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L A W S
OF WASHINGTON TERRITORY,
1854-5.

AN ACT TO PROVIDE FOR THE SELECTION OF THE PLACE FOR THE LOCATION OF THE SEAT OF GOVERNMENT OF THE TERRITORY OF WASHINGTON.

SEC. 1. Seat of Government located on the land claim of Edmund Sylvester ;
Lot described.

SEC. 2. When this act to take effect ; Proviso.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the seat of Government of this Territory be, and hereby is established and located on a certain piece or parcel of land on the land claim of Edmund Sylvester, in the county of Thurston, in section twenty-three, township eighteen north, range two west, containing ten acres, and more particularly described as follows : Commencing at a point south twenty-four degrees, twenty-three minutes west, nineteen, and two one-hundredths chains from the north-west corner of Main and Union Streets, in the town of Olympia ; thence south seven and fifty one-hundredths chains : thence west eight and fifty-eight hundredths chains ; thence north, forty-seven degrees west, one and seventy-three hundredths chains : thence north, forty-eight degrees thirty minutes west, one and sixty hundredths chains : thence north, sixty-five degrees west, one and ninety-three hundredths chains : thence north, thirty-three degrees thirty minutes west, two and eighty hundredths chains : thence north, thirty-eight degrees west, one and seventeen hundredths chains : thence north, forty-five degrees west, one and eighty-seven hundredths chains : thence east sixteen and four hundredths chains, to place of beginning.

SEC. 2. this act to take effect and be in force fifteen days after its passage ; *Provided,* That within that time the present owners or claim-

ants give a deed of release for the above described ten acres of land to the territory of Washington without expense to said territory, which shall be deemed satisfactory by a joint committee to be appointed by both branches of the Legislative Assembly to examine and receive the same.

Passed January 9, 1855.

AN ACT SUPPLEMENTARY TO, AND EXPLANATORY OF AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE SELECTION OF THE PLACE FOR THE LOCATION OF THE SEAT OF GOVERNMENT OF THE TERRITORY OF WASHINGTON."

- SEC. 1. Repealing clause; original act to be in force.
 2. Certain deeds to be deposited with the Secretary; Governor to take possession of land donated by said deed; Proviso.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of said act to which this is a supplement as makes its going into effect within fifteen days after its passage, be, and the same is hereby repealed; and the said law is hereby now declared to be in full force and effect.

SEC. 2. *Be it enacted,* that the quit-claim deeds of Edmund Sylvester and wife, and of Lumon H. Calkins quitclaiming and assigning to the territory of Washington all their right, title and interest of, in, and to, the said parcel of land mentioned in said bill to which this is supplemental, and the bond of Calvin H. Hale and others to the Territory, be deposited in the office of the Secretary of the Territory of Washington, and that the Governor be instructed to take possession of the said ten acres of land, and hold possession thereof, for the use, benefit and behoof of the Territory of Washington, in accordance with the first section of the act to which this is a supplement; *And provided,* that no improvements shall be commenced on that portion of said parcel of land claimed by Lumon H. Calkins until the condition of the bond of Calvin H. Hale and others has been fully complied with.

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

Passed January 29, 1855.

AN ACT ENTITLED, "AN ACT TO AMEND AN ACT DEFINING THE TIME OF HOLDING ELECTIONS;" PASSED APRIL 15, 1854.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a general election shall be held in the several precincts in this territory on the second Monday in July, in each year, at which time there shall be chosen all such officers as are by law to be elected in such year, unless otherwise provided for.

SEC. 2. All laws or acts heretofore made conflicting with this act are hereby repealed.

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

Passed February 1, 1855.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT RELATING TO ELECTIONS AND THE MODE OF SUPPLYING VACANCIES."

SEC. 1. Qualification of a voter, or person holding office; soldiers or seamen not entitled to vote; Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all white American citizens above the age of twenty-one years, and all other white male inhabitants of this territory above that age who shall have declared on oath their intention to become citizens, and to support the constitution of the United States, at least six months previous to the day of election, and who shall have resided six months in the territory, and twenty days in the county, next preceding the day of election, and none others, shall be entitled to hold office, or vote at any election in this territory; *Provided,* that no officer, soldier, seaman or marine in the army or navy of the United States, or attached to troops in the service of the United States shall be allowed to vote at any election in this territory, and that all existing laws hitherto passed, and not in conformity with this act, be and they are hereby repealed, or so much of them as conflicts with this act.

Passed, January 25, 1855.

AN ACT TO LOCATE THE TERRITORIAL UNIVERSITY.

- SEC. 1. University located at Seattle ; branch on Boisfort Plains, to be on equal footing with university.
 2. University lands divided.
 3. One township of land to the University at Seattle, the other to the branch on Boisfort Plains.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the University shall be, and hereby is located and established at Seattle in the county of King ; and there is hereby located and established a branch of said university on Boisfort Plains, in Lewis county, to be placed upon the same footing with respect to funds and all other matters as the university located at Seattle, in King county.

SEC. 2. The two townships of land granted by act of congress of July seventeenth, 1854, for the support of universities, be and the same is hereby equally divided between the university located at Seattle, in King county, and the branch of said university located at Boisfort Plains, in Lewis county.

SEC. 3. One township of the foregoing grant of land for university purposes is hereby set apart for the support and endowment of the university located at Seattle, in King county, and the other township is hereby set apart for the support and endowment of the branch of said university located at Boisfort Plains, in Lewis county.

Passed, January 29, 1855.

AN ACT TO PROVIDE FOR THE SELECTION AND LOCATION OF TWO TOWNSHIPS OF LAND TO AID IN THE ESTABLISHMENT OF A UNIVERSITY.

- SEC. 1. Superintendents of common schools made commissioners to select university lands ; except in Cowlitz, Lewis and Whatcom counties.
 2. When commissioners to perform their duty, and how.
 3. Commissioners to report a schedule of the land selected to the Legislative Assembly.
 4. Pay of commissioners.
 5. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county superintendents of common schools throughout the territory be, and the same are hereby constituted a board of commissioners to select and locate two townships of land for university purposes in accordance with the provisions of the act of

congress donating the said number of townships to Washington Territory for university purposes; *Provided*, that the counties of Cowlitz, Lewis and Whatcom be excepted from the operations of this section, and that Nathaniel Ostrander be the commissioner for Cowlitz, Thompson Newlin for Lewis county, and R. V. Peabody for Whatcom.

SEC. 2. And said commissioners may proceed, as soon as in their opinion good selections can be made, to select and locate said lands; *Provided*, That no commissioner shall select more than two sections before the next annual session of the Legislature, and they shall inform the proper officer or officers of the land office of the precise tract or tracts, so selected or located.

SEC. 3. Said commissioners shall report and present a schedule of the sections or tracts selected by them and approved by the proper officer or officers in the land office, to the Legislative Assembly at any session thereof.

SEC. 4. Each of said commissioners shall be allowed out of the treasury of the territory from moneys not otherwise appropriated, three dollars for each and every day actually employed in performance of the duties of his office.

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

Passed January 31, 1855.

AN ACT TO LOCATE THE PENITENTIARY OF THE TERRITORY OF
WASHINGTON.

- SEC. 1. Penitentiary located at or near county seat of Clark county.
2. When this act to take effect; *Proviso.*

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the Penitentiary for the territory of Washington, be and is hereby established and located at or near the county seat of Clark county, in said territory.

SEC. 2. This act to take effect, and be in force six months after its passage; *Provided*, that before that time, the owners or claimants of the land which shall be selected as the site for the penitentiary, if not on unclaimed land, shall give a deed of release to the Territory of Washington without expense to the territory, for ten acres of land, of which the site selected for the building shall be the centre, which deed shall be made satisfactory to the commissioners or others, who may be appointed by the Legislative Assembly to select the site for the penitentiary.

Passed January 11, 1855.

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

- SEC. 1. Board of commissioners appointed; when to agree upon a plan, and issue proposals, and notice thereof to be given; to elect one of their number acting commissioner, who shall give bond, &c.
2. Duties and compensation of acting commissioner; board to report to legislature.
 3. Acting commissioner to report an account of moneys paid out.
 4. Vacancy in board, how filled.
 5. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Joel Knight, L. F. Thompson and William H. Dillon, be, and are hereby constituted a board of commissioners to superintend the erection of buildings at the place heretofore enacted as the site for the location of the Penitentiary of the territory, and the said commissioners, or a majority of them, shall agree upon a plan of said buildings, and shall issue proposals immediately after notice of an appropriation for said purposes, by the general government, giving two months notice thereof, and contract for the erection of said buildings without delay; and the said commissioners shall agree upon one of their number to be acting commissioner, and the 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 duty; 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 said building; and the said acting commissioner shall have power to call the said board of commissioners together for the purpose of transacting business, and the said commissioners shall each receive five dollars per day for each day he shall serve as such, and in the payment of his account for service he shall verify the same by affidavit as to the number of days employed. The presiding commissioner, elected as herein prescribed, shall receive in addition, one hundred dollars per annum, payable quarterly, which compensation shall be paid out of the fund appropriated for the erection of a Penitentiary. The board of commissioners shall make a full report in writing of their proceedings to each session of the Legislative Assembly, on or before the third Monday of each session.

SEC. 3. The acting commissioner shall annually report to the Legislative Assembly, a true account of all moneys received and paid out by him.

SEC. 4. If by death, resignation, or other cause, there shall be a vacancy in said board of commissioners, it shall be the duty of the Governor to appoint some person from the district where such vacancy occurred to fill said vacancy: *Provided*, however, that such appointment shall not extend beyond the meeting of the next Legislative Assembly.

SEC. 5. *And be it further enacted*, That a Penitentiary of sufficient capacity to receive, secure and employ one hundred convicts, to be confined in separate cells at night, shall be erected at the place heretofore designated by law, for the confinement and employment of persons sentenced to imprisonment and hard labor in the Penitentiary in this territory.

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

Passed January 30, 1855.

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

- SEC. 1. Justices of the peace authorised to issue attachments.
2. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section twenty-three of the act above referred to, be so amended as to read after the word proceedings, "and shall, in all cases, have power to issue writs of attachment upon goods, chattels, moneys and effects, where the amount does not exceed one hundred dollars."

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

Passed February 1st, 1855.

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

County and Territory not to be liable for counsel fees.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the act entitled an act to regulate the practice and pleadings in prosecutions for crimes, passed April twenty-eighth, eighteen hundred and fifty-four, be so amended as to repeal so much of section eighty-nine of said act as makes the counties and the territory liable for counsel fees in criminal cases.

Passed January 23, 1855.

AN ACT SUPPLEMENTAL TO AN ACT TO PROVIDE FOR THE PUBLIC PRINTING, AND THE DISTRIBUTION OF THE LAWS AND JOURNALS.

- SEC. 1. Laws of the present and last sessions to be printed in pamphlet form; to be provided with marginal notes and an index. Proviso.
2. Secretary of the Territory to distribute the laws, and to whom.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Public Printer be, and he is hereby required to print in pamphlet form, six hundred copies of the laws of the present session, and a like number of the laws of the last session of the Legislative Assembly. Said laws to be provided with marginal notes and an index as heretofore provided for: *Provided,* that if the laws of the last session of the Legislative Assembly have been printed and bound in a different form, then so much of this act as applies to the said laws shall be inoperative, otherwise to remain in full force.

SEC. 2. It shall be the duty of the Secretary of the territory to forward to each county auditor in the territory fifteen copies of the laws of each session for the use of the county officers, and two copies for each member of the Legislative Assembly, and to each officer of the Legislative Assembly, one copy of said laws.

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

Passed February 1, 1855.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON.

- SEC. 1. County auditor, clerk of the district court, and justices of the peace to report to the county superintendent of common schools the amount of taxes levied and fines imposed and collected.
2. County orders not to be received in payment of school taxes, nor school funds to be paid on county orders.
3. When weak districts may draw school fund; three voters a quorum in such districts; clerk of such district to let out their funds, and be held responsible. Proviso.
4. Examination of teachers; how conducted; when and where; compensation to superintendent.
5. When and how alterations in districts to be made; superintendent to be paid for his attention thereto.
6. The whole county to be districted by the superintendent.
7. Amendment to section 8 of the school law.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the county auditor of each county to report to the county superintendent of common schools, at least twenty days before the first Friday in November of each year, the amount of school tax levied in their respective counties for that year; and that it be the duty of the clerk of the district court, at the close of

every term thereof, to report to the superintendent the amount of fines imposed during said term of court ; and that it be the duty of all justices of the peace to report to the superintendent, at least twenty days before the first Friday in November of each year, the amount of fines imposed and collected by them for the past year.

SEC. 2. It shall not be lawful for any county treasurer to receive county orders in payment for county school tax, nor to pay out any school money on county orders.

SEC. 3. Districts having less than twelve scholars between the ages of four and twenty-one years, and which, in the opinion of the directors are not able to support a school, may by organizing and reporting to the superintendent according to law, draw their proportion of the school money without being required to comply with the provisions of the school law any further than the said organization and report is concerned. And in such districts three legal voters shall constitute a quorum to do business; and it shall be the duty of the clerk of such districts to let out all county school funds so received at interest, for the use of the district, on good security until such time as it may be required for school purposes in said district. The clerk of the district and his securities shall also be responsible for such money: *Provided*, that if the term of three years shall elapse before such weak districts shall have at least three months school, such districts shall not be entitled to any apportionment of the county school funds after the expiration of the said three years, until they shall have complied with the law in the same manner as regularly organized districts are required to do.

SEC. 4. It shall be the duty of the county superintendent to be at the county seat on the third Friday of May and November of each year, for the purpose of examining teachers, and he shall give ten days notice of the same by posting up hand bills or otherwise ; and all teachers examined on different days shall pay to the superintendent the sum of one dollar.

SEC. 5. It shall be the duty of the superintendent to be at the county seat on the third Saturday of May and November of each year, for the purpose of making any alterations desired in districts ; and said superintendent shall give ten days public notice of the same, as provided in section four. And any district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars.

SEC. 6. It shall be the duty of the superintendent to district the whole county so that every resident of the county shall be included in some district.

SEC. 7. That section eight, under title "miscellaneous provisions," of the school law, be amended by adding, after the word teachers in the second line of said section, "and building school houses."

Passed January 26, 1855.

AN ACT TOUCHING THE RELATION OF GUARDIAN AND WARD.

- SEC. 1. Guardians to be appointed by the probate court; when appointments conflict, the first made to take precedence.
2. Minor to choose his own guardian; when; appointment may be made without consulting such minor; when.
 3. Guardian not to be removed except for good cause.
 4. Guardian, before appointed, to file a statement of the effects of the minor; to give bond, and take an oath.
 5. Bond of guardian not to be void for want of form.
 6. Guardian to have the custody of minor, and management of his effects: Proviso.
 7. Guardian by will, to be preferred to all others; subject to the same laws as other guardians.
 8. Guardians, *AD LITEM*, may be appointed by any court.
 9. Duties of a guardian.
 10. Probate court may order any change of investment of the estate of any minor.
 11. Guardian may be removed; when; how, and for what causes.
 12. Marriage of a female ward, a legal discharge of guardianship; guardian to account to husband.
 13. Guardian's bond, when and how to be sued on.
 14. Probate judge, when to order property of minor sold.
 15. Application of minor for order of sale; what it shall set forth.
 16. Probate court to appoint appraisers to appraise real estate.
 17. Appraisers to take an oath.
 18. Guardian to give bond; conditions of.
 19. Sale of real estate, when ordered by probate court; notice to be given; terms to be fixed.
 20. Guardian may be empowered to sell, or commissioners may be appointed.
 21. Report to be made, and proceeds of sale produced at term of court after sale.
 22. Minimum prices fixed for real estate.
 23. Sales, how confirmed, and conveyances made.
 24. When, and how, partition of real estate to be made with guardian's assent.
 25. Compensation of guardian.
 26. Sureties how discharged; bonds subject to the same rules and regulations as those of executors and administrators.
 27. This act to be printed; how distributed; each guardian to pay for his copy; money received therefor to be paid into the territorial treasury.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the probate court of each county shall appoint guardians of orphans, under age, resident in such county, or having estate therein; and in case of conflict between two appointments in different counties, the one first made shall exclude all others, and extend to all the property of the ward within this Territory.

SEC. 2. If the minor is over the age of fourteen years, such minor shall have the right to choose a guardian; and if the person so chosen shall be a suitable person, such person shall be appointed; but if such

minor shall fail to choose a suitable person, an appointment shall be made without reference to the wishes of such minor; such selection may be proved to the satisfaction of the court making the appointment, without the personal attendance of such minor.

SEC. 3. When a guardian has been appointed for any minor under the age of fourteen, such guardian shall not be removed when such minor arrives at the age of fourteen, except for good cause shown.

SEC. 4. Before any person shall be appointed guardian of any minor, he shall file in the office of the clerk of the commissioners court, a statement, in writing, of the whole estate of said minor, and the probable value thereof, and shall verify the same by affidavit, and shall give bond, with sufficient surety, payable to the territory of Washington, for the benefit of such minor, in a penalty double such amount, conditioned for the faithful discharge of his duties as such guardian: to be approved by the court making such appointment, and shall also take an oath that he will faithfully and honestly discharge the duties devolving on him as such guardian.

SEC. 5. Such guardian's bond shall not be void on account of any informality, illegality, or defect, either formal or substantial, in the same, nor on account of any defect, informality, or illegality in the appointment of such guardian; but shall have the same force and effect as if such appointment had been legally made, and such bond legally executed.

SEC. 6. Every guardian so appointed, shall have the custody and tuition of such minor, and the management of such minor's estate during minority, unless sooner removed or discharged from such trust: *Provided*, that the father of such minor, or if there be no father, the mother, if suitable person, respectively, shall have the custody of the person, and the control of the education of such minor.

SEC. 7. When a guardian has been appointed by will, by a father or mother of any child, such guardian shall be entitled to preference in appointments over all others, without reference to his place of residence, or the choice of such minor; but his appointment, and duties and powers, shall in all other respects be governed by the law regulating guardians, not appointed by will.

SEC. 8. All courts shall have power to appoint a guardian *ad litem*, to defend the interests of any minor, impleaded in any suit, and to permit any persons, as next friends, to prosecute any suit in any minor's behalf.

SEC. 9. It shall be the duty of every guardian of any minor—

1st. To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his

ward, with the value of the same; and failing so to do, it shall be the duty of the proper court to remove him, and appoint a successor.

2d. To manage the estate for the best interest of his ward.

3d. To render, on oath, to the proper court, an account of his receipts and expenditures as such guardian, verified by such vouchers or proof, at least once in every two years; and failing so to do, he shall receive no allowance for services, and be liable to his said ward on his bond, for ten per cent. in damages, on the whole amount of estate, both real and personal, in his hands, belonging to such ward.

4th. At the expiration of his trust, fully to account for and pay over to the proper person, all the estate of said ward remaining in his hands.

5th. To pay all just debts due from such ward out of the estate in his hands, and collect all debts due such ward; and in case of doubtful debts, to compound the same, and appear for and defend, or cause to be defended, all suits against such ward.

6th. When any ward has no father or mother, or such father or mother is unable, or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify.

SEC. 10. The probate court may, on the application of a guardian or any other person, said guardian having notice thereof, order and decree any change to be made in the investment of the estate of any ward, that may to such court seem advantageous to such estate.

SEC. 11. The court by whom any guardian has been, or may be appointed, may at any time remove such guardian, he having five days notice thereof, for habitual drunkenness, neglect of his duties, incompetency, fraudulent conduct, removal from the county, or any other cause which, in the opinion of such court, renders it for the interest of such ward that such guardian should be removed.

SEC. 12. The marriage of any female ward to a person of full age, shall operate as a legal discharge of her guardianship; and her guardian shall account to the husband of such ward in the same manner as if she had arrived at full age.

SEC. 13. Any bond given by any guardian may be put in suit by any person entitled to the estate; and such suit shall be governed by the law regulating suits on the bonds of executors and administrators.

SEC. 14. Whenever necessary for the education, support or payment of the just debts of any minor, or for the discharge of any liens on the real estate of such minor, or whenever the real estate of such minor is suffering unavoidable waste, or a better investment of the value thereof can be made, the probate judge may, on the application of such guardian, order the same, or a part thereof, to be sold.

SEC. 15. Such application shall set forth specifically:

First. The value and character of all personal estate belonging to such ward that has come to the knowledge or possession of such guardian;

Second. The disposition made of such personal estate;

Third. The amount and condition of the ward's personal estate, if any, dependent upon the settlement of any estate or the execution of any trust;

Fourth. The annual value of the real estate of the ward;

Fifth. The amount of rent received and the application thereof;

Sixth. The proposed manner of re-investing the proceeds of the sale, if asked for that purpose;

Seventh. Each item of indebtedness, or the amount and character of the lien, if the sale is prayed for the liquidation thereof;

Eighth. The age of the ward, where and with whom residing;

Ninth. All other facts connected with the estate and condition of the ward necessary to enable the court fully to understand the same. If there is no personal estate belonging to such ward in possession or expectancy, and none has come into the hands of such guardian, and no rents have been received, the fact shall be stated in the application.

SEC. 16. Upon application being filed in writing, verified by the oath of the guardian, the court, if satisfied of the propriety of selling such real estate, shall appoint two freeholders of the county to appraise said real estate.

SEC. 17. Said appraisers shall take an oath to honestly and impartially appraise at their fair cash value, which oath shall be endorsed on the certificate of their appointment.

SEC. 18. Upon the appraisal of said real estate being filed in writing, signed by said appraisers, the court shall require such guardian to execute a bond with sufficient sureties, payable to the Territory of Washington, for the benefit of such orphan, in double the appraised value of such real estate, with conditions for the faithful performance of his duties and the faithful payment, and accounting for all moneys arising from sale according to law.

SEC. 19. Upon such bond being filed and approved by the court, the court shall order the sale of such real estate, providing in the order for reasonable notice of such sale, the credits to be given for the payment of the purchase money, and the mode of securing the same.

SEC. 20. The court may empower the guardian to make sale of such real estate, or may appoint a commissioner's or commissioner for that purpose.

SEC. 21. At the term of the court next after such sale, such guardian or commissioner shall make report thereof to such court, and produce the

proceeds of such sale, and the notes or obligations or other securities taken to secure the payment of the purchase money.

SEC. 22. Whenever such real estate is ordered by the court to be sold at private sale, the same shall not be sold for less than its appraised value ; and when ordered to be sold at public auction, at not less than two-thirds of its appraised value.

SEC. 23. The court in confirming such sale and directing a conveyance, shall be governed by the law regulating the confirming of sales of real estate made by executors or administrators, and the making of conveyances on such sales.

SEC. 24. The guardian of any minor may join in and assent to the partition of the real estate of such minor, under the direction of the court, upon a petition for partition.

SEC. 25. Every guardian shall be allowed by the court, on settling his accounts, the amount of all reasonable expenses incurred in the execution of his trust ; and also, such compensation for his services as the court shall deem reasonable.

SEC. 26. Sureties in the bond of any guardian may be discharged from liability therein, under the same rule and regulation prescribed for the discharge of the sureties in the bond of executors and administrators, and all enactments on that subject shall apply to guardians and guardians bonds and sureties.

SEC. 27. There shall be printed of this act in pamphlet form, one copy for each one hundred inhabitants of the Territory, to be deposited in the office of the judge of probate in each county, in the same proportionate number ; and every person appointed guardian shall, by such court, be furnished with a copy thereof, and shall pay to the court the sum of twenty-five cents therefor, and such court shall pay over to the treasurer of his county all money so received, to be by him repaid into the territorial treasury.

Passed January 26, 1855.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT ESTABLISHING PROBATE COURTS FOR THE TERRITORY OF WASHINGTON," PASSED APRIL 14th, 1854.

- SEC. 1. Probate Judge to be elected every three years.
2. Judge to perform the duties of clerk.
3. Repealing clause.
4. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first section of said act be so amended as to read,

at its commencement, "That there shall be elected at the first general election and every three years after."

SEC. 2. That the seventeenth section of said act be hereby repealed, and that it is hereby made the duty of the probate judge to perform all the duties heretofore required to be performed by his clerk, for which he shall be entitled to receive the same fees as the clerk would be entitled to by law.

SEC. 3. That all acts or parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

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

Passed, February 29, 1855.

AN ACT TO ORGANIZE THE MILITIA.

- SEC. 1. The territory districted; Brigadier General to be elected; his term of office.
2. Colonel, Lieut. Colonel and Major to be elected in each council district; such officers to organize regiments and companies within their districts.
3. Captains to appoint sergeants and corporals.
4. Officers to be commissioned by the Governor; term of office.
5. Regimental return to be made; Brigadier General to report to the Governor.
6. Rules and regulations to be prescribed by Governor and Brigadier General.
7. Volunteer companies; how to be formed.
8. Public arms; how sent to each county.
9. County commissioners to take care of public arms.
10. An Adjutant, Quarter master and commissary General to be elected; Quarter master General's duty.
11. All commissioned officers to be commissioned by the Governor and to take an oath.
12. Vacancies to be filled by the Governor's appointment.
13. Where the person elect does not qualify, office declared vacant.
14. Companies to elect their own officers.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the territory of Washington shall constitute one military district for brigade purposes, in which the legislature, on joint ballot, shall elect a resident citizen thereof, brigadier general, who shall hold his office for three years, unless sooner removed by the legislature; and each council district in said territory shall constitute one regimental district.

SEC. 2. At the next annual election the legal voters in each council district shall elect in the usual mode of electing officers, one colonel, one lieutenant colonel, and one major, who shall assemble at such place within the district as a majority of them shall select within three months after their election, and proceed to lay off their regimental district

into convenient company districts, containing as near one hundred white males as may be, between the age of fifteen and sixty years capable of bearing arms, and shall appoint one captain and two lieutenants in each district as officers therein.

SEC. 3. Such captain shall appoint four sergeants and four corporals in each company, who shall continue in office one year.

SEC. 4. All such officers, except sergeants and corporals, shall be commissioned by the governor, and shall continue in office for the term of one year, unless bodily infirmity or unsoundness of mind prevent them from discharging active duty, or they be removed by a court martial for other good cause.

SEC. 5. In each year every captain shall make out a list of all the persons in his district subject to bear arms, and forward a copy thereof to colonel of the regiment, who shall thereupon make out and forward to the brigadier general a regimental return, showing the number of each rank and grade composing his regiment. It shall be the duty of the brigadier general to report annually to the governor, the state of the militia, the number of regiments and the number of the different rank and grade in each, together with such other information as shall be in his possession relating thereto.

SEC. 6. The governor and brigadier general shall, from time to time, prescribe all rules and regulations not herein provided, necessary for the calling and conducting courts martial.

SEC. 7. Volunteer companies may be formed in the bounds of any regiment under such rules and regulations prescribed by the colonel thereof and approved by the brigadier general.

SEC. 8. On application of the board of commissioners of any county by the certified copy of their order therefor, the governor shall cause to be sent to such county at its expense its quota of public arms.

SEC. 9. Such county commissioners shall have the care of all public arms within their respective counties, and may transfer them under such regulations as they may prescribe to such volunteer companies, battalions, or regiments, on having the safe keeping and return thereof, when demanded by the authorized agent of the board, secured by bond and approved sureties.

SEC. 10. The legislature shall elect an adjutant, quarter master and commissary general, and such quarter master general shall have the custody of all public arms not distributed among the several counties, and shall preserve the same in good order in some suitable room at the seat of government until they are legally disposed of, for which he shall have a reasonable compensation allowed him by the legislative assembly.

SEC. 11. All commissioned officers provided for in this act shall be

commissioned by the governor, and on receiving their 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 according to law.

SEC. 12. The governor shall fill all vacancies caused by death, absence, resignation or other disability of officers mentioned in this act; and in regimental or company districts where the people fail to elect officers provided for by this act, it shall be the duty of the governor to fill such vacancies by appointment.

SEC. 13. If any person elected to an office provided for in this act shall fail to qualify within thirty days after his appointment or election, the office shall be deemed vacant, and it shall be competent for the governor to fill the same by appointment.

SEC. 14. Nothing in this act shall be so construed as to prevent companies from electing their own officers after they have organized.

Passed January 26, 1855.

AN ACT AUTHORIZING DISTRICT COURTS TO CHANGE THE NAMES OF PERSONS.

- SEC. 1. District courts may change the names of persons.
2. Application to be made in the county where person resides.
3. Notice to be given by applicant, how, and how long.
4. Proof of publication, how to be made; proceedings of the court thereon.
5. A copy of the decree to be sufficient evidence of such change.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the district courts in the several counties of this territory may change the names of persons on application by petition.

SEC. 2. The application of a person may be made to the district court of the county in which such person resides.

SEC. 3. Upon petition being filed for such change the applicant shall give notice thereof by three weekly publications in some newspaper of general circulation printed and published in the proper county, or if no newspaper be printed therein, in a newspaper printed and published nearest thereto, thirty days prior to the first day of the term at which such petition shall be heard.

SEC. 4. Proof of the publication required in this act shall be made by filing a copy of such published notice verified by the affidavit of a disinterested person, and when such proof of such publication is made, the court shall proceed and determine such petition and make such order and decree therein as such court shall deem just and reasonable.

Sec. 5. A copy of the decree of such court changing the name of any person certified under the seal of such court by the clerk thereof, shall be sufficient evidence of the name of such person, and of such change having been made in any court of this territory.

Passed January 26, 1855.

AN ACT IN RELATION TO FENCES AND FENCE VIEWERS.

- SEC. 1. What shall be a legal fence; proviso.
2. When lawful fence is broken into, the owner of the animal doing the damage responsible therefor.
3. Fence viewers to be appointed, when, how, and for what purpose; judgment how rendered; appeal may be taken.
4. Fees, and compensation of fence viewer.
5. When this act to take effect.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all fences of rails called worm fences, shall have not less than four feet worm to rails of ten feet in length (and if greater length, in that proportion,) shall be four feet high, well staked and ridged upon that, according to practice. Below the third rail from the ground, no crack or space of more than five inches shall intervene, and below two feet in height, there shall be no crack or intervening space of more than seven inches, and the whole height of said fence shall not be less than five feet. Such a fence or any other equivalent thereto, made of any other material or form shall be deemed legal and sufficient fence; provided, that where damage is done by animals too large to go through the space or cracks specified in this section the failure to have built such fence as close as herein required, shall not be pleaded in justification or set off of such damage.

SEC. 2. If any domestic animal or animals break into an enclosure the persons so injured thereby, shall recover of the owner of said animal or animals, the amount of damage, if it shall appear that the fence through which said animal or animals broke, was lawful; but not otherwise.

SEC. 3. That if any person may have sustained damage by reason of the failure of any person to erect a legal fence, he may make complaint to the nearest disinterested justice of the peace within the county, who shall upon filing of such complaint appoint a disinterested householder who shall be duly sworn to view said fence impartially, report thereon the condition of the fence, and the damages sustained if any; and the justice of the peace shall enter judgment according to such fence viewer's report. If the amount of the judgment exceeds twenty dollars, appeals to the district court may be taken as in other cases.

Sec. 4. The fee for services performed as fence viewer in accordance with section third shall be two dollars for every day actually employed in the view of said fence and mileage and attendance as a witness, and such costs and charges shall be paid by the party against whom the judgment is rendered.

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

Passed January 29, 1855.

AN ACT RELATING TO GAMING AND GAMING CONTRACTS.

- Sec. 1. All games and gambling devices prohibited.
- 2. Penalty for violation of this act.
- 3. Penalty for betting.
- 4. Penalty for permitting gambling on the premises.
- 5. Persons betting shall give testimony; such testimony not to be used against the witness.
- 6. Fines under this act for the use of common schools.
- 7. District attorney to prosecute suits under the provisions of this act.
- 8. Prosecuting attorney to sue for and recover money won and lost, for the use of common schools.
- 9. Gaming contracts declared void.
- 10. Acts conflicting with this, null and void.
- 11. When this act to take effect.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That all E. O. or roulette tables, faro or faro banks, and all gaming with cards, gaming tables, or gambling devices whatever, are hereby prohibited from being set up or used for gaming or gambling purposes in this territory.*

Sec. 2. Every person who shall deal cards at the game called faro, or forty-eight, whether the same shall be dealt with fifty-two or any other number of cards: and every person who shall keep, to be used in gaming, any gambling device whatever, designed to be used in gaming, shall forfeit the same on conviction, and be punished by fine, not more than one hundred dollars nor less than fifty dollars.

Sec. 3. Every person who shall bet any money, or other property, at or on any gaming table, bank, or gambling device, prohibited by this act, or in any other way, shall, on conviction, be punished by fine, not exceeding fifty dollars nor less than ten dollars.

Sec. 4. Every person who shall suffer any gaming table, bank, or gambling device, prohibited by this act, to be set up or used for the purpose of gambling, in any house, building, steamboat, raft, keel boat, or boom, lot, yard, or any other place to him belonging, or by him occupied, or of which he has the control, shall be liable to punishment by fine, not exceeding one hundred dollars nor less than fifty dollars.

SEC. 5. No person shall be incapacitated or excused from testifying touching any offence committed by another against any of the provisions of this act, relating to gaming, by reason of his having bet or played at the prohibited games or gaming devices ; but the testimony which may be given by such person shall in no case be used against such witness.

SEC. 6. All fines and forfeitures mentioned in this act, may be recovered before a justice of the peace in the name and for the use of the county where such offence may have been committed.

SEC. 7. It shall be the duty of the district attorney, upon notice of the commencement of a suit under any of the provisions of this act, to immediately prosecute the same in the name and for the use of the county in which the offence is committed.

SEC. 8. If any person shall, by playing at cards, dice, or other game, or by betting on the hands or sides of such as are gaming, lose to any person so playing or betting, any sum of money, or any goods whatever, and shall pay or deliver the same, or any part thereof, to the winner, it shall be the duty of the prosecuting attorney to sue for and recover the same in the name of the county in which such game was played or money lost, to go for the use of common schools.

SEC. 9. All notes, bills, bonds, mortgages, or other securities or conveyances whatever, in which the whole or any part of the consideration shall be for any money or goods won by playing or gaming at cards, dice, or any other game whatever, or by betting on the sides or hands of any persons gaming, or for re-imbursing or re-paying any money knowingly lent or advanced for any gaming or betting, to any person so gaming or betting, shall be void and of no effect, as between the parties to the same, and as to all persons, except such as shall hold or claim under them, in good faith, and without notice of the illegality of the consideration of such contracts or conveyances.

SEC. 10. All acts or parts of acts heretofore passed not in conformity with the provisions of this act, are hereby declared null and void after the first day of March 1855.

SEC. 11. This act to take effect from and after the first day March, 1855.

Passed January 26, 1855.

AN ACT TO CREATE AND ESTABLISH THE OFFICE OF COUNTY SURVEYOR.

- SEC. 1. County Surveyor to be elected every two years; to reside in the county where elected; to take an oath, and give bond for the performance of his duties.
2. May appoint deputies; deputies to take same oath, as surveyor; surveyor to be responsible for acts of deputy; surveyor's certificate to be admitted as *PRIMA FACIE* evidence; when surveyor or deputy is interested, commissioners to appoint a person to act.
 3. Surveyor to execute all surveys required.
 4. Surveyor to keep a record; preserve field notes, and furnish copies to the party for whom a survey is made.
 5. Fees of surveyor.
 6. When surveyor to furnish chainmen and markers; compensation and duties thereof.
 7. Vacancy in office, how filled; appointee to give bond and take oath.
 8. Surveyor to procure, and have recorded, field notes, and hand over papers to his successor.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the qualified electors in each organized county in this territory may, at the annual election in eighteen hundred and fifty-five, and biennially thereafter, elect a county surveyor, who shall reside in the county for which he shall have been elected, and shall, previous to his entering upon the duties of his office, take and subscribe an oath or affirmation, before the county auditor of his proper county, to faithfully and impartially discharge the same; and shall give bond to the board of county commissioners of the proper county, in the sum of one thousand dollars, conditioned for the faithful performance of his duties.

SEC. 2. The said surveyor may appoint such number of deputies as he may think proper, who shall severally take an oath or affirmation of office, and for the faithful performance of whose duties the said surveyor shall be responsible. The certificate of the county surveyor, or of his deputies, shall be admitted as *prima facie* evidence in any court within this territory, but the same may be explained or rebutted by other evidence. And if said surveyor, or either of his deputies, be interested in any tract of land, a survey of which may become necessary by this act, such survey may be executed by any competent person, appointed by the board of county commissioners for that purpose.

SEC. 3. It shall be the duty of said surveyor, by himself or his deputies, to execute any survey which may be required by any court, or upon application of any individual or corporation, within a reasonable time.

SEC. 4. The said surveyor shall keep a correct record of all surveys made by him or his deputies, in a suitable book to be provided by him for that purpose, which he shall transmit to his successor in office; he shall also number such surveys progressively, and shall preserve a copy of the field notes and calculations of each survey, endorsing thereon its proper number; a copy of which, and also a fair and accurate plot, to-

gether with a certificate of survey, shall be furnished to the party for whom the survey shall have been made.

SEC. 5. The said surveyor and his deputies may demand and receive for their services, the following fees, to wit:—For a half, or fraction less than one half, day's work, two dollars and fifty cents; for every days work actually employed, five dollars; and for every mile travelled in going to and returning from the work, the sum of ten cents; for copy of a plat of land, or certificate of survey, fifty cents; making out a complete report of any survey made of any road, including field notes, one dollar; if such service exceeds five miles, two dollars. In all surveys made by authority of the board of county commissioners, or any board of trustees, chain-bearers and ax-men shall receive, per day, three dollars.

SEC. 6. If the party for whom the survey is made does not furnish the chainmen and markers, then the surveyor or his deputies may employ the necessary chainmen and markers, and shall receive for each chainman and marker so employed, the sum of three dollars per day; and each chainman and marker, before entering upon the duties assigned them, shall take an oath or affirmation, before the surveyor or his deputy, faithfully and impartially to discharge the duties of chainman or marker, as the case may be.

SEC. 7. If at any time the office of county surveyor shall become vacant, the board of county commissioners may cause such vacancy to be filled by appointment; the person so appointed to give bond, and take and subscribe an oath or affirmation, in the same manner as provided for in the first section of this act.

SEC. 8. It shall be the duty of such surveyor, whenever directed so to do by the board of county commissioners, to procure a copy of the original field notes of the townships in his county, at the expense of the county, and have the same recorded, and hand them, as well as all other papers, maps, books, and charts belonging to his office over to his successor.

Passed January, 1855.

AN ACT TO PROHIBIT THE MANUFACTURE OR SALE OF ARDENT SPIRITS
IN THE TERRITORY OF WASHINGTON.

- SEC. 1. The manufacture, sale, or gift of intoxicating liquors prohibited.
2. A public agent may be appointed to sell spirituous liquor for certain purposes; such agent to conform to rules and regulations of the appointing power, and receive a compensation.
3. Such agent to give bond before receiving certificate of appointment;—form of bond.
4. Penalties for violating this act.
5. Persons engaged in the unlawful traffic in liquors, incompetent to set on a jury in a case under this act; how the fact is to be ascertained.

6. Cases arising under this act to take precedence; courts and prosecuting attorneys not to enter a *NOL. PROS.*
7. All sales of liquors to be null and void; actions where purchaser may be witness; no action to be maintained for liquor.
8. Duties of justices of the peace, with regard to this act; moneys collected under this act to be for the use of schools.
9. This act to take effect when approved by the people.
10. Manner in which it shall be so submitted.
11. Duties of judges and clerks of elections with regard to this act.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person shall be allowed at any time to manufacture, sell, or give, by himself, his clerk, or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating.

SEC. 2. The county commissioners of any county, and mayor and aldermen of any city, on the first Monday of December, annually, or as soon thereafter as may be convenient, may appoint some suitable person as the agent of said county, town or city, to sell at some central and convenient place within said county, town or city, spirits, wines, or other intoxicating liquors, to be used for medicinal, mechanical, and sacramental purposes, and no other; and said agent shall receive such compensation for his services as the board appointing him shall prescribe, and shall, in the sale of such liquors, conform to such rules and regulations as the said board shall prescribe for that purpose; and such agent, appointed as aforesaid, shall hold his situation for one year, unless sooner removed by the board from which he received his appointment, as he may be at any time, at the pleasure of said board.

SEC. 3. Such agent shall receive a certificate from the said board by whom he has been appointed, authorizing him as the agent of such county, town or city, to sell intoxicating liquors for medicinal, mechanical, and sacramental purposes only; but such certificate shall not be delivered to the person so appointed, until he shall have executed and delivered to said board a bond, with two good and sufficient sureties, in the sum of five hundred dollars, in substance as follows:—Know all Men, that we, ———, as principal, ——— and ——— as sureties, are held and firmly bound to the inhabitants of ——— county, in the sum of five hundred dollars, to be paid them, to which payment we bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this — day of ———, A. D. ———.

The condition of this obligation is such: That whereas, the above bounden ——— has been duly appointed an agent for the county of ———, to sell within, and for, and on account of said county, intoxicating liquors, for medicinal, mechanical, and sacramental purposes, and no other, until the — day of ———, A. D. ———, unless sooner removed

from said agency. Now, if the said ——— shall in all respects conform to the provisions of the law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall be from time to time established by the board making the appointment, then this obligation to be void, otherwise to remain in full force.

[L. s.]

[L. s.]

[L. s.]

SEC. 4. If any person, by himself, clerk or agent, shall at any time sell or give any spirituous or intoxicating liquors, or any mixed liquors, part of which is intoxicating, in violation to the provisions of this act, he shall for every offence forfeit and pay, on conviction thereof, before any court having competent jurisdiction, the sum of twenty-five dollars, and costs of prosecution, and shall stand committed until the same is paid; and if any clerk, agent, or other person, in the employment or on the premises of another, shall violate the provisions of this act, he shall be held equally guilty with the principal, and on conviction thereof shall suffer the same penalty.

SEC. 5. No person engaged in the unlawful traffic in intoxicating liquors, shall be competent to sit upon a jury in any case arising under this act; and when information shall be communicated to the court that any member of a panel is engaged in such a traffic, or that he is believed to be so engaged, the court shall enquire of the jurymen of whom such belief is entertained, if he is engaged in such unlawful traffic; and no answer which he shall make shall be used against him, in any case arising under this act; but if he shall answer falsely, he shall be incapable of serving on any jury in this territory; but he may decline to answer, in which case he shall be discharged by the court from any further attendance as a jurymen.

SEC. 6. All cases arising under this act, which shall come before the district court on appeal, shall take precedence in said court of all other business, except those criminal cases in which the parties are actually under arrest, awaiting a trial; and the court or prosecuting attorney shall not have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this act, except where the purposes of justice may require it.

SEC. 7. All payments made for liquors, sold in violation of this act, whether in money, labor, or property, whether real or personal estate, shall be held and considered to have been received in violation of law, and without consideration; and all sales, transfers, conveyances, mortgages, liens, pledges, and securities of every kind, which in whole or in part shall have been for or on account of spirituous or intoxicating li-

quors, shall be null and void against all persons, and in all cases, and no rights of any kind shall be acquired thereby; and in any action touching such real or personal estate, the purchaser may be a witness for either party: and no action of any kind shall be maintained in any court in this territory, for the recovery or possession of any intoxicating or spirituous liquors, or the value thereof.

SEC. 8. It shall be the duty of any justice of the peace, before whom a complaint shall be filed for a violation of the provisions of this act, to issue a warrant, directed to the sheriff, or any constable of his county, for the arrest of the person or persons named in said complaint, and bring him or them forthwith before said justice, to answer the charges made against him or them in said complaint, and the complainant may be admitted as a witness on the trial. And all fines received for violations of this act, shall go to the county where the offence was committed, for the use of common schools in said county.

SEC. 9. This act shall take effect and be in force from and after the first day of November, 1855: *Provided*, that a majority of the voters voting at the next annual election, shall vote in favor thereof. Every person voting in favor of the adoption of this act, shall have written or printed on his ticket, "For the prohibitory liquor law," and those voting against the adoption of this act, shall have written or printed on his ticket, "Against the prohibitory liquor law."

SEC. 10. It shall be the duty of the public printer of the territory to furnish each county auditor with fifty copies of this law, each printed on one side of one sheet; and it shall be the duty of each county auditor to furnish each clerk of the school districts in their respective counties, with a copy, within ten days after it shall be received by them; and it shall be the duty of each sheriff in their respective counties, to post up a copy of this law in each election precinct, at the same time, and in the same manner and same place, that they post up the notices for election in each precinct.

SEC. 11. It shall be the duty of the judges and clerks of election, in every election precinct of this territory, at the next annual election, to make out and forthwith forward to the county auditor of their respective counties, an abstract of the votes given in their respective precincts for the prohibitory liquor law, and the number of votes given against it; and the county auditor shall forward an abstract of his county to the secretary of the territory; and it shall be the duty of the secretary to publish the result of the vote in every county for and against the adoption of this act, in some newspaper in this territory, as soon as said returns shall be received by him.

Passed January 30, 1855.

AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS TO INDIANS.

- SEC. 1. Liquor not to be sold or given to Indians ; penalty.
2. Sheriffs, constables and justices of the peace to complain of violations of the act, and judges to charge grand jury.
 3. Proceedings, when complaint is made ; decision of a justice not conclusive evidence in the U. S. District courts.
 4. Moneys collected under this act for the use of common schools.
 5. When this act to take effect.

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, or Indian, shall sell, barter, give, or in any manner dispose of any spirituous liquor, or any other liquor of intoxicating quality, to any Indian or Indians within this territory, every such person, so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment in any court having competent jurisdiction to try the same, shall forfeit and pay to the use of the county in which the offense may have been committed, a fine of not less than twenty-five dollars, and not more than five hundred dollars.

SEC. 2. All sheriffs, constables, and justices of the peace within their respective counties, are hereby authorized and required, under the penalty of forfeiting their respective offices, to make complaint of such violations of this law as come within their knowledge in their respective counties, and the judges of the several district courts in this territory are hereby required to give this act in special charge to the grand juries of their respective courts.

SEC. 3. Upon complaint being made to any justice of the peace of the proper county in this territory, it shall be the duty of said justice to issue his warrant to any constable or the sheriff of his county, commanding him to bring said defendant forthwith before the said justice, who may proceed to hear and determine the case as in other cases of misdemeanor, whenever such justice shall be of opinion that the fine should be less than one hundred dollars ; and where he is of opinion that it should exceed that sum, he shall bind him over to appear at the next term of the district court, or commit him to the jail of the county, in default of bail. *Provided,* that the conviction before a justice of the peace shall not be taken and received as conclusive evidence in any civil suit in the United States district courts of this territory, under and by virtue of any acts of congress regulating intercourse and trade with Indians.

SEC. 4. All moneys collected in accordance with the provisions of this act shall be paid into the county treasury for the use of common schools.

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

Passed January 25, 1855.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO INCREASE COUNTY REVENUE."

- SEC. 1. Liquors not to be sold on Sunday; penalty.
 2. Billiard saloons and bowling alleys to be closed Sunday.
 3. Fines and forfeitures under this act, how imposed and collected.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled an act to increase county revenue, be so amended as to provide, that before receiving a license from the county commissioners, in accordance with the sixth section of the act to which this is amendatory, the person or persons making application therefor, shall, in addition to the conditions therein specified, bind himself or themselves, not to sell any intoxicating, spirituous or malt liquor on Sundays, under a penalty of seventy-five dollars, for each and every offence.

SEC. 2. That licenses may be granted to keepers of billiard saloons or bowling alleys, as provided in said act to which this is amendatory ; *Provided,* that in no case shall such billiard saloon or bowling alley be kept open, and such billiard table or tables or bowling alley or alleys, be used on Sundays, under a penalty of fifty dollars for each and every offence, and a forfeiture of said license.

SEC. 3. That the fines and forfeitures arising under this act, shall be imposed and collected as provided in said act to which this is an amendment.

Passed January 26, 1855.

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

- Sec. 1. Discharge of ballast in shoal water prohibited.
 2. Repealing clause.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every master, mate or other person belonging to or in charge of any vessel, who shall discharge, or cause to be discharged, the ballast of such vessel into the navigable portions or channels of any of the inlets, bays, harbors or rivers, within or bordering on Puget Sound or Admiralty Inlet, where the water is less than thirty fathoms deep, shall, on conviction thereof, be fined any sum not exceeding one thousand dollars ; *Provided,* that nothing in this act shall be so construed as to prevent any such person from discharging ballast from such vessel on the beach at or above half tide in all waters where the tide ebbs and flows ;

and that no ballast shall be discharged on any of the flats included within the boundary of any town site or extension thereof.

SEC. 2. All laws heretofore passed conflicting with the provisions of this act, are hereby repealed.

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

Passed January 15, 1855.

AN ACT AMENDATORY TO AN ACT ENTITLED, "AN ACT RELATING TO JUSTICES OF THE PEACE AND CONSTABLES, AND THE PRACTICE BEFORE JUSTICES OF THE PEACE, PASSED APRIL 28th, 1854.

SEC. 1. Justices of the peace authorized to issue attachments.
2. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section twenty-three of the act above referred to, be so amended as to read after the word "proceedings," and shall in all cases have power to issue writs of attachment upon goods, chattels, moneys and effects, where the amount does not exceed one hundred dollars.

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

Passed February 1, 1855.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO DEFINE THE JUDICIAL DISTRICTS OF WASHINGTON TERRITORY."

SEC. 1. Chehalis county attached to the 1st judicial district.
2. Courts to be held there, when.
3. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Chehalis county is hereby detached from the second judicial district, and attached to the first judicial district for judicial purposes.

SEC. 2. And it is hereby made the duty of the judge of the first judicial district, to hold courts regularly in the said county of Chehalis, on the Monday after he holds courts in Pacific county.

SEC. 3. All existing laws in conflict with the provisions of this act, are hereby repealed.

Passed February 1, 1855.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO REGULATE MARRIAGE," PASSED APRIL 20TH, 1854.

- SEC. 1. Certain marriages declared void.
 2. Penalty for solemnizing a marriage contrary to the provisions of this act.
 3. Repealing clause; parties excepted.
 4. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all marriages heretofore solemnized in this territory, where one of the parties to such marriage shall be a white person, and the other possessed of one-fourth or more negro blood, or more than one-half Indian blood, are hereby declared void.

SEC. 2. That if any judge, justice, clergyman, or other person shall, after the passage of this act, solemnize marriage contrary to the provisions of this act, the person so offending shall forfeit and pay for every such offence not less than fifty, nor more than five hundred dollars, to the county where such offence is committed, to be applied to the use of common schools.

SEC. 3. All laws conflicting with the provisions of this act, are hereby repealed: *Provided,* That nothing in this act shall be so construed as to prevent any parties from being united in marriage, who may be living together at the time of the passage of this act.

SEC. 4. This act to be in force from and after its passage.

Passed January 29, 1855.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING COUNTY AND TERRITORIAL REVENUE," PASSED APRIL 20TH, 1854.

- SEC. 1. Time for paying taxes extended to November.
 2. Repealing clause.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section fourteen, of said act to which this is an amendment, be so amended, that the time for paying the county treasurer shall be extended, so as to read, "that all persons liable to taxation shall, before the first day of November, in each year, pay their taxes to the county treasurer."

SEC. 2. That so much of said section fourteen as this act is intended to amend, inconsistent herewith, be, and is hereby repealed.

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

Passed December 15, 1854.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO AUTHORIZE AND REGULATE THE ERECTION OF WHARVES."

SEC. 1. County commissioners to authorize the erection of wharves.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* Whenever any person or persons shall be desirous of erecting a wharf, at the terminus of any street, in any town or city in this territory, he or they may apply to the county commissioners of the proper county, who, if they shall be satisfied that the public convenience requires said wharf, may authorize the same to be erected and kept in repair, for any length of time not exceeding ten years.

Passed January 23, 1855.

AN ACT RELATIVE TO MARKS AND BRANDS.

- SEC. 1. All marks and brands to be recorded.
2. Not lawful unless recorded; no two to be alike; where marks conflict either party can change by agreement.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it is hereby made the duty of the county auditor of each county in this territory, on application of any person residing in his county, to record a description of the marks or brands which said person may be desirous of marking or branding his horses, cattle, sheep and hogs, but the same description shall not be recorded for more than one resident of the same county.

SEC. 2. No mark or brand shall be considered lawful unless recorded. No two residents of the same county shall use the same marks or brands. The person having first recorded his mark or brand, shall have the preference, but nothing herein contained shall prevent the parties from agreeing which of them shall change his mark or brand.

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

Passed January 31, 1855.

AN ACT FOR THE PRESERVATION OF OYSTERS IN SHOALWATER BAY.

- SEC. 1. Non-residents prohibited from gathering oysters.
2. Oysters not to be gathered with a dredge.
3. Not to be gathered from June till August, except in private oyster beds.
4. Small oysters not to be destroyed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That from and after the passage of this act, it shall not be lawful for any person or persons who is not at the time an actual inhabitant and resident of this territory, and who has not been for six months next preceding, an actual inhabitant or resident as aforesaid, to rake or gather oysters either on his own account and benefit, or on account and benefit of his employers, in Shoalwater Bay, on board of any canoe, flat, scow boat, or other boat or vessel, and every person or persons who shall offend herein, shall forfeit and pay fifty dollars, to be recovered by civil action with costs, by any person who shall prosecute for the same in any court in this territory having cognizance of that sum, one moiety thereof to the use of the prosecutor, and the other moiety to the county collector, for the use of the county in which the offence is committed.

SEC. 2. And be it enacted, that in case any person residing in, or without this territory, shall at any time hereafter, in Shoalwater Bay, rake for, or gather oysters in Shoalwater Bay with a dredge or instrument so called, or shall be on board of any canoe, boat or vessel, employed in raking with such implement, such person or persons so offending, shall forfeit and pay the sum of fifty dollars, to be recovered in the manner and for the use mentioned in the next preceding section.

SEC. 3. And be it enacted, that it shall not be lawful from and after the first day of June, until the first day of August, yearly, and every year, for any person or persons to rake, scrape or gather any oysters from any of the oyster beds in Shoalwater Bay under any pretense, whatsoever; *Provided,* that nothing in this section shall be so construed as to prohibit any persons from taking oysters from beds planted out by him or them. Any acts or parts of acts conflicting with this act are hereby repealed.

SEC. 4. And be it further enacted, that it shall not be lawful for any person to destroy oysters by assorting them on the land or shore, and leaving the small oysters on land to die, but in all cases the small oysters shall be returned to the natural beds, and if any person or persons shall offend against the spirit and just intent of this section, [he] shall, for every offence, be liable to the penalties mentioned in the first section of this act.

Passed January 13, 1855.

AN ACT APPOINTING OFFICERS FOR THE COUNTY OF WALLA-WALLA.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Owen, B. B. Bumford and G. N. Noble, be, and are hereby appointed a board of county commissioners; and that Lloyd Brook, be, and is hereby appointed county auditor and probate judge; and that Shirley Ensign, be, and is hereby appointed sheriff; and that Lloyd Brook, be, and is hereby appointed county treasurer; and that B. B. Bumford, be, and is hereby appointed justice of the peace, all in and for the county of Walla-Walla, and that they hold their offices until the next general election, or until their successors are duly elected and qualified.

Passed January 24, 1855.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO CREATE COWLITZ COUNTY AND DEFINE ITS BOUNDARIES.

SEC. 1. Northern and eastern lines changed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that part of said act defining the northern boundary of Cowlitz county be repealed, and that the eastern boundary line be extended north till it intersects the north-east corner of township number ten, north, range, one east; thence west along the north line of town ten, till it arrives at a point due north of the second section line west of the west line of Alexander Abernethy's land claim on the Columbia river; thence south to the Columbia river.

Passed January 26, 1855.

AN ACT TO ASSIGN THE DISTRICT JUDGES OF WASHINGTON TERRITORY TO THEIR RESPECTIVE DISTRICTS.

- SEC. 1. Judge McFadden assigned to the first, Judge Lander to the second, and Judge Chenoweth to the third district.
2. Repealing clause.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Hon. O. B. McFadden be, and is hereby, assigned to the first district, and to reside therein. That Hon. Edward Lander, chief justice, be, and is hereby, assigned to the second district, and

to reside therein. That Hon. F. A. Chenoweth be, and is hereby, assigned to the third district, and to reside therein.

SEC. 2. That all acts, and parts of acts, conflicting with, or contradictory to this act, are hereby repealed.

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

Passed January 25, 1855.

AN ACT TO APPORTION THE REPRESENTATION OF THE TERRITORY OF WASHINGTON.

SEC. 1. Apportionment of council.

2. Apportionment of the house of representatives.

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

SEC. 2. The members of the house of representatives shall be as follows: Walla Walla shall elect one; Skamania shall elect one; Clarke shall elect four; Cowlitz shall elect one; Cowlitz and Wakiakum shall elect one; Pacific shall elect one; Lewis shall elect two; Chehalis shall elect one; Sawamish shall elect one; Thurston shall elect six; Pierce shall elect three; King shall elect three; Island shall elect one; Whatcom shall elect one; Jefferson shall elect one; Clallam and Jefferson shall elect one.

Passed February 1, 1855.

AN ACT RELATIVE TO GARNISHEES.

- SEC. 1. When and how a garnishee may be had in the district courts; debt of garnishee not to exceed that due defendant; garnishee not to be liable for any costs.
2. The same before justices of the peace.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That upon the return of an execution issued upon any judgment heretofore, or which may hereafter be rendered, by any district

court of this territory, of no property found to make the debt, or any part thereof, mentioned in said execution, the plaintiff in such execution may, by filing his affidavit with the clerk of said district court, stating that some third person or persons, naming him or them, are indebted to the defendant in the execution, and as near as may be, setting forth the amount of such indebtedness, require said clerk to issue a summons against such person or persons, requiring him or them to appear on the first day of the next term of said district court, and answer on oath to the amount he or they may be owing to said defendant in said execution, at the time such summons was served, and judgment shall be rendered by the court against him or them in favor of the plaintiff in said execution, for the amount of such indebtedness. *Provided*, said amount of indebtedness does not exceed the sum due the plaintiff in the execution, together with the costs of the proceeding; *And provided further*, that said person or persons so garnisheed shall not be compelled to pay any costs accruing on said proceeding, nor shall they be compelled to pay any debt to the plaintiff in said execution, different from the manner in which the same was contracted with said defendant or defendants.

SEC. 2. That the plaintiff in any execution issued upon any judgment heretofore, or which may hereafter be rendered by any justice of the peace of this territory, which shall be returned no property found to make the debt, or any part thereof, may file before said justice of the peace his affidavit, setting forth the same facts as required in the affidavit mentioned in the preceding section, upon the filing of which affidavit, the justice shall issue a summons against such person or persons, directed to the county in which they may reside, requiring him or them to appear before said justice of the peace, within not less than five days after service thereof, and answer on oath to the amount he or they may be indebted to said defendant at the time he or they were thus summoned; and if he or they be found so indebted, judgment shall be rendered against him or them, in favor of the plaintiff in said execution, for the amount of indebtedness; *Provided*, said amount does not exceed the sum due the plaintiff in said execution: *And provided further*, such garnishee shall not be liable to pay any costs, or to pay the debt in any manner different from that in which the same was contracted with the defendant or defendants in the execution.

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

Passed February 1, 1855.

AN ACT TO AMEND AN ACT, "TO DEFINE THE NORTHERN BOUNDARY OF CLARKE COUNTY."

Northern line altered, and east and west line extended.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the northern boundary line of Clarke county be so changed as to make it on the township line, between town ten and eleven north, and that the east and west boundary lines be so extended as to meet it, anything in the act to which this is amendatory to the contrary, notwithstanding.

Passed January 23, 1855.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO LOCATE THE COUNTY SEAT OF CLARKE COUNTY," PASSED MARCH 15TH, 1854.

- SEC. 1. County commissioners of Clarke county authorized to erect public buildings, and within what limits.
2. County seat established within the limits fixed in this act.
 3. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Clarke county be, and are hereby, authorized to erect suitable buildings for the holding of courts, upon the most suitable place within the following boundaries, to wit:—The north western portion of Mrs. Esther Short's land claim, and the western portion of William Ryan's land claim, in Vancouver, running back one mile from the Columbia river.

SEC. 2. *And be it further enacted,* That the county seat of Clarke county be, and the same is hereby, located at the place so designated.

SEC. 3. *And be it further enacted,* That all foregoing acts conflicting with the aforesaid enactments, are hereby repealed.

Passed December 15, 1854.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO ORGANIZE THE COUNTY OF PIERCE," PASSED THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF OREGON, DECEMBER 22D, 1852.

- SEC. 1. Boundary defined.
2. Repealing clause.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary lines of Pierce county be, and the same

are hereby, defined and established as follows:—Commencing at the middle of the mouth of the main channel of the Nisqually River; thence north along the main channel of Puget's Sound, between Anderson's Island and the main land, to the head of Case's Inlet; thence due east to the middle of the west channel of the passage between Vashon's Island and the main land; thence south along said channel to a point opposite to Point Defiance; thence east from the point last aforesaid, up the middle of Commencement Bay, to the mouth of the main channel of the River Puyallup; thence easterly to the head of Stuck River; thence due east to the middle of the main channel of White River; thence up the middle of the main channel of said river to the head of the same; thence due east to the summit of the Cascade range of mountains; thence south along the summit of said range of mountains to a parallel of latitude passing through the mouth of Michael's Fork of the Nisqually River; thence down along the middle of the main channel of said river, to the place of beginning.

SEC. 2. All existing laws in conflict with the provisions of this act, are hereby repealed.

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

Passed January 25, 1855.

AN ACT TO CHANGE THE NAME OF THE COUNTY SEAT OF CLARKE COUNTY.

- SEC. 1. Name of Columbia City, changed to Vancouver.
2. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of the county seat of Clarke county, be, and the same is hereby changed from that of Columbia city to Vancouver.

SEC. 2. This act to take effect from after its passage.

Passed January 26, 1855.

AN ACT TO LEGALIZE THE ASSESSMENT OF COWLITZ AND OTHER COUNTIES.

- SEC. 1. The assessment of Thomas Roe made in 1854, legalized.
2. The assessment of all counties made after the time required by law legalized.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the assessment made by Thomas Roe, in Cowlitz county, in the year eighteen hundred and fifty-four, though not made at

the time required by an act to provide for the collecting county and territorial revenue, shall not be invalid on that account, but is hereby legalized.

SEC. 2. The assessment of all counties properly made, but after the time required by law, are hereby legalized.

Passed January 26, 1855.

AN ACT TO LOCATE BY POPULAR VOTE THE COUNTY SEAT OF CHEHALIS COUNTY.

- SEC. 1. An election to be held 1st April; how that election to be conducted.
2. The county commissioners to name two or more places to be voted for, and the place receiving the largest number of votes, shall be the county seat; if no one point is chosen, election to be again held to locate the county seat.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be an election held on the first day of April next, in the several precincts of Chehalis county, for the purpose of voting for a site on which to locate the county seat of said county; said election shall be conducted in all respects as general elections are by law conducted.

SEC. 2. It is hereby made the duty of the county commissioners of said county at their March term, to designate two or more sites to be voted for at said election; if only two sites are voted for, the one having the highest number of votes shall be adopted as the site on which said county seat shall be located. If more than two points shall be designated and voted for at said election, and if no one site has a majority of all the votes cast, then the two points having the highest number of all the votes cast, shall, within fifteen days after the first election, be voted for in the same manner and under the same regulations that the first sites were voted for, and the site having the highest number of votes shall be adopted as the site on which the county seat of said county shall be located.

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

Passed January 8, 1855.

AN ACT TO LOCATE THE COUNTY SEAT OF LEWIS COUNTY.

- SEC. 1. County seat located on John Moore's claim; proviso, with the conditions on which this act is to be in force.
2. Repealing clause.
3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of Lewis county be and the same is hereby located at the present crossing of the Newakum river, on John Moore's land claim; *Provided,* that within sixty days after the passage of this act, the said John Moore execute a quit claim deed for ten acres of land to the county commissioners of said county, for the site of the public buildings, and also a quit claim deed to the undivided half of one hundred and forty acres of land in addition thereto.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed.

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

Passed January 24, 1855.

AN ACT TO LOCATE THE COUNTY SEAT OF WHATCOM COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of Whatcom be, and is hereby located at Whatcom, in said county, on the land claim of R. V. Peabody.

SEC. 2. The county commissioners of said county be, and are hereby empowered to select a site, and to erect suitable buildings thereon for the purpose of holding courts, &c.

Passed January 13, 1855.

AN ACT TO LOCATE THE COUNTY SEAT OF SAWAMISH COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Sawamish county be, and they are hereby authorized to locate the seat of justice, or county seat, at or near the head of Skookum Bay, on a tract of land selected by the commissioners of said county for that purpose.

SEC. 2. And the county commissioners of said county are hereby authorized to have the site surveyed and laid off in town lots to be disposed of as they may deem proper for the best interest of said county.

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

Passed January 15, 1855.

AN ACT TO PREVENT STUD HORSES, JACKASSES AND RIDGLINGS FROM
RUNNING AT LARGE.

- Sec. 1. A stud horse, jackass or ridgling not to be suffered to run at large.
2. May be taken up when running at large at expense to the owner.
3. If no owner is found within ten days, the animal may be altered.
4. Said animal shall be taken care of, how and at what cost.
5. Certain animals not to be altered.
6. How such animals to be disposed of.
7. Indians exempted in certain cases from the operation of this act.
8. No animal to be used for covering in public places.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person owning or keeping a stud horse, jackass or ridgling to suffer the same to run at large within the limits of any of the white settlements within this territory.

Sec. 2. Any person finding any of said animals running at large within the limits of any of the white settlements within this territory, shall have the privilege to take up said animal or animals, and if the owner is known to the person taking up said animal shall forthwith proceed to deliver up said animal to its owner, for which the owner shall pay to the person delivering said animal, the sum of five dollars.

Sec. 3. If no owner is known or heard of within ten days from the time said animal was taken up, the person taking up said animal may proceed to alter or geld said animal, by first securing the services of an experienced person to alter or geld said animal, for which the person taking up said animal shall be entitled to five dollars.

Sec. 4. The person taking up and altering or gelding said animal, shall take care of the same until his wounds are healed, for which he shall be entitled to two dollars per week, nothing in the foregoing sections shall make the person taking up said animal responsible for any accident that may happen by reason of said animal being altered or gelded, nor for any other unavoidable accident.

Sec. 5. No person shall by virtue of any of the foregoing acts have the privilege of altering any stud horse fifteen hands high, known to be kept for the purpose of covering mares, but the owner of said stud horse shall pay to the taker up of said animal, five dollars per week for keeping said animal.

Sec. 6. At the expiration of one year from the time said animal was taken up, if no owner appear and prove said animal to be his property and pay charges, said animal shall be disposed of as other estrays are disposed of.

Sec. 7. Nothing contained in the foregoing sections shall be so construed as to compel any Indian to pay more than one dollar for the first stud horse delivered, but after that, he shall be subject to all the provisions of the foregoing act.

Sec. 8. If any person shall exhibit, or show by riding or leading any stud horse, jackass or ridgling, or use him in covering, within view or hearing of any place of public worship, during the time an assembly of persons are engaged in such worship, he shall be fined in any sum not less than one dollar and not more than twenty-five dollars.

Sec. 9. This act to take effect from and after its passage.

Passed January 26, 1855.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT RELATING TO THE CONSTRUCTION AND MAINTAINING OF ROADS," PASSED APRIL 19th, 1854.

- Sec. 1. County commissioners in each county to have the sole jurisdiction over county roads.
2. Said commissioners allowed to make all orders relative to county roads.
 3. Notice to be given, and how it shall be done.
 4. Record of all roads to be kept; how, and by whom.
 5. What constitutes a record of a road.
 6. How parties injured by the action of the county commissioners may be redressed.
 7. Width of county roads.
 8. When a part of the funds for road purposes may be expended on territorial roads.
 9. Persons signing a petition required to work on roads.
 10. Every road to be viewed and marked.
 11. Repealing clause.
 12. Return of field notes not to invalidate road.
 13. Each county to be divided into road districts.
 14. Election of supervisors provided for.
 15. Labor and taxes to be assessed for every county road.
 16. Supervisors may assess additional taxes; when; repealing clause.

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

Sec. 2. At any regular meeting, said board may establish, alter, or vacate county roads, and cause the same to be laid out, marked or surveyed, and worked and opened, as they shall deem most for the public interest.

Sec. 3. They shall not establish, alter, or vacate any road, unless they shall be satisfied that at least twenty days public notice has been given, of an intention to apply to said board for such alteration, or to vacate said road, with notice of the time when the application will be made, by posting at least three written or printed notices in three of the most public places in the county, one of which shall be at the county seat, and two in the two most public places in the vicinity of the road proposed to be altered or vacated; and at least a majority of the citizens in the district through which said road is located, are in favor of such alteration.

SEC. 4. The board of county commissioners shall cause their clerk to enter in a well bound book, their action upon all roads which they shall establish, alter, or vacate, which book shall be called the "Road Book" of the county; in which book all the records concerning the roads at present established in the county, shall be entered, and no county road, hereafter altered or established, shall be opened, until the same shall be fully recorded in said road book. Said road book shall be a public record, and be kept in the office of the clerk of the board of county commissioners, and shall be open to the inspection of the public.

SEC. 5. Said road book shall contain the petition, if any; the report of the viewers; a description of the road, with a copy of the survey, if any has been made; and a copy of all claims for damages on the part of any person claiming to have been affected by the location, vacating, or altering of said road, together with all the orders and proceedings of the board, touching the same.

SEC. 6. Any person claiming to have been injured by the action of the board of county commissioners, upon any county road, may, within six months after the action complained of, file his complaint against the board of county commissioners, in the district court having jurisdiction over the county, setting forth a full copy of the record, and specifying in what respect he has been injured, of which complaint similar notice shall be given; and the same shall be verified, tried, and determined as is provided in civil actions: *Provided*, that if it shall appear that the party complaining had actual notice of the intended action of the board upon such road, in time to have appeared and presented his claim to said board, and did not so appear and present his claim, or having appeared, took no exception to the action of the board, or having been tendered a reasonable amount of damages, refused to accept the same, or has acted in any other respect contrary to good faith, then his complaint shall be dismissed.

SEC. 7. County roads shall be sixty feet in width.

SEC. 8. In any road district embracing a territorial road within the district, the supervisor of roads may, if the public benefit requires it, expend a part of the money collected by him, or labor due in his district, on said territorial road or roads, beyond the bounds of the county or district in which he is appointed: *Provided*, that such portion of territorial road, so worked, shall not be included in a road district of the adjoining county, or is so situated that there will not be sufficient labor in the adjoining road district, to do the necessary work on said territorial road.

SEC. 9. Any person signing a petition to the county commissioners of any county, asking to open any new road, or to make any alterations in

any established road, requiring labor thereon, shall be required to perform or furnish two days labor on such new road or alteration, if the petition be granted.

SEC. 10. Every territorial and county road, hereafter to be located, shall be viewed and plainly marked throughout, but shall not be surveyed, except the act locating such road shall expressly require it.

SEC. 11. The first fourteen sections, and the sixteenth and seventeenth sections of the act to which this is amendatory, are hereby repealed: *Provided*, that all rights heretofore acquired, and all liabilities incurred, under the sections hereby repealed, shall not be affected by anything contained therein; and all proceedings, heretofore commenced, shall not be affected, except that as far as practicable, they may be made to conform to the provisions of this act.

SEC. 12. That so much of section twenty-one, of the act to which this is amendatory, as relates to the return of the plat and field notes of territorial roads, to the secretary of this territory, is hereby repealed; and a failure to return such plat and field notes, in roads heretofore located, shall not be deemed to have invalidated the same.

SEC. 13. That section twenty-five be amended to read as follows:—

“The several boards of county commissioners shall, as often as they may deem necessary, but not oftener than once a year, (at their March term,) divide their respective counties, or any part thereof, into suitable and convenient road districts, and cause a brief description of the same to be entered on the county records.”

SEC. 14. That section twenty-six be amended by striking out the first sentence, and inserting instead:—“The supervisor of each road district shall, at least ten days before the first Monday in April, of each year, cause three written notices to be posted up, in three conspicuous places in his road district, giving notice that there will be an election held in such road district, on the first Monday in April, at some place in said district, to be specified in said notices, for the purpose of electing a road supervisor for said district, for the next succeeding year; at which election the old supervisor shall act as chairman of the meeting, if present; if not, a chairman shall be elected by the voters present. The meeting shall also elect a secretary, who shall record the proceedings of the meeting; and all persons in the district, who are required to work roads, may vote; and the person receiving the highest number of votes, shall be the supervisor of roads in that district, for that year: *Provided*, that if there be no supervisor in any district, or if he shall neglect or refuse to put up the said notices, as above provided, then any citizen of such road district may, at any time within one month after the said first Monday in April, put up notices, giving ten days notice, of an election; and

such election may be held, and shall be as legal, as if held on the first Monday of April. And it shall be the duty of the secretary of any meeting in a road district, called to elect a supervisor, to notify the board of county commissioners of the county, at their next regular session, that his district has elected a supervisor, and shall give the name of the said supervisor; and the board of county commissioners shall, at said term, appoint supervisors for all road districts, from which no notice is received of a supervisor having been elected.

SEC. 15. That section twenty-eight of said act, to which this is an amendment, be so amended, that it shall read:—"He shall assess three days' work, to be performed by every male between twenty-one and fifty years of age, residing in his road district, except persons who are a public charge, or too infirm to perform labor, and a further tax of three mills on the dollar, on all taxable property therein, to be expended on the road within his district; and the person so taxed shall have the liberty to pay said tax in labor on the road, or at the rate of three dollars per day."

SEC. 16. That the second division of section twenty-eight, shall be so amended, as to read as follows:—"The supervisor of each road district shall have power, if in his opinion the state of the roads require it, at any time during his term of office, to assess an additional tax of three mills on the dollar, on all taxable property in his road district: *Provided*, the first assessed tax has been expended; and the said supervisor shall have the same power to enforce the said additional tax, as has been heretofore given him in this act, to enforce the original road tax." All laws heretofore passed, conflicting with the provisions of this act, are hereby repealed.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO LOCATE A TERRITORIAL ROAD FROM OLYMPIA TO SHOALWATER BAY," PASSED APRIL 24TH, 1854.

- SEC. 1. New commissioners appointed.
2. Duties of commissioners assigned.
3. Repealing clause.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the act entitled an act to locate a territorial road from Olympia to Shoalwater Bay, passed April twenty-fourth, eighteen hundred and fifty-four, is hereby amended as specified in this act.

SEC. 1st of said act is amended so as to read as follows, after the enacting clause :

SEC. 1. That A. O. Houghston, Joseph Bailey and Martin Baily,

are hereby constituted a board of commissioners to locate a territorial road from Olympia to Shoalwater Bay.

Sec. 2d of said act is amended so as to read as follows :

Sec. 2. Said commissioners or a majority of them shall meet at the office of the county auditor of Chehalis county on the 1st Monday of February, 1855, or as soon thereafter as practicable, and after being duly sworn faithfully and impartially to perform their duty as commissioners, shall proceed to locate said road on the nearest and most practicable route.

Sec. 3. And be it further enacted, that so much of the act entitled an act to locate a territorial road from Olympia to Shoalwater Bay, as is consistent with this amendatory act is hereby repealed.

Passed December 16, 1854.

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 21ST, 1854.

- SEC. 1. What portion of the survey made shall be a territorial road.
 2. Commissioners to make a report and deposit with the clerk of the board of county commissioners.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of the survey of a road from Olympia to Monticello, made by commissioners appointed by the act to which this is amendatory, as lies in Lewis and Cowlitz counties, be, and the same is hereby declared a territorial road to all intents and purposes.

SEC. 2. It is hereby made the duty of said commissioners, within sixty days after the passage of this act, to cause a true report to be made and a certified copy of the same to be deposited with the clerk of the board of county commissioners of Lewis and Cowlitz counties, who shall file and preserve the same.

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

Passed January 22, 1855.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO LOCATE A TERRITORIAL ROAD FROM STELLACOOM IN PIERCE COUNTY, TO SEATTLE IN KING COUNTY, PASSED MARCH 13TH, 1854.

- SEC. 1. New commissioners appointed.
 2. Said commissioners to meet and proceed to locate the road.
 3. Said commissioners to make a report.
 4. Compensation of commissioners.
 5. Road not required to be surveyed.
 6. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of said act as appoints Hugh Patterson, C. D. Boron and E. A. Clark, commissioners of said road, be, and the same is hereby repealed and that Willis Boatman, F. A. McCarty, Joseph Foster and Wm. A. Brannan, be, and the same are hereby constituted a board of commissioners to locate said road.

SEC. 2. Said commissioners or a majority of them, shall meet at Steilacoom 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 commissioner's courts in Pierce and King 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 manner as other territorial roads are opened and kept in repair.

SEC. 4. Said commissioners shall be entitled to receive three dollars per day for the time necessarily employed in locating the same, to be paid out of the treasuries of Pierce and King counties in proportion to the time employed in each county, and they shall also be allowed such assistants as may be necessary who shall all be allowed a reasonable compensation for their services.

SEC. 5. This act shall not be so construed as to require the aforesaid commissioners to have said road surveyed without an order from the county commissioners, requesting the same.

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

Passed January 13, 1855.

AN ACT TO LOCATE A TERRITORIAL ROAD LEADING FROM SAMUEL WOODARD'S ON THE WILLAPA RIVER, TO INTERSECT AT THE BOISFORT PLAINS THE TERRITORIAL ROAD LEADING FROM CATHLAMET TO SIDNEY S. FORDS.

- SEC. 1. Commissioners appointed to locate the road.
 2. Said commissioners to meet, when, and to locate the road.
 3. Report to be made.
 4. Compensation of commissioners and assistants.
 5. Road not required to be surveyed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Samuel Woodard, Mr. Bush and Mr. Shafer are hereby constituted a board of commissioners to locate a territorial road

leading from Samuel Woodard's on the Willapa river in Chehalis county, to intersect at the Boisfort plains in Lewis county, the territorial road leading from Cathlamet to Sidney S. Ford's.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of the said Samuel Woodard, on the first Monday in March next, or as soon thereafter as circumstances will permit, and, after being duly sworn faithfully and impartially to perform their duties as 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 made, and a certified copy of the same to be deposited with the clerks of the board of county commissioners of Lewis and Chehalis counties, who shall file and preserve the same, and when said reports are so deposited with said clerks as aforesaid, said road shall be, to all intents and purposes, a territorial road, and shall be opened and kept in repair as other territorial roads are opened and kept in repair.

SEC. 4. Said commissioners, shall each be entitled to receive, as a compensation for his services, three dollars per day for the time necessarily employed in locating the same, in proportion to the time employed in each county through which the road passes. And said commissioners shall be allowed to employ such assistants as shall be necessary, who shall receive a reasonable compensation for their services.

SEC. 5. This act shall not be so construed as to require the aforesaid commissioners to have said road surveyed, without an order from the county commissioners requiring it.

Passed January 20, 1855.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM THE MOUTH OF THE COLUMBIA RIVER TO INTERSECT A TERRITORIAL ROAD LEADING FROM THE WILLAPA RIVER TO BOISFORT PLAINS.

- SEC. 1. Commissioners appointed to locate the road.
- 2. Said courts to meet, when, and to take oath &c.
- 3. Said commissioners to cause a report to be made and filed.
- 4. Compensation of said commissioners and assistants.
- 5. When commissioner may appoint his successor.
- 6. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. Hall, H. Brown and N. S. Ellis, be, and they are hereby constituted a board of commissioners to locate a territorial road from the mouth of the Columbia river, at some point between Todd's Bay and cape Disappointment, to intersect the territorial road leading from the Willapa river to Boisfort plains at the nearest and most practicable point.

SEC. 2. Said commissioners or a majority of them, shall meet at the house of Ezra Weston, in Pacific county, on the first Monday of April next, or as soon thereafter as circumstances will permit, and after being duly sworn to faithfully and impartially perform their duties as said commissioners, shall proceed to locate said road on the nearest and most direct route.

SEC. 3. Said commissioners shall cause a true report to be made, and a certified copy of the same to be deposited with the clerk of the board of county commissioners in each county through which said road shall pass, said report shall contain an account of the expenses proportioned to each county, and when said report is deposited and filed with said clerks as aforesaid, 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 each be entitled to receive as a compensation for his services, three dollars per day for the time necessarily employed in locating the same, to be paid out of the county treasuries of the counties through which said road shall pass, in proportion to the time employed in each county through which said road passes, and shall be allowed to employ such assistants as they may deem necessary, who shall receive a reasonable compensation for their services, to be paid in like manner with the commissioners.

SEC. 5. If said commissioners or any one of them shall resign, they shall, before such resignation have the power to appoint some suitable person to act in their stead, who shall qualify in like manner, and in all respects possess the same powers and perform the same duties as those originally appointed.

SEC. 6. This act to take effect from and after its passage.

Passed January 29, 1855.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO LOCATE A TERRITORIAL ROAD FROM CATHLAMET TO THE HOUSE OF SIDNEY S. FORDS, IN THURSTON COUNTY," PASSED APRIL 25, 1854.

- SEC. 1. Commissioners appointed to re-locate the road; their term of office.
2. Commissioners authorized to change said road.
3. Commissioners to report to secretary of territory.
4. Commissioners to take an oath; how vacancy may be filled.
5. Compensation of commissioners.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That L. H. Davis, of the county of Lewis, Thompson Dray and William Strong, of the county of Wahkiakum, be, and they*

are hereby appointed commissioners to relocate any portion of said road between the starting point on the Columbia river, and the termination at Sidney S. Ford's. Said commissioners to continue in office until the first day of January, A. D., 1856.

SEC. 2. Said commissioners, or a majority of them, shall have full authority to change and relocate any portion or portions of said road for the purpose of shortening the distance, or improving the ground over which the road passes, as they shall deem most for the public interest.

SEC. 3. When they shall have completed the discharge of their duties they shall report to the secretary of the territory such alterations as they shall have made, and to the auditor of each county all alterations made within the limits of such county.

SEC. 4. Before any of said commissioners shall act, they shall take an oath faithfully to discharge the duties of their office, and if, for any cause any one or more shall fail to qualify, or having qualified, shall fail or cease to act, the acting commissioner or commissioners shall select some person to fill the vacancy, and the person so selected, shall have the same powers, and discharge the same duties as though he had been originally appointed.

SEC. 5. The said commissioners shall receive no compensation except by voluntary contribution for their services as such commissioners.

Passed January 10, 1855.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM PACIFIC CITY, TO THE NARCOTA LANDING, ON SHOALWATER BAY.

- SEC. 1. Commissioners appointed.
 2. When said commissioners to meet, &c.
 3. Said commissioners to report.
 4. Their compensation.
 5. Allowed to employ assistants.
 6. Road not to be surveyed.
 7. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Sidney Woon, Thomas Collins, and James D. Holman, be, and they are hereby, constituted a board of commissioners to locate a territorial road, leading from James D. Holman's, at Pacific City, in Pacific county, to connect, by ferry, at the Narcota Landing, on Shoalwater Bay, with the territorial road from Olympia to Shoalwater Bay.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Ezra Weston, on the first Monday of March next, or as soon thereafter as circumstances will permit; and after being duly sworn,

faithfully and impartially to perform their duties as 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 made, and a certified copy of the same to be deposited with the clerk of the board of county commissioners of Pacific county, who shall file and preserve the same; and when said report is so deposited with the clerk as aforesaid, said road shall be, to all intents and purposes, a territorial road, and shall be opened and kept in repair as other territorial roads are opened and kept in repair.

SEC. 4. Said commissioners shall each be entitled to receive as a compensation for his services, three dollars per day for the time necessarily employed in locating the same, to be paid out of the county treasury of Pacific county.

SEC. 5. Said commissioners shall be allowed to employ such assistants as shall be necessary therefor, who shall receive a reasonable compensation for their services.

SEC. 6. This act shall not be so construed as to have said road surveyed, unless the county commissioners require the same.

SEC. 7. This act to take effect from after its passage.

Passed January 19, 1855.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM VANCOUVER, THE COUNTY SEAT OF CLARKE COUNTY, IN WASHINGTON TERRITORY, TO INTERSECT A TERRITORIAL ROAD AT OR NEAR THE COWLITZ FARMS, IN LEWIS COUNTY.

- SEC. 1. Commissioners appointed to locate road.
2. When to meet; road to be located according to a petition.
3. Plat of the road to be filed.
4. Compensation of the commissioners' assistants.
5. Road not to be surveyed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Joseph Goddard, Jacob John, and J. C. Davis be, and they are hereby, constituted a board of commissioners to locate a territorial road from Vancouver, to intersect a territorial road at or near the Cowlitz Farms, in Lewis county.

SEC. 2. Said commissioners, or a majority of them, shall meet at Vancouver, on the first Monday in March next, or as soon thereafter as circumstances will permit, and, after being duly sworn faithfully and impartially to locate said road, on the nearest and best route, from Vancouver to the Cowlitz Farms, in accordance with a petition from sundry citizens of Clarke county, and plainly mark the same.

SEC. 3. It shall be the duty of said commissioners to cause a plat of said road and survey to be made, and a copy of the same to be deposited with the clerk of each county through which said road shall pass, who shall file and carefully preserve the same; and when so deposited, said road shall be opened and kept in repair in the same manner as other territorial roads.

SEC. 4. Said commissioners, and the hands necessarily employed, shall each be entitled to receive as a compensation for his services, three dollars a day, for each day necessarily employed in surveying and locating said road, to be paid out of any money in the county treasury of each county, proportionate to the respective distance said road runs through each county.

SEC. 5. This act shall not be so construed as to have said road surveyed without an order from the county commissioners of each county, requesting the same.

Passed January 26, 1855.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM THE COLUMBIA RIVER, AT OAK POINT MILL, TO INTERSECT THE TERRITORIAL ROAD FROM CATHLAMET TO SIDNEY S. FORDS. SEN.

- SEC. 1. Commissioners appointed.
 2. When and where to meet.
 3. Report to be made and filed.
 4. Compensation of Commissioners.
 5. Expenses of road, how to be paid.
 6. Vacancies, how filled.
 7. Road not to be surveyed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Murphy, Michael Buchanan and Alex C. Clark, be, and they are hereby constituted a board of commissioners to locate a territorial road from the Columbia river, at or near the Oak Point Mills, in Cowlitz county, to Boisfort Prairie in said county, or to intersect the territorial road now surveyed from Cathlamet to Sidney S. Ford's, Sen., at any point between Oak Point and Boisfort Plains.

SEC. 2. Said commissioners, or a majority of them, shall meet at the Boisfort Prairie, on the fifteenth day of April next, or as soon thereafter as circumstances will permit, and, after being duly sworn faithfully and impartially to perform their duty as commissioners, shall proceed to locate said road on the nearest and most practicable route, to be ascertained by said commissioners.

SEC. 3. Said commissioners shall cause a true report to be made of the route, and shall deposit a certified copy of said report with the

clerks of the board of county commissioners for Cowlitz, Wahkiakum and Lewis counties, who shall file and preserve the same ; and when said report is so deposited, said road shall be considered 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 each be entitled to receive as a compensation for his services, three dollars per day, for the time actually and necessarily employed in locating said road, and shall be allowed to employ such assistants as shall be necessary therefor, who shall be allowed a reasonable compensation for their services.

SEC. 5. The expenses of locating said road shall be paid in proportion to the distance which said road shall pass through each county. To the report of said commissioners, shall be attached a correct and certified copy of the bill of expenses of locating said road.

SEC. 6. Should one or more of the above named commissioners, from any cause, fail to serve, the remaining commissioner or commissioners shall have power to fill the vacancy.

SEC. 7. This act shall not be so construed as to require said commissioners to have said road surveyed unless the county commissioners require it.

Passed January 20, 1855.

AN ACT TO PROVIDE FOR A TERRITORIAL ROAD FROM VANCOUVER TO THE DALLES OF THE COLUMBIA RIVER.

- SEC. 1. Commissioners appointed.
 2. When and where commissioners to meet.
 3. Plat of the road to be made and filed.
 4. Compensation of commissioners and assistants.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That William T. Crate, William M. Simmons, Henry Shepherd, Daniel Baughman and Madison Finley, be, and they are hereby constituted commissioners to locate and establish a territorial road from Vancouver, the county seat of Clarke county, to the Dalles of the Columbia river.*

SEC. 2. Said commissioners, or a majority of them, shall meet at Vancouver on the first Monday in March next, or as soon thereafter as circumstances will permit, and, after being duly sworn faithfully and impartially to perform their duty as said commissioners, shall proceed to locate said road on the nearest and best route from Vancouver to the

Dalles of the Columbia river, by surveying and plainly marking the same.

SEC. 3. It shall be the duty of said commissioners to cause a plot of said road and survey to be made, and a copy of the same to be deposited with the clerk of each county through which said road shall pass, who shall file and carefully preserve the same, and when so deposited, said road 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, and the hands necessarily employed, shall each be entitled to receive as a compensation for his services, three dollars a day for each day necessarily employed in surveying and locating said road, to be paid out of any money in the county treasury of each county, proportionally to the respective distance said road runs in each county.

Passed January 5, 1855.

AN ACT AUTHORIZING JAMES C. COCHRAN TO ESTABLISH A FERRY ACROSS
THE CHEHALIS RIVER. §

- SEC. 1. James C. Cochran authorized to keep a ferry, where and within what limits; to keep said ferry for five years, upon what conditions.
2. Rates of toll established.
 3. No other ferry to be kept within the limits prescribed by this act; this act to be void, upon what conditions.
 4. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That James C. Cochran, his heirs or assigns, be, and they are hereby authorized to establish and keep a ferry across the Chehalis river in Lewis county, at the point where the territorial road leading from Olympia to Monticello crosses said river, to the opposite shore, within the following limits to wit: Commencing at a point in the centre of said road where it strikes said river, and to land and deposit from each shore of said river, and extending from said point up and down said river on each side thereof, one half mile each way; and that the said James C. Cochran, his heirs and assigns, have the exclusive privilege of ferrying in Lewis county within the above limits, for the term of five years from the passage of this act; *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 the laws of this territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said James C. Cochran, his

heirs or assigns, to receive and collect the following rates of toll for ferriage upon said ferry :

For crossing a footman,	00 15
For crossing man and horse,	00 30
For crossing horse and carriage,	00 50
For crossing two horses and wagon,	00 60
For crossing two oxen and wagon,	00 60
For crossing each additional span of horses or pair of cattle,	00 25
For crossing loose animals other than sheep and hogs; for each,	00 12½
For crossing sheep and hogs each,	00 5

SEC. 3. That no courts or board of county commissioners shall authorize any person, except as hereafter provided in this act, to keep a ferry within the limits set out in this act ; *Provided*, that the said James C. Cochran, his heirs or assigns, shall within three months after the passage of this act, procure for said ferry a good and sufficient flat boat, and boats which shall be kept at said ferry, with sufficient hands to work them, for the transportation of all persons and their property across said river without delay ; and should the laws regulating ferries now, or such as may hereafter be in force, be violated by the said James C. Cochran, his heirs or assigns, or if no good and sufficient flat boat and boats with sufficient hands to work them, be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of Lewis county, then this act shall be void.

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

Passed January 19, 1855.

AN ACT TO INCORPORATE THE AGRICULTURAL SOCIETY OF WASHINGTON TERRITORY.

- SEC. 1. Names of the corporators.
 2. Object of the society, limit of value of real estate.
 3. Powers and privileges of the corporation.
 4. How organization may be effected.
 5. The society may create branch societies, &c., &c.
 6. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Gilmore Hays, Rodolph M. Walker, Calvin H. Hale, Alexander S. Abernethy, Jefferson Huff, Seth Catlin, Nathaniel Hill, Richard H. Lansdale, Thomas M. Chambers, Arthur A. Denny, J. C. Davis, John Moore, George Drew, John R. Jackson, Henry R. Stillman,

H. D. Huntington, Nathaniel Stone, Columbia Lancaster, Wm. Dillon, Henry Smith, H. Van Assott, T. J. Chambers, J. Alexander and Daniel F. Bradford, their associates and successors, be, and they are hereby declared a body politic and corporate, under the name and style of the "Agricultural Society of Washington Territory".

SEC. 2. The object of the society being to promote and improve the condition of agriculture, horticulture and the mechanical, manufacturing and household arts, it shall be allowed, for these purposes only, to take, hold and convey, real and personal estate; the former not to exceed in value ten thousand dollars.

SEC. 3. The said corporation shall possess all the powers and privileges incident to such bodies, and be subject to all the liabilities imposed upon corporations, by the organic act of this territory, and may pass by-laws for their government, and perform all other acts not in violation of, or inconsistent with the constitution of the United States, the organic act and the laws of this territory.

SEC. 4. For the purpose of organizing such society under this charter, any five of the corporators mentioned in the first section of this act may meet, upon ten day's notice first being given, at the town of Olympia, and elect a President, Secretary and executive committee, adopt a constitution and by-laws, and transact such other business incident to such organization.

SEC. 5. The said society shall, by its constitution or by-laws, provide the times of meeting, and may from time to time institute and organize branch auxiliary societies or lyceums for the various counties of the territory.

SEC. 6. This act to take effect and be in force from and after its passage, and may be amended, altered or repealed by any future legislature.

Passed January 19, 1855.

AN ACT TO INCORPORATE THE PUGET SOUND STEAM NAVIGATION COMPANY.

- SEC. 1. Names of the corporators; style and object of the company; powers and privileges of the company.
2. Limit and division of the capital stock.
3. A majority of the corporators authorized to act.
4. How the company may be organized; stockholders may vote by proxy.
5. How the company may be taxed.
6. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington.* That William H. Wallace, H. A. Goldsborough, William

Cock, H. L. Yessler, Charles C. Terry, James M. Hunt, and John H. Scranton, together with all other persons who shall become associated with them, by subscribing to the capital stock of said company, and their successors be, and are hereby, constituted and declared a body corporate and politic, by the name and style of "The Puget Sound Steam Navigation Company," for the purpose of navigating, by steam, the waters of Puget Sound, Hood's Canal, Admiralty Inlet, the Straits of San Juan de Fuca, and the northern waters of the territory of Washington, and keeping on said waters a steamer or steamers, for the transportation of freight and passengers. And said company is hereby authorized and empowered, to have and to receive, purchase and possess, enjoy and retain, lands, tenements, goods, chattels, rents and effects of any kind, and to any amount necessary to carry into effect the objects of said corporation, and the same to use, alien, sell and dispose of, at pleasure; to sue and be sued, in any court having competent jurisdiction; to have and to use a common seal; to ordain and establish such rules, regulations and by-laws, as may be necessary for the well-being of said corporation, subject, however, to the constitution of the United States, the laws of this territory, and the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall be transferable, as the regulations of the corporation shall prescribe.

SEC. 3. The persons named in the first section of this act, or a majority of them, shall do and perform all acts necessary to organize said company, and are hereby authorized to receive subscriptions to the capital stock, and shall have power to cause books to be opened, at any time, or in any place, they may think proper for that purpose.

SEC. 4. That when one hundred and fifty shares shall have been subscribed, the persons named in the first section of this act, or a majority of them, shall call a meeting of the subscribers, at such time and place as they may designate, and proceed to organize said company, by the election of three directors, and such other officers as they may deem necessary, and adopt such regulations and by-laws for the government of the corporation, as by them may be deemed expedient. Stockholders to vote either in person or by proxy, and to be entitled to one vote for each share.

SEC. 5. Said company shall be subject to the provisions of any law that now is, or may hereafter be enacted, regulating the mode of taxation.

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

Passed January 5, 1855.

AN ACT AUTHORIZING WILLIAM PACKWOOD TO ESTABLISH A FERRY
ACROSS THE NISQUALLY RIVER.

- SEC. 1. Limits within which the ferry may be established; term of years this charter to continue, with conditions.
2. No ferry to be established within the limits of this one under certain conditions; how this act shall be void.
3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Packwood, his heirs and assigns, be, and they are hereby, authorized to establish and keep a ferry across the Nisqually river, in Pierce and Thurston counties, at the point where the road leading from Olympia to Steilacoom crosses said river, to the opposite shore, within the following limits, to wit:—Commencing at a point in the centre of said road, where it strikes said river, and to land and deposite from each shore of said river, and extending from said point up and down said river, on each side thereof, one-half mile each way; and that the said William Packwood, his heirs and assigns, have the exclusive privilege of ferrying in said counties, within the above described limits, for the term of ten years from the passage of this act: *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 the laws of this territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That no courts or board of county commissioners shall authorize any person, except as hereinafter provided in this act, to keep a ferry within the limits set out in this act: *Provided,* that the said William Packwood, his heirs or assigns, shall, within three months after the passage of this act, procure for said ferry a good and sufficient flat-boat and boats, which shall be kept at said ferry, with sufficient hands to work them, for the transportation of all persons and their property across said river, without delay; and should the laws regulating ferries now, or such as may hereafter be in force, be violated by the said William Packwood, his heirs or assigns, or if no good and sufficient flat-boat and boats, with sufficient hands to work them, be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of the counties of Pierce and Thurston, then this act shall be void.

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

Passed January 29, 1855.

AN ACT TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN
GEO. T. EASTABROOK AND HANNAH, L. EASTABROOK.

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

Passed December 22, 1854.

AN ACT AUTHORIZING WILLIAM RYAN TO ESTABLISH A FERRY ON THE
COLUMBIA RIVER.

- SEC. 1. Limits within which the ferry may be established ; term of charter;
 proviso.
 2. No charter to conflict with this, under certain conditions, when this act
 to be void.
 3. When this act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Ryan, his heirs or assigns, be, and they are hereby authorized to establish and keep a ferry across the Columbia river, at the land claim of said William Ryan, bordering on the Columbia river, and situate in Clarke county. And that the said William Ryan, his heirs or assigns, have the exclusive privilege of ferrying upon the Columbia river, in Clarke county, within the following limits, to wit: A distance up and down said river, and opposite to the land claim aforesaid, equal to the extent of its border on said river, for the term of five years from the passage of this act ; *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 the laws of this territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That no courts or board of county commissioners shall authorize any person, except as hereafter provided for in this act, to keep a ferry within the limits set out in this act : *Provided* the said William Ryan, his heirs or assigns, shall, within six months after the passage of this act, procure and keep at said ferry a good and sufficient number of flat boats, with a sufficient number of hands to work them, for the transportation of all persons and their property across said river without delay. And should the laws regulating ferries now, or such as may hereafter be in force, be violated by the said William Ryan, his heirs or assigns, or if no good and sufficient number of flat boats and hands to

work them be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of the county of Clarke, this act shall be void.

Sec. 3. This act shall be in force from and after its passage.

Passed January 19, 1855.

APPENDIX.

MEMORIAL

Praying that the claims of the Hudson's Bay and Puget Sound Agricultural Companies be defined and settled.

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, that the claims to portions of our territory, set up by the Hudson's Bay and Puget Sound Agricultural Companies, under the treaty of 1846, are seriously retarding the growth and prosperity of our territory, and doing great injustice to our citizens. The grievances of which we complain, arise principally from the indefiniteness of the claims of the said companies. We had always understood that the said treaty gave to the said companies the right to debar American citizens from those lands only, which were in actual possession or occupation by the said companies; and we had not understood that the random roving of Spanish cattle, constituted "occupancy;" nor that "farms and lands" were thus to be marked, or that the occasional temporary occupancy of isolated spots of land, a score of miles apart, thereby entitled the said companies to all the lands between.

Your memorialists would further respectfully represent, that the said companies have claimed large tracts of land in the counties of Clarke, Lewis, and Pierce, when in fact they have occupied but a very inconsiderable portion of said tracts of land, the large tract of land in Clarke county, outside of their inclosures, now claimed by the Hudson's Bay company, not being surveyed or even claimed by the said company, till the year 1852. These claims being in three important divisions of our territory, and within which large numbers of our citizens had previously taken claims, and made valuable improvements thereon—your memorial-

ists believe that the said companies have thus surpassed their rights under the treaty, to the injury of American citizens.

Your memorialists do not desire to argue the validity of the claims of either of these companies; all that they are entitled to they wish them to have. But they do most earnestly desire that their claims shall be settled—rendered definite and certain—for as they now stand, with their claims extending over an indefinite extent of country, unmarked by any boundary, and those claims not asserted until some emigrant locates and improves, they hang like an incubus upon the best interest of the territory. Your memorialists would therefore most respectfully pray that some steps may be taken, and that speedily, by which our territory shall be freed from this Upas, beneath whose branches everything in our midst withers and dies. We will not pretend to suggest the precise nature of the remedy, but will leave that to the wisdom of congress. The best interests of the territory, as well as the peace and quietude of the citizens, demand that something shall be done upon this subject. Suits are now pending, and more in readiness to be brought in our courts, for trespasses by the citizens upon the unmarked, undefined, and unoccupied lands of these companies. The citizen is prevented from progressing in any permanent and valuable improvement, lest, when it shall be completed, he will be compelled to incur heavy expenses in litigation, with one or the other of these companies. Thus they prevent the valuable improvement of the country by others, and fail and refuse to make it by themselves.

Your memorialists might cite numerous private and individual instances of injury and hardship, caused by the uncertainty of the claims of these companies among us, but they deem it unnecessary; their desire being only to call the attention of congress to the subject, believing that upon a full and thorough investigation of the matter, justice—full and complete—will be done, and this is all your memorialists desire.

Passed House of Representatives January 19, 1855.

Passed Council January 20, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives,

SETH CATLIN,

President of the Council.

MEMORIAL

To The Honorable, The Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the territory of Washington, would respectfully call your attention to the condition of the mail facilities in this territory, they being totally inadequate to the wants and interests of the country.

Your memorialists would represent that the country lying north of the counties bordering on the Columbia river, comprising nine counties, with a population of three thousand inhabitants, is dependent for their mail matter on the mail from Ranier to Olympia and Steilacoom, conveyed in canoes from Ranier to Cowlitz Landing, on the Cowlitz River; from thence to Olympia and Steilacoom on horseback, across a portage of sixty miles, which, in the winter season of the year, is almost impassable, rendering the arrival of our mails uncertain, and owing to the heavy rains and high waters, unsafe. The condition of the mails has been such on their arrival at Olympia, owing to the causes above stated, that it was almost impossible to distinguish the address on the packages—all communications between the Departments at Washington and the officials at the seat of government of this territory, the officers at Fort Steilacoom, and the Collector of Customs at Port Townsend, having to pass over the same route, and subject to the same dangers and delays—is conclusive evidence of the necessity of a more safe and speedy way of conveying the mails.

The commerce of the northern portion of this territory is rapidly increasing: our business men are weekly exporting to San Francisco and to China, Australia, Sandwich Islands, South America and other foreign countries, valuable cargoes of lumber, square timber, piles and spars. Our coal mines are being worked, and promise to be the source of a rich and extensive trade. Several cargoes of this mineral have been shipped to San Francisco, and the time is not far distant when the coal mines of Washington territory will successfully compete with the mines of South America in supplying the ocean steamers on the Pacific with this article. Yet this region of country, comprising such important interests, is destitute of mails carried by contract with the government north of Steilacoom, but have been wholly dependent on the steamer Major Tompkins since the first of October last, for their weekly mails.

Your memorialists would therefore earnestly recommend that a contract be let at as early a day as possible, for carrying the mail by steamer, weekly from Olympia to Port Townsend, touching all intermediate ports; and also a contract weekly, by steamer from Port Townsend to Pacific City, at the mouth of the Columbia river, there to con-

nect with the mails from San Francisco. This would secure to the northern portion of Washington Territory a speedy, safe and reliable communication with San Francisco and the States, and have a strong tendency to develop the resources of this part of our common country.

Your memorialists would also recommend that a liberal compensation be allowed the owners of the steamer Major Tompkins for supplying our citizens with their mails since the first of October last.

Your memorialists are of the opinion that the revenue of the Post Office Department will be increased by complying with their recommendation.

Resolved, That His Excellency, the Governor, be requested to forward one copy of this Memorial at his earliest convenience, to the Post Master General of the United States.

Passed House of Representatives January 25, 1855.

Passed Council January 26, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

MEMORIAL,

Praying that certain citizens of Washington Territory be indemnified.

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, 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 Nah-chess 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.

Therefore, your memorialists pray that an appropriation be made by congress to indemnify said citizens for such expenditure.

Passed House of Representatives December 19th, 1854.

Passed Council December 22d, 1854.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

M E M O R I A L

Praying that Olympia and Shoalwater Bay be made Ports of Delivery.
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, that the important and rapidly increasing commercial interest of Olympia, the seat of government of the territory of Washington, and late the Port of Entry of the District of Puget Sound, situate at the head of navigation on the Sound, and at the outlet of the over-land communication with the Columbia river, in their judgment, require that it should be made a Port of Delivery; and your memorialists therefore pray your honorable body to enact a law creating the said town of Olympia, in the territory of Washington, a Port of Delivery, in the Collection District of Puget Sound, and providing for the appointment of a Surveyor of the Customs for said port, and your memorialists, as in duty bound, will ever pray. And also, in like, your memorialists would pray for a Port of Delivery at Shoalwater Bay.

Passed House of Representatives January 29, 1855.

Passed Council January 29, 1855.

HENRY R. CROSBIE,

Spcaker of the House of Representatives,

SETH CATLIN,

President of the Council.

J O I N T M E M O R I A L

Praying that a Man-of-War be stationed on the North West coast.
To the Honorable, the Secretary of the Navy

of the United States of America:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully and most earnestly urge upon the government, the absolute necessity of affording protection to the settlements on our north western frontier, by stationing a man-of-war in that vicinity, to cruise in the Straits of Fuca, de Arro, and along the adjoining coast.— Subject as the settlements in that direction are to frequent incursions of hordes of war-like Indians from the British and Russian possessions north, which have caused the death of many of our citizens, and the loss of much property, and tending in no small degree, by the insecurity of life and property, to retard the growth of this valuable section of our territory, besides being contiguous to the disputed boundary line between the

United States and Great Britain, and visited frequently by the British men-of-war, now cruising in the Pacific.

In view of these facts, and the absolute inefficiency of soldiers to contend successfully upon the water with such foes, pursuing them, as they would have to do, in many cases for hundreds of miles, we must earnestly claim—on the broad principle that true government furnishes protection to its citizens—that our request be granted. All of which is respectfully submitted, and your memorialists would ever pray.

Passed House of Representatives February 1, 1855.

Passed Council February 1, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

JOINT MEMORIAL

Relative to the title to Town Sites.

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 by an amendment to the Act of Congress of September 27th, 1850, passed at the last session, some of our most worthy citizens are liable to be deprived of their claims, after having endured all the hardships and privations of settling in a new and wild country, and after having occupied their claims in good faith for years.

Your memorialists are of opinion that no disadvantage can possibly result to the territory or to the United States, by granting title to the original claimants of town sites, and by confirming sales of property they may have made in such towns, to the purchasers of the same, thereby encouraging the growth of our towns, and greatly benefitting the entire territory. We therefore earnestly solicit your honorable body to so amend the law, that there need be no uncertainty in the title of the original claimants, nor those holding town property under them.

Your memorialists would respectfully solicit that the law be further amended, so as to give a donation of land to children who were made orphans, in part, by the death of either parent while emigrating to, or after their arrival in this territory, not heretofore provided for.

Your memorialists would respectfully solicit that the law be further amended, so as to give a donation of land to children who are made

orphans by the death of both or either parent, and who may now reside in this territory, and not heretofore provided for, and grant to the heirs of young men who had taken claims, and would have been twenty-one years of age before the first day of December, 1855, but dying before arriving at the age of twenty-one.

Passed House of Representatives January 29, 1855.

Passed Council January 29, 1855.

HENRY R. CROSBIE,
Speaker of the House of Representatives,
SETH CATLIN,
President of the Council.

MEMORIAL

Praying that an appropriation be made to build the Penitentiary.
*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 to your honorable body that the site for the Penitentiary for this territory has been selected by the Legislative Assembly, and respectfully ask an appropriation of fifty thousand dollars by congress, to build the same.

Passed House of Representatives, January 15, 1855.

Passed Council January 13, 1855.

HENRY R. CROSBIE,
Speaker of the House of Representatives.
SETH CATLIN,
President of the Council.

JOINT RESOLUTIONS.

JOINT RESOLUTION,

Relative to the protection of Emigrants, &c.

Resolved by the House, the Council concurring, That Congress be requested to authorize the Governor of Washington Territory to accept the services of two companies of mounted volunteers to serve for twelve months in quelling Indian troubles, recovering stolen property, and affording protection to emigrants from the South Pass, in the Rocky mountains westward to the Pacific, on the emigrant route, to the territories of Oregon and Washington.

Passed House of Representatives December 14, 1854.

Passed Council December 22, 1854.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

Asking an increase of the salary of the Collector of Customs, Puget Sound, W. T.

Resolved by the Legislative Assembly, That our Delegate in Congress be, and is hereby instructed, to use his best endeavors with the Congress of the United States to have the salary of the Collector of the District of Puget Sound made equal in amount to the Collector of Customs for

the District of Astoria, Oregon, and to have a retrospective operation to commence with the first day of January, 1852.

Passed House of Representatives January 9, 1855.

Passed Council January 11, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives,

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

Relative to the appointment of officers in this Territory.

WHEREAS, by a law of Congress, the territory of Washington is entitled to one cadetship at the Military school at West Point, and one in the naval school at Annapolis; and whereas, it is believed by the Legislative Assembly, that youths have been sent to this territory from the states, with the view of gaining a temporary residence that they may thereby monopolise these appointments to the exclusion of youths who reside here, and whose parents live amongst us; and whereas, it is further believed that said youths have circulated petitions and obtained subscribers, and are now on their way to Washington with said recommendations:—

Resolved, therefore, by the Legislative Assembly of the Territory of Washington, That we most solemnly protest against the policy of making appointments of persons not citizens for those offices, as well as for all others which can as well be filled by inhabitants of this territory.

And be it further resolved, That our Delegate in Congress be requested to use his influence in procuring for Seth Catlin, jr., and William N. Yantis the appointment for which their friends have asked.

Passed House of Representatives January 9, 1855.

Passed Council January 10, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

For the reduction of the Military Reserve at Vancouver.

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be, and is hereby instructed to use his best endeavors with the Congress of the United States to have the Military Reserve at Vancouver reduced to twenty (20) acres, that being sufficient for all military purposes.

Passed House of Representatives January 24, 1855.

Passed Council January 25, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

For the establishment of a Port of Delivery on the Island of San Juan.

Resolved by the Council, the House concurring, That our Delegate in Congress be, and 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 some suitable point on the Island of San Juan, in Washington Territory, and to provide a Surveyor and Inspector of Customs to occupy the said Port of Delivery.

Passed House of Representatives January 10, 1855.

Passed Council January 10, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

For a Salute, January 8, 1855.

Resolved by the Council, the House concurring, That a salute of thirteen guns be fired at noon this day, in commemoration of the battle of New Orleans, under the direction of the Sergeant-at-Arms of the Coun-

cil, and the House. The expenses to be paid as other legislative expenses are paid.

Passed House of Representatives January 8, 1855.

Passed Council January 8, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives,

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

Appointing a committee to carry out the provisions of the Location Bill.

Resolved by the Council, the House concurring, That a joint committee of two from the Council, and three from the House, be appointed to carry out the provisions contained in an act entitled, "an act to provide for the selection of the place for the location of the seat of government of the Territory of Washington."

Passed House of Representatives January 10, 1855.

Passed Council January 10, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives,

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

Relative to the payment of the Enrolling Clerk.

Resolved by the Legislative Assembly of the Territory of Washington, That the secretary of the territory be requested to pay Elwood Evans the sum of two hundred and twenty dollars out of the fund provided for the contingent expenses of the territory, for forty-four days services rendered to the joint committee in the enrollment and engrossment of bills, &c.—he having been employed by such committee from the twentieth

day of December, 1854, to the first day of February, 1855, inclusive, at the rate of five dollars per day.

Passed House of Representatives February 1, 1855.

Passed Council February 1, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

JOINT RESOLUTION,

Relative to the appointment of a Commissioner of Public Buildings.

Resolved by the Legislative Assembly of the Territory of Washington,

That Rodolph M. Walker is hereby recommended to be appointed a commissioner, to act under the governor, to superintend the improvements on the site selected for the seat of government for the territory.

Passed House of Representatives February 1, 1855.

Passed Council February 1, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of Council.

JOINT RESOLUTION,

Requesting the Governor to draw out and expend the \$5000 appropriation for Public Buildings.

Resolved by the Legislative Assembly of the Territory of Washington,

That the governor be, and is hereby, requested to draw out the \$5000 in the treasury of the United States, "appropriated in the organic act, to be applied by the governor to the erection of suitable buildings at the seat of government," and make use of the same for the purpose designated, in the manner he deems most advantageous to the interests of the territory.

Passed House of Representatives January 18, 1855.

Passed Council January 22, 1855.

HENRY R. CROSBIE,

Speaker of the House of Representatives.

SETH CATLIN,

President of the Council.

