effect the sentence of death.

Sec. 2. Section 152 of said act shall be amended by adding the following: And the sheriff or officer to whom said warrant was delivered shall return the same within twenty days after the time fixed for the execution.

Sec. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 4. This act to take effect and be in force from and after its passage.

Passed February 3d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT ESTABLISHING PROBATE COURTS FOR THE TERRITORY OF WASHINGTON."

SEC. 1. Sec. 3 of act establishing probate courts amended.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the third section of the act to which this is an amendment, be amended by striking out the words "two hundred," where they occur in said section, and inserting in lieu thereof the words "one thousand."

Passed February 2d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATING TO JUSTICES OF THE PEACE AND CONSTABLES, AND THE PRACTICE BEFORE JUSTICES OF THE PEACE."

SEC. 1. Sec. 171 of act relating to justices of the peace amended.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the one hundred and seventy-first section of the aforesaid act be amended by striking out the word "thirty," in the last line of said section, and inserting the word "one hundred" in lieu thereof.

Passed February 2d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO REGULATE FEES AND COSTS"

SEC. 1. Sheriff or constable not to charge a jury fee of \$8 in trial before justice of the peace.

2. Fee of constable for summoning jury.
3. Fee of sheriff for executing sentence of death.

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SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is an amendment, shall be so construed as not to permit a sheriff or constable to charge a fee of eight dollars for summoning a jury in any trial before a justice of the peace.

SEC. 2. That the following shall be added to the list of constables' fees, to-wit :

For summoning a jury before a justice of the peace, in all cases, two dollars, (\$2,00.)

SEC. 3. That the following shall be added to the list of sheriffs' fees, to-wit :

For executing a sentence of death, seventy-five dollars, (\$75,00.)

Passed February 3d, 1858.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS TO PUT THE CONVICTS OF THE COUNTY JAIL TO LABOR.

- SEC. 1. County commissioners authorized to put convicts to labor.
 Labor when to be performed.
 Punishment of convicts refusing to perform such labor.
 2. Sheriff may appoint deputy to carry out the provisions of this act.
 Powers and duties of such deputy.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners in their respective counties in this Territory, be, and are hereby authorized and required, if in their opinion the interest of the county require it, to make an order at any regular term of their court, that the persons in the county jails of their respective counties, convicted of any crime or misdemeanor, shall be put to such reasonable labor as they may direct ; but such labor shall not be performed at a greater distance from the jail or place of confinement than one mile, unless otherwise directed by the commissioners : *Provided,* That any such person who has been convicted, shall refuse to perform such labor, shall be kept in close confinement on bread and water.

SEC. 2. The sheriff of the proper county may appoint a deputy to carry out the provisions of this act, who shall, before entering upon the duties of his appointment, be sworn faithfully to execute the duties of his appointment, and in the discharge of his duties he shall carry out the in-

structions of the county commissioners' court. The person having the custody of such convicted persons, may, to secure them from escape, attach a ball and chain to them.

Passed January 23d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT CREATING THE OFFICE AND DEFINING THE DUTIES OF TERRITORIAL AUDITOR."

Sec. 1. Territorial auditor to prepare blank assessment rolls for each county.
What said rolls to contain.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the Territorial auditor to prepare printed blank forms, suitable for assessment rolls for each county, and forward them on or before the first day of April, in each year, to the auditor of the different counties, which said rolls shall contain in addition to the headings now designated by law, headings for statistics.

Passed January 30th, 1858.

AN ACT

RELATIVE TO PROSECUTING ATTORNEY.

- Sec. 1. Prosecuting attorney to be elected.
Qualification, and term of office of.
B. P. Anderson temporarily appointed.
2. County auditor to transmit abstract of votes to the Secretary of Territory.
Votes to be canvassed and certificate issued.
3. Bond and oath of office of.
4. Duties of.
5. To make report to the Secretary of the Territory ; when ; what said report to contain.
6. When court may appoint acting prosecuting attorney.
Compensation of.
7. Vacancy in office of, how filled.
Oath and bond of person appointed to fill vacancy.

- Sec. 8. Not to receive any fees or be counsel for either party, when.
9. Salary of, and how paid.
10. Fees of, what.
11. Fees of, when paid by the county.
Bill of to be approved by the judge.
Warrant to be drawn for the same.
12. What costs to be taxed against the prisoner on conviction.
Clerk of court to collect the same and pay over to the county treasurer.
13. Justice of peace to forward transcript to prosecuting attorney when prisoner is convicted or held to bail.
14. Prosecuting attorney under this act to perform duties of former prosecuting attorneys.
Penalty for neglect of duty.
15. Repealing clause.
16. Act to take effect from and after its passage.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That at the next annual election, and every two years thereafter, there shall be elected by the qualified voters of the Territory, one prosecuting attorney, who shall be an attorney at law, and have the qualifications of a voter, and continue in office for the term of two years, and until his successor is elected and qualified. Provided, That B. P. Anderson be, and he is hereby appointed a prosecuting attorney, who shall hold his office and perform the duties thereof until his successor is elected and qualified.*

Sec. 2. The auditor of each county shall make out an abstract of the votes given in their respective counties for prosecuting attorney and transmit the same to the Secretary of the Territory, and said votes shall be canvassed and a certificate issued in the same manner as in the election of delegate to Congress

Sec. 3. The prosecuting attorney shall, before entering upon the discharge of the duties of his office, take an oath of office, and give to the Territory of Washington a bond in the sum of two thousand dollars, with sufficient surety, conditioned that he will faithfully discharge the duties of his office, which bond shall be approved by and filed, together with a copy of his oath of office, with the Secretary of the Territory.

Sec. 4. He shall commence and prosecute all civil and criminal actions in which the Territory or any county may be a party, defend all suits brought against the Territory or any county, and prosecute all forfeited recognizances and actions for the recovery of debts, fines, penalties and forfeitures accruing to the Territory or any county therein. He shall appear on behalf of the Territory in the supreme court in all appeals or writs of error taken from any district in the Territory.

Sec. 5. He shall, annually, in the month of June, or the month preceeding that in which the general election is held, make to the Secretary of the Territory a report of the amount and kind of business done by

him in the preceding year, in which report he shall state the number of persons prosecuted, the offense for which the prosecution was had in each case, with any other statements and suggestions he may deem useful and interesting.

Sec. 6. When the prosecuting attorney fails, from sickness or any other cause, to attend at a term of the district court, or a criminal session of the probate court, where he has [been] duly notified of business to be transacted, or to perform his duties at such term, the court may appoint some qualified person to discharge the duties of prosecuting attorney, who shall receive the fees of the office accruing for services rendered under such appointment.

Sec. 7. When a vacancy occurs in the office of prosecuting attorney, it shall be the duty of the Governor to appoint some qualified person to discharge the duties of the office until the next annual election, who shall receive the salary and fees of the office for such time as he may serve. The person so appointed shall enter into a bond in the sum proportioned to the time of his service, and take an oath as is required of a prosecuting attorney elected by the people.

Sec. 8. The prosecuting attorney shall receive no fee or reward from or on behalf of any prosecution for any of his official services, nor shall he be engaged as counsel for either party in any civil action depending upon the same facts as a criminal prosecution.

Sec. 9. The prosecuting attorney shall receive a salary in quarterly payments, at the rate of six hundred dollars per annum, which salary shall be paid by the Territorial treasurer upon the presentation of proper vouchers therefor.

Sec. 10. The fees of prosecuting attorney shall be as follows: In all prosecutions where the punishment is death or imprisonment for life, when the prisoner is convicted, twenty-five dollars; when acquitted, fifteen dollars. In all criminal prosecutions where the punishment is imprisonment in the penitentiary for any less time than for life, when the prisoner is convicted, twenty dollars.*

Sec. 11. The fees of prosecuting attorney provided for in the preceding section of this act, shall be paid by the county for which such services were rendered, and it shall be the duty of the prosecuting attorney to tax his fees at the close of each term of the district court, specifying how much and for what the service is chargeable to each county, which account of fees must be approved by the judge of the district court; and in all cases before the probate court a similar bill of fees must be made out and approved by the probate judge. Before the prosecution [presentation] of said account or bill of fees to the county auditor, it shall be his

duty to draw a warrant upon the county treasurer for the amount of said bill, in favor of the prosecuting attorney.

Sec. 12. It shall be the duty of the clerk of the district court and of the probate courts, in all criminal prosecutions where the prisoner is convicted, to tax and collect as costs against such prisoner, for the use of the county, an amount in each case equal to the fees allowed the prosecuting attorney by the twelfth section of this act, and the clerk shall pay said fees when collected semi-annually into the county treasury, and take duplicate receipts from the county treasurer therefor, one of which receipts he shall retain, and the other placè on file in the office of the county auditor, which receipt, when so filed, shall be as a charge against the county treasurer on the auditor books.

Sec. 13. It shall be the duty of every justice of the peace before whom a criminal examination is held, when the defendant is committed or held to bail, to make out and forward to the prosecuting attorney a transcript of the proceedings, such as is kept by the justice, with a copy of all the pleadings in the case.

Sec. 14. The prosecuting attorney, elected or appointed under the provisions of this act, shall do and perform all duties heretofore required of the prosecuting attorney in the several districts, and any person feeling himself aggrieved by the nonfeasance [or] misfeasance in office of the prosecuting attorney, may proceed against him by an action on his bond.

Sec. 15. All acts and parts of acts in conflict with this act, shall be, and the same are hereby repealed.

Sec. 16. This act to be in force from and after its passage.

Passed February 2d, 1858.

*[And when acquitted, twelve dollars. In all other criminal prosecutions, when the prisoner is convicted, fifteen dollars, and when not convicted, ten dollars. For prosecuting all forfeited recognizances, debts, fines and forfeitures accruing to the Territory, or any county therein, upon the amount recovered, twenty per centum on all sums under one hundred dollars, and ten per centum of sums above one hundred dollars. For each day's attendance upon the district court during the session of the grand jury, five dollars.]—(Continuation of section 10, accidentally omitted in the enrollment.)

HENRY R. CROSBIE,
Enrolling Clerk.

AN ACT

SUPPLEMENTAL AND AMENDATORY TO AN ACT ENTITLED, "AN ACT
TO ORGANIZE THE MILITIA."

- SEC. 1. Act to organize the militia, how amended.
Term of office of the general staff.
2. County assessor to make return to the adjutant general of all persons liable to militia duty.
3. Who liable to militia duty.
4. Formation and arming of companies and detachments.
Number constituting a company or a detachment.
Officers of the same.
Commissions and oath of.
5. When citizens of different counties may unite in the formation of a company.
6. Colonel, lieutenant colonel, and major, when to be elected; command of each.
7. Companies to adopt what regulations.
Oath of members of in actual service.
8. Quartermaster general to forward arms to the county commissioners; how to be issued.
Commanding officer to make return to the quartermaster general.
Upon resignation or removal, to account to county commissioners.
Liability of, for loss or damage.
Members of companies to give receipt for arms, &c.; liability for.
9. Adjutant and commissary general, duties of.
Quartermaster general, duties of.
To have custody of all military property; to report to the Legislature the state of the same.
To report to the Governor the condition of the militia.
Compensation of.
10. Governor, when to forward arms to county commissioners.
County commissioners to report to quartermaster general.
11. Quota of each county.
12. Staff of Governor, &c.; rank of and how appointed.
13. Governor to fill certain vacancies.
Person failing to qualify, office declared vacant.
14. Authority of the Governor to call out the militia.
15. Volunteers in active service to be governed by the rules and regulations of the U. S. army as far as applicable.
16. Repealing clause; proviso.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled, an act to organize the militia, be, and is hereby amended by striking out in section (1st) first in said act the words, "and each Council district in said Territory shall constitute one regimental district;" and by striking out in section ten, (10,) all after the words "commissary general," and inserting the words, "who shall hold their office for three years, unless sooner removed by the Legislature," and that the remaining portion of said act be, and the same is hereby repealed.

SEC. 2. It shall be the duty of the county assessor of each county in this Territory, in taking the census of their respective counties, to make

return in writing to the adjutant general of the Territory, of all persons in their respective counties who may be liable to militia duty as is hereinafter provided ; and for such service they shall receive such compensation as the county commissioners of their respective counties may deem just and proper, to be paid out of the county treasury.

Sec. 3. Every white male citizen between the ages of (18) eighteen and (50) fifty, not disqualified by bodily infirmity, shall be liable to militia duty, and subject to be called upon for such purpose by the Governor, in case of emergency.

Sec. 4. Whenever any number of persons liable to militia duty as aforesaid, not exceeding [one] hundred nor less than twenty-five, shall form themselves into a company or a detachment, for the purpose of permanent or temporary defence as volunteers, elect their own officers as hereinafter provided, and report the fact to the adjutant general, he shall thereupon make a requisition upon the quartermaster general, to be approved by the Governor, for suitable arms for said company, which shall be issued as hereinafter provided. For the purpose of such organization, fifty-two persons and upwards to one hundred, shall constitute a company, and shall choose one captain, one first and one second lieutenant, four sergeants and four corporals ; every less number shall be considered a detachment, and shall choose one lieutenant, two sergeants and two corporals. Said officers shall hold their respective offices for the term of one year, unless sooner removed by a sentence of a court martial ; and said captains and lieutenants shall be commissioned by the Governor, and on receiving said commission, each shall take an oath, to be endorsed on the back thereof, before an officer authorized to administer oaths, that he will support the constitution of the United States and faithfully discharge the duties of his office.

Sec. 5. Whenever, by reason of neighborhoods, it shall be more convenient for citizens of a portion of one county to join a company or detachment in an adjoining county, it shall be lawful for them so to do : *Provided, however,* That the company shall be deemed to belong to the county where the majority reside.

Sec. 6. Whenever several companies organized as aforesaid, shall be united together for active service, or otherwise, if two only, they shall proceed to elect a major to command the same ; if four, to elect one major and one lieutenant colonel, and if more than four and less than ten, to elect in addition to the aforesaid officers, one colonel, who shall have command of all said companies so assembled together.

Sec. 7. It shall be lawful for every organized company or detachment of volunteers to adopt such regulations for its government and discipline as they may see fit, subject to the approval of the Governor and the

brigadier general, and they may impose fines for non-attendance at drill or review, the proceeds of which shall form a company fund, to be expended in ammunition or other necessaries ; and they may adopt such uniforms as are suitable for their particular service : *Provided, however,* That whenever companies may be called for when actual service, each member thereof shall take an oath to support the constitution of the United States and the laws the Territory, faithfully to discharge his duties, and to obey the lawful commands of the superior officers placed over him.

Sec. 8. The quartermaster general shall, with the approval of the Governor, upon receiving from the adjutant general the returns of any volunteer company or detachment, organized as hereinbefore provided, forward to the county commissioners of the county wherein the same is formed, a suitable quantity of arms and equipments of the kind required by said company or detachment, provided the same are in his custody, and such county commissioners shall thereupon issue the same to the officer commanding such company or detachment ; and it shall be the duty of such commanding officer to make return of such arms and equipments, showing their condition to the quartermaster general, at least one month before the meeting of the Legislature of each year ; and each commanding officer shall, upon the election of his successor, or his resignation or removal from office or disability to act, or upon the disbanding of his company or detachment, turn over such arms or equipments to the county commissioners, who may then cancel his bond : *Provided, however,* That he shall be liable for all loss and damage not arising from the fortune of war or unavoidable accident. *Provided further,* Each member of a detachment or company receiving arms or equipments, shall give his receipt to the commanding officer for the same, which on their return, shall be canceled ; he shall, on failure to return them when called upon, pay double of the government valuation ; said receipt to be received by the commissioners, in lieu of the arms and equipments from the commanding officer.

Sec. 9. The adjutant and commissary general shall perform the same duties as the corresponding officers in the service of the United States, except so far as is herein modified. The quartermaster general shall have the custody of all the military property belonging to the Territory, embracing arms and equipments, ammunition, ordnance and ordnance stores, and such as are not distributed among the several counties, he shall preserve in good order in some suitable place at the seat of government, until they are legally disposed of. He shall annually report to the Legislature the number and condition of said arms and other property, embracing not only those in his own custody, but also those issued to the several counties, and giving an abstract of the reports of the commanding officers of companies, and the county commissioners, with officers responsible for arms or proper-

ty, and their securities, and the amount of their respective bonds ; and shall annually report to the Governor the number of organized companies, the names of the officers, and the number of the rank and file in each, together with such other information relative thereto, as shall be in his possession. He shall receive for his services a reasonable compensation, to be allowed him by the Legislature.

Sec. 10. On application of the board of county commissioners for any county, the Governor may, in his discretion, forward to them at the expense of the Territory, the whole or any portion of its quota of arms as hereinafter defined, to be kept by them or issued to companies or detachments, under the same regulations as above provided ; and it shall be the duty of such board to report annually to the quartermaster general the amount of arms and equipments received, on hand and issued, showing to whom issues have been made, and the amount of the bonds taken, with names of the sureties.

Sec. 11. The quota of arms of each county, shall be in the proportion to the number of persons liable to do militia duty, as hereinafter provided.

Sec. 12. The Governor may appoint his staff, consisting of two aids, with the rank of lieutenant colonel. The brigadier general may appoint his aids, with the rank of captain. The quartermaster, adjutant and commissary generals may appoint their assistants and acting assistants, to rank the same as in the army of the United States. The regimental and battalion commanders may appoint their commissioned and non-commissioned staff.

Sec. 13. The Governor shall fill all vacancies caused by death, resignation or otherwise, on the part of the officers elected by the Legislative Assembly, and provided for by this act, and in case any person so elected shall fail to qualify within ten days after he receives his commission, the office shall be deemed vacant, and it shall be competent for the Governor to fill the same by appointment ; and it shall be the duty of such officer so elected or appointed, to notify the Governor of his having qualified.

Sec. 14. Whenever, in case of emergency, the Governor shall deem it necessary to call upon the people of the Territory for active service, he shall have authority so to do, and the troops so called for shall be organized in accordance with, and subject to the provisions of this act.

Sec. 15. Whenever the volunteers of this Territory are called into service by proclamation of the Governor, they shall be governed by the rules and regulations that govern the army of the United States, as far as applicable.

Sec. 16. All acts and parts of acts not in conformity to the provisions of this act, are hereby declared void : *Provided*, That nothing in

this act shall be so construed as to vacate any office heretofore filled by the Legislative Assembly, under and by virtue of the said act entitled, "an act to organize the militia."

Passed February 4th, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, " AN ACT RELATING TO COMMON SCHOOLS IN THE TERRITORY OF WASHINGTON."

- Sec. 1. School meeting may be called on organizing district.
Three legal voters constitute a quorum.
2. Chairman and secretary to be appointed, and three directors elected.
3. Directors to qualify within ten days after their election.
4. Directors shall call special meetings when they deem it necessary.
5. A majority of directors shall constitute a quorum to do business.
6. Directors shall employ teachers for their district.
Shall be judge of teachers' qualifications.
May require teachers to get certificate from county superintendent.
Shall furnish fuel for, and have charge of the school house.
7. Directors may levy special tax for furnishing fuel, for each year.
8. Persons may send their children to any other district school.
Must get permit from directors for so doing.
Scholars so sent out of the district shall be entitled to school fund.
9. Teachers shall keep registers of names of all children attending school, &c.
Registers to be filed with district clerk.
11. Directors shall visit the schools in their districts.
Shall furnish uniform system of books.
Teachers shall report to directors, disorderly conduct of any scholars.
12. Directors shall have power to discharge teacher for neglect of duty.
13. Annual meetings shall be held, and notice given of all meetings.
14. Advertisement shall state purpose of meeting.
15. District clerk shall be elected, and shall qualify.
16. If clerk be elected to fill a vacancy, he shall continue for the unexpired term, &c.
17. District clerk shall keep record of proceedings of district, and shall apportion the school fund in his district.
18. Clerk shall report annually to county superintendent.
19. Clerk shall be treasurer of his district.
20. Moneys in the hands of clerks, subject to order of directors.
21. Majority of legal votes required to levy a tax.
22. Clerk shall collect any tax levied, &c.
23. Who shall be voters at school meetings.
24. Notice shall be given for what purpose tax is levied.
26. Districts organized under former act, entitled to fund in arrears.
County superintendent to notify clerks of amount due, &c.

- Sec. 26. Organized districts capable of suing and being sued.
27. Tax payers may pay their assessment for district school purposes, in labor.
28. Clerks and directors to hold their office until their successors are duly elected and qualified.
29. All acts conflicting are repealed.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a school meeting may be called at any time for the purpose of organizing a new district, as provided for in section (4) four, under the title of county superintendents. Three legal voters shall constitute a quorum to do business.

Sec. 2. Such meeting, when assembled, shall organize by appointing a chairman and secretary; it shall then proceed to elect three directors, who shall hold their office for one year, and until their successors are chosen and qualified.

Sec. 3. Directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of their office to the best of their ability, and to promote the interest of education within their district, which oath may be administered by any school director that has taken the oath of office.

Sec. 4. It shall be the duty of school directors to call special meetings of the district, whenever they shall deem it necessary; to purchase or lease a site for the district school house, as may be designated by a meeting of the district; to build, hire or purchase, and to keep in repair such school house.

Sec. 5. A majority of said directors shall constitute a quorum to do business.

Sec. 6. It shall be the duty of school directors to employ teachers to teach in their district, and school directors shall be judges of the qualifications of teachers in their districts, but may require a teacher to get a certificate from under the hand of the county superintendent, as provided for in section five, under the title of "county superintendents." Directors shall furnish fuel for the school house in their district, and shall have the custody and safe keeping of the district school house.

Sec. 7. The directors may levy a special tax, not to exceed the amount actually required to furnish fuel for the school house for each year.

Sec. 8. Any person or persons that shall be desirous of sending the child or children under their care to any other district school, may do so, by first getting a permit in writing from the directors of the district in which they reside, provided there be no school in their own district, and such scholar or scholars, so sent to school out of their district, shall be entitled to their equal proportion of the public school fund belonging to their district, the same as if they had gone to school in their own district.

Sec. 9. It shall be the duty of every school teacher of a common district school, to keep a separate register of the names of all the children attending school in the different districts to which such scholar or scholars belong, the time when they begin, the time they continue, and their daily attendance ; which registers shall be filed with the clerks of the different districts, from which children have been in attendance at school.

Sec. 10. All school teachers teaching a common district school, shall teach twenty days for a month.

Sec. 11. It shall be the duty of school directors to visit the school or schools in their district from time to time ; they shall endeavor to procure the introduction of a good and uniform system of school books in their districts, and when [a] teacher experiences difficulty in the government of the school, it shall be his duty to report the case of disorderly scholars to the directors, who shall decide how such scholar shall be punished, or whether they shall be discharged from school.

Sec. 12. School directors shall have the power to discharge any school teacher for any neglect of duty, or any cause that in their opinion renders his services unprofitable as a teacher, by first paying him for what time he has been teaching.

Sec. 13. There shall be an annual school meeting held in each district upon the first Friday in November. All annual and special district meetings shall be advertised at least ten days previous to holding such meeting, by posting up notices in three of the most public places in the district.

Sec. 14. Every district meeting shall be expressed in the advertisement, for what purpose the meeting so called.

Sec. 15. At the first annual meeting, there shall be elected a district clerk, who shall hold his office three years, and until his successor is chosen and qualified ; he shall qualify within ten days after his election, by giving bond to the directors in such sum as they may require, that he will well and truly perform the duties of his office, and pay over all moneys coming into his hands by virtue of his office, as by law directed.

Sec. 16. If a clerk be elected to fill a vacancy, he shall continue in office for the unexpired term ; but if elected at the first meeting of the district, not being the regular annual meeting, he shall continue in office until the next annual meeting, and until his successor is elected and qualified.

Sec. 17. It shall be the duty of the district clerk to record the proceedings of the district in a book provided by the district for that purpose, to give notice of annual or special meetings, and to proportion all school funds that come into his hands, among the children in his district who are entitled to draw public money.

Sec. 18. It shall be the duty of the district clerk to furnish the county superintendent, at least twenty days before the first Friday in November of each year, a report containing the number of scholars in his district over four and under the age of twenty-one years ; how long a school has been kept in his district the past year, what school books are principally used, and what proportion of the scholars in his district have attended school, and the amount of money paid to teachers.

Sec. 19. District clerks shall be treasurers of their respective districts.

Sec. 20. All money coming into the hands of the district clerks, shall remain in the hands of such clerk or clerks, subject to the order of the directors, and shall not be paid out in any other way.

Sec. 21. Any school meeting legally called shall have power by a vote of a majority of the legal voters subject to pay school tax, present at said meeting, within such district, to levy a tax, which tax shall not exceed twenty-five cents on the one hundred dollars valuation on taxable property.

Sec. 22. When a district tax shall have been levied by a vote of the district, it shall be the duty of the district clerk, upon the warrant of the directors, to collect the same, with an addition of five per cent. thereon, which additional per centage the clerk shall receive for his services ; and he shall have the same authority to enforce the collection of such tax, and the per centage thereon, as the county collector has for collecting the county tax.

Sec. 23. Every inhabitant, over the age of twenty-one years, who shall have resided within any school district for thirty days immediately preceding any district meeting, and who shall have paid, or who shall be liable to a school tax, and being a voter under the laws of this Territory, shall be a legal voter at any school meeting ; and no other person shall be allowed to vote.

Sec. 24. In all cases when a tax is to be levied, it shall be stated in the notices given of the meeting for what purpose or purposes a tax is to be levied ; whether to purchase or lease a suitable site for a school house, or to build or hire a school house, or to keep the same in repair, or to purchase or increase a district library, maps, globes or other apparatus, or to pay teachers, or any other purpose that would be calculated to promote the interest of education : *Provided*, That no money shall be expended for any other purpose than that for which it was raised.

Sec. 25. All districts that have organized under the acts of eighteen hundred and fifty-four, or eighteen hundred and fifty-seven, and have reported to the county superintendent as required by law, shall be entitled to all the school fund in arrears belonging to their district, and it shall be the duty of the county superintendent to notify to district clerks of the

amount due their district, and shall proceed with the same as directed by law.

Sec. 26. When a district is organized, it shall be, to all intents and purposes, a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school houses in their own districts, and it shall be the duty of the directors to prosecute or defend any demands for or against their district, and notice shall be served upon one or more of the directors of any suit about to be brought against a district.

Sec. 27. That tax payers may, with the consent of the directors of their district, perform by labor their portion of taxation for the erection of school houses, and shall be so returned by the clerks of said district.

Sec. 28. The directors and clerks of the several districts of this Territory now in office, shall hold their offices till their successors are elected and qualified under this act.

Sec. 29. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Passed January 30th, 1858.

AN ACT

AUTHORIZING U. S. COAST SURVEY PARTIES TO ENTER UPON LANDS IN WASHINGTON TERRITORY, TO ERECT SIGNALS, ETC., AND TO PREVENT INJURY TO SAID SIGNALS.

- SEC. 1. Parties engaged in coast survey may enter upon lands in this Territory.
 May clear and cut timber upon same.
 May erect works, buildings, &c., necessary.
2. When damages are caused to inhabitants, justice of the peace may appoint assessors to assess damages, &c.
3. Award shall be filed with county auditor in ten days.
 Either party may file written exceptions within ten days.
 Said exceptions to be tried at term of district court, &c.
4. Parties entering upon lands may tender compensation, &c.
5. Relative to costs, &c.
6. Persons injuring works of coast survey parties, shall be deemed guilty of misdemeanor.
 Shall be fined two hundred dollars, &c.
 Three-fourths of fine apply to school fund, &c.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person or persons engaged in and belonging to parties employed under and by virtue of an act of Congress, approved the 10th day of February, 1807, and the amendments thereto, relating to the United States coast survey, may enter upon lands in this Territory, and clear and cut timber upon the same, and may erect any works, building or appendages requisite and needful for the purpose of exploring, surveying, triangulating, leveling, or doing such acts as are requisite to attain the objects of said acts of Congress, without being considered trespassers: *Provided,* no unnecessary injury be done to said lands.

Sec. 2. That where damages are caused to any inhabitants of the Territory by such entry, such person so injured, and the person or persons in charge of said coast survey party, shall agree upon the actual damages so incurred; and where they cannot agree, the party who shall have suffered said damage, may complain to the nearest justice of the peace in the county where such entry shall have been committed, who shall associate with himself two disinterested free holders of said county, one to be named by each of said parties. And said justice and free holders shall proceed to hear the complaint, and may, with or without view of the premises, as they may determine, assess and award the damages incurred by the owner or possessor of said lands so entered: *Provided, nevertheless,* That the injured party shall have served five days' notice in writing of the time and place of the intended hearing, together with the name of the free holder so selected by him.

Sec. 3. That said magistrates and free holders, shall, within ten days after making their said award, file the same in the office of the county auditor of the county where said lands lie, and said award shall be binding as a judgment, and deemed conclusive as marking the assent of said parties, unless either party shall within ten days after filing the same, file their written exceptions thereto; of which filing of exceptions, due notice shall be given to the adverse party; and the issue made up upon said report and exceptions, shall be tried at the next term of the district court of the district wherein said county is a part, which issue shall be tried as other civil actions, except that judgment thereon shall be had at the first term.

Sec. 4. That any person so entering upon lands for the purposes aforesaid, may tender to the party injured compensation for any damage he may have suffered thereby, and if upon hearing, as hereinabove provided, the party refusing to accept such tender fails to recover greater damages, or a judgment for a larger amount, the party or parties so entering upon lands, and causing such damages thereby, shall not be responsible for any costs.

Sec. 5. Justices of the peace, and freeholders associated with them in the hearing of the above complaints, shall be entitled to the same costs now provided by law for suits before justices of the peace, and the cost of trial of such issues hereinbefore provided, in the district court, shall be the same as in civil actions.

Sec. 6. That any person or persons who shall wilfully, maliciously, or wantonly injure, deface, destroy or remove any instrument, signal, monument, building or appendage thereto, used or constructed, or being in this Territory and connected with, or relating to, or in any manner belonging to or forming a part of the labors of said coast survey parties, such parties so offending, shall, for each offence, be deemed guilty of a misdemeanor, and shall be tried as parties guilty of misdemeanor are tried, according to the statutes of this Territory; and on conviction thereof, such person, for each and every such offence, shall be fined in the sum of two hundred dollars, to be recovered as other fines are recovered, one-fourth of which shall go to the prosecutor, and the remaining three-fourths shall be paid into the county treasury of the county where the offence is committed, to go into the school fund of said county; to which fine may be added imprisonment in the county jail for one month, and any damage resulting to the United States of America in consequence of violating the provisions of this section, may be recovered in any court of competent jurisdiction.

Sec. 7. This act to take effect and be in force from and after its passage.

Passed February 2d, 1858.

AN ACT

IN RELATION TO THE RECORDING OF TOWN PLATS.

- SEC. 1. Persons laying off towns shall record a plat, &c.
 2. Any donation to societies, &c., in such plat, shall be considered as a quit claim deed, &c.
 3. Lots laid off in addition, shall be recorded, &c.
 4. Persons offering such plat for record, to acknowledge the same, &c.
 5. Streets, lanes and alleys, considered as highways.
- Fines to be imposed for refusing to comply with requisition, &c.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person or persons who may hereafter lay off any

town within this Territory, shall, previous to the sale of any lots within such town, cause to be recorded in the recorder's office of the county wherein the same may lie, a plat of said town, with the public grounds, (if any there be,) streets, lanes and alleys, with their respective widths properly marked, and the lots regularly numbered, and the size stated on said plat.

Sec. 2. Every donation or grant to the public, or to any individual or individuals, religious society or societies, or to any corporation or body politic, marked or noted as such on the plat of the town, or wherein such donation or grant may have been made, shall be considered, to all intents and purposes, as a quit claim deed to the said donee or donees, grantee or grantees, for his, her or their use, for the purposes intended by the donor or donors, grantor or grantors, as aforesaid.

Sec. 3. Every person hereafter laying off any lots in addition to any town, shall, previous to the sale of such lots, have the same recorded under the like regulations as are provided for recording the original plat of said town, and thereafter the same shall be considered an addition thereto.

Sec. 4. Every person whose duty it may be to comply with the foregoing regulations, shall, at or before the time of offering such plat for record, acknowledge the same before the recorder, of the proper county, or any other officer who is authorized by law to take the acknowledgment of deeds, a certificate of which acknowledgment shall be by the officer taking the same, endorsed on or annexed to such plat and recorded therewith.

Sec. 5. All streets, lanes and alleys, laid off and recorded in accordance with the foregoing provisions, shall be considered, to all intents and purposes, public highways, and any person who may lay off any town or any addition to any town in this Territory, and neglect or refuse to comply with the requisitions aforesaid, shall forfeit and pay for the use of said town, for every month he may delay a compliance with the provisions of this act, a sum not exceeding one hundred dollars, nor less than five dollars, to be recovered by civil action, in the name of the treasurer of the county.

Passed January 23d, 1858.

AN ACT

RELATIVE TO THE VACATION OF TOWN PLATS.

- SEC. 1. Persons vacating lots, streets, alleys, &c., to petition county commissioners, &c.
- Notice descriptive of property to be given, &c.
2. Discretion with court, &c.
 3. Lots, &c., vacated, shall attach to adjoining lots, &c.
 4. Vacating lots, streets, &c., in incorporated towns.
Persons may petition trustees, &c.
 5. When towns laid off do not improve, may be vacated, &c.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person or body corporate interested in any town in this Territory not incorporated, who may desire to vacate any lot, street, alley, common, or any part thereof, or may desire to vacate any public square, or part thereof, in any such town, it shall be lawful for any such person or corporation to petition the board of county commissioners for the proper county, setting forth the particular circumstances of the case, and giving a distinct description of the property to be vacated, which petition shall be filed with the county auditor twenty days previous to the sitting of said court, and notice of the pendency of said petition shall be given for the same space of time by written or printed notices set up in three of the most public places in said town, containing a description of the property to be vacated.

Sec. 2. Said court, if satisfied that the aforesaid notice has been given, may, in their discretion, vacate the same, with such conditions and restrictions as they may deem reasonable, and for the public good.

Sec. 3. The part so vacated, if it be a lot or lots, shall vest in the rightful owner, who may have the title thereof according to law; and if the same be a street or alley, the same shall be attached to the lots or ground bordering on such street or alley; and all right or title thereto, shall vest in the person or persons owning the property on each side thereof, in equal proportions: *Provided,* The lots or grounds so bordering on such street or alley, have been sold by the original owner or owners of the soil; if, however, said original owner or owners possess such title to the lots or ground bordering said street or alley on one side only, the title to the same shall vest in the said owner or owners if the said court shall judge the same to be just and proper.

Sec. 4. In cases where any person interested in any incorporated town in this Territory may desire to vacate any street, alley, lot or common, or any part thereof, it shall be lawful for such person to petition the trustees in like manner as persons interested in towns not incorporated are authorized to petition the board of county commissioners; and the same

proceedings shall be had thereon before such trustees, or other body corporate having jurisdiction, as are authorized to be had before the board of county commissioners ; and such trustees or other corporate body may determine on such application under the same restrictions and limitations as are contained in the foregoing provisions.

Sec. 5. In all cases where any person or persons have laid out, or shall hereafter lay out a town, or any addition to any town, and such town or addition does not improve, and such person or persons shall be the legal owner or owners of all the lots contained in such town or addition, such person or persons, or any other party or parties, who shall become the legal owner or owners thereof, may have such town or addition, or any part thereof, vacated in like manner as is hereinbefore provided for the vacation of lots, streets and alleys.

Passed January 23d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATIVE TO DEEDS."

- SEC. 1. Fourth section of act relating to deeds, repealed.
 2. Deeds and mortgages to be recorded, &c.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the 4th section of the act relating to deeds, passed April 23, 1854, be, and the same is hereby repealed.

Sec. 2. All deeds and mortgages shall be recorded in the office of the county auditor of the county where the land is situated, and shall be valid as against bona fide purchases from the date of their filing or recording in said office ; and when so filed or recorded shall be notice to all the world.

Passed January 27th, 1858

AN ACT

TO AUTHORIZE CERTAIN OFFICERS TO TAKE ACKNOWLEDGMENTS.

SEC. 1. Clerk of district and supreme courts empowered to take acknowledgments, deeds, &c.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the clerks of the district and supreme courts of this Territory, be, and they are hereby authorized to take acknowledgments of deeds, and under instruments of writing under their seals of office.

Sec. 2. That this act be in force from and after its passage.

Passed February 2d, 1858.

AN ACT

TO AMEND AN ACT RELATIVE TO LIENS OF MECHANICS, AND OTHERS,
FOR LABOR AND MATERIALS.

SEC. 1. Persons furnishing labor, materials, &c., shall be entitled to a lien.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 1 of said act shall be so amended after the word "dollars," in the last line, that it shall read: "That all persons furnishing labor, materials or supplies, to any ship, vessel or boat, shall have and be entitled to a lien on such ship, vessel or boat, to take effect immediately after such labor has been performed, or such materials or supplies have been furnished."

Passed February 3d, 1858.

AN ACT

FOR THE PROTECTION OF PUBLIC AND INCORPORATED PROPERTY.

Sec. 1. Persons defacing guide boards, bridges, &c., &c., shall be fined.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of*

Washington, That any person, who shall wilfully or maliciously cut, carve, or otherwise deface or injure any guide board, bridge, building, column, monument or structure, grounds or trees, belonging to the public, or any incorporated, charitable, religious or scientific institution, shall, on conviction thereof, be fined in any sum not less than ten dollars, which shall be recoverable in any court having competent jurisdiction thereof.

Passed February 2d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATIVE TO WEIGHTS AND MEASURES."

- SEC. 1. Thirty-four pounds of oats to make a bushel.
 2. Regulates the weight of other grains.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That in section 4 of the act to which this is amendatory, where it reads, "thirty-six pounds for a bushel of oats," be so amended as to read, "thirty-four pounds for a bushel of oats."

SEC. 2. Sixty pounds for a bushel of peas, sixty pounds for a bushel of beans, fifty pounds for a bushel of timothy seed.

Passed January 21st, 1858.

AN ACT

TO REGULATE THE DRAINING OF MARSH AND SWAMP LANDS.

- SEC. 1. Persons owning swamp lands may drain them through lands claimed by other persons.
 Shall apply to board of county commissioners.
 Commissioners shall appoint persons to assess damages.
2. Persons closing or obstructing ditches or dykes to be fined, &c.
 3. Persons wilfully opening dyke, levee, &c., liable to arrest.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person owning swamp or marsh lands, and desiring to drain the same through any other person or persons' lands, may make application to the board of county commissioners of his county at any regular term of their court; and it shall be the duty of such commissioners to appoint three disinterested persons, who shall go to the land designated by the person making such application, and carefully survey the lands and assess damages, if there should be any, which damages shall be paid to the person or persons so damaged when the work of ditching commences.

SEC. 2. Any person who shall close or obstruct, or cause to be closed or obstructed any ditch, made under the provisions of this act, shall be liable to an action in law, which action may be brought before any justice of the peace of the proper county; and if found guilty may be paid in any sum not less than twenty-five dollars nor more than one hundred dollars, and shall be liable for all damages done by reasons of such obstruction: *Provided, however,* That any person may commence an action in the district court. All actions commenced under the provisions of this act shall be subject to appeal, as provided by law in other cases.

SEC. 3. Any person who shall wilfully open any dyke, levee or closed estuary, made under the provisions of this act, so as to let in the sea or any other waters on any persons' land, shall be liable to arrest, fine, and damages, as provided in the second section of this act.

Passed January 29th, 1858.

AN ACT

TO APPORTION THE REPRESENTATION IN THE LEGISLATIVE ASSEMBLY
OF WASHINGTON TERRITORY.

- SEC. 1. Apportionment of members of the Council.
2. Apportionment of members of the House of Representatives.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the apportion of members of the Council shall be as follows: Clarke shall elect one; Walla Walla, Skamania and Clarke shall elect one; Cowlitz, Wahkiakum and Pacific shall elect one; Lewis and Chehalis shall elect one; Thurston and Sawamish shall elect two; Pierce shall elect one; King and Kitsap shall elect one; Whatcom, Island, Clalm and Jefferson, shall elect one.

Sec. 2. The members of the House of Representatives shall be as follows : Skamania shall elect one ; Walla Walla shall have one ; Clarke shall elect five ; Cowlitz and Wahkiakum shall have two ; Pacific shall have one ; Chehalis shall have one ; Lewis shall have two ; Thurston shall have six ; Sawamish shall elect one ; Pierce shall elect three ; King shall elect one ; Kitsap shall elect two ; Island shall elect one ; Whatcom shall elect one ; Jefferson shall elect one, and Clalm shall elect one.

Passed January 30th, 1858.

AN ACT

IN RELATON TO THE DISTRIBUTION OF TERRITORIAL ARMS.

SEC. 1. Auditors of counties to make statement of public arms received by their counties.

Expense of transportation from seat of government of arms, to be paid by Territory.

Auditor of Territory shall issue warrant.

2. Territorial treasurer shall pay the same.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county auditor of each county in the Territory, which has received or may hereafter receive a portion of the Territorial arms, may make out a statement, certified to by the county commissioners, of the expenses actually and necessarily incurred by such county in the transportation of its quota of the Territorial arms from the seat of government to the county receiving the same ; which certified statement, when presented by the treasurer of the proper county to the Territorial auditor, shall be by him audited, and a warrant in favor of the proper county for the amount of such account drawn upon the Territorial treasurer.

Sec. 2. On presentation to the Territorial treasurer of such warrant, it shall be his duty to pay the same out of any moneys in the treasury not otherwise appropriated ; which money, when so drawn out of the Territorial treasury, shall be applied for county purposes.

Passed January 13th, 1858.

AN ACT

TO PREVENT THE SALE OF INTOXICATING LIQUORS TO KANAKAS.

- SEC. 1. Selling or furnishing in any way spiritous liquors to Kanakas, prohibited.
 Person so furnishing, guilty of misdemeanor.
 Fines imposed.
2. Sections of a former act, passed January 25, 1855, shall apply to this act.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That if any tavern keeper, grocery keeper, or other person or persons shall sell, barter, give, or in any manner dispose of or furnish any spirituous liquor, or any liquor of intoxicating quality, to any Kanaka or Kanakas within this Territory, every such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court having competent jurisdiction to try the same, shall forfeit and pay to the use of the county in which the offence may have been committed, a fine of not less than twenty-five dollars and not more than five hundred dollars.

SEC. 2. Section two, (2,) three, (3,) four (4) and five, (5,) of the act entitled, "an act to prevent the sale of intoxicating liquors to Indians," passed January 25th, 1855, shall apply to, and be considered a part of this act.

Passed January 23d, 1858.

LOCAL LAWS.

LOCAL LAWS

OF

WASHINGTON TERRITORY.

AN ACT

CREATING THE OFFICE AND DEFINING THE DUTIES OF HARBOR MASTER
OF THE HARBOR OF OYSTERVILLE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next, and at each annual general election hereafter, the qualified voters of Pacific county shall elect a harbor master for the port of Oysterville, who shall hold his office for one year, and until his successor is qualified, and whose duty will be as hereinafter provided.

SEC. 2. That until said annual election, Thomas Crellin, be, and he is hereby appointed harbor master for Oysterville.

SEC. 3. Before entering upon the duties of his office, the harbor master shall execute to this Territory a bond, with two sufficient sureties, to be approved by the county auditor, in the sum of one thousand five hundred dollars, conditioned for the faithful and impartial discharge of his official duties.

SEC. 4. Said harbor master shall have power to appoint a deputy, for whose acts he shall be responsible on his official bond ; and if a vacan-

cy should occur in the office of harbor master, such vacancy shall be filled by appointment by the county commissioners.

Sec. 5. The harbor master shall have full authority to regulate and station all ships, steamers and other craft, as are not engaged in receiving or discharging ballast or cargo, and to cause to be removed all manner of obstructions in his harbor, and as to the fact of a vessel being fairly and *bona fide* employed in discharging or receiving such cargo or ballast, the harbor master shall be the sole judge; but any party aggrieved by the decision of a harbor master, may bring suit against him for damages in the district court for the county or district in which said port is situated.

Sec. 6. If any person, having charge of any ship, steamer or other craft, shall refuse or neglect to obey the directions of a harbor master, in any way pertaining to his regulations of the port, or if any person, having placed an obstruction in a harbor shall neglect to remove the same on being required so to do by the harbor master, such person so offending, shall forfeit and pay the sum of fifty dollars, to be recovered with costs of suit before any justice of the peace of the county, by an action in the name of the harbor master, who shall be a competent witness in the case. One-half of all sums recovered under the provisions of this section shall go to the harbor master, and the other half shall be paid over to the county treasurer for the use of common schools.

Sec. 7. The harbor master shall have power to demand and receive from all masters or owners of all vessels entering his port, the sum of two (2) cents per ton, to be computed from her register or enrollment. If the fees of the harbor master are not paid within forty-eight hours after demand, double the amount of fees may be charged, and may be recovered by action in the name of the harbor master, before a justice of the peace, as aforesaid; and when double fees are collected, one-half shall be paid over to the county treasurer for the use of common schools, as aforesaid.

Passed February 2d, 1858.

AN ACT

TO ESTABLISH A BOARD OF PILOT COMMISSIONERS FOR COLUMBIA RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Job Lamley, Wm. Strong, and Capt. J. T. Easterbrook,

shall constitute a board of commissioners for the purpose of examining candidates for the pilotage of the Columbia river, and may appoint one or more suitable persons to be pilots on the Columbia river, giving each of said pilots a branch or warrant for the execution of his office.

Sec. 2. When any vacancy shall occur in said board, it shall be the duty of the remaining two to appoint his successor, who shall fill said vacancy.

Sec. 3. Every such pilot appointed as aforesaid, shall, before entering upon the duties of his office, give bond with sufficient security to the said board of commissioners, in the sum of two thousand five hundred dollars, conditioned for the faithful performance of his duties.

Sec. 4. Every such pilot is authorized and directed to take charge of any vessel requiring his services, bound up or down the Columbia river, and in all cases where the services of a pilot are required by the master of any vessel, said vessel shall be liable to pay the pilot his fees as specified in his warrant.

Sec. 5. The said board of commissioners are authorized to determine the fees of a pilotage of the pilot or pilots by them appointed, and to specify the same in their respective warrants, and to direct and authorize all arrangements and operations that may be necessary to facilitate the navigation of the Columbia river.

Sec. 6. If any vessel, while under the charge of a branch or warrant pilot, shall be lost or run aground, or sustain any damage through the negligence or unskillfulness of such pilot, such pilot shall be liable to pay all damages sustained by any person interested in said vessel or cargo, and may moreover be removed from his office.

Sec. 7. The aforesaid board of commissioners are authorized to have and determine all complaints exhibited against the pilots appointed by them as aforesaid, and to suspend or remove them and appoint others in their place.

Sec. 8. Should any ship master omit or refuse to pay the pilotage fees in any instance, whenever by this law he has become liable therefor, then the vessel or the owners of such vessel, shall be liable to pay double the amount of such pilotage.

Sec. 9. That all penalties for forfeitures and complaints incurred under this act shall be tried and determined in any court of record having cognizance of the same.

Sec. 10. The said board of commissioners hereby created, shall be entitled to receive three dollars per day for each day necessarily spent in the performance of the duties assigned them by this act, to be paid out of the treasury of this Territory upon a warrant of the auditor, who is hereby required to audit and allow the same.

Sec. 11. This act to take effect and be in force from and after its passage.

Passed January 14th, 1858.

AN ACT

REPEALING AN ACT ENTITLED, "AN ACT ESTABLISHING THE RATES OF FERRIAGE ACROSS THE COLUMBIA RIVER IN CLARKE COUNTY."

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled, "an act establishing the rates of ferriage across the Columbia river in Clarke county," be, and the same is hereby repealed.

Passed December 24th, 1857.

AN ACT

TO RELOCATE THE TERRITORIAL UNIVERSITY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial university be, and the same is hereby located on the Cowlitz Farm Prairie, in the county of Lewis: *Provided,* a good and sufficient deed to 160 acres of land, on an eligible part of said prairie, be first executed to the Territory of Washington.

SEC. 2. The proceeds of the two townships of land granted by an act of Congress, approved July 17th, 1854, for university purposes, shall be applied for the support and endowment of said university.

SEC. 3. The act passed January 29th, 1855, entitled, "an act to locate the Territorial university," is hereby repealed.

Passed January 30th, 1858.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM OLYMPIA IN THE COUNTY OF THURSTON, TO STEILACOOM IN THE COUNTY OF PIERCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. M. Swan, S. D. Ruddell of Thurston county, and Nat. Orr of Pierce, be, and are hereby constituted a board of commissioners to view and locate a Territorial road from Olympia to Steilacoom.

Sec. 2. Said commissioners, or a majority of them, shall meet in Olympia on the second Monday in May next, or as soon thereafter as practicable, and after being duly sworn faithfully and impartially to perform their duties as such commissioners, shall proceed to locate said road on the nearest and most practicable route.

Sec. 3. Said commissioners shall cause a true report to be deposited with the clerks of the board of county commissioners in Thurston and Pierce counties, who shall file and preserve the same; and when said report is so deposited with said clerks, said road shall be considered as a Territorial road to all intents and purposes, and shall be opened and kept in repair in the same manner as other Territorial roads are opened and kept in repair.

Sec. 4. Said commissioners shall receive no compensation for their services except by voluntary subscription. No charge shall be made against any county in this Territory for viewing or locating said road.

Sec. 5. If for any cause any one or more of said commissioners shall fail to qualify, or having qualified, shall fail or cause to act, the acting commissioner or commissioners shall select and appoint some person or persons to fill such vacancy, and the person so appointed, shall have the same powers and discharge the same duties as though he had been originally appointed.

Passed February 2d, 1858.

AN ACT

TO VIEW AND LOCATE A TERRITORIAL ROAD FROM NEAR THE HOUSE OF J. C. COCHRAN TO THE MILITARY ROAD NEAR JOSEPH BORSTS.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. C. Cochran and Elkanah Mills, as viewers, and J.

W. Goodell, as surveyor, be, and they are hereby constituted a board of commissioners to view and locate a Territorial road, commencing at the northern end of the lane, at, or near the house of J. C. Cochran, in Lewis county, on the road leading from Cowlitz Landing to Olympia; thence on the most practicable route to intersect the military road leading from Fort Steilacoom to Columbia river, at, or near the block-house on Joseph Borst's land claim, in Thurston county.

Sec. 2. Said commissioners shall meet at the house of J. C. Cochran, in Lewis county, on the first Monday in February, 1858, or as soon thereafter as circumstances will permit—as soon after the passage of this act as convenient, and after being duly sworn faithfully to perform their duties, shall proceed to view and locate said road.

Sec. 3. Said commissioners shall cause a true report of the proceedings, and a certified copy thereof, to be deposited with the county auditors of Thurston and Lewis counties, within sixty days from the meeting of said commissioners.

Sec. 4. No charge for services shall be made by said commissioners against either county.

Passed December 23d, 1857.

AN ACT

TO AUTHORIZE AND LOCATE A TERRITORIAL ROAD FROM GRAND MOUND PRAIRIE TO GREY'S HARBOR.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That P. F. Luark, Isaac L. Scammons and W. B. D. Newman, be, and are hereby constituted a board of commissioners to view and locate a Territorial road from Grand Mound prairie to Grey's harbor.

Sec. 2. Said commissioners, or a majority of them, shall meet at the house of J. W. Goodell, on Grand Mound prairie, on the first Monday in February next, or as soon thereafter as practicable, and after being duly sworn faithfully and impartially to perform their duties as such commissioners, shall proceed to locate said road on the nearest and most practicable route.

Sec. 3. Said road shall commence at some point on the Territorial

road leading from Olympia to Monticello or Grand Mound prairie, and terminate at or near Roundtree's point, on the south side of Grey's harbor.

Sec. 4. Said commissioners shall make out and deposit, or cause to be deposited with the clerks of the board of county commissioners of Thurston and Chehalis counties, who shall file and preserve the same, and when said report is so deposited with the clerks, the said road shall be considered a territorial road according to the laws of this Territory, and shall be opened and kept in repair as other Territorial roads in this Territory.

Sec. 5. Said commissioners shall receive no compensation for their services except by voluntary remuneration, nor shall any charge be made against any county in this Territory for viewing said road.

Sec. 6. If, from any cause, any one or more of said commissioners shall fail to qualify and act, his or their associate or associates may select and appoint some suitable person or persons, who shall have all the power granted in this act.

Passed February 1st, 1858.

AN ACT

DECLARING SO MUCH OF THE MILITARY ROAD LEADING FROM VANCOUVER TO STEILACOOM AS LIES IN THURSTON COUNTY, A TERRITORIAL ROAD.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of the military road leading from Vancouver, in Clarke county, to Fort Steilacoom, in Pierce county, as lies in the county of Thurston, be, and the same is hereby declared a Territorial road.

Passed January 20th, 1858.

AN ACT

DECLARING SO MUCH OF THE MILITARY ROAD LEADING FROM STELLACOOM TO VANCOUVER AS LIES WITHIN THE LIMITS OF LEWIS COUNTY, A TERRITORIAL ROAD.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of the military road leading from Seelacoom to Vancouver as lies within the limits of Lewis county, be, and the same is hereby declared a Territorial road.

SEC. 2. So much of the Territorial road leading from Olympia to Monticello as lies within the limits of Lewis county, and to which the act entitled an act to amend an act entitled, "an act to locate a Territorial road from Olympia, in Thurston county, to Monticello, in Cowlitz county," passed March 21, 1854, applies, is hereby vacated.

Passed January 25th, 1858.

AN ACT

AUTHORIZING WILLIAM H. COOPER TO ESTABLISH A FERRY ACROSS THE CHEHALIS RIVER AT THE RESIDENCE OF JOSEPH BORST.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William H. Cooper, his heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the Chehalis river near Joseph Borst, where the military road crosses said stream: *Provided,* Where said ferry is so established, it shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

Passed January 26th, 1858.

AN ACT

AUTHORIZING L. H. DAVIS TO ESTABLISH A FERRY ACROSS THE CHEHALIS RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* L. H. Davis, his heirs and assigns, be, and they are hereby authorized to establish a ferry across the Chehalis river at the point where the present military road leading from Steilacoom to Fort Vancouver crosses said river, near the residence of said Davis ; and that the said L. H. Davis, his heirs and assigns, have the exclusive privilege of ferrying upon the Chehalis river within the following limits, to-wit : Commencing at the point in said road where it strikes the Chehalis river near the residence of said Davis, and extending from said point up and down the river on each side thereof, one-half mile each way : *Provided, That* said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by shall be kept Territory, prescribing the manner in which licensed ferries the laws of this and regulated.

Sec. 2. It shall be lawful for the said L. H. Davis, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry :

For crossing a footman,	10	cents.
“ “ man and horse,	25	“
“ “ horse and carriage,	37½	“
“ “ two horses and wagon,	50	“
“ “ two oxen and wagon,	50	“
“ “ each additional span of horses or pair of cattle,	15	“
“ “ loose animals other than sheep and hogs, each,	10	“
“ “ sheep and hogs, each,	5	“

But the county commissioners of Lewis county at any regular term of said court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for said Davis, his heirs and assigns, to collect and receive ferriage only according to the rates fixed by said commissioners.

Sec. 3. The said L. H. Davis, his heirs and assigns, shall at all times keep at said ferry a good and sufficient flat boat or flat boats, with a sufficient hand to work the same, for the transportation of all persons and their property across said river without delay ; and upon proof being

made to the county commissioners of Lewis county, that the said Davis, his heirs and assigns, have failed or refused to keep at said ferry, a good and sufficient flat boat or flat boats, with the requisite number of hands to work the same, as required above, then this act shall be void.

Passed January 28th, 1858.

AN ACT

TO INCORPORATE THE PRESBYTERIAN CHURCH AND SCHOOL OF CHAMBERS' PRAIRIE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That A. J. Chambers, Joseph White, A. W. Stewart, Marcus McMillan, David Chambers and Abijah O'Neal, as trustees, and their successors in office, are hereby declared and constituted a body corporate and politic in law, by the name and style of "The trustees of the Presbyterian Church of Chambers' Prairie," said church being under the direction and care of what is commonly known as the Old School "General Assembly of the Presbyterian Church in the United States."

SEC. 2. *And be it further enacted*, That such corporation shall have continual and perpetual succession, and shall have power to acquire, receive and hold by donation, voluntary contribution, purchase, legacy, devise or otherwise, and to retain and possess any property, either real, personal, or mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure: *Provided*, That no part of the resources thereof shall ever be used for any other purposes than for the interests of said church, or such school as the said trustees or their successors may see proper to establish in connection therewith: *And it is further provided*, That the said corporation may hold property belonging to said church to an amount not exceeding five thousand dollars; and property belonging to said school, the yearly income of which, shall not exceed three thousand dollars.

SEC. 3. *And be it further enacted*, That said trustees shall have power to form and adopt a constitution and by-laws for their government, and may appoint such officers and agents, and establish such rules and regulations as may be necessary for the management of the real estate and other property belonging to said church, or that may become necessary, or be expedient for the establishment and government of the school herein

provided for : *Provided*, That such rules and regulations shall in nowise conflict with the laws of this Territory, or the constitution of the United States.

Sec. 4. *And be it further enacted*, That the said trustees shall meet at least once a year, and that a majority shall constitute a quorum at any regular meeting for the transaction of business. They shall elect one of their number as president of the board ; they may provide for reducing the number of the board, and may fill temporarily, any vacancy occurring by death, resignation or otherwise ; but their successors, from year to year, shall be elected by those persons residing in said neighborhood who contribute either to the erection of the church or school house, or shall be regular contributors to the support of the ministry of said church.

Sec. 5. *And be it further enacted*, That all deeds and other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president, and by him acknowledged in his official capacity : *Provided, however*, That until such board shall adopt a seal, the ordinary scroll with a pen shall be deemed sufficient.

Sec. 6. *And be it further enacted*, That the Legislature shall have power at any subsequent session, when the necessities of either the church or the school, or considerations of public good require it, to alter or amend this act at pleasure.

Passed February 1st, 1858.

AN ACT

TO INCORPORATE THE STEILACOOM LIBRARY ASSOCIATION OF WASHINGTON TERRITORY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That A. B. Delin, A. F. Byrd, E. A. Light, W. H. Wallace, W. R. Downy, W. P. Dougherty, William Lane, S. McCaw, B. Pierce, Frank Clark, Sherwood Boney, O. H. White, E. M. Meeker, Wm. N. Savage, Nathaniel Orr, and their associates and successors, be, and they are hereby constituted and declared a body corporate and politic, to be known by the name and style of "Steilacoom Library Association of Washington Territory."

Sec. 2. Said association may, by its corporate name, sue and be sued, plead and be impleaded, defend and be defended against, in all the courts of law and equity in this Territory, and may receive and hold all moneys and other property coming into the hands of said association by voluntary subscriptions, contributions or otherwise ; also, all legacies and devises of real or personal estate, and to have and to hold, possess or acquire lands and tenements, chattels and property of any description incident to such associations, to any amount not exceeding twenty thousand dollars, and the estate aforesaid to lease, grant, convey and dispose of in such manner as they may deem expedient.

Sec. 3. That said association may hold its meetings at such times and places, and elect such officers for the management of its affairs as may be deemed proper.

Sec. 4. The said association may, at any of its regular meetings or special meetings for business, enact and pass such rules, regulations and by-laws for the government of the same, and the management of the property of said association, as may be deemed necessary : *Provided*, That the same be not inconsistent with the laws of the United States or of this Territory.

Sec. 5. This act, for good cause shown, may be repealed by any subsequent Legislature.

Passed February 3d, 1858.

AN ACT

TO INCORPORATE THE OLYMPIA MUSICAL ASSOCIATION.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Albert Eggers, W. H. Wood, James R. Wood, Oliver Shead and S. A. Wood, be, and they are hereby organized and constituted into a body incorporate, by the name and style of the "Olympia Musical Association."

Sec. 2. By that name, they and their successors shall be capable in law to sue and be sued, plead and be impleaded, defend and be defended against, in all courts of law and equity in this Territory.

Sec. 3. They, in their corporate capacity, are hereby authorized to receive and to hold all moneys and other property, by voluntary contribu-

tion, subscription, donation or otherwise, by legacies and devises of real and personal estate, to hold, possess and acquire lands and tenements, furniture, chattels and property of any description necessary for the use of said association, to the amount of ten thousand dollars.

Sec. 4. They, in their corporate name, shall have power to lease, grant, convey and dispose of its property and effects in such manner as they may deem proper and expedient ; and are hereby authorized to elect one president and one secretary, who shall hold their offices at the pleasure of the association, a majority of whom shall constitute a quorum to do business, who at any time are hereby authorized to make such rules and regulations for the government of said association and management of its affairs as they may deem proper and necessary, not inconsistent with the laws of the United States or of this Territory : *Provided, however,* That this act shall be subject to be repealed at any subsequent Legislature.

Passed February 2d, 1858.

AN ACT

TO AMEND AN ACT ENTITLED, " AN ACT TO INCORPORATE THE CITY OF VANCOUVER."

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That article 4, section 3, be so amended that it shall read after clause four :

5th. To license, tax and regulate auctioneers, taverns, hawkers, peddlers, brokers and pawn-brokers.

6th. To license and regulate porters, and fix the rates of ferriage.

7th. To license, tax and regulate hackney carriages, wagons, carts, drays and omnibuses, and to fix the rates thereof.

8th. To license, tax, regulate and restrain bar rooms, drinking shops, theatricals and other exhibitions, shows, public amusements, billiard tables and bowling alleys, and to suppress bawdy houses, gaming and gambling houses : *Provided,* That no law or parts of laws authorizing any officers of the county of Clarke to grant tavern licenses or grocery license, or license for the sale of spiritous or malt liquors, shall apply to persons vending liquors within the limits of said city : *Provided, however,* That the city authorities shall not grant license for the sale of spiritous liquors for a less sum than is, or may hereafter be established by law.

9th. To provide for the support and employment of paupers and vagrants.

10th. To make all needful regulations for the prevention and extinguishment of fires, and for preservation of property exposed to danger in time of fire, and to appoint all officers required for such purposes.

11th. To establish and regulate police, night-watch and patrol.

12th. To impose fines, forfeitures and penalties for the breach of any ordinance, and no fine shall exceed one hundred dollars, and no offender, on conviction, shall be imprisoned for a longer term than twenty days for any one offence.

13th. To appropriate for any item of city expenditure, and to provide for the payment of the debts and expenses of the city.

14th. The common council shall not create or incur, or permit to accrue, any debt against the city of Vancouver exceeding the estimated amount of revenue of said city for the current fiscal year.

15th. To erect or provide a work house, or house of correction and city prison, and provide for the regulation and government thereof.

16th. The common council shall have power to levy and collect an additional tax not exceeding one-half of one per cent. on all the taxable property of the city, whenever such additional revenue shall be required for some specific object. The ordinance levying such tax shall set forth the specific object, and the estimated costs thereof.

17th. The recorder shall reside within the limits of the city and shall be ex-officio a justice of the peace.

18th. *And be it further enacted,* That all that part of clause 8th that relates to granting license for the sale of spirituous or malt liquors, shall be submitted to the legal voters of Clarke county at the next annual election, and if a majority of all the votes cast shall be in favor of that part of said clause, then it shall be a law ; otherwise, to be void and of no effect.

19th. It shall be the duty of the county auditor to give notice at the time of giving notice of the next general election, that the subject referred to in section 18 is submitted to the legal voters of Clarke county, and those that vote for "city license," vote for it to become a law, and those that vote for "county license," vote against it becoming a law.

20th. That all laws repugnant to, or inconsistent with the provisions of this act, be, and the same are hereby repealed.

Passed January 13th, 1858.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF SPOKANE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of the county of Walla Walla embraced within the following boundaries, to-wit: Commencing at the mouth of Snake river, following up said river mid channel to (46th) forty-sixth parallel of north latitude; thence east along said parallel to the summit of the Rocky mountains; thence north following said summit to the (49th) parallel of north latitude; thence west along said parallel to the Columbia river; thence down mid channel of said river to the place of beginning. The same is hereby constituted and organized into a separate county, to be known and called "Spokane county."

Sec. 2. That said Territory shall compose a county for civil and military purposes, and shall be under the same laws, rules, regulations and restrictions, as all other counties in the Territory of Washington, and entitled to elect the same officers as other counties are entitled to elect.

Sec. 3. That the county seat of said county, be, and the same is hereby temporarily located on the land claim of Augus McLeod.

Sec. 4. That Robert Douglass, John Owen and William McCreany, be, and the same are hereby appointed a board of county commissioners; and that Patrick McKinzie, be, and he is hereby appointed shiriff; and that Lafayette Alexander, be, and the same is hereby appointed county auditor.

Sec. 5. That the persons hereby constituted officers by the fourth section of this act, shall, before entering upon the discharge of their respective duties, qualify in the same manner and with like restrictions, as those elected at an annual or general election.

Passed January 29th, 1858.

AN ACT

TO DEFINE THE SOUTHERN BOUNDARY LINE OF KITSAP COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the southern boundary line of Kitsap county shall commence in the middle of Colver's passage, at a point opposite the meander post between sections 9 and 16, (on the west side of Colver's passage,)

in township number 22, north of range number 2, east of the Willamette meridian, (being a post at the foot of a bluff marked S. 9 and 16, T. 22, N. R. 2 E.; also an alder ten inches in diameter marked S. 16, B. T., and a maple six inches in diameter marked S. 9, B. T. ;) thence west on the north boundary line of sections 16, 17 and 18, to the west boundary of the township ; thence west on the north boundary line of sections 13, 14, 15, 16, 17 and 18, in township 22, north of range 1, east ; thence on the north boundary line of sections 13, 14, 15 and 16, to a point due south of the meander post between sections 8 and 9, in township 22, north of range 1, west ; thence north between sections 8 and 9, 4 and 5, to the north boundary line of the township ; thence west on the township line to the middle of the channel of Hood's Canal.

Sec. 2. All acts or parts of acts to which this is amendatory, are hereby repealed.

Passed January 13th, 1858.

AN ACT

ESTABLISHING THE WESTERN BOUNDARY OF JEFFERSON COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the north western boundary of Jefferson county in said Territory, shall be as follows : Commencing at the present north western corner of the county of Jefferson ; thence westerly along the straits of Fuca to the north of Protection Island, to a point opposite the middle of the channel between Protection Island and Diamond Point, on the west of Port Discovery bay ; thence following up the middle of said channel to a point directly east of the mouth of Eagle creek ; thence west to the mouth of Eagle creek ; thence one mile west from the mouth of said creek ; thence south to the summit of the Olympic range of mountains ; thence west to the Pacific ocean.

Passed February 1st, 1858.

AN ACT

TO ALTER THE BOUNDARY LINE OF WHATCOM COUNTY

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary lines of Whatcom county be established and defined as follows, to-wit: Begin at the west end of Deception Passage; thence up said passage mid-channel in an easterly direction to the southern entrance of the Swin-a-mish river; thence due east to the summit of the Cascade mountains; thence northerly along the summit of said mountains to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel to the point dividing the American and British possessions in the gulf of Georgia; thence along said boundary line to the straits of Juan de Fuca; thence southerly to the place of beginning.

SEC. 2. That all acts or parts of acts conflicting with the first section of this act, be, and the same are hereby repealed.

Passed January 14th, 1858.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN A. L. LENDINGHAM AND JULIA A. LENDINGHAM.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between A. L. Lendingham, and his wife, Julia A. Lendingham, be, and the same are hereby dissolved.

Passed January 25th, 1858.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN FAYETTE McMULLIN AND POLLY A. McMULLIN.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between

Fayette McMullin and Polly A. McMullin, be, and the same are hereby dissolved.

Passed December 23d, 1857.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN CHARLES J. BIRD AND
WHELOSHBAW EMTUTS BIRD.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Charles J. Bird and his wife, Wheloshbaw Emtuts Bird, be, and the same are hereby dissolved.

Passed January 26th, 1858.

AN ACT

TO PROVIDE FOR THE EXPENSES OF AN EXTRA SESSION OF THE SUPREME
COURT.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Hon. Judges McFadden and F. A. Chenoweth, be, and are hereby allowed the sum of one hundred dollars each, to defray their traveling expenses in holding an extra session of the supreme court; and the Territorial auditor is hereby authorized to audit and allow the same.

Passed February 4th, 1858.

AN ACT

APPROPRIATING MONEY FROM THE TERRITORIAL TREASURY TO JAMES McDONALD, AND OTHERS, FOR THE ARREST OF PATRICK REAGAN.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of three hundred dollars is hereby appropriated out of the Territorial treasury to pay to James McDonald and Lorenzo P. Smith, for the arrest of Patrick Reagan, a fugitive from justice; and the Territorial auditor is hereby authorized to audit the account of the said James McDonald and Lorenzo P. Smith, for the sum of three hundred dollars on the presentation of the certificate of the Governor of Washington Territory, and to draw a warrant for the same on the Territorial treasurer.

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

Passed January 23d, 1858.

AN ACT

TO APPROPRIATE MONEY FOR THE PAYMENT OF CERTAIN FEES.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial treasurer be, and he is hereby authorized and directed to pay to B. F. Kendall and B. P. Anderson, out of any money in the treasury not otherwise appropriated, the sum of fifty dollars each, for services rendered as attorneys for the Territory before the supreme court at the December term, 1857, in the case of the Territory of Washington, vs. Leschi, (an Indian.)

Passed January 14th, 1858.

AN ACT

APPROPRIATING MONEY FROM THE TERRITORIAL TREASURY TO PAY FOR
CERTAIN PRINTING.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That one hundred and seven dollars (\$107) are hereby appropriated out of the Territorial treasury to pay for certain printing performed by Messrs. Furste & Wiley, for the Territorial authorities of Washington Territory.

Passed January 15th, 1858.

AN ACT

APPROPRIATING MONEY FROM THE TERRITORIAL TREASURY TO PAY FOR
CLEANING AND REPAIRING THE PUBLIC ARMS.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That two hundred and twenty-eight dollars are hereby appropriated out of the Territorial treasury to pay for cleaning and repairing the public arms; and the auditor of the Territory is hereby authorized to audit accounts to that amount, certified to by the quartermaster general, and to draw warrants for the same on the Territorial treasurer.

Passed December 18th, 1857.

AN ACT

ALLOWING ADDITIONAL COMPENSATION TO THE TERRITORIAL AUDITOR
FOR THE PAST YEAR.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of fifty dollars, be, and the same is hereby allowed to Henry R. Crosbie, out of any fund in the Territorial treasury not otherwise appropriated, as an additional compensation for his services as Territorial auditor for the past year.

Passed February 4th, 1858.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS

OF

WASHINGTON TERRITORY.

JOINT RESOLUTION

RELATIVE TO APPOINTING A COMMITTEE TO WAIT UPON THE GOVERNOR.

Resolved by the House of Representatives, the Council concurring, That a committee of three be appointed to act with a committee on the part of the Council, to wait upon his Excellency Gov. McMullin, and inform him that the Legislative Assembly is organized and ready to receive any communications which he may think proper to make.

Passed December 12th, 1857.

JOINT RESOLUTION

RELATIVE TO JOINT RULES.

Resolved by the House, the Council concurring, That the committee on rules and orders of the House, and the committee on rules and orders

of the Council, form a joint committee for the purpose of reporting a set of joint rules ; and that said committee be instructed to report at an early hour.

Passed December 11th, 1857.

JOINT RESOLUTION

RELATIVE TO THE GOVERNOR'S CORRESPONDENCE WITH THE DEPARTMENTS AT WASHINGTON.

Resolved by the House of Representatives of the Legislative Assembly, the Council concurring, That his Excellency Governor McMullin, be requested to furnish copies of such correspondence as he may have had with the departments at Washington, relative to the general affairs of this Territory, if not incompatible with the public interest.

Passed December 16th, 1857.

JOINT RESOLUTION

RELATIVE TO THE EMPLOYING OF AN ENROLLING CLERK.

Resolved by the House, the Council concurring, That the joint committee on enrolled bills be instructed to employ a joint enrolling clerk : *Provided,* such clerk is willing to look to the United States for the payment of his services.

Passed January 15th, 1858.

JOINT RESOLUTION

RELATIVE TO ENROLLING CLERKS FOR THE LEGISLATIVE ASSEMBLY.

Resolved by the Legislative Assembly of the Territory of Washington, That our delegate in Congress be, and he is hereby instructed to exert his

influence to procure the passage of an act to create the office of enrolling clerk for each house of the Legislative Assembly ; said office being absolutely necessary for the proper dispatch of business, and that Henry R. Crosbie be allowed pay for acting in said capacity during the present session of the Legislative Assembly.

Passed February 4th, 1858.

JOINT RESOLUTION

RELATIVE TO THE ADJOURNMENT OF THE LEGISLATURE OVER THE HOLIDAYS.

Resolved by the House of Representatives, the Council concurring, That when the Legislature adjourns on Thursday, the 24th of December, 1857, the adjournment shall be until 1 o'clock p. m., the 4th day of January, 1858.

Passed December 22d, 1857.

JOINT RESOLUTION

RELATIVE TO OREGON INCLUDING A PORTION OF THE TERRITORY OF WASHINGTON WITHIN HER BOUNDARIES AS A STATE.

WHEREAS, The convention lately assembled in Oregon to form a constitution preparatory to that Territory claiming of Congress its admission as a State into the Union, in defining the boundaries of the proposed State, incorporated within its limits, a large and fertile tract of land now belonging to the Territory of Washington, the deprivation of which, would materially effect its present and future prosperity.

Therefore, be it resolved, by the Legislative Assembly of the Territory of Washington, That the seeking thus to appropriate a valuable portion of the domain of an adjacent Territory without its knowledge or consent, is an act of gross injustice, wanting in courtesy and right ; and that our delegate in Congress be, and he is hereby instructed to exert his influence to confine Oregon, so far as this Territory is concerned, to her present boundaries.

Passed December 15th, 1857.

JOINT RESOLUTION

RELATIVE TO MAKING VANCOUVER A PORT OF DELIVERY.

Resolved by the Legislative Assembly of the Territory of Washington,
That our delegate in Congress be, and he is hereby instructed to use his influence to secure the passage of a law making Vancouver, in Clarke county, Washington Territory, a port of delivery.

Passed January 11th, 1858.

JOINT RESOLUTION

FOR THE ESTABLISHMENT OF A PORT OF DELIVERY AT WHATCOM.

Resolved by the Council, the House concurring, That our delegate in Congress be, and he is hereby instructed to use his influence with the Congress of the United States, to procure the passage of a law to establish a port of delivery at Whatcom, in Washington Territory, and to provide a surveyor and inspector of customs for said port.

Passed January 19th, 1858.

JOINT RESOLUTION

RELATIVE TO THE ESTABLISHMENT OF A MARINE HOSPITAL IN WASHINGTON TERRITORY.

Resolved by the Legislative Assembly of the Territory of Washington,
That our delegate in Congress be, and he is hereby instructed to use his influence with the Congress of the United States to procure the passage of an act making an appropriation for the establishment of a marine hospital in Washington Territory.

Passed January 18th, 1858.

JOINT RESOLUTION

PRAYING AN APPROPRIATION OR DONATION OF LAND FOR THE ESTABLISHMENT OF A LUNATIC ASYLUM, W. T.

Resolved by the Legislative Assembly of the Territory of Washington, That our delegate in Congress be, and he is hereby instructed to use his influence with the Congress of the United States to procure the passage of an act, appropriating a sum of money or making a grant of land for the erection of a lunatic asylum in Washington Territory.

Passed January 16th, 1858.

JOINT RESOLUTION

RELATIVE TO THE CREATION OF THREE ADDITIONAL LAND DISTRICTS.

WHEREAS, The settlers, in many parts of this Territory, reside so distant from the land office, now located at Olympia, to which in case of conflict of boundaries, they, with their witnesses, are compelled to come by law, thereby subjecting them to great inconvenience, and an expense, in many cases, amounting to more than the actual value of the land :

Therefore, be it resolved, by the Legislative Assembly of the Territory of Washington, That our delegate in Congress be, and he is hereby instructed to exert his influence to procure the passage of an act creating three additional land districts, one of which to be called the "Columbia River Land District," to be bounded as described by the resolution of the Legislative Assembly of the Territory of Washington, passed December 22d, 1855, and to establish the land office of said district at Vancouver, Clarke county.

Passed February 2d, 1858.

JOINT RESOLUTION

RELATIVE TO THE CONSTRUCTION OF A NATIONAL RAILROAD ACROSS
THE CONTINENT FROM THE ATLANTIC STATES TO THE PACIFIC
OCEAN.

Resolved, That in the opinion of the Legislative Assembly of the Territory of Washington, the time has arrived for the construction of a great national railway across our continent, connecting the populous States of the Atlantic with the Pacific shores of the Union, already colonized with our young and vigorous men. That so great an object never yet has been presented to the acceptance of a nation ; that the great importance of this line of communication is incalculable.

Resolved, As the opinion of the Legislative Assembly, that there are many and very important reasons requiring the construction of this great work. It will bind together this vast republic and be a chain of union between the Atlantic and Pacific States. It will insure the defense of the country. Armies, seamen, military and naval stores may be transported from ocean to ocean in less time and with less expense than were required between New York and the lakes during the war of 1812. It will give a direct, quick transit to mails. Military reasons call for its construction. Political reasons require that it should be made ; and more than all, commercial reasons demand it. The trade of the Pacific ocean and eastern Asia will take its track. The trade of India, whose channels have been shifting for hundreds of years, is destined to shift once more, and that is across our continent. The American road to India will become the European track to that region, and the rich commerce of Asia will flow through our centre.

Resolved, As the opinion of the Legislative Assembly, that the cheapest and shortest route from the great commercial emporiums of the Atlantic to the Pacific, is the route explored and surveyed by Governor Stevens near the 49th parallel of north latitude, connecting Puget Sound, the largest and most commodious harbor in the world, with its inexhaustible beds of coal, with the head of Lake Superior, and the three great lakes which connect directly with the Atlantic, thus greatly reducing the cost of transit on heavy merchandize. It touches, too, long lines of steamboat navigation on the Columbia and Missouri rivers.

Resolved, That the northern line is the most accessible by navigation, passes through the lumber regions of Minnesota and Washington, and has easy access to the vast pine forests of the Red river, and passing through the rich and boundless prairies of the north-west.

Resolved, That the construction of this great northern national railway cannot only be the work of the present century, but it can be made

the great work of the present administration, giving it undying fame, binding together this vast empire in bands of iron, and bearing the light of the gospel, of science and civilization across the continent, and making it the great highway between Europe and Asia.

Resolved, That the Secretary of this Territory be requested to forward copies of these resolutions to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and our delegate in Congress.

Passed February 4th, 1858.

JOINT RESOLUTION

RELATIVE TO THE PROCLAMATION OF MARTIAL LAW OVER THE COUNTIES OF PIERCE AND THURSTON BY ISAAC I. STEVENS, LATE GOVERNOR OF WASHINGTON TERRITORY.

WHEREAS, In the prosecution of the late Indian war, Isaac I. Stevens, late Governor of the Territory of Washington, proclaimed and enforced martial law in the counties of Pierce and Thurston, and for which he received unmerited condemnation by a certain resolution of the Legislative Assembly, passed January 16th, 1857 :

Therefore, be it resolved, by the Legislative Assembly of the Territory of Washington, That in thus proclaiming and enforcing martial law, we believe Gov. Isaac I. Stevens to have been actuated by motives of the purest patriotism, and with a desire only for the safety, welfare and prosperity of the Territory.

Resolved, That in our opinion, the state of the country demanded that stringent measures should be adopted, and such as could be effected by martial law only, and that there was absolute necessity for the same, sufficiently evidenced by the fact that the enemy, who, prior to its existence, were continually on the alert and supplied with information of all operations, after its enforcement were continually struck by our gallant troops, and soon reduced to submission.

Resolved, That the resolution passed January 16, 1857, does not now and did not at that time express the opinion of a majority of the citizens of Washington Territory, but was in direct contravention of the same, a fact manifested by the triumphant election of Gov. Stevens as our delegate to Congress, receiving in such election over two thirds of the votes cast.

Resolved, That the Secretary of the Territory be requested to transmit copies of these resolutions to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and to the Hon. Isaac I. Stevens.

Passed January 19th, 1858.

JOINT RESOLUTION

RELATIVE TO CITIZENS AND SETTLERS IN WALLA WALLA COUNTY BEING DRIVEN FROM THEIR HOMES AND CLAIMS BY THE MILITARY AUTHORITY OF WASHINGTON TERRITORY.

WHEREAS, Certain officers of the United States army, commanding in the county of Walla Walla, have unlawfully assumed to issue orders prohibiting citizens of this Territory from settling in certain portions thereof, and in accordance with said orders have driven citizens and settlers from their claims and homes, acquired under the laws of the United States, to their great injury :

Therefore, be it resolved, by the Legislative Assembly of the Territory of Washington, That in our opinion, the said orders are without the authority of law, and that the acts done under said orders are a high-handed outrage upon the rights and liberties of the American people.

Resolved, That the Governor be requested to give the proper authorities at Washington, all necessary information on the subject of the outrageous usurpation of the military over the civil authority.

Resolved, That we believe the above usurpation to be the very worst form of martial law, proclaimed by tyrants, not having feeling in common with us, nor interests identified with ours.

Resolved, That a copy of the above resolutions be forwarded to our delegate in Congress, and that he be requested to represent the matter to the proper department at Washington city, to the end that the evil may be corrected.

Passed January 15th, 1858.

JOINT RESOLUTION

RELATIVE TO THE FALSE AND MALICIOUS REPORTS MADE BY GENERAL WOOL, CONCERNING THE LATE INDIAN WAR IN WASHINGTON TERRITORY.

WHEREAS, During the late Indian war in this Territory, Gen. Wool, and others, falsely and maliciously slandered the citizens and volunteer forces of this Territory, and utterly failed to give the citizens of this Territory adequate protection by the regular forces under his control ; and

WHEREAS, The last Legislative Assembly failed to mature resolutions condemnatory of the strange and unnatural course pursued in the late Indian war by Gen. Wool and Col. Wright, and also failed to pass resolutions commendatory of the late volunteer organization of Washington Territory ; therefore be it

Resolved, That while we most unqualifiedly condemn the course pursued by Gen. Wool and Col. Wright, in the late Indian war, we respect and admire the gallant conduct of the junior officers of the regular army engaged therein.

Resolved, That the people of this Territory are mainly indebted to the courage, gallantry and discipline of the late volunteer organization, for the subjugation of the hostile Indians west of the Cascade mountains, and for the restoration of peace to our settlements, and to the volunteer organizations of Washington Territory are the people mainly indebted for the general peace that now prevails.

Resolved, That the patriotism evinced and the promptness shown by men of industry, intelligence, honesty and probity—enrolling themselves in the service of the Territory, at the call of the Executive—the hardships they encountered, the fatiguing scouts they endured, the forts they erected, the roads and trails they opened into the enemy's country, and the victories they achieved—often over superior numbers, justly entitle them, officers and privates, to the unfeigned and heartfelt thanks of this Legislature, and the lasting gratitude of the people of this Territory.

Resolved, That it is with pleasure we acknowledge the zeal and efficiency displayed by Gov. Stevens in his management of the war, and that to the prompt and faithful discharge of his duty, and for his unceasing labors and untiring energy, are the people of the Territory largely indebted for the tranquility that now prevails.

Resolved, That the war was not only conducted with vigor, but with economy and good judgment, and that to him, the heads of departments, and his efficient subordinate officers generally, we tender our thanks, and those of the people whom we represent.

Resolved, That while condemning in the strongest terms the imbecile

and miserable counsels of Gen. Wool, which have prevailed, and which have given direction to the course pursued since the commencement of the war east of the Cascade mountains by the regular army, and though we honor him for his former valuable services to our common country, we pity the man, and allow his foul slanders to fall with contempt at our feet, and appeal with confidence to our kindred and fellow countrymen of the United States, with the firm reliance of receiving justice at their hands, though it has been long delayed.

Passed January 23d, 1858.

JOINT RESOLUTION

RELATIVE TO A GEOLOGICAL SURVEY BY DR. JOHN EVANS.

WHEREAS, A geological survey has been made of this Territory by Dr. John Evans, the report of which we believe to be of great importance to the people as serving to develop the resources of the country, as well as to aid in its early settlement :

Therefore, be it resolved, by the Legislative Assembly of the Territory of Washington, That our delegate is hereby instructed to use his influence to procure an appropriation by Congress to publish the report of Dr. John Evans, at the earliest practicable period ; and the Secretary of the Territory is respectfully requested to forward certified copies of this resolution, one to our delegate and one to Dr. John Evans, at Washington city.

Passed December 12th, 1857.

JOINT RESOLUTION

RELATIVE TO APPOINTING A COMMITTEE TO REPORT THE EXPEDIENCY OF APPOINTING A COMMISSION TO REVISE THE LAWS OF WASHINGTON TERRITORY.

Resolved by the House, the Council concurring, That a joint committee, to consist of three members of the House and two of the Council, be appointed to enquire into the expediency of appointing a commission to revise the laws of this Territory.

Passed December 24th, 1857.

JOINT RESOLUTION

APPOINTING A COMMISSION TO COMPILE AND REVISE THE LAWS OF
WASHINGTON TERRITORY.

Resolved by the Council, the House concurring, That William Strong, S. Garfield and B. P. Anderson, are appointed as commissioners to revise and compile the laws of Washington Territory ; and it shall be their duty to report the result of their labors to the next Legislative Assembly : *Provided, however,* That in no event shall the Territorial treasury be drawn upon for said revision. *And provided further,* That in case any of the above named commissioners refuse to act as such, the Governor of this Territory may appoint some suitable person to fill the vacancy occasioned by such refusal.

Passed January 6th, 1858.

JOINT RESOLUTION

RELATIVE TO THE TIME FOR ELECTION OF TERRITORIAL OFFICERS.

Resolved by the Council of the Territory of Washington, the House concurring, That the election of Territorial officers designated by law to be elected on joint ballot of the two houses of the Legislative Assembly, shall take place on the twenty-seventh day of January, eighteen hundred and fifty-eight.

Resolved by the Council, the House concurring, That the Council and House of Representatives meet in joint convention on the 27th inst., at 11 o'clock, A. M., for the purpose of electing one Territorial Printer, one Territorial Treasurer, one Territorial Librarian, one Adjutant General, one Quartermaster and one Commissary General.

Passed January 19th, 1858.

JOINT RESOLUTION

TO PROVIDE FOR CERTAIN PRINTING.

Resolved by the Legislative Assembly of the Territory of Washington, That the public printer be, and he is hereby instructed to print fifteen hundred copies of the school law, as follows :

Chapter 1st, an act establishing a common school system for the Territory of Washington.

Chapter 2d, under the title of "county superintendent," passed April 24, 1854 ; also, an act passed January 30th, 1858, relating to common schools in the Territory of Washington.

Resolved, That the public printer is hereby instructed to print the foregoing acts in pamphlet form, and deliver the same to the Secretary of the Territory, whose duty it shall be to distribute the same among the county auditors of the different counties in Washington Territory.

Resolved, That the county auditors on receiving the copies of said law belonging to their respective counties, shall proceed to distribute the same among the different school districts of their respective counties.

Passed February 2d, 1858.

JOINT RESOLUTION

RELATIVE TO CITIZENS' MEETINGS AND GOV. McMULLIN.

Resolved by the Legislative Assembly of the Territory of Washington, That we fully concur in and endorse the resolutions adopted at citizens' meetings held at Olympia and Steilacoom, condemnatory of the parties concerned in preventing the execution of the civil law on the 22d inst.

Resolved, That we cordially approve of the manly and independent course pursued by Gov. McMullin in reference to this whole affair.

Passed February 2d, 1858.

JOINT RESOLUTION

RELATIVE TO THE ARREST OF THE MURDERERS OF COL. EBEBY AND OTHERS.

Resolved by the Legislative Assembly of the Territory of Washington,
That our delegate in Congress be instructed to call the attention of the government to the fact, that citizens of our Territory have been murdered by the northern Indians residing in the British possessions ; that they have been committing depredations and murdering our citizens during the past three years, and no attempt has yet been made to arrest the guilty parties by our government ; that the recent murder of Col. I. N. Ebey calls for immediate action of the general government ; and that our delegate be instructed to urge either upon the attention of Congress or the proper department, the necessity of the immediate arrest and punishment of the murderers of Col. I. N. Ebey.

Passed January 28th, 1858.

JOINT RESOLUTION

TENDERING THANKS TO GOV. CURRY, OF OREGON.

Resolved by the Legislative Assembly of the Territory of Washington,
That the unqualified thanks of this Legislature be, and are most heartily tendered to Gov. G. L. Curry, of Oregon Territory, for the able, manly and truthful defence made by him in his last annual message to the Legislature of Oregon, concerning the late volunteer organization of the two Territories as aforesaid, to the hostile movements of the Indians in the field against our citizens ; and that the opinions entertained by the Executive of Oregon concerning Gen. Wool, and all other aiders and abettors who sympathized with his position and movements, are hereby endorsed by this Legislature, and the past volunteer organization of Oregon Territory has the unqualified thanks of this Legislature, for their efficient service in co-operating with the volunteers of this Territory in prosecuting the late Indian war.

Passed January 21st, 1858.

JOINT RESOLUTION

RELATIVE TO THE "DRED SCOTT" DECISION AND THE PRESENT ADMINISTRATION.

Resolved by the Legislative Assembly of the Territory of Washington, That we understand the opinions and principles entertained by the majority of the supreme court of the United States in the Dred Scott case, to be a fair interpretation of the constitution of the United States, and to be the true doctrine embraced in the Kansas Nebraska act, as entertained by the democratic party of this Territory.

Resolved, That we believe the people are the proper tribunal to settle all questions which concern themselves.

Resolved, That we most cordially endorse all the measures of the present administration as far as they have been developed.

Passed February 2d, 1858.

JOINT RESOLUTION

RELATIVE TO ADJOURNMENT.

Resolved by the Council, the House concurring, That this Legislative Assembly adjourn *sine die* on Thursday, the 4th day of February, 1858.

Passed February 4th, 1858.

JOINT RESOLUTION

RELATIVE TO INFORMING THE GOVERNOR OF THE ADJOURNMENT OF THE LEGISLATURE.

Resolved, That a committee of three on the part of the House, and two on the part of the Council, be appointed to wait upon the Governor and inform him that the Legislature is about to adjourn *sine die*, and ask him if he has any further communication to make ; if so, the Legislative Assembly is ready to receive it.

Passed February 4th, 1858.

MEMORIALS.

MEMORIALS

OF

WASHINGTON TERRITORY.

MEMORIAL

RELATIVE TO THE OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS FOR
WASHINGTON TERRITORY.

*To to the Honorable the Senate of the United States,
in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies the imperative necessity which exists, that the joint superintendency of Indian affairs over the Territories of Washington and Oregon should be saperated, and that a superintendent of Indian affairs be appointed for the Territory of Washington, amongst others, for the following reasons :

1st. Because the enormous and unprecedented amount of public service that has been thrown upon the superintendent of Indian affairs for the Territories referred to, renders it impossible for him to give the proper attention to it, and consequently much important business is neglected.

2d. Because, of the importance to the peace of the country, of rigidly carrying out the system heretofore adopted, of direct and immediate

supervision of all parts of the superintendency, by the superintendent of Indian affairs.

3d. Because of the entire distinctness of the interests and management of the Indians of the Territories, especially in their relations with the tribes east of the Cascade mountains, and the tribes north of the 49th parallel.

4th. Because, that whilst the records in the Indian bureau will show that the number of Indians in Oregon, under the supervision of the service, may be estimated at about twelve thousand, in Washington Territory, the census shows but little short of twenty-two thousand.

5th. Because, that on Puget Sound, alone, the duties are sufficient for one superintendent, acting under the immediate orders of the commissioner of Indian affairs; but taking all the tribes of the Territory, east and west of the Cascade mountains, it would afford him ample employment, and for the proper management of the Indians, the number of agents and employees should be increased.

6th. Because of the uncertain and unsettled condition of Indian affairs on Puget Sound, on the Columbia river, on the coast range, and east of the Cascade mountains.

7th. Because of the critical condition in which the inhabitants of this Territory are placed, from the fact, that under the sanction of the government, this portion of the Pacific slope was settled before any steps were taken to extinguish the Indian title; and that when the necessary action was had to extinguish said title, and commissioners appointed for that purpose, the government, except in a few cases, refused to ratify the acts of their own agents. Thus, the spectacle is this day presented of the government pertinaciously refusing to make amends for its own injustice, in appropriating the lands of the Indians without their consent, by refusing to ratify treaties, subsequently negotiated by its own commissioners, by abolishing the Indian superintendency of Washington Territory and instituting a joint superintendency for Oregon and Washington, thus subjecting our citizens to all the calamities which a new Indian outbreak might entail consequent upon the bad faith of the government, the absence of a superintendent of Indian affairs, and the defenceless condition of our Territory.

In view of the foregoing, amongst many of the reasons to be urged for the establishment of a separate Indian superintendency from that of Oregon, we earnestly ask that the prayer of your memorialists be granted, and that a superintendent of Indian affairs be appointed for the Territory of Washington.

Passed January 15th, 1858.

MEMORIAL

PRAYING FOR A MILITARY POST AT NEW DUNGINESS, AND A MILITARY ROAD FROM NEW DUNGINESS TO PORT TOWNSEND.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the whole coast bordering on the straits of Juan de Fuca are without any means of defence, and that armed bands of northern Indians from the British and Russian territories are constantly cruising there and committing depredations upon the settlers; That the friendly relations heretofore existing among our own Indians are broken up by the piratical expeditions of the natives residing on Vancouver's Island, immediately across the straits of Juan de Fuca.

That the light-house, together with other buildings, constructed the past season at New Dunginess by the United States government, require protection.

Your memorialists therefore pray that you will establish a military post at New Dunginess, and appropriate a sufficient sum to build a military road from the military post at New Dunginess to the military post at Port Townsend.

Passed January 27th, 1858.

MEMORIAL

RELATIVE TO A MILITARY ROAD FROM VANCOUVER TO DALLES.

To the Congress of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the pass through the Cascade mountains known as the "Columbia river pass," is the only pass through said mountains that is passable at all seasons of the year. A good wagon road can be made at a reasonable expense by crossing the Columbia river above the Cascades, and that this would be a great saving to the army in the transportation of stock, &c., by the construction of a good road from Fort Vancouver to the Dalles.

Your memorialists therefore pray that your honorable body appropriate a sufficient sum to complete a military road from Fort Vancouver to Fort Dalles, and respectfully pray that some citizen acquainted with the country be one of the viewers of said road.

Passed January 30th, 1858.

MEMORIAL

RELATIVE TO THE MILITARY ROAD FROM STEILACOOM TO VANCOUVER.

To the Honorable the Senate and

House of Representatives in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Washington, would most respectfully represent to your honorable body that the sum of money heretofore appropriated by Congress to open a military road from Steilacoom to Vancouver is nearly all expended, and that the road is not half completed, and that the completion of said road is of the most vital importance ; therefore, your memorialists would earnestly solicit your honorable body to appropriate a sum sufficient to complete said road, and your memorialists as in duty bound will ever pray.

Passed January 19th, 1858.

MEMORIAL

PRAYING FOR A MILITARY ROAD FROM THE MILITARY POST AT PORT TOWNSEND TO INTERSECT THE MILITARY ROAD FROM FORT STEILACOOM TO FORT VANCOUVER.

To the Honorable the Senate and House of Representatives

of the United States in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that there is no means of com-

munication between the military post at Port Townsend and Fort Steilacoom and Vancouver, except by water ; that the travel by water is at all times attended with much useless delay and enormous expense between the above mentioned posts ; that a road by land can be made over a practicable route down the west side of Puget Sound, Hood's Canal and Admiralty Inlet, connecting Forts Vancouver and Steilacoom, thereby facilitating the transportation of men and supplies. Therefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating a sufficient sum to construct a military road from the military post at Port Townsend to intersect the military road from Fort Vancouver to Fort Steilacoom.

Passed January 16th, 1858.

MEMORIAL

PRAYING FOR AN APPROPRIATION TO RELOCATE A PORTION, AND CLEAR OFF OBSTRUCTIONS [ON] OTHER PORTIONS OF THE MILITARY ROAD FROM FORT STEILACOOM TO THE WALLA WALLA VALLEY:

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the present military road from Fort Steilacoom to the Walla Walla valley is rendered impassible during a portion of each year by its numerous crossings of White river, and is totally unfit for the transportation of troops and munitions of war the greater portion of the year, having eight crossings in a distance of twelve miles.

Your memorialists would further represent that a good road can be made by crossing White river at Porter's prairie, and following up the north side of said river to Green Water river, avoiding all other crossings of White river, and making a road that will be practicable a greater part of the year.

Therefore, your memorialists would pray your honorable bodies to pass an act appropriating ten thousand dollars to relocate and build said road, and ten thousand dollars to clear the obstructions from other portions of said road now located.

Passed January 18th, 1858.

MEMORIAL

PRAYING FOR AN ADDITIONAL APPROPRIATION TO COMPLETE A MILITARY ROAD FROM FORT STEILACOOM TO FORT BELLINGHAM.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the sum of money heretofore appropriated by Congress to construct a military road from Fort Steilacoom to Fort Bellingham, on Bellingham Bay, in this Territory, is believed to be insufficient to accomplish the object for which it was appropriated, and in view of the great importance of this road for the better defence against the Indians who inhabit the country through which it is constructed, your memorialists would respectfully pray your honorable bodies to pass an act appropriating whatever additional amount or sum it may be found necessary, in order to secure an early completion of said road.

Passed January 13th, 1858.

MEMORIAL

PRAYING THAT TWO ARMED STEAMERS BE STATIONED ON THE NORTH-WEST COAST.

*To the Honorable the Secretary of the Navy
of the United States :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the north-west portion of this Territory is constantly exposed to depredations from the numerous tribes of Indians to the northward, who have from time to time given unmistakable evidences of their hostility by visiting the settlements of our frontier counties and plundering and murdering the citizens thereof in the most wanton and cruel manner.

Your memorialists would further represent that these tribes of Indians are numerous and formidable, having large sea-going canoes capable of transporting formidable war parties into our waters, and from the geographical situation of our possessions on the north-west coast we can only

be approached by water which can be easily done in our present exposed situation by these parties, contemplating deprivations upon our citizens and their properties.

Your memorialists would further represent that the settlement of this valuable portion of our Territory is very much retarded for the want of that protection from the general government that will insure a feeling of security against the approach of these savages to our shores.

Your memorialists would therefore respectfully urge upon the navy department the necessity of stationing upon the waters of San Juan de Fuca, and the waters adjacent, two armed steamers to cruise thereon, believing this will afford the protection so much needed.

Passed January 15th, 1858.

MEMORIAL

PRAYING AN APPROPRIATION BY CONGRESS TO BUOY OUT THE NORTH CHANNEL OF THE COLUMBIA RIVER.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent unto your honorable bodies, that the north channel of the Columbia river, from the bar or entrance, to the Yellow Bluffs, a distance of about fifteen miles, is wholly destitute of buoys, in consequence of which, vessels are unable to navigate said channel. Your memorialists further represent to your honorable bodies that said north channel is the principal channel of the Columbia river, being wider, not so crooked, and having a much greater depth of water than the south, which is the channel now usually navigated.

And your memorialists further represent that by properly marking said channel with good buoys, so as to render the navigation thereof safe, the navigation of the Columbia river would be greatly facilitated, particularly during those southerly and westerly winds which usually prevail in this climate.

Your memorialists therefore pray your honorable bodies to pass an act making a sufficient appropriation to buoy out said channel from the bar to the Yellow Bluffs, aforesaid.

Passed January 12th, 1858.

MEMORIAL

RELATIVE TO A SEMI-WEEKLY MAIL BETWEEN OLYMPIA AND RANIER.

To the Postmaster General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the present mail route from Olympia to Ranier, on the Columbia river, by way of the Cowlitz Landing, is, and from the nature of the country must continue to be, the great thoroughfare between Oregon and Washington Territories ; that it passes through the most populous portions of our Territory, and is the route by which all mail matter sent from one Territory to the other must necessarily pass ; also, that these mails usually weigh six or seven hundred pounds, and are every year increasing as our country becomes more populous ; that for two or three years past the present contractor has been compelled to use boats on the Cowlitz river, and wagons between the Cowlitz Landing and Olympia for their transportation ; that from Olympia to the Cowlitz Landing, a distance of about sixty miles, there is a good wagon road which can be used at all seasons of the year, and that from the latter point to Ranier, a distance of about thirty miles, there is a practicable communication by water for light draught steamers.

Passed January 20th, 1858.

MEMORIAL

PRAYING FOR THE RATIFICATION OF THE TREATIES WITH INDIANS OF WASHINGTON TERRITORY.

To the President and Senate of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would humbly pray that the treaties heretofore made by the proper authorities with the different Indian tribes in this Territory, which have not been confirmed, be confirmed, and their stipulations be enforced and carried out.

Passed January 19th, 1858.

MEMORIAL

PRAYING FOR THE EXTINGUISHMENT OF THE RIGHTS OF FOREIGN CORPORATIONS IN THIS TERRITORY.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully pray that your honorable bodies would extinguish the rights of the foreign corporations in the Territory.

Your memorialists would further represent that the Hudson's Bay Company and Puget Sound Agricultural Company have extended a pretended claim outside of their improvements over a large section of country to which they were not entitled by the treaty of June, 1846, to the great detriment of the settlers of this Territory.

Your memorialists would further pray that your honorable bodies would confirm the title of the settlers upon this claim according to the provisions of the several donation acts.

Passed January 25th, 1858.

MEMORIAL

PRAYING AN APPROPRIATION TO INDEMNIFY CITIZENS OF WASHINGTON TERRITORY FOR PROPERTY LOST DURING THE LATE INDIAN WAR.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would again respectfully represent to your honorable bodies, that in consequence of the destruction of property in this Territory by the Yakima and other tribes of Indians, during the late Indian war, that the business of the country, in the frontier settlements, is entirely broken up or suspended ; that vast tracts of excellent farming country, heretofore under a high state of cultivation, are now lying idle because their former occupants having lost their houses, barns, cattle, teams and farming utensils, are unable to resume the tillage of the soil. That mechanics and

tradesmen having sustained serious losses, are altogether disabled or seriously retarded in their various avocations ; in short, that our whole Territory is laboring under serious vital depression in all her various branches of trade, merchandise and agriculture.

Therefore, your memorialists would respectfully request your honorable bodies to appoint, at an early day, a commission, to audit and report upon the claims of our citizens for damages sustained during the late Indian war, and that action be had upon said report as soon as practicable.

Passed December 24th, 1857.

MEMORIAL

RELATIVE TO THE PAYMENT OF VOLUNTEERS IN THE LATE INDIAN WAR,
AND THE INDEMNIFICATION OF CITIZENS.

To the Congress of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that we, having just passed through a war forced upon us by Indian aggression, that besides time spent in actual war, all the people had to spare of their available means was consumed to subsist the volunteers, consequently they are left without the necessary means to carry on the business of the country.

And as our Territory, in consequence of the hostile attitude assumed by both Mormons and Indians, seem to threaten us with another war, we therefore ask that our war debt, as adjusted by the commission appointed for that purpose, may be speedily paid.

Your memorialists would further represent that large amounts of property were destroyed during the recent war by the hostile Indians, for which your memorialists ask that those of our citizens having so suffered may be speedily remunerated.

Your memorialists would further set forth that the large amount of the stores of the regular army at Cascade city was a great inducement to the hostile Indians to sack and burn said city.

Your memorialists would further represent that the Indians living on the coast north of this Territory, have long been carrying on a predatory war against us, destroying the lives and property of our citizens residing in the northern part of this Territory, and in addition to this our citizens

in that portion of our Territory live in continual fear of the attacks of these ruthless midnight murderers.

Your memorialists would therefore respectfully ask your honorable body that all verified accounts of persons who have lost their property by the hostile Indians who may not live within the territory of the United States, be paid, and for which, your memorialists would ever pray.

Passed February 2d, 1858.

MEMORIAL

RELATIVE TO THE REMUNERATION OF CITIZENS FOR MAKING MILITARY ROAD OVER NAHCHESS PASS.

To the Honorable the Senate and

House of Representatives in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, that in the year one thousand eight hundred and fifty-three, certain citizens of Washington Territory expended money and labor to open a road through the Nahchess pass to aid the emigration of that year, which route has since been adopted as the military road leading from Fort Steilacoom to Walla Walla, an account of which expenditure by said citizens is now in the hands of the secretary of war.

Your memorialists therefore pray that an appropriation be made by Congress to indemnify said citizens for such expenditure.

Passed February 2d, 1858.

MEMORIAL

RELATIVE TO CONFIRMING TITLES TO CLAIMS OF SETTLERS, &C.

To the Honorable the Senate and House of Representatives

of the United States in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that in the recent Indian war

many settlers in this Territory were driven from their homes, stripped of all their property by the hostile Indians, and thus absolutely compelled to defer resuming the occupation of their claims even when safety might permit, to a period at which they may not be entitled to the benefits of the donation act. Knowing that in many cases this will work extreme hardships, your memorialists pray your honorable bodies to pass a law confirming to each settler who was an actual resident on his claim at the commencement of the war, in the fall of 1855, a title to his claim, the same as if he had complied with the requirements of the donation act: *Provided*, that he remains a citizen of this Territory; and also to the heirs of those who have died in this Territory.

Passed December 24th, 1857.

MEMORIAL

RELATIVE TO COMPENSATION OF PUBLIC PRINTER OF TERRITORY.

*To the Honorable the Secretary of the Treasury
of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the prices heretofore allowed by your predecessor to the public printer of Washington Territory for printing the laws and journals of said Territory be continued for the following reasons, viz: The extreme high price of labor and material, and the small amount of printing to be done.

Passed January 20th, 1858.

MEMORIAL

RELATIVE TO THE FEES OF OFFICERS AND OTHERS OF THE U. S. COURTS.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies that

the fees of officers of the United States courts on the Pacific coast, and of witnesses and jurors before the same, is not an adequate compensation for the service rendered. The cost of subsistence and travel has not materially changed since the passage of the act of February 26th, 1853, in which a proviso was made in favor of officers of the court, jurors and witnesses on the Pacific coast, of one hundred per cent. addition to the established fees. In a great majority of cases the fees and mileage of officers, jurors and witnesses, will not meet the actual expense incurred in traveling to and from court, and their board while there; thus making their attendance on court not only a loss of time but an unavoidable loss of money besides.

Your memorialists would therefore pray your honorable bodies to pass a law by which officers of the United States court, and witnesses and jurors before the same, shall be entitled to receive one hundred per centum addition to the present established fees, and that the same maximum compensation be allowed clerks as has been allowed by the act of Congress dated February 26th, 1853, and that it be allowed retrospectively from the 1st of August, 1856.

Passed February 4th, 1858.

MEMORIAL

PRAYING THE AMENDMENT OF THE PRE-EMPTION LAW AS REGARDS PRE-EMPTIONS IN WASHINGTON TERRITORY.

To the Honorable the Senate and Representatives

of the United States in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies the necessity of amending the pre-emption law so as to allow settlers to pre-empt double the quantity of land which is now allowed under the present law, and in justification of such amendment we offer the following reasons :

1st. The present quantity is too small to induce emigrants to come to this Territory.

2d. The quantity allowed by the present law is insufficient for the purposes of grazing and tillage in this Territory.

Passed January 28th, 1858.

MEMORIAL

RELATIVE TO HOLDING U. S. COURTS IN EACH COUNTY IN WASHINGTON TERRITORY.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the natural position of our Territory is such that our judicial districts are widely separated by water. That our means of travel by water are at all times uncertain and attended with great expense to parties engaged in litigation. That the fees of jurors and witnesses are not sufficient to meet the expense of travel and conveyance. That the want of, and the inability to construct roads, renders conveyance by land extremely difficult.

That the act of Congress prohibiting the holding of courts in but three places in the Territory subjects our people to great inconvenience and unnecessary expense. Therefore, your memorialists pray your honorable bodies that the proviso of the fifth section of act of Congress approved August 16th, 1856, entitled an act to amend an act regulating fees, costs and other judicial expenses, which reads, "*Provided*, that the said courts shall not be held at more than three places in any one Territory," be so amended as to allow the holding of district courts in each county in the Territory of Washington.

Passed February 3d, 1858.

MEMORIAL

FOR THE RELIEF OF ALLEN L. PORTER.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies that Allen L. Porter carried the United States mail regularly semi-monthly from Steilacoom via Port Townsend to Bellingham Bay in this Territory, from the 28th day of September, A. D. 1856, to the 28th day of Februa-

ry, A. D. 1857, a period of five months, and that during that time there was no mail facilities between those points, a distance of one hundred and fifty-five miles. Your memorialists would further represent that the above mentioned mail service was indispensable and necessary to the citizens, as well as the officers and soldiers of the military posts at each of the above mentioned places, and was undertaken in consequence of the great necessity then existing for mail facilities, in the full and firm belief on the part of said Porter that the government, as it has done in similar cases, would render him adequate compensation, which your memorialists respectfully beg leave to ask of your honorable bodies.

Passed January 26th, 1858.

MEMORIAL

FOR THE RELIEF OF CHARLES E. ROBERTS.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that Charles E. Roberts, a citizen of Washington Territory, in accordance with the 5th section of the act of Congress approved September 27th, 1850, entitled, an act creating the office of surveyor general of the public lands in Oregon, &c., on the 15th of May, 1854, entered upon and cultivated a piece of land containing 320 acres, in Whatcom county. Upon which he resided with his wife and family from that time until the spring of 1856, when he was dispossessed of the same by its being selected as a military reservation for the establishment of Fort Bellingham, which post has since been built. That an assessment was made of simply his improvements, without any regard to the value of the land itself, first of \$1300, which was subsequently reduced for some unaccountable reason to \$800. That although nearly two years have now elapsed during which time he has been divested of his claim and of the benefits and profits to be derived from the cultivation of the same, neither of said sums have been paid or even tendered to him, and that as

the aforesaid act under which he took said claim expired on December 1st, 1855, prior to his dispossession, he has been debarred from any advantage under it, and by not being paid for what he claims as his lawful property, has been prevented through poverty, from procuring a new home for himself and family. Your memorialists would respectfully enquire whether, when a settler, under the provisions and by the solicitations of a law of the United States, has plunged through the primitive forest, located himself upon the extreme verge of civilization, amidst wiley savages, and devoted himself to subduing the primeval soil for years, he has not attained under the law a right to the soil itself, of which he can be divested only by his own acts, and whether that can be considered an equitable construction which allows a military officer to deprive him of these rights acquired by early hardships, prior settlement, and superiority of judgment and discrimination, for his claim must possess advantages, otherwise it would not be selected in preference to the adjoining unoccupied lands. We would therefore respectfully request that the said Charles E. Roberts be so far confirmed in his claim that if the same be necessary for a reservation, in the ascertaining of the value thereof, the actual value of the land as well as the improvements be taken into consideration, and that the same be speedily settled and he receive the payment therefor.

Passed February 4th, 1858.

MEMORIAL

RELATIVE TO THE RELIEF OF JOHN Y. SEWELL.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that in the month of January, 1855, the steam ship "Southerner," having on board the United States mail for this and Oregon Territory, was wrecked about thirty miles to the southward of Cape Flattery, on this coast, and that John Y. Sewell left the settlements and went to the scene of disaster, and after a perilous ex-

petition of six weeks succeeded in obtaining and delivering the said mails to the nearest post master.

We would therefore respectfully recommend that Mr. Sewell be paid for the performance of this service.

Passed January 19th, 1858.

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