

SESSION LAWS

OF THE

STATE OF WASHINGTON

SEVENTH SESSION.

1901.

COMPILED IN CHAPTERS, WITH MARGINAL NOTES,

—BY—

SAM H. NICHOLS,
Secretary of State.

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LAWS OF WASHINGTON.

CHAPTER I.

[S. B. No. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of sixty thousand dollars, or so much thereof as may be necessary, for the expenses of the Seventh Legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington, the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, to be used for the expenses of the Seventh Legislature of the State of Washington. Legislative expenses.

Passed the Senate January 15, 1901.

Passed the House January 17, 1901.

Approved by the Governor, January 18, 1901.

CHAPTER II.

[S. B. No. 17.]

APPROPRIATION FOR STATE NORMAL SCHOOL AT WHATCOM.

AN ACT making appropriation for the State Normal School at New Whatcom, Washington, for the balance of the fiscal year ending in 1901.

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

SECTION 1. That there be and is hereby appropriated out of any money of the state treasury not otherwise appropriated the sum of four thousand one hundred and fifty (\$4,150.00) dollars or so much thereof as may Appropriation New Whatcom N' mal School' bal-ance of fiscal term.

be necessary to pay for the maintenance of the State Normal School at New Whatcom, Washington, for the balance of the fiscal term and until the general appropriation for 1901 shall become available.

SEC. 2. The State Auditor is hereby authorized and instructed to issue his warrant or warrants upon the State Treasurer for the purpose specified in section 1 of this act, or so much thereof as may be necessary to pay the amounts duly allowed and audited against the said Normal School, in the manner provided by law.

Passed the Senate January 17, 1901.

Passed the House January 17, 1901.

Approved by the Governor, January 18, 1901.

CHAPTER III.

[S. B. No. 4.]

PROVIDING FOR AN ADDITIONAL JUDGE IN SPOKANE COUNTY.

AN ACT providing for an additional judge of the Superior Court of the State of Washington, in and for the county of Spokane, and declaring an emergency.

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

SECTION 1. There shall be, from and after the passage and approval of this act, one additional judge of the Superior Court of the State of Washington, in and for the county of Spokane.

Governor shall
appoint.

SEC. 2. The Governor of the State of Washington shall, upon the taking effect of this act, appoint as such additional Superior Court judge, a person eligible and qualified according to the constitution and laws of this state, and such appointee shall be, and shall hold office as, such additional Superior Court judge until the next general election to be held in the State of Washington in the year nineteen hundred two, and until his successor is elected and qualified as hereinafter provided.

SEC. 3. At the general election to be held in the State of Washington in the year nineteen hundred two, there shall be elected in the county of Spokane one Superior Court judge to take the place of, and succeed, the Superior Court judge mentioned in sections 1 and 2 of this act, and such judge so elected at said general election of the year nineteen hundred two shall hold his office until the second Monday of January, nineteen hundred five, and until his successor is elected and qualified. Succeeding judge to be elected in 1902.

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

Passed the Senate January 22, 1901.

Passed the House January 24, 1901.

Approved by the Governor January 28, 1901.

CHAPTER IV.

[S. B. No. 15.]

PROVIDING FOR REAPPRAISEMENT OF CERTAIN TIDE LANDS.

AN ACT providing for the reappraisalment of the tide lands in front of the city of Blaine, Whatcom county, State of Washington, and declaring an emergency.

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

SECTION 1. That the Board of State Land Commissioners, shall on or before the first day of June, A. D 1901, make or cause to be made, a reappraisalment of any or all of the tide lands, at and in front of the city of Blaine, in the county of Whatcom, in the State of Washington, the original appraisalment of which is disproportionate, and in excess of the value of such tide lands, and such reappraisalment when made shall be in lieu of the original appraisalment. Reappraisalment prior to June 1, 1901.

SEC. 2. When such reappraisalment shall have been made, a copy thereof shall be deposited by the Board of State Land Commissioners, in the office of the auditor of Whatcom county. Copy to be deposited with county auditor.

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

Purchaser permitted to complete purchase.

Emergency.

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

Passed the Senate January 24, 1901.

Passed the House January 24, 1901.

Approved by the Governor, February 4, 1901.

CHAPTER V.

[S. B. No. 16.]

DEFICIENCY APPROPRIATION FOR OFFICE OF COMMISSIONER OF PUBLIC LANDS.

AN ACT appropriating money to cover deficiency for future appraisal, cruising and advertising the sale of land and timber on state land, and future contingent expenses in the office of the commissioner of public lands.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of thirty-three hundred dollars, or as much thereof as may be needed, to pay for future appraising, cruising and advertising the sale of lands and timber on state lands, and future contingent expenses in the office of the Commissioner of Public Lands, for the remainder of the fiscal year, ending March 31, 1901.

Passed the Senate January 18, 1901.

Passed the House January 29, 1901.

Approved by the Governor, February 5, 1901.

CHAPTER VI.

[S. B. No. 27.]

CONSTRUCTION, MAINTENANCE AND OPERATION OF
SHIP CANAL.

AN ACT relative to and in aid of the construction, maintenance and operation by the United States of America of a ship canal, with proper locks and appurtenances to connect the waters of Lakes Union and Washington, in King county, with Puget Sound, and declaring an emergency.

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

SECTION 1. That in aid of the construction, maintenance and operation of a ship canal, by the United States of America, to connect the waters of Lakes Union and Washington, in King county, with Puget Sound, together with all necessary and convenient locks, land-ways, spill-ways, buildings, power plant and other proper appurtenances, there be and hereby is granted by this state to said United States the right to place, construct, maintain, and operate, such ship canal, land-ways, spill-ways, buildings, power plant and other proper appurtenances, upon, along, through and over any and all lands belonging to and waters of this state in said King county, within such limits as shall be defined by the plans and specifications for such improvement as the same shall be approved by the United States Secretary of War, and the right to raise the waters of Salmon Bay and the right to lower the waters of Lake Washington, in prosecution of such improvement, and this state hereby releases the United States from all liability to damages to this state, its successors or assigns, that shall or might arise from such lowering or raising of waters, or otherwise from such improvement. But nothing in this act contained shall operate as an assumption of nor create any liability on the part of the state, for any damages which may result to any person, company or corporation.

Connecting
lakes Union
and Washing-
ton with Puget
Sound.

Right granted
to United
States to con-
struct same.

United States
released from
liability.

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

Passed the Senate January 31, 1901.

Passed the House February 5, 1901.

Approved by the Governor, February 8, 1901.

CHAPTER VII.

[S. B. No. 3.]

DEFICIENCY APPROPRIATIONS FOR PENITENTIARY
AND SOLDIERS' HOME.

AN ACT making deficiency appropriations for the maintenance of
the State Penitentiary and the Soldiers' Home.

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

Deficiency ap-
propriation for
Penitentiary
and Soldiers'
Home.

SECTION 1. There is hereby appropriated out of the
general fund of the state treasury the sum of twelve
thousand five hundred dollars, or so much thereof as
may be needed, for the maintenance of the State Peni-
tentiary, for the remainder of the fiscal term ending
March 31, 1901.

SEC. 2. There is hereby appropriated out of the gen-
eral fund of the state treasury the sum of forty-five
hundred dollars, or so much thereof as may be needed,
for the maintenance of the Washington Soldiers' Home,
for the remainder of the fiscal term ending March 31,
1901.

Passed the Senate January 18, 1901.

Passed the House February 6, 1901.

Approved by the Governor February 11, 1901.

CHAPTER VIII.

[S. B. No. 18.]

APPROPRIATION FOR PRESIDENTIAL ELECTORS.

AN ACT to appropriate funds for the payment of mileage and per
diem of the presidential electors of the State of Washington.

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

SECTION 1. That the sum of \$472.50 be, and the same
is hereby appropriated out of the general funds of the
State of Washington, not otherwise appropriated, to

pay the mileage and per diem of the presidential electors of the State of Washington, who were elected as members of the electoral college of said state at the November election, in the year 1900, and who met in the capital of said state on January 14, 1901; as follows, to-wit:

To Hon. Samuel G. Cosgrove.....	\$117 50
To Hon. Frank B. Hastings.....	49 00
To Hon. Charles Sweeny.....	113 00
To Hon. John Boyd.....	193 00

Passed the Senate January 28, 1901.

Passed the House February 6, 1901.

Approved by the Governor, February 13, 1901.

CHAPTER IX.

[S. B. No. 64.]

PROVIDING FOR REAPPRAISEMENT OF CERTAIN TIDE LANDS.

AN ACT providing for the reappraisalment of the tide lands at, in front of and adjacent to the town of La Conner, in the county of Skagit, State of Washington.

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

SECTION 1. That the Board of State Land Commissioners shall, on or before the first day of August, A. D. 1901, make or cause to be made a reappraisalment of all of the tide lands at, in front of and adjacent to the town of La Conner, in the county of Skagit in the State of Washington, the original appraisalment of which is disproportionate to and in excess of the value of such tide lands; and such reappraisalment, when made, shall be in lieu of the original appraisalment.

SEC. 2. That when such reappraisalment shall have been made, a copy thereof shall be deposited in the office of the auditor of Skagit county.

SEC. 3. That when such tide lands shall have been reappraised hereunder, and it has been ascertained that any part or portion thereof has been heretofore

Appropriation
for presiden-
tial electors.

Reappraise-
ment tide land
at La Conner.

Copy to be
deposited with
county audi-
tor.

Purchaser
permitted to
complete pur-
chase.

Partial pay-
ments credited
to purchaser.

sold on an appraisement in excess of the value thereof as shown by such reappraisement, the purchaser, purchasers or their assigns, shall be permitted, and are hereby permitted, to complete the purchase so made upon the valuation as reappraised under the provisions of this act, and any partial payment heretofore made on such sale shall be credited to such purchasers or their assigns, as if made under the reappraisement hereby authorized.

Passed the Senate January 25, 1901.

Passed the House February 6, 1901.

Approved by the Governor February 14, 1901.

CHAPTER X.

[S. B. No. 66.]

APPROPRIATION FOR DEPARTMENT OF PUBLIC PRINTING.

AN ACT making deficiency appropriations for sundry civil expenses of the department of public printing for the fiscal year ending March 31, 1901.

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

For labor.

SECTION 1. That there be and is hereby appropriated out of the general fund of the state not otherwise appropriated, the sum of twelve thousand (\$12,000) dollars, or so much thereof as may be necessary, for temporary relief, for the purpose of defraying the labor expenses of public printing and binding.

For material.

SEC. 2. That the further sum of three thousand (\$3,000) dollars be and is hereby appropriated out of the said fund for the purchase of paper stock and binding material for said public printing and binding.

Passed the Senate January 22, 1901.

Passed the House February 13, 1901.

Approved by the Governor, February 14, 1901.

CHAPTER XI.

[S. B. No. 26.]

APPROPRIATION FOR OFFICE OF SECRETARY OF
STATE FOR REMAINDER OF FISCAL PERIOD.

AN ACT making a deficiency appropriation for postage and incidentals and for clerical assistance in the office of the Secretary of State.

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

SECTION 1. There is hereby appropriated out of the general fund in the State Treasury, the sum of four hundred dollars, or so much thereof as may be needed, for postage and incidentals in the office of the Secretary of State, for the remainder of the fiscal year ending March 31, 1901. Postage and incidentals.

SEC. 2. There is hereby appropriated out of the general fund in the state treasury the sum of four hundred dollars, or so much thereof as may be needed, for clerical assistance in the office of the Secretary of State, for the remainder of the fiscal year ending March 31, 1901. Extra clerical help.

Passed the Senate January 30, 1901.

Passed the House February 13, 1901.

Approved by the Governor February 14, 1901.

CHAPTER XII.

[H. B. No. 42.]

RELATING TO BURIALS BY CORONERS.

AN ACT relating to burial by coroners and amending section 537 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 537 of Ballinger's Annotated Codes and Statutes of Washington be and the same hereby is amended to read as follows: Section 537. In all cases where no demand for the body for burial shall be made by friends of the deceased, the coronor

shall provide for such burial at an expense not exceeding seventy-five dollars, to be paid by the estate of the deceased if it be sufficient.

Passed the House January 25, 1901.

Passed the Senate February 13, 1901.

Approved by the Governor, February 14, 1901.

CHAPTER XIII.

[H. B. No. 142.]

PROVIDING FOR AN ADDITIONAL SUPERIOR JUDGE IN KING COUNTY.

AN ACT providing for the appointment and election of one additional judge of the Superior Court of the State of Washington, in and for King county, fixing the term of office, and providing for the election of four judges of said Superior Court, and declaring an emergency.

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

SECTION 1. That hereafter there shall be four (4) judges of the Superior Court of the State of Washington in and for King county.

Governor shall
appoint.

SEC. 2. The Governor shall upon the taking effect of this act appoint one (1) additional judge for said Superior Court, who shall hold his office from the time of appointment until his successor is elected and qualified, which said election shall take place at the general election in 1902.

SEC. 3. There shall be elected at the general election in 1902 one additional judge of said Superior Court whose term of office shall commence as soon as he is elected and qualified, and shall continue until the second Monday in January, 1905, and until his successor is elected and qualified.

Four judges to
be elected in
1904.

SEC. 4. That at the general election in 1904 there shall be elected four (4) judges of the Superior Court of the State of Washington in and for King county, whose

term of office shall be four (4) years from the second Monday in January, 1905, and every four years thereafter there shall be elected four (4) judges of said Superior Court.

SEC. 5. An emergency is hereby declared to exist and this act shall take effect immediately. Emergency.

Passed the House January 28, 1901.

Passed the Senate February 13, 1901.

Approved by the Governor, February 14, 1901.

CHAPTER XIV.

[H. B. No. 77.]

RELATING TO OFFICIAL BONDS.

AN ACT to amend section 1527 of Ballinger's Annotated Codes and Statutes of Washington, relating to official bonds.

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

SECTION 1. That section 1527 of Ballinger's Annotated Codes and Statutes of Washington, be and the same hereby is amended to read as follows: Sec. 1527. In all cases where official bonds are required or may be hereafter required, from state, county, township or precinct officers, the officer or officers whose duty it is or may be to approve such bonds, shall not accept or approve any such bonds except such bond be that of a surety company, unless the sureties thereon shall severally justify before an officer authorized to administer oaths as follows: 1. On a bond given by a state or county officer that he is a resident and freeholder within this state, and on a bond given by a township or precinct officer that he is a resident and freeholder within the county in which such township or precinct is situated. 2. That he is worth double the amount for which he becomes surety over and above all his debts and liabilities, in property situated within this

Sureties must justify severally.

state which is not exempt from seizure and sale under execution.

Passed the House January 30, 1901.

Passed the Senate February 13, 1901.

Approved by the Governor February 15, 1901.

CHAPTER XV.

[H. B. No. 122.]

DEFICIENCY APPROPRIATION FOR OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT making a deficiency appropriation for the office of the Superintendent of Public Instruction of the State of Washington.

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

SECTION 1. There are hereby appropriated out of the state treasury the following sums, viz.: For the payment of Mrs. Clara Van Etten, for services as stenographer in the office of the Superintendent of Public Instruction, for two months, at seventy-five dollars per month, \$150; for C. A. Noble, one-half month's services clerical work, \$37.50; Mrs. A. B. Wood, forty days' services in examining teachers' manuscripts, \$120; Mrs. May Barbee, seven days' service in examining manuscripts, \$21; Julia P. Day, twelve days' service in examining manuscripts, \$36; Rose Gallimore, similar service, twenty-eight days, \$84; J. C. McKee, similar service, twenty-two days, \$66; Sara Troy, similar service, thirty days, \$90; H. I. Karshner, similar service, twenty-two days, \$66; Veronique Marsan, similar service, twenty-two days, \$66; Frances Sylvester, similar service, fourteen days, \$42; Jennie Stalnaker, similar service, twenty-five days, \$75; Bessie F. Currie, similar service, seventeen days, \$51; N. P. Express Company, services rendered for office of Superintendent of Public Instruction, in transporting supplies, \$58; Frank J. Browne, for postage furnished for office of Superinten-

Deficiency
appropriation
office Superin-
tendent Public
Instruction.

dent of Public Instruction, \$50; for the payment of clerical help to enable the Superintendent of Public Instruction to complete the records of his office, \$600; for salary of stenographer and typewriter, two and one-half months, to April 1, 1901, \$162.50; for assistants to examine teachers' manuscripts for February examination, 1901, \$250; for postage and expressage to April 1, 1901, \$50.

Passed the House February 5, 1901.

Passed the Senate February 13, 1901.

Approved by the Governor February 15, 1901.

CHAPTER XVI.

[S. B. No. 155.]

PROVIDING FOR PUBLICATION OF SECOND BIENNIAL REPORT OF STATE LABOR COMMISSIONER.

AN ACT ordering the State Printer to print and publish second biennial report of State Labor Commissioner, and appropriating money therefor.

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

SECTION 1. The State Printer is hereby ordered to print and bind, under the supervision of the State Board of Printing, five thousand copies of the second biennial report of the State Labor Commissioner, at a cost not to exceed the sum hereinafter appropriated.

State Printer
print and bind
five thousand
copies biennial
report State
Labor Com-
missioner.

SEC. 2. The sum of five hundred dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

Passed the Senate February 11, 1901.

Passed the House February 15, 1901.

Approved by the Governor, February 18, 1901.

CHAPTER XVII.

[S. B. No. 30.]

RELATIVE TO TAMPERING WITH A WITNESS.

AN ACT defining the misdemeanor of tampering with a witness, and prescribing the penalty therefor.

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

SECTION 1. If any person shall wilfully and corruptly hinder, prevent, or endeavor to hinder, or prevent, any person from appearing before any court of justice as a witness, or from giving evidence, in any action or proceeding, with intent thereby to obstruct the course of justice, he shall be deemed guilty of the misdemeanor of tampering with a witness, and, upon conviction thereof, shall be punished by imprisonment in the county jail for any period not exceeding one year, or by fine not exceeding one thousand dollars, or both, in the discretion of the court.

Tampering
with a witness,
prescribing
penalty.

Passed the Senate January 22, 1901.

Passed the House February 6, 1901.

Approved by the Governor February 19, 1901.

CHAPTER XVIII.

[S. B. No. 177.]

CHANGING NAME OF THE CITY OF NEW WHATCOM.

AN ACT to change the name of the city of New Whatcom to the city of Whatcom.

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

SECTION 1. That the name of the city of New Whatcom, Whatcom county, State of Washington be and the same is hereby changed to the city of Whatcom.

SEC. 2. All bonds, warrants, contracts and obligations now lawfully existing in favor of or against the present city of New Whatcom, be and the same are

hereby continued in full force and effect as to the city of Whatcom.

Passed the Senate February 15, 1901.

Passed the House February 16, 1901.

Approved by the Governor, February 19, 1901.

CHAPTER XIX.

[H. B. No. 60.]

RELATIVE TO VIOLATIONS OF PILOT REGULATIONS.

AN ACT to amend section 3242 of Ballinger's Annotated Codes and Statutes of Washington relating to prosecutions for violation of pilot regulations for the Straits of Juan de Fuca, Puget Sound and all American waters pertaining thereto, and declaring an emergency.

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

SECTION 1. That section 3242 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 3242. That it shall be the special duty of the pilot commissioners, upon complaint being made to them of any violation of the provisions of this act, to notify the prosecuting attorney for the county in which the commissioners reside, whose duty it shall be forthwith to file an information and prosecute such violation of this act, and any person piloting a vessel in any of the waters aforementioned, without having a valid license, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned not to exceed six months and shall further forfeit and pay for the use of the common school fund of the state all the fees and emoluments received by such person for any such services, to be recovered in a civil action in the name of the State of Washington in any court of competent jurisdiction.

Pilot commissioners to notify prosecuting attorney of any violations.

Forfeiture of fees.

SEC. 2. An emergency exists and this act shall take effect and be in force from and after its passage and approval by the Governor.

Passed the House February 5, 1901.

Passed the Senate February 13, 1901.

Approved by the Governor, February 25, 1901.

CHAPTER XX.

[H. B. No. 160.]

DEFICIENCY APPROPRIATION FOR OFFICE OF ATTORNEY GENERAL.

AN ACT making a deficiency appropriation for postage and incidentals, and for clerical assistance in the office of the Attorney General.

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

Postage and
incidentals.

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of two hundred dollars or so much thereof as may be needed for postage and incidentals in the office of the Attorney General for the remainder of the fiscal year ending March 31, 1901.

Clerical help.

SEC. 2. There is hereby appropriated out of the general fund in the state treasury the sum of thirty dollars for clerical assistance in the office of the Attorney General of the state for the remainder of the fiscal year ending March 31, 1901.

Passed the House February 16, 1901.

Passed the Senate February 21, 1901.

Approved by the Governor, February 26, 1901.

CHAPTER XXI.

[H. B. No. 181.]

APPROPRIATION FOR STATE SALMON HATCHERIES.

AN ACT making an appropriation for the operation of the state salmon hatcheries until such time as the regular appropriation shall become available.

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

SECTION 1. The sum of thirty-five hundred dollars (\$3,500), or so much thereof as may be necessary, is hereby appropriated from the fish hatchery fund for

the maintenance and operation of the state salmon hatcheries for the fiscal period ending March 31, 1901.

Passed the House February 15, 1901.

Passed the Senate February 21, 1901.

Approved by the Governor February 26, 1901.

CHAPTER XXII.

[H. B. No. 182.]

PROVIDING AGAINST ADULTERATION OF PARIS GREEN.

AN ACT to provide against the adulteration of paris green and other compounds used for spraying trees and plants.

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

SECTION 1. That it shall hereafter be unlawful for any person, firm or corporation, doing business in the State of Washington, to sell or offer for sale adulterated or low grade Paris green, arsenic, London purple, sulphur or any spray material or compound for spraying purposes.

Unlawful to sell adulterated compound for spraying.

SEC. 2. For the purposes of this act Paris green shall contain not less than fifty per cent. of arsenic trioxide in combination, and not more than four per cent. of water; soluble arsenic trioxide, and commercial arsenic shall contain not less than ninety-six (96) per cent. of arsenic trioxide.

Per cent. of certain ingredients.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. All fines imposed for violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and placed to the general fund of such county.

Amount of fine. Same to be paid to county treasurer.

SEC. 4. That the State Commissioner of Horticulture and the county fruit inspectors under his supervision

be charged with the enforcement of this act, with the assistance of the prosecuting attorney.

Providing for analysis.

SEC. 5. It shall be the duty of the chemist of the State Agricultural Experiment Station to correctly analyze, without extra compensation and without extra charge to the state, other than the necessary expenses, all substances and compounds used or offered for sale for spraying trees and plants, that the State Commissioner of Horticulture may send for analysis, and report to him without unnecessary delay the result of any analysis so made; any such chemist shall assist him in prosecuting violations of the law by giving testimony, expert or otherwise.

Passed the House February 7, 1901.

Passed the Senate February 21, 1901.

Approved by the Governor February 26, 1901.

CHAPTER XXIII.

[H. B. No. 197.]

RELATING TO LIENS ON LOGS AND TIMBER.

AN ACT amending section 5946 of Ballinger's Annotated Codes and Statutes of Washington relating to liens on logs and timber.

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

SECTION 1. Section No. 5946 of Ballinger's Annotated Codes and Statutes of Washington is amended so as to read as follows: Section 5946. Any number of persons claiming liens under this chapter may join in the affidavit in section 5936 provided, and may join in the same action, and when separate actions are commenced the court may consolidate them. The court shall also allow as part of the costs the moneys paid for filing, making and recording the claim, and a reasonable attorney's fee for each person claiming a lien.

Several persons may join and court may consolidate actions.

Passed the House February 15, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor February 28, 1901.

CHAPTER XXIV.

[H. B. No. 151.]

RELATING TO LIENS UPON STEAMERS.

AN ACT relating to liens upon steamers, vessels and boats, their tackle, apparel and furniture, and amending section 5953 of Ballinger's Annotated Codes and Statutes of the State of Washington.

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

SECTION 1. Section 5953 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 5953. That all steamers, vessels and boats, their tackle, apparel and furniture, are liable—

1. For service rendered on board at the request of, Liability for services. or under contract with their respective owners, charterers, masters, agents or consignees.

2. For work done or material furnished in this state For labor and material. for their construction, repair or equipment at the request of their respective owners, charterers, masters, agents, consignees, contractors, sub-contractors, or other person or persons having charge in whole or in part of their construction, alteration, repair or equipment; and every contractor, builder or person having charge, either in whole or in part, of the construction, alteration, repair or equipment of any steamer, vessel or boat, shall be held to be the agent of the owner for the purposes of this chapter, and for supplies furnished in this state for their use, at the request of their respective owners, charterers, masters, agents or consignees, and any person having charge, either in whole or in part, of the purchasing of supplies for the use of any such steamer, vessel or boat, shall be held to be the agent of the owner for the purposes of this chapter.

3. For their wharfage and anchorage within this state.

4. For non-performance or mal-performance of any Non-performance. contract for the transportation of persons or property between places within this state, or to or from places

within this state, made by their respective owners, masters, agents or consignees.

Injuries committed.

5. For injuries committed by them to persons or property within this state, or while transporting such persons or property to or from this state. Demands for these several causes constitute liens upon all steamers, vessels and boats, and their tackle, apparel and furniture, and have priority in the order of the subdivisions hereinbefore enumerated, and have preference over all other demands; but such liens continue in force only for a period of three years from the time the cause of action accrued.

Proviso.

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act be, and hereby are repealed: *Provided, however,* That such repeal shall not in any way effect any proceeding heretofore brought for the enforcement of any lien given by former acts, and shall in no wise affect any lien accrued or existing, by virtue of any former act or acts, upon any steamer, vessel or boat, at the time this act shall go into effect.

Passed the House February 16, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor February 28, 1901.

CHAPTER XXV.

[H. B. No. 254.]

RELATING TO DESTRUCTION OR INJURY OF BOOMS.

AN ACT to punish the malicious destruction or injury to any lawfully established boom.

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

Injury of booms.

SECTION 1. Any person who shall willfully and maliciously break, cut away, injure or destroy any boom lawfully established and being in any of the waters of this state, or make any cut or break in the same with intent to destroy the same, shall be deemed

guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state penitentiary for any term not exceeding five years.

Passed the House February 16, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXVI.

[H. B. No. 87.]

GIVING SUPERIOR COURT JURISDICTION TO ENFORCE ATTENDANCE OF WITNESSES.

AN ACT giving the Superior Court jurisdiction to enforce the attendance of witnesses before notaries public, justices of the peace, and other officers authorized to take depositions; providing for punishment of witnesses failing to obey the order of the court.

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

SECTION 1. That the Superior Court shall have power to compel the attendance of witnesses, within this state, before notaries public, justices of the peace or any other person authorized by the laws of this state to take depositions in causes pending in any court of the state, or in any court of any other state, or in any court of the United States, or in any court of a foreign country.

Superior court may compel attendance.

SEC. 2. The officer before whom the deposition is to be taken in case of the refusal of any witness to attend or testify shall report to the Superior Court in and for the county in which the witness resides, or is found, by petition, that due notice has been given of the time and place of taking the depositions and that the witness have been summoned in the same manner that witnesses are now summoned to appear and testify in the Superior Court of this state; and the fees and mileage of the witness has been paid, or tendered to the witness, for his attendance and testimony, and that the witness has failed and refused to attend or testify before such

Refusals reported.

officer, in the cause mentioned in the notice and the subpoena; and ask an order of the court compelling the witness to attend and testify before such officer.

SEC. 3. The court upon the petition of the officers, and the payment of the regular docket fee of four dollars (\$4) shall enter an order directing the witness to appear before the officer making the report, at a time and place to be fixed by the court in such order, and then and there give his testimony in such cause. A copy of which order shall be served upon the witness in the same manner that summons and complaints are now served; and on failure or refusal of the witness to obey such order such witness shall be dealt with as for contempt.

Copy of order served on witness.

Passed the House February 15, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXVII.

[H. B. No. 91.]

RESERVING CERTAIN STATE LANDS FROM SALE.

AN ACT to reserve certain state lands from sale or lease, and declaring an emergency.

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

SECTION 1. That all of the southeast quarter of the southeast quarter, the west half of the southeast quarter and lots 2 and 3, all in section 24, in township 22, north of range 26, east of Willamette Meridian, in Douglas county, State of Washington, is hereby reserved from sale or lease, and the same shall not be sold or leased until directed by the Legislature of the State of Washington.

Emergency.

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

Passed the House February 7, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXVIII.

[H. B. No. 141.]

RELATING TO SIGN BOARDS AND MILE BOARDS.

AN ACT to authorize the erection of sign boards or posts or mile boards or posts, to prevent and punish the defacing or destruction of any sign board or post or mile board or post.

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

SECTION 1. Any person or persons who shall deface, mutilate, tear down or destroy any signboard or post, or any mileboard or post, erected or set up by the authorities of any city, town or county, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum less than twenty dollars, or by imprisonment in the county jail not exceeding twenty days, or both.

SEC. 2. Any person, firm, company or corporation desiring to erect or set up signboards or posts, or mileboards or posts, as a means of advertising, and desiring to have the protection of the provisions of the foregoing sections in so doing, shall satisfy the proper officers of the city, town or county that said boards or posts will be set up at correct distances and at proper points and in all other respects be serviceable to the public as signboards or posts, or as mileboards or posts; whereupon said person, firm, company or corporation shall be permitted to place on said boards or posts the words "by authority," and the authorities granting such permission shall make a record of such action in the records of their proceedings; and any signboard or post, or any mileboard or post, set up by such permission, and having on its face in clear, bold letters the words "by authority," shall have the same protection on such boards or posts set up by the authorities of any city, town or county, and any person or persons who shall deface, mutilate, tear down or destroy any such board or post so set up, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum less than twenty dollars, or by im-

When used for advertising must be set at proper distances and points.

Protection afforded.

prisonment in the county jail not exceeding twenty days, or both.

Passed the House February 13, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXIX.

[H. B. No. 187.]

APPROPRIATION FOR RELIEF OF A. C. LITTLE, STATE FISH COMMISSIONER.

AN ACT appropriating funds for the relief of A. C. Little, State Fish Commissioner.

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

SECTION 1. There is hereby appropriated out of any moneys in the fish hatchery fund not otherwise appropriated the sum of six hundred eighty and 75-100 dollars (\$680.75) for the relief of A. C. Little, State Fish Commissioner, and to reimburse said A. C. Little for moneys expended by him in the operation of the Baker lake state fish hatchery during the months of April, May and June, 1899.

SEC. 2. The State Auditor is hereby authorized to draw a warrant on the State Treasurer for the said amount on the presentation to the State Auditor of properly endorsed vouchers which have been assigned to said A. C. Little, together with reports showing that the above account has been paid by him and the State Treasurer is hereby directed to pay said warrant out of any funds in the fish hatchery fund not otherwise appropriated.

Passed the House February 16, 1901.

Passed the Senate February 26, 1901.

Approved by the Governor February 28, 1901.

CHAPTER XXX.

[S. B. No. 104.]

RELATING TO REPAIR GATES AND MEASURING
BOXES IN DITCHES.

AN ACT requiring persons owning or operating ditches through which water is diverted from natural sources, to place and keep in repair gates and measuring boxes at the head of such ditches, and providing a penalty for non-compliance therewith.

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

SECTION 1. It shall be the duty of every person entitled to the use of the waters of any natural stream or lake within this state for irrigation, stock or domestic purposes under a decree or judgment of any court of competent jurisdiction to place and keep in repair at the head of the ditch or canal through which such waters are diverted by him a suitable headgate and measuring box so constructed as to enable the officer executing such judgment or decree to measure to such person the quantity of water to which he is entitled by virtue thereof.

SEC. 2. Any person who shall wilfully fail, neglect or refuse to place and keep in repair the headgate and measuring box provided for in section 1 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty nor more than one hundred dollars.

Passed the Senate February 6, 1901.

Passed the House February 20, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXXI.

[S. B. No. 101.]

RELATING TO APPEALS TO THE SUPREME COURT.

AN ACT to amend sections 6500, 6513 and 6514 of Ballinger's Annotated Codes and Statutes of Washington, relating to appeals to the Supreme Court.

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

SECTION 1. That Section 6500 of Ballinger's Annotated Codes and Statutes of Washington, relating to appeals to the Supreme Court, be amended to read as follows: Section 6500. Any party aggrieved may appeal to the Supreme Court in the mode prescribed in this title from any or every of the following determinations, and no others, made by the Superior Court, or a judge thereof, in any action or proceeding.

Amendment.

Judgment.

(1) From the final judgment entered in any action or proceeding, and an appeal from any such final judgment shall also bring up for review any order made in the same action or proceeding either before or after the judgment, in case the record sent up on the appeal, or any supplementary record sent up before the hearing thereof, shall show such order sufficiently for the purposes of a review thereof.

(2) From any order refusing to vacate an order of arrest in a civil action.

(3) From an order granting or denying a motion for a temporary injunction, heard upon notice to the adverse party, and from any order vacating or refusing to vacate a temporary injunction: *Provided*, That no appeal shall be allowed from any order denying a motion for a temporary injunction, or vacating a temporary injunction unless the judge of the Superior Court shall have found upon the hearing, that the party against whom the injunction was sought was insolvent.

Proviso.

(4) From any order discharging or refusing to discharge an attachment.

(5) From any order appointing or removing, or refusing to appoint or remove, a receiver.

(6) From any order affecting a substantial right in Order. a civil action or proceeding, which either, (1) in effect determines the action or proceeding and prevents a final judgment therein; or (2) discontinues the action; or (3) grants a new trial; or (4) sets aside or refuses to affirm an award of arbitrators, or refers the cause back to them.

(7) From any final order made after judgment, Final order. which affects a substantial right; and an appeal from any such order shall also bring up for review any previous order in the same action or proceeding which involves the merits and necessarily affects the order appealed from, in case the record sent up on the appeal, or any supplementary record sent up before the hearing thereof, shall show such previous order sufficiently for the purposes of a review thereof. But an appeal Exception. shall not be allowed to the state in any criminal action, except when the error complained of is in setting aside the indictment or information, or in arresting the judgment on the ground that the facts stated in the indictment or information do not constitute a crime, or is some other material error in law not affecting the acquittal of a prisoner on the merits.

SEC. 2. That section 6513 of Ballinger's Annotated Codes and Statutes of Washington relating to appeals to the Supreme Court be amended to read as follows: Section 6513. Within ninety days after an appeal shall have been taken by notice as provided in this title, the clerk of the Superior Court shall prepare, certify and file in his office, at the expense of the appellant (except in criminal appeals prosecuted *in forma pauperis*, and in such cases at the expense of the county), a transcript containing a copy of so much of the record and files as the appellant shall deem material to the review of the matters embraced within the appeal, said transcript to be so prepared, certified and filed, in the office of the clerk, at or before the time when the appellant shall serve and file his opening brief, as hereinafter provided. Within four months after said appeal shall have been taken by notice as aforesaid, the clerk of the Superior Clerk of court to prepare transcript.

Court shall, at the expense of appellant, send up to the Supreme Court said transcript together with the original briefs on appeal filed in his office. The papers and copies so sent up together with any thereafter sent up as hereinbelow provided, shall constitute the record on appeal. Any bill of exceptions or statement of facts on file when the record is so sent up shall be sent up as a part thereof, unless the Superior Court or a judge thereof has not yet passed on an application for the settlement and certifying of such bill or statement. In case any bill of exceptions or statement of facts shall be filed or certified, or any other addition to the records or files shall be made after the record on appeal shall have been sent up, a supplementary record on appeal embracing so much thereof as the appellant deems material, or a copy thereof may be prepared, certified and sent up at any time prior to the hearing of the appeal. And in case the respondent deems any part of the files or record not already sent up to be material to the review of the matters embraced within the appeal, he may cause the clerk, in like manner, at his expense, to prepare, certify and send up a supplementary record on appeal embracing such omitted files or records, or copies thereof, at any time prior to the hearing of the appeal. Any such supplementary record or records, if filed in the Supreme Court prior to the hearing of the appeal, shall be considered by the court as part of the record on appeal, so far as the same may be material to a review of the matters embraced within the appeal. When the review of an original paper in the cause may be important to a correct decision of the appeal, the court or judge may order the clerk to transmit the same to the clerk of the Supreme Court and the same shall be transmitted accordingly, and shall be under the control of the Supreme Court.

Any bill of exceptions to be part.

Supplementary record.

SEC. 3. That Section 6514 of Ballinger's Annotated Codes and Statutes of Washington, relating to appeals to the Supreme Court be amended to read as follows: Sec. 6514. Within ninety days after an appeal shall have been taken by notice as provided in this title, the

Amendment.

appellant shall serve on the respondent three copies and shall file with the clerk of the Superior Court fifteen copies, together with proof or written admission of service, as aforesaid, of a printed brief on the appeal upon his part, which brief shall clearly point out each error that the appellant relies on for a reversal, and shall conform to such regulations of its contents in other respects, and its form and size, as the Supreme Court by its rules may have prescribed. Within thirty days after the service of the appellant's brief, the respondent shall likewise serve and file with the clerk of the Superior Court, with like proof of service, the like numbers of copies of a printed brief on the appeal upon his part which shall likewise conform to the rules of the Supreme Court. Not less than ten days prior to the hearing the appellant may also serve and file either with the clerk of the Superior Court or in the Supreme Court like printed brief or briefs, strictly in reply to respondent's brief. The time for service and filing of briefs, as in this section prescribed, may be extended by order of the Superior Court for good cause shown, or by stipulation of the parties concerned; and if the time for filing any statement of facts shall be extended by order or stipulation, the time herein prescribed for serving and filing the appellant's opening brief shall thereby be correspondingly extended. Either party may after the filing of his briefs and not less than one day prior to the hearing of the appeal submit to the Supreme Court and to the adverse party a written or printed statement of any additional authorities, with suitable comment thereon strictly in support of the position taken in his brief hereinabove required to be filed. But the appellant shall not be permitted to urge in any such reply brief or statement of additional authorities, or on the hearing, any grounds for reversal not clearly pointed out in his original brief.

Filing of proof
of service.

Extension of
time.

Passed the Senate February 4, 1901.

Passed the House February 20, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXXII.

[S. B. No. 22.]

RELATING TO MANNER OF DRAWING AND SUMMONING JURORS.

AN ACT to amend section 4741 of Ballinger's Annotated Codes and Statutes of Washington relating to manner of drawing and summoning jurors.

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

SECTION 1. That section 4741 of Ballinger's Annotated Codes and Statutes of Washington, relating to manner of drawing and summoning of jurors be and the same is hereby amended to read as follows: Section 4741. In counties of eighth to twenty-ninth class.

Amendment.

In all counties from the eighth to the twenty-ninth class, inclusive, the board of county commissioners of each county shall draw from the persons qualified to act as jurors the names of three hundred persons, who shall be householders or freeholders, to serve as grand and petit jurors for the ensuing year, and the clerk of the board of county commissioners shall certify the same to the clerk of the superior court of said county:

Proviso.

Provided, That if from any cause the county commissioners shall be unable to select the full number of names in this section provided for, they shall select such less number as they shall agree upon, and in such case the commissioners shall certify to the clerk the reasons why such less number has been selected:

Proviso.

Provided, however, That for no cause shall a less number than one hundred names be selected.

Passed the Senate February 1, 1901.

Passed the House February 20, 1901.

Approved by the Governor February 28, 1901.

CHAPTER XXXIII.

[S. B. No. 91.]

PROVIDING FOR ENFORCEMENT OF DECREE OF COURT
REGULATING THE USE OF WATER FOR IRRIGATION,
STOCK AND DOMESTIC PURPOSES.

AN ACT to provide for the enforcement of decrees of courts regulating the use of waters for irrigation, stock and domestic purposes, and making it the duty of the sheriffs of the several counties of this state to measure and distribute said waters in accordance therewith and repealing all acts or parts of acts in conflict therewith.

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

SECTION 1. That in all cases where a decree has been or may be rendered by any Superior Court of this state or by the Supreme Court thereof determining and fixing the rights of persons to use the waters of any of the streams of this state for irrigation, stock or domestic purposes, it shall be the duty of the sheriff of the county wherein said waters are so used to enforce such decree and to measure and distribute such waters among the persons entitled to the use thereof in accordance with the provisions of said decree: *Provided, however,* That such sheriff or his deputies shall only so act either when directed by the court or upon the written request of three or more persons entitled to use said waters under the terms of such decree.

Sheriff to enforce decree.

Proviso.

SEC. 2. The sheriff and his deputies shall be allowed and paid all traveling and other necessary expenses incurred under the provisions of this act, from the general county fund, to be audited and allowed by the board of county commissioners of the proper county.

Sheriff's expenses.

SEC. 3. All acts or parts of acts in conflict herewith are hereby repealed.

Conflicting acts repealed.

Passed the Senate February 6, 1901.

Passed the House February 20, 1901,

Approved by the Governor February 28, 1901.

CHAPTER XXXIV.

[S. B. No. 36.]

DEFINING LARCENY AND FIXING PENALTY.

AN ACT defining larceny from the person and fixing the penalty therefor.

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

SECTION 1. Every person who shall feloniously take or steal from the person of another, without violence or putting in fear, any article of value, shall be deemed guilty of larceny from the person and, upon conviction thereof, shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine in any sum not exceeding one thousand dollars, or by both such fine and imprisonment.

Passed the Senate February 1, 1901.

Passed the House February 20, 1901.

Approved by the Governor February 28, 1901.

CHAPTER XXXV.

[S. B. No. 53.]

RELATIVE TO CRIMINAL JURISDICTION OF JUSTICES OF THE PEACE.

AN ACT to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington, relating to the criminal jurisdiction of justices of the peace.

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

Amendment.

SECTION 1. That Section 4683 of Ballinger's Annotated Statutes and Codes of Washington, relating to the criminal jurisdiction of justices of the peace, be and is hereby amended to read as follows: Section 4683. The jurisdiction of justices of the peace in criminal prosecutions shall be co-extensive with their respective counties, and they shall have concurrent jurisdiction

with the superior courts in all misdemeanors, but in no event shall they impose a fine to exceed one hundred dollars, or sentence a person to jail for a period longer than thirty-three days, and where the offense is one that is punishable by both a fine and imprisonment, the period of imprisonment at the rate of three dollars per day for each day of the sentence and the fine, shall not together exceed one hundred dollars but if any fine imposed is not paid with costs, then the person shall be imprisoned until such fine and costs are paid at the rate of three dollars per day for each day confined and the justices of the peace shall have jurisdiction over all criminal cases coming under any city or town ordinance. Penalty.

Passed the Senate January 30, 1901.

Passed the House February 20, 1901.

Approved by the Governor, February 28, 1901.

CHAPTER XXXVI.

[S. B. No. 92.]

RELATIVE TO INTERFERENCE WITH HEADGATES OR MEASURING BOXES.

AN ACT making it a misdemeanor for any person to interfere with any headgate, measuring box or other device used for measuring or distributing water for irrigating, stock or domestic purposes, after the same shall have been adjusted by the sheriff or other proper authority, and providing a penalty therefor; and making the owner or occupant of the premises where such waters are used *prima facie* guilty thereof.

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

SECTION 1. Any person who shall tamper with, alter, change or in any wise interfere with any headgate, measuring box, dam or other device used for diverting, measuring or distributing any water for irrigating, stock or domestic purposes after the same shall have been regulated, fixed or adjusted by any sheriff or other

Penalty.

proper authority, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten nor greater than one hundred dollars.

SEC. 2. Whenever any such headgate, measuring box, dam or other device shall be altered, changed or tampered with after having been adjusted by such sheriff or other proper authority, so as to cause a greater quantity of water to flow into or through any irrigating or other ditch or canal, the person occupying, using or operating the lands or premises whereon such waters are used shall be *prima facie* guilty of violating the provisions of section 1 of this act.

Passed the Senate February 6, 1901.

Passed the House February 20, 1901.

Approved by the governor February 28, 1901.

CHAPTER XXXVII.

[S. B. No. 112.]

DEFICIENCY APPROPRIATION FOR STATE TREASURER.

AN ACT making an deficiency appropriation for the office of State Treasurer of the State of Washington.

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

SECTION 1. That there be, and the same are hereby appropriated out of any money belonging to the State of Washington, and not otherwise appropriated, the following sums, viz.

For salary of one clerk, one and one-half months, to April 1, 1901, at \$75 per month.....	\$187 50
Phone service two and one-half months, to April 1, 1901, at \$4 per month.....	10 00
For postage to April 1, 1901.....	45 00
For incidentals to April 1, 1901.....	7 50

Passed the Senate February 8, 1901.

Passed the House February 20, 1901.

Approved by the Governor February 28, 1901.

CHAPTER XXXVIII.

[S. B. No. 104.]

AMENDING FORMER ACT RELATIVE TO PROPAGATION
OF FOOD FISHES.

AN ACT to amend section eight (8) of an act entitled "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency, approved March 13, 1899," and making a new section to be section 8½, and declaring an emergency.

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

SECTION 1. That section eight (8) of an act entitled "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency, approved March 13, 1899," be amended to read as follows: Sec. 8. And it shall be unlawful to take or fish for salmon in any of the tributaries of Puget Sound during the month of April and from the 15th of October to the 15th of November in each year. It shall also be unlawful to take or fish for salmon at all times and by any means whatsoever in any of the following named rivers or their tributaries, above tide water in said rivers: Nooksack river, Samish river, Skagit river above the town of Hamilton, Stillaguamish river, Snohomish river, White river, Puyallup river, Nesqually river and Skokomish river. And it shall be unlawful to take or fish for salmon in the waters of Grays Harbor, or its tributaries, from the 15th day of March to the 15th day of April and from the 15th day of November to the 15th day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the 15th day of August to the 15th day of November in each year, above the points hereinafter described, to-wit: It shall be unlawful to take or fish

Amendment.

Prohibited waters.

for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Johns river. The fish commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa harbor or its tributaries from the 15th day of March to the 15th day of April, and from the 15th day of November to the 15th day of December in each year. And also it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa harbor above tide water in said rivers: North river, Willapa river and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the aboved named rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever, in any year, between 12 M. the first day of March and 12 M. the 15th day of April, or between 12 P. M. the 15th day of August and 12 M. the 10th day of September; and it shall be unlawful at any time to take or fish for any salmon by any means whatever, except with hook and line, commonly termed angling, in the Kalama river, Wind river, Little White Salmon river, Wenatche river, Methow river, Little Spokane river, and Colville river, and in the Columbia within one mile of the mouth of the above named rivers. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers creek, in Pierce county, or within two hundred

Fish Commissioner to indicate points where allowed.

Angling not prohibited.

Period when prohibited in Columbia river.

Prohibiting nets or traps in Chambers creek.

and fifty yards of the mouth of said creek, and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide.

Passed the House February 4, 1901.

Passed the Senate February 27, 1901.

Approved by the Governor, March 1, 1901.

CHAPTER XXXIX.

[H. B. No. 170.]

ENABLING CHARTERED CITIES TO VALIDATE WARRANTS AND OTHER OBLIGATIONS.

AN ACT to enable cities that have adopted charters under the provisions of an act entitled "An act to provide for the government of cities having a population of twenty thousand (20,000) inhabitants, or more, and declaring an emergency to exist," approved March 24, 1890, to validate warrants and other obligations and evidences of indebtedness on the part of such cities issued by the corporate authorities thereof for salaries of elective officers of such cities, where the only ground of invalidity of such warrants, obligations, and evidences of indebtedness is that the charter of such city did not prescribe the compensation to be received by such officers.

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

SECTION 1. Any city which has adopted a charter under the provisions of an act entitled "An act to provide for the government of cities having a population of twenty thousand (20,000) or more inhabitants, and declaring an emergency to exist," approved March 24, 1890, may by resolution duly passed, in accordance with its charter, ratify any warrants or other obligations and evidences of indebtedness on the part of such city issued prior to the approval of this act by the corporate authorities thereof for the salaries or compensation of its elective officers, where the services of such officers have been fully and regularly rendered and performed and the only ground of invalidity of such war-

Provisionary
act.

May ratify if
issued prior to
this act.

rants, obligations, and evidences of indebtedness is that the compensation of such officers was not prescribed in the charter of such city at the time the services were performed for which such warrants, obligations or evidences of indebtedness were issued.

Passed the House February 15, 1901.

Passed the Senate February 27, 1901.

Approved by the Governor March 1, 1901.

CHAPTER XL.

[H. B. No. 253.]

RELATING TO MARKS AND BRANDS ON LOGS.

AN ACT to prevent and punish the destruction of marks or brands upon logs and other timber.

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

SECTION 1. Every person who shall cut out, alter or destroy any mark or brand made or caused to have been made by the owner upon any log, spar, pile, boom stick, shingle bolt or other timber of value, lying or being in any of the waters of this state, or upon the beach or bank adjacent to such waters, without the consent of the owner thereof, shall, on conviction, be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail of not more than six months or by both such fine and imprisonment.

Penalty

Passed the House February 16, 1901.

Passed the Senate February 27, 1901.

Approved by the Governor March 1, 1901.

CHAPTER XLI.

[H. B. No. 9.]

AMENDING CERTAIN SECTIONS OF BALLINGER'S CODE
RELATIVE TO THE CODE OF PUBLIC INSTRUCTION.

AN ACT to amend sections 2311 and 2419 of Ballinger's Annotated Codes and Statutes of Washington, and to amend sections 2293 and 2310 of Ballinger's Annotated Codes and Statutes of Washington as amended by an act approved March 15, 1899, entitled "An act to amend an act entitled and cited as the Code of Public Instruction of the State of Washington, amending sections 6, 10, 11, 22, 30, 33, 39, 42, 48, 49, 54, 56, 78, 97, 99, 101, 102, 105, 111, 121, 141, 142, 144, 153, 175, 177, 222, 223, 255, all being of said act; also declaring an emergency," and declaring an emergency.

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

SECTION 1. That Section 2293, of Ballinger's Annotated Codes and Statutes of Washington, as amended Amendment. by an act approved March 15, 1899, entitled "An act to amend an act entitled and cited as the Code of Public Instruction of the State of Washington amending sections 6, 10, 11, 22, 30, 33, 39, 42, 48, 49, 54, 56, 78, 97, 99, 101, 102, 105, 111, 121, 141, 142, 144, 153, 175, 177, 222, 223, 255, all being of said act; also declaring an emergency," be amended to read as follows: Sec. 2293. The powers and duties of the superintendent of public instruction shall be:

First. To have supervision over all matters pertaining to the public schools of this state:

Second. To report biennially to the Governor on or before the first day of November preceding the regular session of the Legislature, of which report three thousand copies shall be printed and delivered to the superintendent of public instruction who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools and one copy to each district library. Said report shall contain a state Biennial report to Governor. ment of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance; the state and county school funds apportioned, amount received from special tax, and from other sources, amount ex- What report shall contain.

pended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools, and the amount paid him for incidentals and expenses; the amount paid for building and providing school-houses, furniture and apparatus, the amount of bonded or other school indebtedness, with the rate of interest paid thereon, the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

Statement of plans.

Third. To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools; and to distribute the same to the county superintendents.

Printing of necessary blanks.

Fourth. To travel in the different counties of the state where public schools are taught without neglecting his other official duties as Superintendent of Public Instruction, for the purpose of visiting schools, of consulting the county superintendents, and of addressing public assemblages on subjects pertaining to public schools; also to conduct such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states.

To visit various counties of this state.

Fifth. To submit to the State Auditor a monthly statement of his expenditures for traveling expenses: *Provided,* That said expenditures shall not exceed eight hundred dollars in one year.

Monthly statement to State Auditor.

Proviso.

Sixth. To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer and to cause the same to be printed and distributed as often

Forms to be printed.

as any change in the laws make it of sufficient importance, in his opinion, to justify the same.

Seventh. To act as *ex-officio* president of the State Board of Education. Ex-officio president.

Eighth. To hold biennially on or before the first day of October following the election of county superintendents, a convention of the county superintendents of the state, at such time and place as he may deem convenient, for the discussion of questions pertaining to the supervision and administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Biennial convention.

Ninth. Upon receipt from the State Auditor of a certificate of the state school fund subject to apportionment, to apportion within ten days said fund among the several counties of the state in proportion to the total days attendance: *Provided*, That each school district shall be credited with at least two thousand total days attendance. The basis of said apportionment shall be the last annual reports of the several county superintendents on file in his office at the time of making his apportionment: *Provided further*, If a pupil attends any school of the state outside his resident district during the time the resident district maintains school of the grade in which the pupil belongs, the attendance shall be credited to the district in which the pupil resides, unless mutually arranged otherwise by the directors, and the clerk of any district whose resident pupils are attending school in another district shall notify the clerk of the district where such pupils attend when the school of said pupils' resident district will be in session and the grades maintained; and without such notice all claim to attendance will be forfeited. Apportionment of school funds. Proviso. Basis. Proviso.

Tenth. To require annually on or before the fifteenth day of August of the president, manager or principal of every seminary, academy or private school, and of the president, manager or principal of every state educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he Annual report from state institutions.

shall furnish blanks for such reports, and it is made the duty of every such president, manager or principal, to fill up and return such blanks within such time as the superintendent of public instruction shall direct.

Directory of boards.

Eleventh. To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

Grading of standing.

Twelfth. To grade and make records of the standing of all examination papers submitted to him by county superintendents, and to issue certificates thereon as provided by law.

Office records.

Thirteenth. To keep in his office, at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the State Board of Education. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state, each year separately. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

Filings.

Certified copies of papers or official acts.

Decisions on points of law.

Fourteenth. To decide all points of law which may be submitted to him in writing by any county superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any county superintendent; and shall publish his rulings and decisions from time to time for the information of school officers and teachers; and his decisions shall be final unless set aside by a court of competent jurisdiction.

Delivery to successor.

Fifteenth. To deliver over to his successor, at the expiration of his term of office, all records, books, maps and documents and papers, of whatever kind belonging to his office or which may have been received by him for the use of his office.

SEC. 2. That section 2310 of Ballinger's Annotated Codes and Statutes of Washington, as amended by an act approved March 15th, 1899, entitled "An act to amend an act entitled and cited as the Code of Public Instruction of the State of Washington, amending sections 6, 10, 11, 22, 30, 33, 39, 42, 48, 49, 54, 56, 78, 97, 99, 101, 102, 105, 111, 121, 141, 142, 144, 153, 175, 177, 222, 223, 255, all being of said act; also declaring an emergency," be amended to read as follows: Section 2310. Directors of school districts shall be elected at the regular annual school election. At the first annual election in all new districts, three directors shall be elected, for one, two and three years, respectively. No person shall be eligible to the office of school director who is not able to read and write the English language. The ballot shall specify the term for which each is to be elected. In all districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled a sufficient number to fill them for the unexpired term or terms; and the ballot shall specify the respective terms for which each director is to be elected. Directors elect shall take office on the first Monday in June next succeeding their election and shall hold office until their successors are elected and qualified. In case of vacancy in the board of directors from any cause the county superintendent shall fill such vacancy by appointment until the next annual election.

Amendment.

Directors,
when elected.

Eligibility.

Term of office
of directors.

Assume office.

SEC. 3. That section 2311 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 2311. Every board of directors unless otherwise specially provided by law, shall have power and it shall be their duty:

Amendment.

First. To employ and, for sufficient cause, to discharge, teachers, mechanics or laborers, and to fix, alter, allow and order paid their salaries and compensation: *Provided however,* That no board of directors shall, before the first Monday in June hire any teacher or teachers whose term of teaching does not commence prior to the first Monday in August.

Employment
of teachers.

Proviso.

- Enforcement of rules.** *Second.* To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers, and to enforce the course of study prescribed by the State Board of Education.
- Materials.** *Third.* To provide and pay for materials and supplies as may be necessary for the schools and to purchase such school furniture, charts or other apparatus as may have the written approval of the county school superintendent as to quality and price: *Provided,* That such purchases of furniture, charts or other apparatus shall be approved at a meeting of said board at which all members shall be present.
- Proviso.**
- School houses.** *Fourth.* To rent, repair, furnish and insure school houses.
- Building of and removal.** *Fifth.* To build or remove school houses, purchase or sell lots or other real estate when directed by a vote of the district to do so: *Provided,* That a school house already built shall not be removed, nor a new site for a school house be designated except when directed by a two-thirds vote of the electors of such district at an election to be held for that purpose which election may be a special or general school election.
- Proviso.**
- Personal.** *Sixth.* To purchase personal property in the name of the district, and to receive, lease and hold for their district any real or personal property.
- Suspension and expulsion of pupils.** *Seventh.* To suspend or expel pupils from school who refuse to obey the rules thereof, and may exclude from school all children under six years of age.
- Text books.** *Eighth.* To provide free text books and supplies to be loaned to the pupils of the schools when directed by a vote of the district to do so, and if not so directed to provide books for children of indigent parents on the written report of the clerk after investigation that the parents of such children are unable to purchase the same.
- Text books required.** *Ninth.* To require all pupils to be furnished with such books as may have been adopted by the State Board of Education as a condition to membership in the schools.

Tenth. To exclude from school and school libraries all books tracts, papers or other publications of an immoral or pernicious tendency, or of a sectarian or partisan character. Exclusion of certain books, etc.

Eleventh. To authorize the school room to be used for summer and night schools, literary, scientific, religious, political, mechanical or agricultural societies under such regulations as the board of directors may adopt. Use of school room for other purposes.

Twelfth. To require teachers to conform to the provisions of the school law.

SEC. 4. That section 2419 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 2419. The election of district directors and clerks shall, except as otherwise provided by law, be held on the second Saturday in May of each year at the district school house if there be one, or if there be none, or if more than one, then at a place to be designated by the board of directors. Special school elections shall be called and conducted in the manner provided for calling and conducting annual elections. Amendment.

SEC. 5. An emergency exists and this act shall take effect immediately. Elections, when held.

Passed the House February 5, 1901.

Passed the Senate February 20, 1901.

Approved by the Governor March 1, 1901.

CHAPTER XLII.

[H. B. No. 101.]

RELATING TO THE PRACTICE OF MEDICINE AND SURGERY.

AN ACT to amend an act entitled "An act to regulate the practice of medicine and surgery in State of Washington, and to license physicians and surgeons; to punish all people violating the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency," approved April 10, 1890.

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

SECTION 1. That section 3 of the above entitled act be amended to read as follows: Section 3. Hereafter Amendment.

every person desiring to commence the practice of medicine and surgery, or either of them, in any of its or their branches, in this state, shall make a written application to said board for a license so to do. And each applicant for such license shall be not less than twenty-one years of age, shall furnish a certificate of good moral character, and shall be a graduate of some duly authorized medical college now having at least a three years' graded course. Such applicant at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches: Anatomy, physiology, chemistry, histology, materia medica, therapeutics, preventive medicines, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable. Said board shall cause said examination to be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery; which examination shall be by written or printed, or partly written or partly printed questions and answers, and the same shall be filed and preserved of record in the office of the secretary of said board. After examination, if the same be satisfactory, said board shall grant a license to such applicant to practice medicine and surgery in the State of Washington, which said license can only be granted by the consent of not less than five members of said board, except as hereinafter provided, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination shall be ten dollars, and shall be paid by the applicant to the treasurer of said board toward defraying the expense thereof; and such board may refuse or revoke a license for unprofessional or dishonorable conduct, subject however to the right of such applicant to appeal from the decision of said board refusing or revoking such license as hereinafter provided: *Provided*,

Written appli-
cation.

Shall furnish
certificate.

Examination.

License.

Fee.

however, That in all cases where an applicant for a Proviso. license under this act shall produce and exhibit to the examining board, a certificate from a board of medical examiners appointed under the laws of any state of the United States and recognizing licenses from this state certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery, in the state issuing said certificate, and that said board issuing said certificate has subjected the applicant to a thorough examination to ascertain this fact, he or she may, at the discretion of the examining board upon paying the fee herein prescribed and otherwise complying with all the requirements of this act, receive from the examining board provided for in this act a license as if an examination of said applicant was had in this state, and upon filing said license with the clerk of the Superior Court as File license with clerk Superior Court. herein provided, he or she shall be a legally qualified practitioner of medicine and surgery in this state, subject to all the provisions of this act as to the revocation of said license as herein provided.

SEC. 2. That section 7 of said act be amended to read Amendment as follows: "Section 7. The person receiving said license shall before he or she commences the practice of medicine or surgery or any of their branches file the same, or a certified copy thereof, with the county clerk in and for the county where he or she resides, and said county clerk shall file said certificate, or copy thereof, Duties of county clerk. and enter a memorandum thereof giving the date of said license and name of the person to whom the same was issued, and the date of such filing, in a book to be provided and kept for that purpose; and said county clerk shall each year furnish, to the secretary of said board a list of all certificates on file in his office, County clerk to furnish list of certificates. and upon notice to him of a change of location or death of a person so licensed, or of the revocation of the license granted to such person, said county clerk shall enter, in the appropriate place in the record so kept by him, a memorandum of said fact, so that the records

kept by the county clerk shall correspond with the records of the board as kept by the secretary thereof. In case a person so licensed shall move into another county in this state, he or she shall procure from the county clerk a certified copy of said license, and file the same with the county clerk in the county to which he or she shall remove. Said county clerk shall file and enter the same with like effect as if the same were the original license. Proof of failure to file said license or copy thereof, with the county clerk as herein provided, shall be *prima facie* evidence of a violation of this act, and shall be punishable as provided herein. The county clerk's records shall be the only evidence required as proof of such failure to file, but may be rebutted by competent testimony.

SEC. 3. That section 8 of said act be amended so as to read as follows, to-wit: "Section 8. Any person practicing medicine or surgery or either of its or their branches within this state without first having obtained, and filed the license provided for in this act, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment. In all prosecutions under the provisions of this act, evidence that the defendant has failed to file a license with the county clerk as herein required, shall be *prima facie* evidence that the defendant is not a legally licensed practitioner. And each day of such illegal practice shall be deemed a separate offense under this act. All fines collected under the provisions of this act shall be paid into the state treasury for the use and benefit of the common schools of this state. Any person shall be deemed as practicing within the meaning of this act who shall have and maintain an office or place of business with his or her name and the words physician or surgeon "Doctor," "M. D." or "M. B." in public view, or shall assume or advertise the title of doctor or any

Removal to another county.

Failure to file.

Evidence required.

Amendment.

License.

Penalty.

Fines.

Definition of title.

title which shall show or shall tend to show that the person assuming or advertising the same is a lawful practitioner of any of the branches of medicine or surgery in such a manner as to convey the impression that he or she is a practitioner of medicine or surgery under the laws of this state; or any person who shall practice medicine or surgery under a false or assumed name, or under cover of the name of some legal practitioner, or personate any legal practitioner or for a fee prescribe or direct, or recommend for the use of any person any drug or medicine for the treatment, care or relief of any wound, fracture or bodily injury, infirmity or disease: *Provided however,* That this act shall not apply to dentists while confining themselves strictly to dentistry. Justices of the peace and the superior court shall have concurrent jurisdiction of violations of this act it shall be the duty of the respective county or district attorneys to prosecute all violations of this act. In cases of appeal to the superior court as hereinbefore provided it shall be the duty of the prosecuting attorney of the county wherein such appeal shall be tried to represent said board upon said appeal. And in all cases of appeal to the supreme court under the provisions of this act the attorney general shall represent said board upon such appeal.

Illegal practice.

Proviso.

Jurisdiction.

Appeal.

Passed the House February 8, 1901.

Passed the Senate February 14, 1901.

NOTE BY SECRETARY OF STATE.—This act vetoed by the Governor and passed over the Governor's veto by the House of Representatives on February 28, 1901; passed by the Senate over the Governor's veto on February 28, 1901.

SAM H. NICHOLS,
Secretary of State.

CHAPTER XLIII.

[H. B. No. 128.]

RELATING TO FREE PUBLIC LIBRARIES.

AN ACT to promote and establish the efficiency of free public libraries, and for the purpose of establishing a state library commission, and appropriating \$2,000 for traveling library fund.

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

Governor shall
appoint.

SECTION 1. The Governor shall appoint two persons, one of whom, at least, shall be a woman, who with the Superintendent of Public Instruction, the president of the State University, the president of the Agricultural College and School of Science, and one person chosen by the State Federation of Woman's Clubs shall constitute the Washington State Library Commission.

Term of office.

SEC. 2. The first members appointed by the Governor shall be appointed for terms of two and four years from June 1st, 1901, and all subsequent appointments shall be for terms of four years, excepting appointments to fill vacancies.

Location of
office.

Biennial
report.

SEC. 3. The commission shall, if called upon, give advice and counsel to all free public libraries and to all school libraries in the state and to all communities which may propose to establish them and shall organize, as far as possible, and develop the free traveling library system. The commission shall have its office at the office of the Superintendent of Public Instruction and shall make a biennial report to the Governor, one thousand copies of which shall be published as other official reports.

Compensation.

SEC. 4. No member of the commission shall ever receive any compensation for services as a member thereof, but at the end of two years said commission may employ a secretary, not one of its own members, who shall be a woman and shall serve at the will of the commission and shall have such compensation and under such conditions as it shall determine, she shall keep a record of the proceedings of the commission, keep accurate accounts of the financial transactions of the commission, act under its directions in organizing

Record.

or improving libraries and such other work as the commission may direct, and she shall in addition to her salary as secretary be allowed her necessary traveling expenses while absent from her office in the service of the commission, the same to be certified to in the same manner as other expenses incurred by the commission.

Expenses allowed secretary.

SEC. 5. All bills incurred by the commission under this law, including the purchase of books for the free traveling libraries, shall be certified to by the chairman and the secretary of the commission to the State Auditor, who shall audit the same as the accounts of state officers.

Auditing and payment of accounts.

SEC. 6. There is hereby appropriated from the general funds of the state not otherwise appropriated, the sum of \$2,000 for the maintenance of free traveling libraries under the supervision of the State Library Commission as herein provided.

Appropriation.

Passed the House February 16, 1901.

Passed the Senate March 1, 1901.

Approved by the Governor, March 2, 1901.

CHAPTER XLIV.

[H. B. No. 238.]

APPROPRIATIONS FOR CERTAIN DEFICIENCIES FOR FISCAL PERIODS.

AN ACT making appropriations for certain deficiencies for fiscal periods prior to March 31, 1901, and for other purposes.

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

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of the general fund for the purposes hereinafter designated, in payment of deficiencies of the present and past fiscal periods, not heretofore provided for, and the State Auditor is directed to draw his warrants in pay-

Deficiency appropriations.

ment of the same, on presentation to him of properly certified vouchers to-wit:

- 1. Transportation of insane..... \$2,000
- 2. Transportation of convicts 2,000
- 3. Salary and expenses Superior Judges *pro tem*..... 600
- 4. Traveling expenses of Superior Judges..... 600
- 5. Salary two additional Superior Judges to March 31, 1901 500

Passed the House February 19, 1901.

Passed the Senate March 1, 1901.

Approved by the Governor March 2, 1901.

CHAPTER XLV.

[S. B. No. 44.]

PROVIDING FOR PURCHASE AND COMPLETION OF A STATE CAPITOL BUILDING.

AN ACT providing for the purchase and completing and furnishing of a State Capitol building, and providing for the payment of interest, and making an appropriation.

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

Authorized to purchase court house and grounds.

SECTION 1. The State Capitol Commission is hereby fully authorized and directed to purchase from Thurston county, Washington, in the manner provided by law, and Thurston county is fully authorized to sell to the State of Washington, in the manner provided by law through the State Capitol Commission the county court house and grounds now owned and used by said Thurston county in the city of Olympia, at a price not to exceed one hundred and seventy thousand dollars, and upon such purchase being made by the State Capitol Commission, the same shall be used, together with such additions thereto as may be erected, as the capitol building of the State of Washington. The expense of purchasing said court house and grounds and the erection of any additions and the furnishing of the same shall not exceed three hundred and fifty thousand dollars.

Amount.

Total expense.

SEC. 2. In case said Capitol Commission shall purchase the said court house and grounds, it shall purchase such other grounds adjoining said court house as may be necessary, and add to said court house, a House and Senate chamber and committee rooms, and such further additions as are necessary to fit it for the use of the state—said additions to be of the same general design, material and architecture as said court house now is, and for that purpose may expend any remaining portion of the appropriation made by this act, after paying for the said Thurston county court house and grounds. Said House and Senate chamber and committee rooms shall be ready for occupancy for the Legislature of the State of Washington when it assembles January, 1903.

Additions to building.

Completed by 1903.

SEC. 3. The State Capitol Commission shall not proceed herein in the purchase, construction or completion of said capitol building until the warrants upon the state capitol building fund for the entire amount herein appropriated in the sum of three hundred and fifty thousand dollars, are sold at not less than par, and the proceeds thereof placed with the treasurer of the state.

Warrants must be sold before completion of building.

SEC. 4. In case the court house and grounds are purchased by the state as aforesaid, the bonds of Thurston county, held in the permanent school fund of the state, shall be surrendered to said Thurston county, as a part of the purchase price thereof, the full amount of said bonds shall be replaced in the permanent school fund and the interest due thereon shall be placed in the current school fund, and the entire amount of both principal and interest shall be taken out of the appropriation made by this act before said bonds and the interest thereon shall be surrendered.

Surrender of certain bonds.

SEC. 5. In order to carry out the provisions of this act, the State Capitol Commission is hereby empowered to enter into such agreement with an architect to be selected for the furnishing and purchasing of such plans for any additions to said court house as shall guarantee the cost of building and furnishing said capitol building within the limit herein specified; upon

Contract with architect.

the submission and acceptance of said plans, said Capitol Commission shall proceed to advertise for bids for the construction of said additions with such limitations as to time and notice as they shall provide.

Advertise for bids.

SEC. 6. In order to facilitate the sale of warrants and prevent the sacrifice of the state lands donated by the general government for the purpose of erecting a capitol building, the State of Washington hereby guarantees the interest on warrants hereafter issued for the purchase, completion and furnishing of said building:

Proviso. *Provided, however,* That said interest shall not exceed five per cent. per annum, and be due and payable annually upon the first day of April of each year, upon the presentation of the warrants at the office of the State Treasurer.

State guarantees interest.

Proviso.

When payable.

Appropriation to cover interest.

SEC. 7. That the sum of seventeen thousand five hundred dollars, or so much thereof as may be needed, is hereby appropriated out of the general fund for the purpose of paying the interest upon said warrants, all interest paid as aforesaid, to be returned to the general fund next after the payment of the appropriation heretofore and herein made, from the proceeds of the sale of lands granted to the state for the purpose of erecting public buildings at the state capital: *Provided,* That the guaranty of interest on warrants as herein provided in section 6 of this act, shall not apply to warrants heretofore issued upon the state capitol building fund.

Proviso.

Appropriation.

SEC. 8. There is hereby appropriated out of the state capitol building fund, for the purchase, completion and furnishing of said building, and all expenses incident thereto, the sum of three hundred and fifty thousand dollars, or so much thereof as may be necessary, and all the unexpended portion of the nine hundred and thirty thousand dollars heretofore made out of said capitol building fund, is hereby repealed, and this appropriation is to stand in lieu of such unexpended appropriation.

In lieu of unexpended appropriation.

Passed the Senate February 7, 1901.

Passed the House March 1, 1901.

Approved by the Governor March 2, 1901.

CHAPTER XLVI.

[H. B. No. 59.]

PROVIDING FOR DISTRIBUTION OF PUBLIC DOCUMENTS.

AN ACT providing for the distribution of the public documents of the State of Washington.

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

SECTION 1. It shall be the duty of the State Printing Board, in providing for the publication of the biennial reports of the public officers of this state, and of all pamphlets, books and papers published for and at the expense of the state, to cause to be collected and bound in substantial form, a sufficient number of all such reports, pamphlets, journals, books and papers aforesaid to be known as the public documents of the State of Washington; to supply three copies to the library of the University of the State of Washington, three copies to the Agricultural College and School of Science, two copies to the library of each of the State Normal Schools, and five copies to the State Library, and fifty copies to be used by the State Library Commission to be exchanged for similar publications by the other states and territories; and the State Printing Board shall cause the above named number of copies properly bound to be sent free of expense to each of the above named institutions, and it shall be the duty of said state institutions to preserve the same as public documents, except the copies provided herein for distribution.

Duty of board.

Where copies shall be sent.

SEC. 2. The State Library Commission is hereby authorized to send to the institutions named in section 1 of this act copies of such documents, legislative journals and other works useful to students, of the state's history, as may be in the State Library in duplicate or in such numbers as would enable the said works to be so distributed without injuring the State Library.

Extra copies from State Library.

Passed the House February 28, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor March 6, 1901.

CHAPTER XLVII.

[H. B. No. 415.]

RELATIVE TO COST AND ASSESSMENTS FOR PAVEMENTS IN CITIES OF THE FIRST CLASS.

AN ACT defining the limit of cost and the amount of assessments for permanent pavement local improvements in cities of the first class and declaring an emergency.

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

SECTION 1. That whenever the mayor and council of any city of the first class shall under authority vested in them by any law of this state or the charter of such city, cause any street, avenue, lane, alley, square or public place of such city to be improved by the laying of a permanent pavement thereon including all necessary foundations, curbing, guttering, drainage facilities and other necessary work incidental to such permanent pavement, the cost of such improvement and the assessment made to provide for said cost and to provide the fund necessary to redeem any bonds issued upon the local improvement district created for such improvement and any interest payable thereon may be levied to a maximum amount equal to fifty (50) per cent. of the total increased valuation of the property included within such local improvement district as fixed by the last assessment made for purposes of general taxation: *Provided, however,* That unless there be presented to such municipal authorities a petition asking for such permanent pavement local improvement, bearing the signatures of the owners of record of at least three-fourths ($\frac{3}{4}$) of the property within the proposed local improvement district, the cost of said improvement and the assessment to be levied therefor shall not exceed the ordinary limit for local improvements fixed by the charter of said city. The authority hereby granted and the fifty (50) per cent. limit of cost and assessment hereby authorized may be applied by proper ordinance of any city of the first class in addition to and concurrent with any law or charter provision relating to local improvements: *Provided,* That the

Cost and
assessment.

Proviso.

Authority.

Ordinance.

Proviso.

levy and assessment for any improvement of the character designated in section 1 of this act shall be valid and binding up to and including the fifty per cent. limit herein fixed regardless of any lesser limit fixed by any law or charter provision: *And provided further*, Proviso. That any city which, by charter provision, is authorized to incur a greater limit of cost and assessment than that herein prescribed, shall not be held to be limited by this act.

SEC. 2. An emergency exists and this act shall take Emergency effect immediately after the passage and approval thereof.

Passed the House March 2, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor, March 6, 1901.

CHAPTER XLVIII.

[H. B. No. 116.]

RELATING TO QUARANTINE IN CITIES AND TOWNS.

AN ACT relating to quarantine in cities and towns.

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

SECTION 1. Whenever a house has been quarantined by the board of health in any city or towns in this state, it shall be unlawful for any person, without the per- Unlawful to leave premises. mission of the health officer, to leave the said house.

SEC. 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and shall Penalty. be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail for a period of thirty days, or both such fine and imprisonment.

Passed the House February 16, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor March 6, 1901.

CHAPTER XLIX.

[H. B. No. 136.]

PROVIDING FOR COUNTY BOARDS OF GRAMMAR
SCHOOL EXAMINERS.

AN ACT providing for county boards of grammar school examiners, prescribing manner of appointment, term of office, duties and compensation of such boards.

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

Appointment
by county su-
perintendent.

SECTION 1. The county superintendent of common schools may, when in his judgment the interest of the schools of the county demand it, appoint, for one year, four persons who, with the county superintendent, shall constitute a county board of examiners for the examination of pupils of the common schools of the county desiring grammar school certificates of graduation: *Provided*, That no person shall be eligible for appointment as a member of said board who does not at the time of his appointment hold a valid teacher's certificate in full force and effect under the laws of the State of Washington: *Provided further*, That the county superintendent may appoint assistant examiners who shall serve without pay.

Board.

Proviso.

Proviso.

Duty of board.

SEC. 2. It shall be the duty of the said board of grammar school examiners to meet at the county seat at the call of the county superintendent for the purpose of examining pupils desiring grammar school certificates of graduation, and of examining and grading such manuscripts as may be on file in the county superintendent's office, written by pupils under the supervision of any assistant examiner. Such examination shall be conducted according to rules prescribed by the Superintendent of Public Instruction, and no other questions shall be used in said examinations except those approved or furnished by him.

Examination.

Compensation.

SEC. 3. County examiners appointed by the county superintendent shall receive three dollars per day for the time actually employed in the examinations herein provided for; such compensation shall be paid out of the current expense fund of the county: *Provided*,

Proviso.

That no examiner shall receive pay for attendance upon more than two meetings of said board in any one year, nor for more than four days at any one of such meetings.

Passed the House, February 18, 1901.

Passed the Senate, March 4, 1901.

Approved by the Governor, March 6, 1901.

CHAPTER L.

[H. B. No. 211.]

TO ENABLE COUNTIES, CITIES AND TOWNS TO VALIDATE CERTAIN WARRANTS.

AN ACT to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority.

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

SECTION 1. Any county, city or town in this state may ratify in the manner prescribed in this act, the attempted incurring of any indebtedness of such county, city or town, by the issuing of warrants, making of contracts, or creations of other evidences of indebtedness on the part of such county, city or town by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town, as-
Ratification of.
Ground of in-
validity.
Exception.
 determined by the last assessment for state and county purposes previous to the attempted incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, and that such indebtedness was so attempted to be incurred without the assent of three-fifths

of the voters therein voting at an election held for that purpose.

Provision by ordinance.

SEC. 2. Whenever the corporate authorities of any such county, city or town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution, which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness comprised in each distinct class and shall provide for the holding of an election for that purpose, at which the attempted incurring of such indebtedness shall be submitted to the voters in such county, city or town for ratification or approval, of which election notice, to be provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such county, city or town once a week for at least four successive weeks, and if no newspaper is published in such city or town; then by publishing such notice for the same period in a newspaper published in the county wherein such city or town is situate and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

Submission to voters.

Publication of notice.

Classification.

Election—result thereof.

SEC. 3. If at an election held as provided for in section 2 of this act, three-fifths of the voters in such county, city or town, voting at such election, shall vote in favor of the ratification of any distinct class of such indebtedness, specified in the ordinance or resolution providing for such election, then such indebtedness so ratified shall thereby become and is hereby declared to be validated and a binding obligation upon such county city or town, when the only ground of the previous invalidity of such indebtedness is that at the time of the incurring thereof so ratified, the same, together with

Obligation then binding.

all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town ascertained by the last previous assessment for state and county purposes (except that in incorporated cities the assessment shall be taken from the last assessment for city purposes): *Provided*, That neither anything in this act contained nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, city or town existing at the time of the attempted incurring of the same exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county, city or town voting at an election to be held for that purpose: *And provided further*, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

SEC. 4. The words corporate authorities used in this act shall be held to mean the legislative or managing body of any county, city or town.

Passed the House February 19, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor March 6, 1901.

CHAPTER LI.

[S. B. No. 42.]

CHANGING NAME OF TOWN OF LEWISTON TO CLARKSTON.

AN ACT changing the name of the town of Lewiston, Asotin county, Washington, to the town of Clarkston.

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

SECTION 1. That the name of the town of Lewiston, located in Asotin county, Washington, be and the same is hereby changed to the town of Clarkston.

Passed the Senate February 13, 1901.

Passed the House February 28, 1901.

Approved by the Governor March 6, 1901.

CHAPTER LII.

[S. B. No. 43.]

AMENDING STATUTES OF WASHINGTON RELATIVE TO
SATISFACTION OF MORTGAGES.

AN ACT amending section 4563 of Ballinger's Annotated Codes and Statutes of Washington, relating to the satisfaction of mortgages, and validating satisfactions of mortgages heretofore made.

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

SECTION 1. That section 4563 of Ballinger's Annotated Codes and Statutes of Washington, relating to the satisfaction of mortgages, be, and the same is hereby amended to read as follows: Sec. 4563. Whenever the amount due on any mortgage is paid, the mortgagee, his legal representatives or assigns, shall, at the request of any person interested in the property mortgaged, acknowledge satisfaction of the same on the margin of the page upon which the mortgage is recorded (which marginal satisfaction shall be at the time attested by the auditor or his deputy), or by executing an instrument in writing referring to the mortgage by the volume and page of the record or otherwise sufficiently describing it and acknowledging satisfaction in full thereof. Said instrument shall be duly acknowledged, and upon request shall be recorded in the county wherein the mortgaged property is situated. Every instrument of writing heretofore recorded and purporting to be a satisfaction of mortgage, which sufficiently describes the mortgage which it purports to satisfy so that the same may be readily identified, and which has been duly acknowledged before an officer authorized by law to take acknowledgments or oaths, is hereby declared legal and valid, and a certified copy of the record thereof is hereby constituted *prima facie* evidence of such satisfaction.

Passed the Senate February 5, 1901.

Passed the House February 27, 1901.

Approved by the Governor, March 6, 1901.

CHAPTER LIII.

[S. B. No. 100.]

RELATING TO ACKNOWLEDGMENTS.

AN ACT to amend section 4530 of Ballinger's Annotated Codes and Statutes of Washington in relation to acknowledgments.

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

SECTION 1. That section 4530 of Ballinger's Annotated Codes and Statutes of Washington be, and the same hereby is, amended to read as follows, to-wit: Sec. 4530. Amendment. Acknowledgments of all deeds, mortgages and other instruments in writing that are required to be acknowledged by any law of this state may be made and taken Acknowledgments. in any foreign country beyond the limits of the United States, before any minister plenipotentiary, Before whom. secretary of legation, charge d' affaires, consul general, consul, vice consul, consular agent, or commercial agent appointed by the government of the United States, or before any notary public or before the proper officer of any court of said country, or before the mayor or other chief magistrate of any city, town or other municipal corporation therein. All deeds, mortgages and other instruments at any time heretofore acknowledged according to the provisions of this act are hereby declared legal and valid. Valid when previously so acknowledged. *Provided:* Proviso. That the provisions of this section shall not affect any existing rights.

Passed the Senate February 5, 1901.

Passed the House February 20, 1901.

Approved by the Governor March 6, 1901.

CHAPTER LIV.

[S. B. No. 98.]

AMENDING ACT AUTHORIZING COUNTIES, CITIES AND TOWNS TO ISSUE BONDS TO FUND OUTSTANDING INDEBTEDNESS.

AN ACT to amend section 3 of an act entitled "An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency," approved March 22, 1895.

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

SECTION 1. That section 3 of an act entitled "An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency," approved March 22, 1895, be amended to read as follows:

Amendment.

Issuance of bonds.

Sec. 3. Bonds may be issued without notice under the provisions of this act, for the purpose of funding, or refunding, outstanding bonds when exchanged at not less than par value, but before any other bonds shall be issued under the provisions of this act, such corporate authorities shall cause a notice of the proposed issuance of such bonds to be given by publication in a daily or weekly newspaper of general circulation published in the county proposing to issue such bonds, or in which county such city or town is situated, at least once a week for four consecutive weeks. Such notice shall state for what purpose and the total amount for which it is so proposed to issue bonds, and if to be divided into series, then into how many series the same are to be divided, and the amount of and period for which each series is to run, also the hour and day for considering bids for such bonds, and asking bidders to name the price and rate of interest at which they will purchase such bonds, and if such bonds are to be divided into series then to name such price and rate for each series of such bonds, separately; and at the time named in

Notice of issuance.

Notice must state purpose of issue.

Bids solicited.

Separate price on series.

such notice it shall be the duty of the corporate authorities to meet with the treasurer of the county, city or town proposing to issue such bonds, at his office, and with him open said bids, and shall sell said bonds to the person or persons making the most advantageous offer therefor: *Provided, however,* That said bonds shall never be sold or disposed of below par, and such corporate authorities shall have the right to reject any and all bids, and if all said bids shall be rejected, such corporate authorities shall proceed to readvertise the sale of said bonds in the manner herein provided.

Duty of corporate authorities.

Proviso.

Passed the Senate February 5, 1901.

Passed the House February 27, 1901.

Approved by the Governor March 6, 1901.

CHAPTER LV.

[S. B. No. 6.]

RELATIVE TO TAXATION OF INHERITANCES.

AN ACT relating to the taxation of inheritances and providing for disposition of same.

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

SECTION 1. All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor to any person in trust or otherwise, shall, for the use of the state, be subject to a tax as provided for in section two of this act, after the payment of all debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, court costs, including cost of appraisement

Property subject to above tax.

Payment of all debts, attorneys' fees, etc.

made for the purpose of assessing the inheritance tax, the statutory fees of executors, administrators or trustees, and no other sum, but said debts shall not be deducted unless the same are allowed or established within the time provided by law, unless otherwise ordered by the judge or court of the proper county and all administrators, executors and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them, with lawful interest until the same shall have been paid. The inheritance tax shall be and remain a lien on such estate from the death of the decedent until paid.

Debts not deducted unless allowed by law, as provided.

Liability of parties.

Lien on estate.

SEC. 2. The inheritance tax shall be and is to be levied on all estates subject to the operation of this act on all sums above the first \$10,000.00, where the same shall pass to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, or the lineal descendant of an adopted child, one (1) per centum. On all sums not exceeding the first fifty thousand dollars, of three per centum, where such estate passes to collateral heirs to and including the third degree of relationship, and to six per cent. where such estates pass to collateral heirs beyond the third degree or to strangers to the blood. On all sums above the first fifty thousand dollars and not exceeding the first one hundred thousand dollars, four and one-half per centum to collateral heirs to and including the third degree, and nine per centum to collateral heirs beyond the third degree or to strangers to the blood. And on all sums in excess of the first one hundred thousand dollars the tax shall be six per centum to collateral heirs to and including the third degree, and twelve per centum to collateral heirs beyond the third degree or to strangers to the blood.

Proportion of levy—1 per cent.

6 per cent.

4½ per cent.

6 per cent. on excess.

Exception.

SEC. 3. Except as to the limitations prescribed in section 2 from the inheritance tax and real property located outside the state passing in fee from the decedent owner, the tax imposed under section two shall

hereafter be assessed against and be collected from Future assessment. property of every kind, which, at the death of the decedent owner is subject to, or thereafter, for the purpose of distribution, is brought into this state and becomes subject to the jurisdiction of the courts of this state for distribution purposes, or which was owned by any decedent domiciled within the state at the time of the death of such decedent, even though the property of said decedent so domiciled was situated outside of the state.

SEC. 4. In case of any property belonging to a foreign Foreign estate. estate, which estate, in whole or in part, is liable to pay a collateral inheritance tax in this state, the said tax shall be assessed upon the market value of said property remaining after the payment of such debts and expenses as are chargeable to the property under the laws of this state. In the event that the executor, administrator or trustee of such foreign estate files with the clerk of the court having ancillary jurisdiction and with the State Treasurer duly certified statements exhibiting the true market value of the entire estate of the decedent owner, and the indebtedness for which the said estate has been adjudged liable, which statements shall be duly attested by the judge of the court having original jurisdiction, the beneficiaries of said estate shall then be Beneficiaries entitled to deduct proportion of debt. entitled to have deducted such proportion of the said indebtedness of the decedent from the value of the property as the value of the property within this state bears to the value of the entire estate.

SEC. 5. It shall be the duty of the executor, administrator, or trustee, immediately upon his appointment, to make and file a separate inventory, any will to the contrary notwithstanding, of all the real estate of the decedent liable to such tax, and to cause notice of the lien to be entered as a *lis pendens* in the office of the county auditor in each county where each particular part of said real estate is situated, and no conveyance of said estate or interest therein, which is subject to such tax before or after the entering of said lien, shall Duty of executor, administrator or trustee.

Discharge of estate. discharge the estate so conveyed from the operation thereof.

Appraisement. SEC. 6. All the real estate of the decedent subject to such tax shall, except as hereinafter provided, be appraised within the time provided by law for the appraisement of decedent's estates, and the tax thereon, calculated upon the appraised value after deducting debts for which the estate is liable, shall be paid by the person entitled to said estate within fifteen months from the approval by the court of such appraisement, unless a longer period is fixed by the court, and in default thereof the court may order the same, or so much thereof as may be necessary to pay such tax, to be sold.

Sale of, by court.

Devise. SEC. 7. When any person shall devise any real property to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, or lineal descendant of such child, during life or for a term of years, and the remainder to a collateral heir or to a stranger to the blood, the court, upon the determination of such estate for life or years, shall, upon its own motion or upon the application of the State Treasurer, cause such estate to be appraised at its then actual market value from which shall be deducted the value of any improvements thereon or betterments thereto, made by the remainder man during the time of the prior estate, to be ascertained and determined by the appraiser and the tax on the remainder shall be paid by such remainder man within six months from the approval of the court of the report of the appraisers. If such tax is not paid within said time, the court may then order said real estate, or so much thereof as may be necessary to pay said tax, to be sold.

Appraisement.

If not paid property may be sold.

Life estate to other parties. SEC. 8. Whenever any real estate of a decedent shall be subject to such tax, and there be a life estate or interest for a term of years given to a party other than the father, mother, husband, wife, lineal descendant, adopted child, or lineal descendant of such child, and the remainder to a collateral heir or stranger to the blood, the court shall direct the interest of the life

estate or term of years to be appraised at the actual value thereof according to the rules or standards of mortality and of value commonly used in actuaries' combined experience tables. The State Treasurer is directed to obtain and publish for the use of the courts and appraisers throughout the state, tables showing the average expectancy of life, and the value of annuities or life and term estates, and the present worth or value of remainders and reversions. The taxable value of life or term, deferred or future estates, shall be computed at the rate of four per cent. per annum interest. Whenever it is desired to remove the lien of the inheritance tax on remainders, reversions or deferred estates, parties owning the beneficial interest may pay at any time the said tax on the present worth of such interest determined according to the rules herein fixed. Upon the approval of such appraisal by the court, the party entitled to such life estate or term of years, shall within sixty days thereafter pay the tax on such life or term estate, and in default thereof the court may order such interest in such estate or so much thereof as shall be necessary to pay such tax, to be sold. Upon the determination of such life estate or term of years, unless the tax on the remainder shall have been previously paid, as provided in this section, the same provision shall apply as to the ascertainment of the amount of the tax and the collection of the same on the real estate in remainder as in like cases is provided in the preceding section. Whenever any personal estate of a decedent shall be subject to such tax, and there be a life estate or interest for a term of years given, the court shall inquire into and determine the value of the life estate or interest for the term of years, and order and direct the amount of the tax thereon, to be paid by the prior estate, and that to be paid by the remainder man, each of whom shall pay their proportion of such tax within six months from such determination, unless a longer period is fixed by the court, and in default thereof the

Appraised at actual value.

Publishing of tables.

Computation.

Removal of lien.

Payment of tax.

Provision, if failure to pay.

Court to determine value and direct tax paid by prior estate.

executor, administrator or trustee shall pay the tax out of said property, as the court may direct.

SEC. 9. Whenever a decedent appoints one or more executors or trustees and in lieu of their allowance or commission, makes a bequest or devise of property to them which would otherwise be liable to said tax or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court having jurisdiction of their accounts, upon its own motion, or on the application of the State Treasurer, shall fix such compensation.

Excess liable to tax.

Compensation fixed by court.

SEC. 10. Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the legacies, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or State Treasurer, and the same shall remain a charge and be a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, trustee or State Treasurer in his name of office, in the same manner as the payment of the legacy itself could be enforced.

Heir to deduct tax and pay tax.

Lien until paid.

SEC. 11. Every executor, administrator or trustee having in charge or trust any property subject to said tax, and which is made payable by him, shall deduct the tax therefrom, or shall collect the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

Tax collected from legatee.

Taxes payable to State Treasurer.

Accrued interest.

SEC. 12. All taxes imposed by this act shall be payable to the State Treasurer, and those which are made payable by executors, administrators or trustees shall be paid within fifteen months from the death of the testator or intestate, or within fifteen months from assuming the trust by such trustee, unless a longer period is fixed by the court. All taxes not paid within the time prescribed in this section shall draw interest at the legal rate until paid.

SEC. 13. It shall be the duty of all appraisers appointed under the provisions of this act to forthwith give notice to the State Treasurer, and other persons known to be interested in the property to be appraised, of the time and place at which they will appraise such property, which time shall not be less than twenty days from the date of such notice. The notice shall be served in the same manner as is prescribed for the commencement of civil actions unless a different one is ordered by the court or judge, and the notice, with the proof of service thereof, shall be returned to the court with the appraisement. The State Treasurer or any person interested in the estate appraised, may file exceptions to the appraisement, which shall be heard and determined by the court having jurisdiction in probate of the estate involved. If, upon the hearing, the court finds the amount at which the property is appraised is its market value and the appraisement was fairly and in good faith made, it shall approve such appraisement; but if it finds that the appraisement was made at a greater or less sum than the market value of the property, or that the same was not fairly or in good faith made, it shall set aside the appraisement and determine such value. The State Treasurer, or anyone interested in the property appraised, may appeal to the Supreme Court from the order of the Superior Court in the premises.

Duties of appraisers.

Service of notice.

Filing of exceptions.

Approval of appraisement.

Appeal.

SEC. 14. If a foreign executor, administrator or trustee shall assign any corporate stock or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to such tax, the tax shall be paid to the State Treasurer on or before the transfer thereof; otherwise, the corporation permitting its stock to be so transferred on its books shall be liable to pay such tax, and it is the duty of the State Treasurer to enforce the payment thereof.

Assignment.

SEC. 15. In all of the estates subject to the payment of the inheritance tax it shall be the duty of the executor, administrator or trustee to furnish the clerk of the court a list of the heirs of the estate and to state

List of heirs.

Copy of above list.

therein the relationship which each heir, devisee or legatee bears to the decedent. The clerk of the court shall immediately forward a true copy of such list to the State Treasurer, and no final settlement of the account of any executor, administrator or trustee shall be accepted or allowed unless a strict compliance with the provisions of this section has been had by such person.

Extension of time.

SEC. 16. Whenever, by reason of the complicated nature of an estate, or by reason of the confused condition of the decedent's affairs, it is [impracticable] for the executor, administrator, trustee or beneficiary of said estate to file with the clerk of the court a full, complete and itemized inventory of the personal assets belonging to the estate, within the time required by statute for filing inventories of the estates, the court may, upon the application of such representatives or parties in interest, extend the time for the filing of the appraisal for a period not to exceed three months beyond the time fixed by law.

Compromise with beneficiaries.

SEC. 17. Whenever an estate charged, or sought to be charged, with the inheritance tax, is of such a nature, or is so disposed, that the liability of the estate is doubtful, or the value thereof cannot, with reasonable certainty, be ascertained under the provisions of law, the State Treasurer may, with the written approval of the Attorney General, which approval shall set forth the reasons therefor, compromise with the beneficiaries or representatives of such estates, and compound the tax thereon; but said settlement must be approved by the superior court having jurisdiction of the estate, and after such approval, the payment of the amount of the taxes so agreed upon shall discharge the lien against the property of the estate.

Certified copy to State Treasurer.

SEC. 18. Administrators, executors and trustees of the estates subject to the inheritance tax shall, when demanded by the State Treasurer, send to such Treasurer certified copies of such parts of their reports as may be demanded by him, and upon the refusal of said parties to comply with the Treasurer's demand, it

is the duty of the clerk of the court to comply with such demand, and the expense of making such copies and transcripts shall be charged against the estate, as are other costs in probate. Expenses charged to estate.

Passed the Senate January 30, 1901.

Passed the House February 21, 1901.

Approved by the Governor March 6, 1901.

CHAPTER LVI.

[S. B. No. 96.]

RELIEF OF GRANTEES OF B. NORMAN.

AN ACT for the relief of the grantees of B. Norman, holder of purchase contract No. 233 for the southwest quarter of section thirty-six (36), township seventeen (17) north, of range forty-five (45) E. W. M.

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

SECTION 1. That each grantee of B. Norman for a portion of the southwest quarter of section thirty-six (36) in township seventeen (17) north, of range forty-five (45) E. W. M., or the successor in interest of such grantee, who shall have his title to the portion granted to him clear of state and county taxes, shall have the right to apply to and receive from the State of Washington, through the proper officials, a deed to the portion of said tract of land so as aforesaid acquired by him from the said B. Norman: *Provided*, That he shall pay to the State of Washington for the same at the price per acre specified in the original contract of the said B. Norman therefor, being contract No. 233, receiving credit for the proper proportion of payments on account of the principal theretofore made to the state by the said B. Norman. Description. Right to apply. Proviso. Payments credited.

SEC. 2. That such application shall be made in writing to the Commissioner of Public Lands and shall be accompanied by an abstract of title showing the applicant's right to the deed as provided by section 1 Application, abstract and certified check.

hereof, and shall also be accompanied by a certified bank check for the sum required as purchase money for the tract applied for, payable to the State Treasurer, when such applicant shall be entitled to a certificate from the Commissioner of Public Lands to the effect that he has purchased the tract described in the application, which certificate shall be by said Commissioner of Public Lands conveyed, together with said certified bank check, to the State Treasurer, who, upon the payment of said bank check, shall issue to said applicant a certificate of purchase for the land applied for, which, upon being presented to the Governor of the state shall entitle such applicant to a deed to the land therein described. Said deed shall be executed by the Governor, attested by the Secretary of State, with the seal of the state thereto affixed.

Certificate.

Certificate of purchase.

Deed.

Passed the Senate February 7, 1901.

Passed the House February 27, 1901.

Approved by the Governor, March 6, 1901.

CHAPTER LVII.

[S. B. No. 102.]

RELATIVE TO POWERS OF SUPERIOR JUDGES.

AN ACT relating to the powers of judges of the Superior Court of the State of Washington, and declaring an emergency.

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

Powers of judges.

SECTION 1. Any judge of the Superior Court of the State of Washington shall have power, in any county within his district: (1) To sign all necessary orders and papers in probate matters pending in any other county in his district; (2) to issue restraining orders, and to sign the necessary orders of continuance in actions or proceedings pending in any other county in his district; (3) to decide and rule upon all motions, demurrers, issues of fact or other matters that may

have been submitted to him in any other county. All such rulings and decisions shall be in writing and shall be filed immediately with the clerk of the proper county: *Provided*, That nothing herein contained shall authorize the judge to hear any matter outside of the county wherein the cause or proceeding is pending, except by consent of the parties. Proviso.

SEC. 2. Any judge of the Superior Court of the State of Washington who shall have heard any cause, either upon motion, demurrer, issue of fact, or other matter in any county out of his district, may decide, rule upon, and determine the same in any county in this state, which decision, ruling and determination shall be in writing and shall be filed immediately with the clerk of the county where such cause is pending. Decisions and rulings out of his own district.
Filing thereof.

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

Passed the Senate February 4, 1901.

Passed the House February 27, 1901.

Approved by the Governor March 7, 1901.

CHAPTER LVIII.

[S. B. No. 114.]

APPROPRIATION FOR PAYMENT OF CERTAIN JUDGMENTS AGAINST THE STATE OF WASHINGTON.

AN ACT appropriating money for the payment of certain judgments against the State of Washington.

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

SECTION 1. That there is hereby appropriated, out of the general fund in the state treasury not otherwise appropriated, the following sums for the payment of judgments against the State of Washington, in favor of the following persons, for the respective amounts hereinbelow stated: Appropriation

	<i>Judgment.</i>	<i>Interest.</i>	<i>Total.</i>
John Munro, judgment for costs.....	\$20 60	\$1 22	\$21 82
Gwin Hicks, state printer.....	2,936 52	205 06	3,141 58
Mary F. Thurston, judgment for costs..	18 60	25	18 85
William R. Boone, judgment.....	9,066 45	274 69	9,341 14

And the State Auditor is hereby directed to draw his several warrants in payment of the same on presentation to him of transcripts thereof, certified according to law.

Passed the Senate February 8, 1901.

Passed the House February 27, 1901.

Approved by the Governor, March 7, 1901.

CHAPTER LIX.

[S. B. No. 118.]

RELATIVE TO KIDNAPING.

AN ACT amending section 7049 of Ballinger's Codes and Statutes of Washington, relating to kidnaping.

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

Amendment. SECTION 1. Section 7049 of Ballinger's Codes and Statutes of Washington, relating to kidnaping, is hereby amended to read as follows: Section 7049. Every person who shall steal and take, or forcibly and unlawfully arrest any person, and convey such person to parts without the State of Washington, or aid or abet therein, or who shall forcibly and unlawfully take or assist, or aid or abet, in forcibly and unlawfully taking or arresting any person, with intent to take such person to parts without said state, shall be deemed guilty of kidnaping, and upon conviction thereof shall be imprisoned in the penitentiary not more than twenty-one nor less than three years, and be fined not more than five thousand dollars nor less than one hundred dollars. And every person who shall entice, decoy, take, steal, abduct, kidnap or restrain, or forcibly and unlawfully detain any person, or who shall entice, decoy, take, steal, abduct, kidnap or restrain, or forcibly and unlawfully detain any person with intent thereby to extort money or any pecuniary advantage whatever from any person, or who shall by verbal or written communication, or otherwise, threaten to do any physical injury to any person so enticed, decoyed, taken, stolen,

Intent to take out of state.

Penalty.

Extortion of money, etc.

Threat of injury.

abducted, kidnaped or restrained, or forcibly or unlawfully detained, or who shall assist, aid or abet therein, shall be deemed guilty of kidnaping and upon conviction thereof shall be imprisoned in the penitentiary not more than twenty-one years nor less than three years, and be fined not more than five thousand dollars nor less than one hundred dollars. Penalty.

Passed the Senate February 6, 1901.

Passed the House February 20, 1901.

Approved by the Governor, March 7, 1901.

CHAPTER LX.

[S. B. No. 9.]

TO REDISTRICIT AND REAPPORTION THE MEMBERSHIP OF THE LEGISLATURE OF THE STATE OF WASHINGTON.

AN ACT to redistrict and reapportion the members of the Senate and House of Representatives of the State of Washington.

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

SECTION 1. The state shall be divided into forty-two single senatorial districts, and said districts shall be constituted and numbered as follows: Number of senatorial districts.

The counties of Okanogan, Ferry and Douglas shall constitute the first senatorial district and be entitled to one senator. 1st.

The county of Stevens shall constitute the second senatorial district and shall be entitled to one senator. 2nd.

The following portion of the city of Spokane, to-wit, the precincts of Adams, Delaware, Eldorado and Eureka, together with the following precinct in the county of Spokane, to-wit, Bell precinct, shall constitute the third senatorial district and be entitled to one senator. 3rd.

The following precincts in the county of Spokane, to-wit, Bridge, Fairfield, Latah, Little Hangman, McCoy, Mica, Mt. Hope, Moran, Nosler, Peone, Pleasant Prairie, Richland, Rockford and Saltese, and all that portion of 4th.

the city of Spokane, in said county, lying south of Riverside avenue and east of Division street, in said city, shall constitute the fourth senatorial district and be entitled to one senator.

5th. The following precincts of the county of Spokane, to-wit, Abernethy, Beaver, Buckeye, Chattaroy, Cheney, Coulee, Deep Creek, Deer Park, Fancher, Five Mile, Graves, Indian Prairie, Marshall, Mayer, Medical Lake, Mount Carlton, Rock Creek, Rock Lake, Silver Lake, Spangle, Spurgeon, Spring Valley, Stevens, Truitt, Waverly and Wells, shall constitute the fifth senatorial district and be entitled to one senator.

6th. The following portion of the city of Spokane, to-wit, the precincts of Belmont, Blaine, Bernard, Beacon, Blake, Burton, Butler, Brown, Burke and Brickell, shall constitute the sixth senatorial district and be entitled to one senator.

7th. The following portion of the city of Spokane, to-wit, the precincts of Cleveland, Cass, Carlisle, Cannon, Carleton, Clay, Damon and Douglas, shall constitute the seventh senatorial district and be entitled to one senator.

8th. The following precincts of the county of Whitman, to-wit, Uniontown, Clinton, North Colfax, Onecho, Seats, Almota, Penawawa, Sutton, Endicott, South Colfax, Texas, Diamond, Pampa, Winona, Johnson, Colton, Pullman, Guy, Ewartsville, Harper, second ward of Colfax, Uniontown city, South Pullman city, Colton city, first ward of Colfax, Hooper, North Pullman city, third ward of Colfax, Bethel, Hay and Russell, shall constitute the eighth senatorial district and be entitled to one senator.

9th. The following precincts of the county of Whitman, to-wit, Branham, Palouse, Farmington, Lone Pine, Rosalia, Steptoe, Pine city, Rock Creek, Elberton, Tekoa, Garfield, Oakesdale, St. John, Union, Thornton, Tekoa city, Rosalia city, Oakesdale city, Garfield city, Farmington city, East Palouse city, Sunset, Matlock, Cottonwood, West Palouse city, Turnbow and Elberton city, shall constitute the ninth senatorial district and be entitled to one senator.

The counties of Asotin, Garfield and Columbia shall ^{10th.} constitute the tenth senatorial district and be entitled to one senator.

The counties of Adams, Franklin, and the third and ^{11th.} fourth wards of the city of Walla Walla, and the precincts of Wallula, Frenchtown, Lower, Touchet, Hadley, Eureka, Hill, Baker, Lower Dry Creek, Prescott, Mullen, Fremont, Steptoe, Whitman and Clyde, of Walla Walla county, shall constitute the eleventh senatorial district and be entitled to one senator.

The first and second wards of the city of Walla ^{12th.} Walla, and the precincts of Waitsburg, Coppie, Russell Creek, Mill Creek, Washington, Small, Dixie, Clarke, Lewis, Sims, Stevens and Ritz, of Walla Walla county, shall constitute the twelfth senatorial district and be entitled to one senator.

The counties of Kittitas and Chelan shall constitute ^{13th.} the thirteenth senatorial district and be entitled to one senator.

The county of Lincoln shall constitute the fourteenth ^{14th.} senatorial district and be entitled to one senator.

The county of Yakima shall constitute the fifteenth ^{15th.} senatorial district and be entitled to one senator.

The counties of Klickitat and Skamania shall con- ^{16th.} stitute the sixteenth senatorial district and be entitled to one senator.

The county of Clarke shall constitute the seven- ^{17th.} teenth senatorial district and be entitled to one senator.

The county of Cowlitz shall constitute the eighteenth ^{18th.} senatorial district and be entitled to one senator.

The counties of Wahkiakum and Pacific shall con- ^{19th.} stitute the nineteenth senatorial district and be entitled to one senator.

The county of Lewis shall constitute the twentieth ^{20th.} senatorial district and be entitled to one senator.

The county of Chehalis shall constitute the twenty- ^{21st.} first senatorial district and be entitled to one senator.

- 22nd. The county of Thurston shall constitute the twenty-second senatorial district and be entitled to one senator.
- 23rd. The counties of Mason, Kitsap and Island shall constitute the twenty-third senatorial district and be entitled to one senator.
- 24th. The counties of Clallam, Jefferson and San Juan shall constitute the twenty-fourth senatorial district and be entitled to one senator.
- 25th. The following precincts of the county of Pierce, to-wit, Alderton, Brekon, Buckley, Carbonado, Dieringer, Fairfax, Kipowsin, Lake Tapps, McMillan, Morse, Nisqually, Orting, the first, second and third wards of Puyallup, Reservation precinct, Rhodes Lake, South Orting, South Prairie, Sumner and Wilkeson, shall constitute the twenty-fifth senatorial district and be entitled to one senator.
- 26th. The following precincts of the county of Pierce, to-wit, Anderson Island, Ortondale, Fox Island, Gig Harbor, Hillhurst, Junction, Lake Bay, Lake City, Lake View, Long Branch, Mountain View, McNeill's Island, Minter, Muck, Ohop, Purdy, Rosedale, Roy, Silver Lake, Smelter, Spanaway, Steilacoom, Tanwax, Vaughn, and the following precincts and wards in the city of Tacoma, in said county, all of the first ward, the first and seventh precincts of the second ward, and the first precinct of the seventh ward, and all of the eighth ward, shall constitute the twenty-sixth senatorial district and be entitled to one senator.
- 27th. The following precincts in the city of Tacoma, in Pierce county, to-wit, the second, third, fifth and sixth precincts of the second ward, the second, ninth, tenth and twelfth precincts of the third ward, and the second precinct of the seventh ward, shall constitute the twenty-seventh senatorial district and be entitled to one senator.
- 28th. The following precincts and wards in the city of Tacoma, in Pierce county, to-wit, the fourth precinct of the second ward, the first, third, fourth, fifth, sixth and eleventh precincts of the third ward, all of the fourth

ward, and the first precinct of the fifth ward, shall constitute the twenty-eighth senatorial district and be entitled to one senator.

The following precincts and wards of the city of Tacoma, in Pierce county, to-wit, the seventh and eighth precincts of the third ward, the second, third, fourth and fifth precincts of the fifth ward, all of the sixth ward, the third and fourth precincts of the seventh ward, and the following precincts in the county of Pierce, outside of said city of Tacoma, to-wit, Hunt's Prairie, Midland, Fern Hill, and Parkland, shall constitute the twenty-ninth senatorial district and be entitled to one senator.

The following precincts of the county of King, to-wit, ^{30th.} Orillia, White River, Des Moines, Vashon, Chataqua, Maury, Burton, Spring Brook, Suise Creek, Meeker, Kent, Star Lake, Buenna, Christopher, Valley, Auburn, Adelaide, Stuck, Green River, Meridian, Wabash, Osceola, Boise, Enumclaw, Birch, Krain, Cumberland, Palmer, Durham, Franklin, Black Diamond, Eagle Gorge, Webster, Hot Springs and Lester, shall constitute the thirtieth senatorial district and be entitled to one senator.

The following precincts of the county of King, to-wit, ^{31st.} West Seattle, South Park, Mt. View, Sunnydale, Columbia, Dunlap, Duwamish, Black River, Sprague, Renton, Newcastle, Squak, Mercer, Gilman, Cedar Mountain, Arthur, Sherwood, Preston, Falls City, North Bend, Snoqualmie, Albin, Tolt, Vincent, Novelty, Cherry Valley, Stossel, Martin Creek, Wellington and Baring shall constitute the thirty-first senatorial district and be entitled to one senator.

The following precincts of the county of King, to-wit, ^{32nd.} Yesler, Oak Lake, Richmond, Union, Samamish, Juanita, Kirkland, Houghton, Bellevue, Monohan, Redmond, Avondale, Woodinville, Ballard, including all of the town of Ballard, and the following precincts in the city of Seattle, in said county, to-wit, the first, second, third, fourth, fifth and sixth precincts of the ninth ward, being all of said ninth ward, shall constitute the thirty-second senatorial district and be entitled to one senator.

- 33rd. The following precincts and wards of the city of Seattle, in the county of King, to-wit, the third, fifth, sixth and seventh precincts of the first ward, and all of the second ward, shall constitute the thirty-third senatorial district and be entitled to one senator.
- 34th. The following precincts and wards of the city of Seattle, in the county of King, to-wit, all of the fourth ward and the first, second and fourth precincts of the first ward, shall constitute the thirty-fourth senatorial district and be entitled to one senator.
- 35th. The following portion of the city of Seattle, in the county of King, to-wit, all of the fifth ward in said city, and that portion of the seventh ward bounded as follows: Beginning at the intersection of Minor avenue and Madison street, and running thence easterly on Madison street to Broadway; thence north on Broadway to East Pine street; thence west on East Pine street to Bellevue avenue; thence north on Bellevue avenue to East Denny Way; thence west on East Denny Way and Denny Way to Westlake avenue; thence south on Westlake avenue to Ninth avenue; thence southerly on Ninth avenue to Olive street; thence easterly on Olive street to Minor avenue; thence southerly on Minor avenue to the place of beginning, shall constitute the thirty-fifth senatorial district and be entitled to one senator.
- 36th. The following wards of the city of Seattle, in the county of King, to-wit, the sixth and eighth wards of said city, shall constitute the thirty-sixth senatorial district and be entitled to one senator.
- 37th. The following portion of the city of Seattle, in the county of King, to-wit, all of the third ward, and all that portion of the seventh ward not included in the thirty-fifth senatorial district, herein described, shall constitute the thirty-seventh senatorial district and be entitled to one senator.
- 38th. The following precincts in the county of Snohomish, to-wit, Allen, Bear Creek, Beecher Lake, Edmonds, Fernwood, Lowell, McDonald, Marsh, Mukilteo, South Snohomish, Whaleback, Centerville, Tualco, Sultan

River, Wallace, and all of the city of Everett, shall constitute the thirty-eighth senatorial district and be entitled to one senator.

The following portion of the county of Snohomish, ^{39th.} to-wit, all that portion of said county not included in the thirty-eighth senatorial district, herein described, shall constitute the thirty-ninth senatorial district and be entitled to one senator.

The county of Skagit shall constitute the fortieth ^{40th.} senatorial district and be entitled to one senator.

All of the county of Whatcom, except the territory ^{41st.} included in the city limits of New Whatcom and Fairhaven, shall constitute the forty-first senatorial District and be entitled to one senator.

The portion of the county of Whatcom included in ^{42nd.} the city limits of New Whatcom and Fairhaven, shall constitute the forty-second senatorial district and be entitled to one senator.

SEC. 2. The state shall be divided into fifty-six representative districts, and said districts shall be constituted and numbered as follows: Representative districts.

The county of Stevens shall constitute the first ^{1st.} representative district and be entitled to two representatives.

The following portion of the city of Spokane, to- ^{2nd.} wit, Adams, Delaware, Eldorado and Eureka precincts, together with Bell precinct in the county of Spokane, shall constitute the second representative district and be entitled to two representatives.

The following precincts in the county of Spokane, ^{3rd.} to-wit, Bridge, Fairfield, Latah, Little Hangman, McCoy, Mica, Mt. Hope, Moran, Nosler, Peone, Pleasant Prairie, Richland, Rockford and Saltese, and all that portion of the city of Spokane, in said county lying south of Riverside avenue, and east of Division street, in said city, shall constitute the third representative district and be entitled to two representatives.

The following precincts of the county of Spokane, ^{4th.} to-wit, Abernethy, Beaver, Buckeye, Chattaroy, Cheney, Coulee, Deep Creek, Deer Park, Fancher, Five Mile,

Graves, Indian Prairie, Marshall, Mayer, Medical Lake, Mount Carlton, Rock Creek, Rock Lake, Silver Lake, Spangle, Spurgeon, Spring Valley, Stevens, Truitt, Waverly and Wells, shall constitute the fourth representative district and be entitled to two representatives.

5th.

The following portion of the city of Spokane, to-wit, Belmont, Blaine, Bernard, Beacon, Blake, Burton, Butler, Browne, Burke and Brickell precincts, shall constitute the fifth representative district and be entitled to two representatives.

6th.

The following portion of the city of Spokane, to-wit, Cleveland, Cass, Carlisle, Cannon, Carleton, Clay, Damon and Douglas precincts, shall constitute the sixth representative district and be entitled to two representatives.

7th.

The following precincts of the county of Whitman, to-wit, Uniontown, Clinton, North Colfax, Onecho, Seats, Almota, Penawawa, Sutton, Endicott, South Colfax, Texas, Diamond, Pampa, Winona, Johnson, Colton, Pullman, Guy, Ewartsville, Harper, second ward of Colfax, Uniontown city, South Pullman city, Colton city, first ward of Colfax, Hooper, North Pullman city, third ward of Colfax, Bethel, Hay and Russell, shall constitute the seventh representative district and be entitled to two representatives.

8th.

The following precincts of the county of Whitman, to-wit, Branham, Palouse, Farmington, Lone Pine, Rosalia, Steptoe, Pine city, Rock creek, Elberton, Tekoa, Garfield, Oakesdale, St. John, Union, Thornton, Tekoa city, Rosalia city, Oakesdale city, Garfield city, Farmington city, East Palouse city, Sunset, Matlock, Cottonwood, West Palouse city, Turnbow and Elberton city, shall constitute the eighth representative district and be entitled to two representatives.

9th.

The county of Asotin shall constitute the ninth representative district and be entitled to one representative.

10th.

The county of Garfield shall constitute the tenth representative district and be entitled to one representative.

11th.

The county of Columbia shall constitute the eleventh representative district and be entitled to one representative.

The following precincts of the county of Walla Walla, ^{12th.} to-wit, the third and fourth wards of the city of Walla Walla, and the following precincts in said county: Wallula, Frenchtown, Lower Touchet, Hadley, Eureka, Hill, Baker, Lower Dry Creek, Prescott, Mullen, Fremont, Steptoe, Whitman and Clyde, shall constitute the twelfth representative district and be entitled to one representative.

The following precincts of the county of Walla Walla, ^{13th.} to-wit, the first and second wards of the city of Walla Walla, and the precincts of Waitsburg, Coppie, Russell Creek, Washington, Mill Creek, Small, Dixie, Clarke, Lewis, Sims, Stevens and Ritz, of the county of Walla Walla, shall constitute the thirteenth representative district and be entitled to two representatives.

The county of Franklin shall constitute the four- ^{14th.}teenth representative district and be entitled to one representative.

The county of Adams shall constitute the fifteenth ^{15th.} representative district and be entitled to one representative.

The county of Lincoln shall constitute the sixteenth ^{16th.} representative district and be entitled to two representatives.

The county of Okanogan shall constitute the seven- ^{17th.}teenth representative district and be entitled to one representative.

The county of Douglas shall constitute the eighteenth ^{18th.} representative district and be entitled to one representative.

The county of Kittitas shall constitute the nineteenth ^{19th.} representative district and be entitled to two representatives.

The county of Yakima shall constitute the twentieth ^{20th.} representative district and be entitled to two representatives.

The county of Klickitat shall constitute the twenty- ^{21st.}first representative district and be entitled to one representative.

- 22nd. The county of Skamania shall constitute the twenty-second representative district and be entitled to one representative.
- 23rd. The county of Clarke shall constitute the twenty-third representrtive district and be entitled to two representatives.
- 24th. The county of Cowlitz shall constitute the twenty-fourth representative district and be entitled to one representative.
- 25th. The county of Wahkiakum shall constitute the twenty-fifth representative district and be entitled to one representative.
- 26th. The county of Pacific shall constitute the twenty-sixth representative district and be entitled to one representative.
- 27th. The county of Lewis shall constitute the twenty-seventh representative district and be entitled to three representatives.
- 28th. The county of Thurston shall constitute the twenty-eighth representative district and be entitled to two representatives.
- 29th. The following precincts of Chehalis county, to-wit, Aberdeen, East Aberdeen, Cosmopolis, Montesano, East Montesano, Summit, Arctic, Connie, Elma, Oakville, Satsop, Porter, Big Canyon, Deering, Neushka, Wynooche, North River, Fords Prairie, Grove, Grand Forks, Black House and Wilson shall constitute the twenty-ninth representative district and be entitled to two representatives.
- 30th. The following portion of the county of Chehalis, to-wit, the first and second wards of the city of Hoquiam, and the following precincts, Queets, Quinalt, Chepalis, Westport, Ocosta, John's River, London, Gray's Harbor, and Humptulips, shall constitute the thirtieth representative district and be entitled to one representative.
- 31st. The county of Mason shall constitute the thirty-first representative district and be entitled to one representative.

The county of Kitsap shall constitute the thirty-^{32nd.} second representative district and be entitled to one representative.

The county of Jefferson shall constitute the thirty-^{33rd.} third representative district and be entitled to two representatives.

The county of Clallam shall constitute the thirty-^{34th.} fourth representative district and be entitled to one representative.

The following precincts of the county of Pierce, to-^{35th.} wit, Alderton, Breckon, Buckley, Carbonado, Dieringer, Fairfax, Kipowsin, Lake Tapps, McMillan, Morse, Nisqually, Orting, first, second and third wards of Puyallup, Reservation precinct, Rhodes Lake, South Orting, South Prairie, Sumner and Wilkeson, shall constitute the thirty-fifth representative district and be entitled to two representatives.

The following precincts of the county of Pierce, to^{36th.} wit, Anderson Island, Artondale, Fox Island, Gig Harbor, Hillhurst, Junction, Lake Bay, Lake City, Lake View, Long Branch, Mountain View, McNeill's Island, Minter, Muck, Ohop, Purdy, Rosedale, Roy, Silver Lake, Smelter, Spanaway, Steilacoom, Tanwax, Vaughn, and the following precincts and wards in the city of Tacoma, all of the first ward, the first and seventh precincts of the second ward, the first precinct of the seventh ward, and the first and second precincts of the eighth ward, shall constitute the thirty-sixth representative district, and be entitled to two representatives.

The following precincts in the city of Tacoma, to-^{37th.} wit, the second, third, fifth and sixth precincts of the second ward, the second, ninth, tenth and twelfth precincts of the third ward, and the second precinct of the seventh ward, shall constitute the thirty-seventh representative district and be entitled to two representatives.

The following wards and precincts in the city of^{38th.} Tacoma, to-wit, the fourth precinct of the second ward, the first, third, fourth, fifth, sixth and eleventh precincts of the third ward, the fourth ward and the first

precinct of the fifth ward, shall constitute the thirty-eighth representative district and shall be entitled to two representatives.

39th. The following precincts and wards in the city of Tacoma, to-wit, the seventh and eighth precincts of the third ward, the second, third, fourth and fifth precincts of the fifth ward, and all of the sixth ward, the third and fourth precincts of the seventh ward, and the following precincts in the county of Pierce outside of said city of Tacoma, to-wit, Hunt's Prairie, Midland, Fern Hill and Parkland, shall constitute the thirty-ninth representative district and be entitled to two representatives.

40th. The following precincts of the county of King, to-wit, Orillia, White River, Des Moines, Vashon, Chataqua, Maury, Burton, Spring Brook, Suise Creek, Meeker, Kent, Star Lake, Buenna, Christopher, Valley, Auburn, Adelaide, Stuck, Green River, Meridian, Wabash, Osceola, Boise, Enumclaw, Birch, Krain, Cumberland, Palmer, Durham, Franklin, Black Diamond, Eagle Gorge, Webster, Hot Springs, and Lester, shall constitute the fortieth representative district and be entitled to three representatives.

41st. The following precincts of the county of King, to-wit, West Seattle, South Park, Mt. View, Sunnysdale, Columbia, Dunlap, Duwamish, Black River, Sprague, Renton, Newcastle, Squak, Mercer, Gilman, Cedar Mountain, Arthur, Sherwood, Preston, Falls City, North Bend, Snoqualmie, Albin, Tolt, Vincent, Novelty, Cherry Valley, Stossel, Martin Creek, Wellington and Baring, shall constitute the forty-first representative district and be entitled to two representatives.

42nd. The following precincts of the county of King, to-wit, Yesler, Oak Lake, Richmond, Union, Samamish, Juanita, Kirkland, Houghton, Bellevue, Monohan, Redmond, Avondale, Woodinville, Ballard, including all of the town of Ballard, and the following precincts in the city of Seattle, in said county, the first, second, third, fourth, fifth and sixth precincts of the ninth ward, being all of said ninth ward, shall constitute the forty-

second representative district and be entitled to two representatives.

The following precincts and wards of the city of ^{43rd.} Seattle, in the county of King, to-wit, the third, fifth, sixth and seventh precincts of the first ward, and all of the second ward, shall constitute the forty-third representative district and be entitled to two representatives.

The following precincts and wards of the city of ^{44th.} Seattle, in the county of King, to-wit, all of the fourth ward, and the first, second and fourth precincts of the first ward shall constitute the forty-fourth representative district and be entitled to two representatives.

The following portion of the city of Seattle, in the ^{45th.} county of King, to-wit, all of the fifth ward in said city, and that portion of the seventh ward bounded and described as follows: Beginning at the intersection of Minor avenue and Madison street, and running thence easterly on said Madison street to Broadway; thence north on Broadway to East Pine street; thence west on East Pine street to Bellevue avenue; thence north on Bellevue avenue to East Denny Way; thence west on East Denny Way and Denny Way to Westlake avenue; thence south on Westlake avenue to Ninth avenue; thence southerly on Ninth avenue to Olive street; thence easterly on Olive street to Minor avenue; thence southerly on Minor avenue to place of beginning, shall constitute the forty-fifth representative district, and be entitled to two representatives.

The following wards of the city of Seattle, in the ^{46th.} county of King, to-wit, the sixth and eighth wards of said city, shall constitute the forty-sixth representative district and be entitled to two representatives.

The following portion of the city of Seattle, in the ^{47th.} county of King, to-wit, all of the third ward and all that portion of the seventh ward not included in the forty-fifth representative district, herein described, shall constitute the forty-seventh representative district and be entitled to two representatives.

The following precincts of the county of Snohomish, ^{48th.} to-wit, Allen, Bear Creek, Beecher Lake, Edmunds,

Fernwood, Lowell, McDonald, Marsh, Muckilteo, South Snohomish, Whaleback, Centerville, Tualco, Sultan River, Wallace, and all of the city of Everett, shall constitute the forty-eighth representative district and be entitled to two representatives.

49th. All of the county of Snohomish not included in the forty-eighth representative district shall constitute the forty-ninth representative district and be entitled to two representatives.

50th. The county of Island shall constitute the fiftieth representative district and be entitled to one representative.

51st. The county of Skagit shall constitute the fifty-first representative district and be entitled to three representatives.

52nd. The county of San Juan shall constitute the fifty-second representative district and shall be entitled to one representative.

53rd. All of the county of Whatcom, except the territory included in the city limits of New Whatcom and Fairhaven, shall constitute the fifty-third representative district and be entitled to two representatives.

54th. The territory of the county of Whatcom, included in the city limits of New Whatcom and Fairhaven, shall constitute the fifty-fourth representative district and be entitled to two representatives.

55th. The county of Ferry shall constitute the fifty-fifth representative district and be entitled to one representative.

56th. The county of Chelan shall constitute the fifty-sixth representative district and be entitled to one representative.

Senators
elected in 1902
in these dis-
tricts.

SEC. 3. At the general election to be held on the first Tuesday after the first Monday in November, 1902, and every four years thereafter, a senator shall be elected in the following numbered single senatorial districts, namely: the second, sixth, seventh, eighth, sixteenth, nineteenth, twenty-first, twenty-fourth, twenty-sixth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-

seventh, thirty-ninth, fortieth and forty-second, as numbered in section 1 of this act, who shall continue in office for the term of four years.

SEC. 4. At the general election to be held on the first Tuesday after the first Monday in November, 1904, and every four years thereafter, a senator shall be elected in each of the following numbered single senatorial districts, namely, the third, fourth, fifth, tenth, eleventh,² twelfth, thirteenth, fourteenth, seventeenth, twentieth, twenty-second, twenty-third, twenty-fifth, twenty-seventh, twenty-eighth, thirty-eighth and forty-first, as numbered in section 1 of this act, who shall continue in office for the term of four years.

What districts elect in 1904.

SEC. 5. At the general election to be held on the first Tuesday after the first Monday in November, 1902, a senator shall be elected in each of the following numbered single senatorial districts, namely, the first, ninth, fifteenth and eighteenth, as numbered in section 1 of this act, who shall continue in office for the term of two years; and at the general election to be held on the first Tuesday after the first Monday in November, 1904, and every four years thereafter, a senator shall be elected in each of said single senatorial districts numbered one, nine, fifteen and eighteen, as numbered in section 1 of this act, who shall continue in office for the term of four years.

What elections in 1902.

For two years.

Election of 1904.

For four years.

SEC. 6. The representatives provided for in this act shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1902, and every two years thereafter.

Election of representatives.

SEC. 7. Precincts which have recently been formed, or which hereafter may be formed, or which for any reason are not mentioned herein by name, shall be part of the same senatorial and representative districts as the precincts from which they were formed.

New precincts.

SEC. 8. This reapportionment shall take effect and be in force on and after the second Monday of January, 1903: *Provided, however,* That the first election of senators and representatives provided for in this act shall be held at the general election to be held on the first

To take effect when.

Proviso.

Tuesday after the first Monday in November, 1902, as hereinbefore provided.

Former acts repealed.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the Senate February 21, 1901.

Passed the House February 21, 1901.

Note by Secretary of State.

[This act was vetoed by the Governor on March 4, 1901, and returned to the Senate. The act was passed over the Governor's veto on March 4, 1901, by the Senate, and by the House of Representatives on March 6, 1901, and transmitted to this office.]

SAM H. NICHOLS,
Secretary of State.

CHAPTER LXI.

[S. B. No. 84.]

PROVIDING FOR THE EXAMINING AND LICENSING OF PLUMBERS.

AN ACT providing for the appointment, establishment and regulation of a board of examiners of plumbers, for the examining and licensing of plumbers, and regulating plumbing in cities of the first class, providing a penalty for the violation thereof, and repealing an act entitled "An act to regulate the sanitary construction of house drainage and plumbing in cities of the first class," approved March 16, 1897.

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

License.

SECTION 1. That any person, firm or corporation now, or that may hereafter be engaged in, or working at the business in cities of the first class, this state, either as a master or employing plumber or as a journeyman plumber, shall first secure a license therefor in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, in any city of the first class, shall apply to the president of the board of health or other officer having jurisdiction in the locality where he intends to engage in or work at such business, and shall at such time and place as may

be designated by the board of examiners hereinafter Examination.
 provided for, to whom such application shall be referred, be examined as to his qualifications for such
 business. In case of a firm or corporation, the exam- Members of
 nation or licensing of any one member of such firm or firms or corpo-
 the manager of such corporation shall satisfy the re- rations.
 quirements of this act: *Provided, however,* That actual Proviso
 work of plumbing may be performed only by persons
 qualified and licensed as in this act provided. *Provided,* Proviso.
 That it shall not be necessary for any person to have a
 license to make connections with city water mains or
 make water connections not connecting with sewers;
 the approval of the work by the city water inspector, or
 other officer designated in the city, shall be sufficient
 for the purposes of this act.

SEC. 3. There shall be in every city of the first class, having a system of water supply and sewerage, a board Board of
 of examiners consisting of the president of the board examiners.
 of health, the inspector of plumbing of said city, if any
 there be, and three members who shall be practical
 plumbers (two shall be master plumbers, one shall be
 a journeyman plumber); the president of the board of
 health and the inspector of plumbing shall be mem- No compensa-
 bers, *ex-officio*, of said board and serve without compen- tion.
 sation: *Provided,* That in localities where the required Proviso.
 number of plumbers cannot be secured, such vacancies
 may be filled by the appointment of reputable physi-
 cians. Said members shall be appointed by the board Appointed by
 of health; if there be no board of health or health officer board of
 of said city, the mayor of said city shall, within three health.
 months from and after the passage of this act, appoint
 said board of examiners, for the term of one year, said
 appointment to date from the first day of July, 1901, Date of ap-
 and thereafter annually, and said appointed members pointment and
 of such board shall serve without compensation: *Pro-* term.
vided, That if in any such city there is no inspector of Proviso.
 plumbing, said board of health shall appoint a fourth
 member of said board of examiners, who shall be a
 practical plumber, and whose term of office shall be the
 same as heretofore provided for said three members.

Meeting of board.

Examination and certification.

Issuance of license.

Fee.

Validity of license.

SEC. 4. Said board of examiners shall, within ten days after the appointment of said members, meet and organize by the selection of a chairman, and shall designate the time and place for the examination of applicants desiring to engage in or at the business of plumbing within their respective jurisdictions. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicant, shall so certify to the board of health. Such board shall thereupon issue a license to such applicant, authorizing him to engage in or at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be five dollars; for journeyman plumber shall be one dollar. Said license shall be valid and have force in district where issued, and shall be renewed annually upon payment of one dollar.

Board of health to appoint inspectors.

Compensation.

Inspection.

Report of inspectors.

SEC. 5. The board of health of each city mentioned in section three of this act shall, within three months from and after this act, appoint one or more inspectors of plumbing (if such appointment has not already been made) who shall be practical plumbers, and shall hold office until removed by such board of health for cause, which must be shown. The compensation of such inspectors shall be determined by the city council of said city, and be paid from the treasury of their respective cities. Said inspectors so appointed shall inspect all plumbing work for which permits are hereafter granted within their respective jurisdictions, in process of construction, alteration or repair, and shall report to said board of health all violations of any law, ordinance or by-law relating to plumbing works, and also perform such other appropriate duties as may be required by said board.

Rules and regulations.

SEC. 6. The board of health of each city of the first class in this state having a system of water supply and sewerage, shall, within three months from the passage of this act, prescribe rules and regulations for the con-

struction, alteration and inspection of plumbing and sewerage placed in or in connection with any building in such city, which shall be approved by ordinance by the council of such city, and the board of health shall further provide that no plumbing work shall be done, except in the case of repairs or leaks, without a permit being issued first therefor, upon such terms and conditions as such board of health of said city shall prescribe.

Exception as to plumbing work.

SEC. 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine not exceeding fifty dollars, nor less than five dollars, for each and every violation thereof. The license of any master or journeyman plumber may be at any time revoked for incompetency, dereliction of duty, or other sufficient causes, after a full and fair hearing by a majority of the examining board; but an appeal may be taken from said examining board to the state board of health, and license may be revoked by the examining board provided in section three of this act.

Penalty for violation.

Revocation of license.

SEC. 8. All money derived from the licenses issued to applicants shall go to defray the expense of holding such examinations and other necessary expenses of the board of health at place where examination was held.

Receipts from licenses to defray expenses.

SEC. 9. That an act entitled "An act to regulate the sanitary construction of house drainage and plumbing, in cities of the first class," approved March 16, 1897, be and the same is hereby repealed.

Repealing former act.

Passed the Senate February 4, 1901.

Passed the House February 20, 1901.

Approved by the Governor March 8, 1901.

CHAPTER LXII.

[S. B. No. 8.]

PROVIDING FOR APPEALS FROM BOARD OF LAND COMMISSIONERS.

AN ACT to provide for appeals from the Board of State Land Commissioners.

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

SECTION 1. Any person who is an applicant to purchase or lease any of the state's granted, tide, shore, arid or oyster lands or harbor areas, or to purchase any timber, stone, fallen timber, hay, gravel or other valuable materials situate on any of the public lands of the state, and any person whose property rights or interests will be affected by such sale or lease, who may deem himself aggrieved by any order or decision of the Board of State Land Commissioners concerning the same, shall have the right to appeal from such order or decision to the Superior Court of the State of Washington for the county in which such lands, harbor areas or materials are situate. Said Board of State Land Commissioners shall forthwith give notice in writing to all parties who have appeared in such proceeding of its order or decision.

Who may appeal to Superior Court.

Notice from Board.

SEC. 2. Such appeal shall be taken by the person desiring to appeal serving upon the adverse party, if any there be, and also upon all other parties who have appeared in the proceeding before said board, or upon their attorneys, a notice in writing that he appeals from such order or decision to the said Superior Court, which said notice of appeal must be served as aforesaid, and, together with the proof or admission of service endorsed thereon or attached thereto, must be filed with the said board within thirty days from and after the day such order or decision is made.

Notice of such appeal from the aggrieved party.

Service.

Filing.

SEC. 3. At the time of filing such notice of appeal or within five days thereafter, the appellant shall also file with said board a bond to the State of Washington in the penal sum of two hundred dollars, executed by said appellant and one or more sureties, who, unless a surety

Filing of bond.

company bond be given, shall justify according to law ; Exception.
 which bond shall be conditioned that the appellant shall
 pay all costs that may be awarded against him on the Payment of
 appeal or on the dismissal thereof, and shall be approved costs.
 by one of the members or by the secretary of said board.

SEC. 4. Within thirty days after said notice of appeal
 has been filed, said board shall require its secretary to Transcript.
 make a transcript of all the entries in the records of
 said board relating to the case, and, under the seal of
 said board, to certify the same together with all the Certification.
 processes, original pleadings and other papers relating
 to the case and filed with said board, except the evi-
 dence used in such proceeding before said board ; and
 shall require its secretary to file said certified transcript Filing of
 and papers, at the expense of the appellant, with the transcript.
 clerk of the Superior Court of the county to which said
 appeal has been taken.

SEC. 5. The hearing and trial of said appeal in said
 Superior Court shall take place *de novo* before the court Trial de novo.
 without a jury, upon the pleadings and papers so certi-
 fied. The court or judge may order the pleadings to
 be amended, or new and further pleadings to be filed. Amended or
 Costs on said appeal shall be awarded to the prevailing new pleadings.
 party as is now provided by law in cases of actions
 commenced in the Superior Court, but no costs shall
 be awarded against said board or the state. Should No costs
 judgment be rendered against the appellant, the costs allowed
 on appeal shall be taxed against him and the sureties against state.
 Judgment.
 on the appeal bond, except when the state is the only Exception.
 adverse party, and shall be included in said judgment,
 and execution may issue from said Superior Court for
 the collection thereof.

SEC. 6. Any party feeling himself aggrieved by the
 judgment of said court, may appeal therefrom to the Appeal.
 Supreme Court of the State of Washington in the same
 manner and within the time provided by law for ap-
 pealing from judgments on actions at law to such Su-
 preme Court.

SEC. 7. Unless appeal be taken from the judgment of
 said Superior Court, the clerk of said court shall, on

Copy of judgment. demand, certify, under his hand and seal of such court, a true copy of such judgment to the Board of State Land Commissioners, which judgment shall thereupon have the same force and effect as if rendered by said board.

Pending applications. SEC. 8. This act shall apply to all pending applications or proceedings thereunder for the sale or lease of lands, harbor areas, timber or other materials enumerated in this act, upon which sales or leases have not been finally executed and delivered, provided appeals in such pending proceedings be prosecuted within twenty days after this act shall take effect. *Provided*, This act shall not be construed as applying to cases of appeals already commenced and now pending so as to deprive any party of any rights or privileges under any law of this state to which he is now entitled in the prosecution of such pending appeal to a final decision.

Proviso.

Repeal of conflicting acts. SEC. 9. Except as to cases of pending appeals, as mentioned in section eight of this act, all acts and parts of acts in conflict herewith are hereby repealed. Nothing in this act contained shall repeal or otherwise affect the provisions of an act approved March 13, 1899, entitled "An act limiting the time in which appeals from the Board of Land Commissioners to the Superior Court shall be prosecuted."

Passed the Senate January 30, 1901.

Passed the House February 20, 1901.

Approved by the Governor March 8, 1901.

CHAPTER LXIII.

[S. B. No. 28.]

RELATING TO THE DEATH WARRANT.

AN ACT relating to the death warrant, the contents thereof, the return of same, and fixing place of execution, and amending sections 6993 and 6995 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6993 of Ballinger's Annotated Codes and Statutes of Washington, relating to

death warrants, contents and return thereof, be and the same is hereby amended to read as follows, to-wit: Amendment.

Section 6993. When judgment of death is rendered, and no appeal is taken or the judgment has been affirmed on appeal, an order shall be issued, which shall be signed by the judge pronouncing sentence and attested by the clerk under the seal of the court, directing the sheriff to hold the person condemned to death in safe custody till he can deliver him into the hands of the warden of the penitentiary, together with the death warrant. Said warrant shall be signed by the court and attested by the clerk, under the seal of the court, and shall be directed to the warden of the State Penitentiary of the State of Washington, and shall be given to the sheriff to deliver with the person convicted to the said warden. Said warrant shall state the conviction and judgment, and appoint a day in which the judgment shall be executed by the warden of the State Penitentiary, which shall not be less than thirty nor more than ninety days from the time of final judgment. Upon receipt of said order and of said warrant, the sheriff shall forthwith take the warrant together with the person therein sentenced to death and deliver both into the hands of the warden of the State Penitentiary. Upon receipt of said warrant and the person therein condemned to be executed, the warden shall take the person so condemned and keep him in solitary confinement within said penitentiary, until the day appointed in the warrant for the execution, upon which appointed day he shall carry out the sentence contained in said warrant by executing the said condemned person within the walls of the penitentiary according to the mandate of the warrant directing said execution. The said warden of the penitentiary to whom said warrant was delivered shall make return of the same to the clerk of the court of the county from which the same was issued within twenty days after the execution. Pending the issuance of the death warrant the sheriff shall hold the condemned person in safe custody. Order of court. Sheriff to hold person convicted. Contents of warrant. Sheriff to convey sentenced person to penitentiary. Duty of warden. Return by warden. Sheriff to hold person pending issuance of warrant.

Amendment.

SEC. 2. That Section 6995 of Ballinger's Annotated Codes and Statutes of the State of Washington be and the same hereby is amended to read as follows:

Sheriff to
make return.

Sec. 6995. The sheriff shall immediately upon the execution of the order mentioned in section 6993, make return thereon of his doings and file the same with the clerk of the court issuing the same; and the clerk on receipt of the warrant and return from the warden of the State Penitentiary shall subjoin to the record of conviction and sentence, a brief abstract of such returns.

Abstract of
clerk of court.

Passed the Senate February 5, 1901.

Passed the House February 20, 1901.

Approved by the Governor, March 8, 1901.

CHAPTER LXIV.

[H. B. No. 65.]

FOR THE RELIEF OF CERTAIN EMPLOYES OF THE STATE NORMAL SCHOOL AT CHENEY.

AN ACT for the relief of J. J. Rippetoe, J. L. Dunn, W. C. Stone, Miss Grace Fleming Swearingen, Miss Annie L. Locke, Miss Irene E. Robinson, Mrs. Mary Powell Johnson, Miss Lillian Walter, Mrs. T. D. Gamble, William F. Hamilton, Clarence Thomas, R. H. Manier, L. Walter and S. G. Grubb.

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

Appropriation.

SECTION 1. That the sum of six hundred dollars (\$600) be, and the same hereby is, appropriated out of the general fund of this state for the relief of J. J. Rippetoe, for services rendered by him to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of three hundred dollars (\$300) be, and the same hereby is, appropriated out of the general fund of this state for the relief of J. L. Dunn, for services rendered by him to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of three hun-

J. J. Rippetoe.

J. L. Dunn.

dred and ninety dollars (\$390) be, and the same hereby is, appropriated out of the general fund of this state for the relief of W. C. Stone, for services rendered by him to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of three hundred and seventy-five dollars (\$375) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Miss Grace Fleming Swearingen, for services rendered by her to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of three hundred dollars (\$300) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Miss Annie L. Locke, for services rendered by her to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of three hundred dollars (\$300) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Miss Irene C. Robinson, for services rendered by her to the State Normal School at Cheney, during the months of April, May and June, 1897; that the sum of two hundred and forty dollars (\$240) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Mrs. Mary Powell Johnson, for services rendered by her to the State Normal School at Cheney, during the months of April, May and June, 1897; that the sum of two hundred and twenty-five dollars (\$225) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Miss Lillian Walter, for services rendered by her to the State Normal School at Cheney, during the months of April, May and June, 1897; that the sum of two hundred and twenty-five dollars (\$225) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Mrs. T. D. Gamble, for services rendered by her to the State Normal School at Cheney, during the months of April, May and June, 1897; that the sum of two hundred and forty-three dollars (\$243) be, and the same hereby is, appropriated out of the general fund

W. F. Hamilton. of this state for the relief of William F. Hamilton, for services rendered by him to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of thirty dollars (\$30) be, and the same hereby is, appropriated out of the general fund of this state for the relief of Clarence Thomas for services rendered by him to the State Normal School at Cheney during the months of April, May and June, 1897; that the sum of seventy-five dollars (\$75) be, and the same hereby is, appropriated out of the general fund of this state for the relief of R. H. Manier, for services rendered by him as secretary of the board of trustees of the State Normal School at Cheney, during the months of April, May and June, 1897; that the sum of fifty-five dollars and fifty cents (\$55.50) be, and the same hereby is, appropriated out of the general fund of this state for the relief of L. Walter, for light furnished the State Normal School at Cheney, during the months of April, May and June, 1897; that the sum of seventy-five dollars (\$75) be, and the same hereby is, appropriated out of the general fund of this state for the relief of S. G. Grubb, agent of the Cheney Water Company, for water furnished the State Normal School at Cheney, during the months of April, May and June, 1897.

SEC. 2. The State Auditor is hereby authorized and directed to draw general fund warrants in favor of the following named persons for the amounts set opposite their respective names:

J. J. Rippetoe.....	\$600 00
J. L. Dunn.....	300 00
W. C. Stone.....	390 00
Grace Fleming Swearingen.....	375 00
Annie L. Locke.....	300 00
Irene C. Robinson.....	300 00
Mary Powell Johnson.....	240 00
Mrs. T. D. Gamble.....	225 00
Lillian Walter.....	225 00
William F. Hamilton.....	243 00
Clarence Thomas.....	30 00
R. H. Manier.....	75 00
L. Walter.....	55 50
S. G. Grubb.....	75 00

Passed the House March 2, 1901.

Passed the Senate March 6, 1901.

This act was not vetoed by the Governor, neither was it approved, and became a law after the expiration of ten days as provided by the constitution.

SAM H. NICHOLS,
Secretary of State.

CHAPTER LXV.

[H. B. No. 26.]

RELATIVE TO VENUE OF ACTIONS IN JUSTICE COURTS.

AN ACT amending an act entitled "An act fixing the venue of actions in justice courts," approved March 7, 1899, and fixing the jurisdiction of justice courts, and declaring an emergency.

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

SECTION 1. Section one of an act entitled "An act fixing the venue of actions in justice courts," approved March 7, 1899, is hereby amended to read as follows: Section 1. All civil actions commenced in a justice court against a defendant or defendants residing in a city or town of more than three thousand inhabitants shall be brought in the justice court of the precinct in said city or town in which one or more of such defendants reside.

Amendment

Residence in precinct.

SEC. 2. The jurisdiction of justices of the peace in all civil actions, except as provided in the preceding section, shall be co-extensive with the limits of the county in which they are elected or appointed, and no other or greater, but every justice of the peace shall continue to reside and perform all the duties of his office in the precinct for which he was elected or appointed during his continuance in office.

Civil actions co-extensive with limits of county.

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

Emergency

Passed the House February 5, 1901.

Passed the Senate March 6, 1901.

Approved by the Governor, March 8, 1901.

CHAPTER LXVI.

[H. B. No. 208.]

PROVIDING FOR THE ESTABLISHMENT OF DITCHES.

AN ACT providing for the establishment and construction of ditches for drainage purposes.

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

SECTION 1. Whenever one or more persons whose
Requirements. land will be benefited thereby shall desire to have a ditch, drain or water course located, constructed, straightened, widened, altered or deepened, and they shall not desire to be incorporated as a drainage district, or there shall not be a sufficient number to be benefited by such ditch to form such a drainage district, proceedings for the construction of such ditch or drain shall be as provided for in this act.

SEC. 2. The word "ditch" as used in this act shall
Definition. be held to include a drain or water course. The petition for any such improvement shall be held to include
All side ditches included. any side, lateral, spur or branch ditch, drain or water course necessary to secure the object of the improvement whether the same is mentioned therein or not.
Outlet. But no improvement shall be located unless a sufficient outlet is provided.

SEC. 3. When the improvements will drain the
Apportionment. whole or a part of any public or corporate road or railroad or will so benefit such road that the traveled track or roadbed thereof will be improved by its construction, there shall be apportioned to the county, if the road is a state, county or free turnpike road, or to the corporation if a corporate road or railroad, a proper share of the costs and expense thereof as hereinafter provided.

SEC. 4. Application for any such improvement shall
Application. be made to the commissioners of the county, signed by one or more owners of lots or lands which will be benefited thereby.

SEC. 5. The petition shall be filed with the clerk of the board of county commissioners and shall set forth

the necessity of the improvement, and describe the route and termini thereof, and there shall be filed therewith a bond, payable to the county, with at least two good and sufficient sureties, in not less than two hundred dollars, conditioned for the payment of all costs if the prayer of the petition be not granted, or dismissed for any cause by the board of county commissioners.

Filing petition.

Sureties.

SEC. 6. If the bond be approved by the board of county commissioners, the clerk of the board shall deliver a copy of said petition to the county surveyor, who shall at once proceed to view the line of the proposed improvement and determine by actual view of the premises along and adjacent thereto whether the improvement is necessary, or will be conducive to public health, convenience or welfare, or whether the line described is the best route, and he shall report his findings in writing to the board of county commissioners, and the clerk shall enter said report upon the journal of the board.

Bond.

Report of surveyor.

SEC. 7. If the report of the county surveyor shall be against the improvement, upon the adoption of the report by the board the petition shall be dismissed at the cost of the petitioners and they shall cause an itemized bill of all the costs to be made up by the clerk for their examination and approval, which shall include the per diem of the county surveyor, together with all other costs necessarily made, except the fees of the clerk and the compensation of the county commissioners.

What report shall contain.

SEC. 8. If the report of the county surveyor shall be for said improvement, the commissioners shall cause to be entered on their journal an order directing the county surveyor to go upon the line described in the petition, or as changed by them, and survey and level the same and set a stake at every hundred feet, numbering down stream; note the intersection of lines and boundaries of lands, township and county lines, land marks and road crossings, and make a report, profile and plat of the same.

Order directing surveyor.

Return of
schedule.

SEC. 9. The commissioners shall also by their order direct the county surveyor to make and return a schedule of all the lots and lands and public or corporate roads or railroads that will be benefited by the improvement, and shall make an estimate of the total number of acres to be improved by the construction of said ditch, and the specification of the manner in which the improvement is to be made and completed, the damages that will accrue to each piece of land by reason of said improvement, the number of flood gates, waterways, farm crossings and bridges necessary, including kind and dimensions thereof, and of all county and district lines and railroad crossings.

Plat.

SEC. 10. The plat provided for in section 8 of this act shall be drawn upon a scale sufficiently large to represent all the meanderings of the proposed improvement, and shall distinctly show the boundaries of each lot or tract of land, and of each road or railroad to be benefited thereby, the name of the owner of each lot or tract of land, as the same appears upon the records of the county, the authority or company having in charge or owning or controlling each public or corporate road or railroad, the distance in feet through each tract or parcel of land, together with such other matters as the county surveyor shall deem material. The

Profile.

profile shall show the surface, the grade line and the gradient fixed, and the county surveyor shall make and file with his report an itemized bill of the costs made in the proper discharge of his duties under this and the previous sections and shall report the same to the clerk of the board of county commissioners within ten days after the completion of the survey and level.

Report.

Hearing.

SEC. 11. Upon the filing of the report of the county surveyor the board of county commissioners shall immediately fix a day for the hearing of such report, and shall direct the sheriff of the county to notify each person affected or to be affected by such improvement, of the day set for hearing by serving a written notice upon such persons, if they can be found in the county, and if they cannot be found in the county, then by

Sheriff to give
notice.

leaving said notice at their residence, if known, and if not known then the clerk of the board shall publish Publication. such notice for two successive issues in the official newspaper of the county, which said notice shall describe the route of the ditch.

SEC. 12. On the day set for hearing such report the board of county commissioners shall meet at their Meeting. office and shall first ascertain if the notice required by the preceding section has been duly given. If they find that due notice has been given they shall proceed Findings. to the hearing of the report of the county surveyor. If at the hearing of the report it shall appear that all the provisions of this law have been observed, and that the damages estimated in the said report have been accepted in writing by all the parties, or if any one shall object to the damages allowed by the county surveyor and shall submit such claim for damages as he shall think just and the board shall have allowed such claim for damages and the amount of damages having been Construction. fully determined, then the board shall proceed with the construction of the ditch as hereinafter set forth.

SEC. 13. Upon the settlement of claims for damages the clerk of the board shall draw his warrant upon the Settlement. treasurer for the amount of damages settled upon.

SEC. 14. If at such hearing as provided for in section 12 of this act, it shall appear to the board that any one Claims for damages. affected by the ditch has not signified his acceptance of the report of the county surveyor as to damages, or if the board shall deem the claim of any one for damages excessive they shall direct the county attorney to at once institute proceedings in the superior court of the county in which said ditch is located for the determination of the damages any one may have sustained, and for the approval of the report of the county surveyor as to damages, and shall direct the clerk of Certified copy. the board to furnish the attorney with a certified copy of all the proceedings had in such matters.

SEC. 15. The trial shall be by jury, unless waived by the parties, and the proceedings shall be the same as Trial. provided for the trial of other civil cases.

Jury. SEC. 16. The jury shall find and return a verdict determining the following matters: Whether the amount of damages allowed by the county surveyor is just, and if they deem it not just they shall allow such damages as they deem just: *Provided*, That the jury shall take into consideration the benefit that said ditch will be to the land through which it runs or drains, in awarding damages.

Proviso.

Damages paid by county treasurer. SEC. 17. Upon the return of the verdict the same shall be recorded and a certified copy of the verdict and the order of the court shall be transmitted to the clerk of the board of county commissioners, whereupon the board shall order the treasurer to pay into court the amount of damages obtained in such trial, from any moneys he shall have on hand under control of the commissioners.

Appointment of supervisor. SEC. 18. Upon the determination of all the damages and the payment thereof, the board of county commissioners shall proceed to appoint a ditch supervisor, who shall be a resident of said drainage district, and who shall hold office for one year, or until a successor is appointed, and who shall give bonds to be fixed and approved by the county commissioners. The said supervisor shall thereupon begin the construction of said ditch at the outlet of the same, and shall construct said ditch under the direction of the county surveyor who located the same.

Construction to be commenced.

Employees. SEC. 19. The supervisor shall employ such number of men as shall be necessary to successfully carry on the work of such construction, and shall give preference in such employment to the persons owning the land to be benefited by the improvement.

Compensation. SEC. 20. The compensation of the ditch supervisor and the men employed upon the improvement shall be fixed by the board of county commissioners, and shall be paid for by warrants upon the county treasurer drawn upon the reports sworn to by the supervisor in charge of such work, which said warrants shall not draw interest until the assessments hereinafter provided shall become delinquent.

SEC. 21. When the improvement is fully completed and accepted by the county surveyor and the board of county commissioners, the clerk shall make a statement of the total costs of the construction of the ditch, including the cost of location and survey, costs of proceedings in court, the supervision of the county surveyor, damages paid and the cost of the work of construction, and shall present the same to the board of county commissioners for examination.

Completion
and statement
of costs.

SEC. 22. If the board find the statement of the costs correct they shall immediately order the county surveyor to apportion such costs to the lands benefited, and direct the county surveyor to report such apportionment to the board as soon as the same shall be completed, whereupon the notice of the filing of such apportionment and the time for the hearing of the same shall be given to all parties in the same manner as notice is required to be given in section 11 of this act, and at said hearing any party interested may file in writing any objections of any character to said apportionment, and the board may modify, re-apportion or change in any way said report, but when all the apportionments shall appear fair and just and equitable the board shall enter an order confirming the same and all the proceedings leading up to said apportionment. And said board shall at said hearing determine at what time and in what number of assessments, they will require the same to be paid, and order that the assessments as finally determined be placed upon the tax rolls for the year in which the first assessment is to be paid, against the lots or lands assessed. The treasurer shall collect such assessment in the same manner and at the same time as other taxes are collected, and if such assessments are not paid when due they shall become delinquent, be liable to the same penalty and bear the same interest and be collectible in the same manner as are other taxes assessed against said lots or tracts of land, and the treasurer shall not have authority to receive a portion of the taxes assessed against any piece of land in any one year un-

Apportion-
ment of costs.

Objections.

Assessments.

Collection of
assessments.

less he collect the full amount assessed against the lot or tract of land, including the ditch assessment, nor shall he cancel any assessment or allow any rebate except upon order of the board of county commissioners. The receipt for the payment of such ditch assessments shall be included in the receipt for the payment of other taxes for the same year.

Receipt.

Extension of
assessment on
tax rolls.

SEC. 23. If the county commissioners determine that the cost of the construction of said ditch shall be paid by two or more assessments, they shall make an order directing the officer who extends the taxes to extend the assessment for each year upon the tax rolls until all the assessments have been levied. When the assessments are paid the treasurer shall pay the same into the fund against which the warrants were drawn until all the costs paid out of such fund in the construction of the ditch shall have been repaid.

Clerk's record.

SEC. 24. The clerk of the board shall keep a special record in which he shall record the proceedings had in the construction of each ditch or improvement constructed under the provisions of this act.

What lands to
be included.

SEC. 25. All state, school, granted or other lands shall be included within the provisions of this act, and whenever any such land will be benefited by such improvement they shall be included in the apportionment of the costs of the improvement. When an assessment is made against any such land for such improvement it shall be assessed according to subdivision thereof and said land shall be placed upon the tax rolls the same as other land. Should said

Assessment.

state land not be sold by the state before said assessment becomes delinquent then the county commissioners shall direct the payment of said tax out of the general revenue fund of the county, and on the tax rolls shall be entered opposite said tax the words "charged to county revenue fund." The valuation of

Exception.

said state land benefited by said improvement shall not be raised by or on account of said improvement, but when any of such land is offered for sale there shall be added to the appraised value for such lands as

Valuations.

provided for by law the amount of such payments made by the county out of the general fund, which amount so added shall be paid by the purchaser in cash at the time of the sale of said land in addition to the amount due to the state for said land, and such additional sum shall be received by the county treasurer and placed to the credit of the general county fund.

SEC. 26. If the county surveyor or the clerk of the board of county commissioners, or any other officer named in this act, neglect or refuse to perform any duty imposed upon him by the provisions of this act, he shall forfeit and pay a fine of twenty-five dollars for every such neglect, to be recovered before any officer having competent jurisdiction in the name of the state, for the benefit of the common schools of the county at the suit of any person aggrieved thereby.

Negligence of officers.

Penalty.

SEC. 27. The county commissioners may, upon the proper petition and bond being filed and notice having been given for one month, declare any ditch whether located by the county commissioners or others, vacated and abandoned, and its location and establishment to be held for naught, if, in their judgment, the same has ceased to be of public utility and the public convenience or welfare no longer demand the maintenance thereof. But private rights of persons acquired by reason of the location and establishment of such ditch shall not be interfered with nor in any way impaired thereby.

Vacation and abandonment.

Private rights.

SEC. 28. Any ditch which has been constructed under the provisions of any other act relating to the construction of ditches, and which has been in use for a period of three years or more without obstruction or [interruption], and the same shall be necessary to public health, welfare or convenience, shall become a legal ditch upon the passage of this act, and be subject to the provisions of this act affecting such improvements.

Legalizing old ditches.

SEC. 29. The county commissioners may apportion a sum sufficient from the general county fund to pay for the location and construction of such portions of the respective ditches as may be apportioned to the county or upon land owned by the county.

Apportionment.

Improve-
ments.

SEC. 30. Any natural water course may be improved by the board of county commissioners in accordance with the provisions of this chapter, subject to vested rights of land, lots, mill or mine owners, along such water course.

Suitable
blanks.

SEC. 31. It shall be the duty of the county attorney of each county to prepare suitable blanks for the use of the board of county commissioners under this chapter.

Obstructions
and penalty.

SEC. 32. Whoever wilfully obstructs any ditch, or wilfully diverts the water from its proper channel, shall forfeit and pay to the county, for the benefit of the ditch so obstructed, the sum of fifty dollars, to be recovered before a justice of the peace or other court having jurisdiction of the matter, in the name of the state, and shall be liable for all damages that accrue to any person or corporation by said act.

Duty of county
commis-
sioners.

SEC. 33. It shall be the duty of the county commissioners to keep the ditches within their counties, whether constructed under the provisions of this act, or under the provisions of any laws heretofore enacted, free and clear of all obstructions, and, upon complaint of any person, shall immediately remove any obstruction which interferes with the flow of the water through said ditch.

Levy.

SEC. 34. At the same time that the levy for the general county revenue is made, the board of county commissioners shall levy a special tax to pay all expenses incurred in keeping any ditch or ditches in repair, which said tax shall be levied upon all lands benefited by the ditch in the same proportion as the apportionment made for the construction of the ditch, which said taxes shall be extended upon the tax rolls and be collectible as other taxes, and when paid shall be placed to the credit of the ditch fund to be paid out by warrants drawn upon said fund in payment for work performed in keeping said ditch or ditches in repair.

Extension on
tax rolls.

Private
ditches.

SEC. 35. The same proceedings may be had for the establishment of a ditch as a private way of necessity, as provided in this act, except that the bond required by section 5 of this act shall be conditioned for the

payment of all costs of establishment, location and damages paid, or for the costs incurred if the petition is dismissed. After the ditch has been established the county shall be relieved of further proceedings in the matter, and the ditch shall be constructed by and at the expense of the persons to be benefited by the same. Completion.

SEC. 36. When a ditch or improvement is proposed which will require a location in more than one county, Joint ditches in more than one county. application shall be made to the commissioners of each of said counties, and the county surveyor shall make reports for their respective counties. The line of the ditch shall be examined by the county surveyors of the counties wherein said ditch will lie, jointly. The hearing provided for by sections 11 and 12 of this act shall be had by the boards of the counties wherein the ditch will lie, in joint session, at the county seat nearest the line of the ditch. The county surveyor of the county wherein the greatest length of the ditch will lie shall have charge of the construction of the ditch.

SEC. 37. Nothing in this act shall be construed to repeal or in any wise unsettle the law on page 271 of the Session Laws of 1895, entitled "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage and to provide for the means of payment thereof and declaring an emergency," approved March 20, 1895. This act not a repeal of act of 1895.

Passed the House February 18, 1901.

Passed the Senate March 5, 1901.

Approved by the Governor, March 8, 1901.

CHAPTER LXVII.

[S. B. No. 82.]

REQUIRING HORSESHOERS TO PASS AN EXAMINATION.

AN ACT requiring horseshoers in cities of first, second and third classes in this state to pass an examination, and providing for a board of examiners in said cities, and providing a penalty for the violation of the provisions of this act, and repealing an act entitled "An act requiring horseshoers to pass an examination, and providing for a board of examiners," approved March 13, 1899.

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

Registration.

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

Proviso and exception.

Provided, however, That any person who has duly registered under the provisions of the act of the Legislature of this state, entitled "An act requiring horseshoers to pass an examination and providing for a board of examiners," approved March 13, 1899, need not again register under the provisions of this act.

Registration with.

SEC. 2. The city clerk of each city of first, second and third class in this state, shall keep a book in his office to be known as a master's and journeyman's horseshoer's register, in which shall be recorded the names of all master and journeymen horseshoers entitled to continue the practice of horseshoeing in such city.

Affidavit.

SEC. 3. Any person who at the time of the passage of this act is practicing as a master or journeyman horseshoer in any city of the second or third class in this state, may register within sixty (60) days after the passage of this act, after making and filing with the clerk of the city in which he practices, an affidavit stating that he was practicing horseshoeing at the time of the passage of this act, and such register shall exempt him from the provisions of the act requiring an examination.

Certificate.

No person shall be entitled to register as a master or journeyman horseshoer without presenting a certificate of satisfactory examination from the horseshoers'

board of examiners, from the city in which he desires to practice, as provided for in section five of this act, and whose qualification and examination shall be that he has served an apprenticeship at horseshoeing at least three years: *Provided*, That this section shall not be so construed as to prohibit any person who has made application for examination, to practice horseshoeing under the direct supervision of a person who has passed such examination, while the board of examiners is acting upon or deferring upon such application.

SEC. 4. In every city affected by this act, there shall be appointed a board of examiners consisting of one veterinary and two master horseshoers and two journeyman horseshoers which shall be called "horseshoers board of examiners," who shall be residents of such city, and whose duty it shall be to carry out the provisions of this act, and shall have a power to fix a standard of examinations to test the qualifications of applicants. The members of said board shall be appointed by the mayor of such city, and the term of office shall be five (5) years, except that the members of said board first appointed shall hold office for the term of one, two, three, four and five years, as designated by the mayor and until their successors shall be duly appointed. The board of examiners shall have a regular place of meeting and shall hold sessions for the purpose of examining applicants desiring to practice horseshoeing as master or journeyman horseshoers in each city affected by this act, not later than three days after applications have been presented to them, and shall grant a certificate to any person showing himself qualified to practice, and the board shall receive as compensation a fee not exceeding ten (\$10) dollars from each person examined. Three members of said board shall constitute a quorum.

SEC. 5. Every applicant who shall have complied with the provisions of sections four and five of this act, shall be admitted to register and shall pay the city treasurer of the city in which he desires to register the

sum of fifty (50) cents, which shall be received as full compensation for such registration.

Fraud or violation. SEC. 6. Any person who shall present to the clerk for the purpose of registration any certificate which has been fraudulently obtained, or shall in any wise knowingly violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor and shall, for each and every offense, be punished by a fine of not less than ten (\$10) or more than one hundred (\$100) dollars, or by imprisonment in the county jail for a term of not less than ten (10) days or more than thirty (30) days, or by both fine and imprisonment.

Penalty.

Repeal. SEC. 7. An act requiring horseshoers to pass examinations passed by the Legislature of the State of Washington and approved by the Governor March 13, 1899, entitled "An act requiring horseshoers to pass an examination and providing for a board of examiners," is hereby repealed: *Provided*, Such repeal shall not effect any rights existing under said act nor proceedings pending thereunder.

Proviso.

Passed the Senate February 19, 1901.

Passed the House March 7, 1901.

Approved by the Governor, March 11, 1901.

CHAPTER LXVIII.

[S. B. No. 70.]

LIMITING HOURS OF EMPLOYMENT OF FEMALES IN MECHANICAL OR MERCANTILE ESTABLISHMENTS, ETC.

AN ACT to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel and restaurant; to provide for its enforcement and a penalty for its violation.

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

SECTION 1. That no female shall be employed in any mechanical or mercantile establishment, laundry, hotel

or restaurant in this state more than ten hours during any day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four. Limited to 10 hours out of 24.

SEC. 2. Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed. Provision of seats.

SEC. 3. Any employer, overseer, superintendent, or other agent of any such employer who shall violate any of the provisions of this act, shall, upon conviction thereof be fined for each offense in a sum not less than ten dollars nor more than twenty-five dollars. Violation and penalty.

Passed the Senate February 19, 1901.

Passed the House March 7, 1901.

Approved by the Governor March 11, 1901.

CHAPTER LXIX.

[S. B. No. 166.]

PROVIDING FOR THE PURCHASE OR SETTING ASIDE OF LANDS FOR PUBLIC LIBRARIES, MUSEUMS, ETC., BY CITIES OF THE FIRST CLASS.

AN ACT authorizing cities of the first class to purchase or set apart lands for the purposes of public libraries, museums, or art galleries, to contract for the annual expenditure of a certain sum in their maintenance, and to issue bonds or to make an annual tax levy to pay for the same, and declaring an emergency.

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

SECTION 1. If any person or persons shall desire and propose to donate to any city of the first class a building for a public library, museum, or art gallery, or the money with which to erect any such building, and shall demand or require that such city shall provide a site for such building and guarantee a certain sum for the annual maintenance of such library, museum, or art gallery, such city may purchase land Donations.

City to purchase land.

upon which to build any such building and may pay for the same by an annual tax levy or by the issue of bonds in the manner now prescribed by law for the issuing of bonds for other purposes; and any such city in the like case may also comply with such conditions or requirements by setting apart and appropriating to such site any of its lands acquired for parks or other public purposes and available for the uses of such site, and may appropriate for maintenance any income of its library fund not otherwise appropriated.

Appropriation.

Contract.

SEC. 2. For the purpose of securing such donation the city council of such city may contract with such donor or donors for the annual expenditure of a certain sum for the maintenance and uses proposed as set forth in section 1 of this act, and may levy an annual tax for such purpose in addition to the income provided by law therefor.

Annual tax.

Emergency.

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

Passed the Senate February 21, 1901.

Passed the House March 7, 1901.

Approved by the Governor, March 11, 1901.

CHAPTER LXX.

[S. B. No. 224.]

AUTHORIZING COUNTIES TO JOIN WITH CITIES IN PAYMENT FOR THE CONSTRUCTION OF BRIDGES, TRESTLES OR STRUCTURES ACROSS STREAMS.

AN ACT authorizing any county in the State of Washington to join with any city of the first, second or third class in such county in paying for the construction of any bridge, trestle or any structure which crosses any stream or body of water, in constructing roads, streets, avenues or public highways which cross any stream or body of water when such stream or body of water is within or partly within such city, and such highway extends beyond such city limits.

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

SECTION 1. That any county within the State of Washington, by and through its board of county commis-

sioners, and any city of the first, second or third class, by and through its legislative body, be and they are hereby authorized and empowered to join in paying for the construction of any bridge, trestle, or any structure which crosses any stream or body of water, and forms a connection between any county road or highway and a street or avenue, when such stream or body of water is within or partly within such city.

Joint payment
of costs of con-
struction.

Passed the Senate March 6, 1901.

Passed the House March 8, 1901.

Approved by the Governor March 13, 1901.

CHAPTER LXXI.

[S. B. No. 241.]

ADDITIONAL APPROPRIATION FOR LEGISLATIVE EXPENSES.

AN ACT making an appropriation for legislative expenses.

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

SECTION 1. That there be appropriated out of the general fund of the State Treasury the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary, for the purpose of paying expenses of the seventh session of the Legislature.

Additional
legislative ex-
penses.

Passed the Senate March 12, 1901.

Passed the House March 12, 1901.

Approved by the Governor March 14, 1901.

CHAPTER LXXII.

[H. B. No. 499.]

APPROPRIATIONS FOR CONSTRUCTION AND MAINTENANCE OF BUILDINGS AND SUNDRY EXPENSES OF STATE INSTITUTIONS AND CIVIL EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL TERM ENDING MARCH 31, 1903.

AN ACT making appropriations for the maintenance of and construction of buildings at, and other sundry expenses for the various state institutions, and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1901, and ending March 31, 1903.

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

General appro-
priations.

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the several funds of the State Treasury hereinafter named, in payment of the salaries provided by law for certain officers and employees of the state, and for the maintenance and construction of buildings at and for other expenses for the various state institutions hereinbelow designated and mentioned, and for other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1901, and ending March 31, 1903.

Fiscal term
ending March
31, 1903.

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE.

Salary of Governor, at \$4,000 per year.....	\$8,000
Salary of Governor's private secretary, at \$1,500 per year.....	3,000
Postage, traveling expenses and incidentals.....	2,000
Publishing Governor's proclamation.....	300
Extradition expenses.....	3,500
Rewards authorized by the Governor.....	2,500
Examination into alleged [infractions] of the law.....	1,000
Suppression of riots, etc.....	10,000
Survey of public lands by Governor.....	2,500
Total.....	\$32,800

FOR LIEUTENANT GOVERNOR'S OFFICE.

Salary of Lieutenant Governor, at \$1,000 per year.....	\$2,000
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FOR ATTORNEY GENERAL'S OFFICE.

Salary of Attorney General, at \$2,000 per year.....	\$4,000
Salary of Assistant Attorney General, at \$1,800 per year..	3,600
Stenographer, at \$720 per year.....	1,440
Stationery, postage and incidentals.....	500
Traveling expenses of Attorney General, at \$500 per year,	1,000
Legal assistance in land offices, and otherwise.....	3,600

Court expenses, advanced per diem and mileage for witnesses before courts and land department.....	\$300	
Rent, fuel and light for Assistant Attorney General's office at Seattle.....	800	
Total		\$15,240
FOR SECRETARY OF STATE'S OFFICE.		
Salary of Secretary of State, at \$2,500 per year.....	\$5,000	
Salary of chief clerk, at \$1,500 per year.....	3,000	
Salary of auditor and cashier, at \$1,500 per year.....	3,000	
Salary of recording clerk, at \$900 per year.....	1,800	
Salary of second recording clerk, at \$900 per year.....	1,800	
Salary of stenographer, at \$720 per year.....	1,440	
Postage and incidentals.....	2,000	
Distribution of Session Laws and Supreme Court Reports,	350	
Salary of deputy insurance commissioner, \$1,500.....	3,000	
Traveling and incidental expenses.....	600	
Salary of deputy commissioner of statistics, at \$1,800 per year.....	3,600	
Incidentals in connection with office of Commissioner of Statistics.....	1,200	
Total		\$26,790
FOR STATE AUDITOR'S OFFICE.		
Salary of State Auditor, at \$2,000 per year.....	\$4,000	
Salary of chief deputy, at \$1,500 per year.....	3,000	
Salary of bookkeeper, at \$1,000 per year.....	2,000	
Salary of stenographer, at \$720 per year.....	1,440	
Incidental expenses.....	2,200	
Total		\$12,640
STATE TREASURER'S OFFICE.		
Salary of Treasurer, at \$2,000 per year.....	\$4,000	
Salary of chief clerk, at \$1,500 per year.....	3,000	
Extra clerk hire.....	1,200	
Postage, incidentals, telephone and telegraph.....	600	
Adding machine.....	375	
Total		\$9,175
FOR SUPERINTENDENT OF PUBLIC INSTRUCTION'S OFFICE.		
Salary of Superintendent, at \$2,500 per year.....	\$5,000	
Salary of deputy superintendent, at \$1,200 per year.....	2,400	
Clerical assistance, incidentals.....	2,000	
Assistance in examination of teachers' manuscripts four times each year.....	2,000	
Traveling expenses of Superintendent and deputy, at \$400 per year.....	800	
Postage, expressage, telephone and telegraph.....	1,000	
Expenses of State Board of Education.....	1,000	
Total		\$14,200
FOR LAND COMMISSIONER'S OFFICE.		
Salary of commissioner, at \$2,000 per year.....	\$4,000	
Salary of chief clerk, at \$1,500 per year.....	3,000	
Salary of chief engineer, at \$1,500 per year.....	3,000	
Extra help in engineer's office.....	2,000	
Salary of draughtsman, at \$1,200 per year.....	2,400	
Salary of stenographer and clerk, at \$1,000 per year.....	2,000	
Salary of bookkeeper, at \$1,000 per year.....	2,000	
Salary of two general clerks, at \$1,000 each per year.....	4,000	
Salary of clerk of Board of Land Commissioners, at \$1,000 per year.....	2,000	
Appraisalment, sale and lease of school, granted, tide and other state lands.....	14,000	
Salary and expenses of agents in selecting state lands..	12,000	

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	Advertising sale of state lands.....	\$3,000	
	Postage, incidentals and expenses.....	3,000	
	For sale and appraisalment of lands donated to the state for the erection of public buildings at the state capitol	2,000	
	Contingent fund, defending state's title to school, granted and other lands before the courts and the several United States land offices of the state, the Secretary of the Interior, United States land office, for filing fees and for expenses on escheated lands (not in- cluding attorneys' fees).....	2,500	
	Total.....	\$60,900	
	FROM HARBOR AREA FUND.		
	For establishing harbor lines, surveying oyster and tide lands, appraised and reappraising tide lands, adver- tising for lease of harbor areas.....	\$4,000	
	Total for office or commissioner of public lands.....		\$64,900
	FOR STATE LIBRARIAN'S OFFICE.		
From general fund.	Salary of Librarian, at \$1,500 per year.....	\$3,000	
	Salary of assistant librarian, at \$300 per year.....	1,600	
	Postage and incidentals.....	100	
	Total.....		\$4,700
	FROM THE GENERAL FUND.		
	FOR LABOR COMMISSIONER'S OFFICE.		
	Salary of Labor Commissioner at \$1,800 per year.....	\$3,600	
	Clerk's hire, incidentals and travelling expenses.....	2,600	
	Total.....		\$6,200
	FOR COAL MINE INSPECTOR.		
	Inspector's salary at \$1,500 per year.....	\$3,000	
	Traveling expenses and incidentals.....	1,250	
	Total.....		\$4,250
	FOR STATE GRAIN INSPECTOR'S OFFICE.		
	Salary of State Grain Inspector at \$1,800 per year.....		\$3,600
	FOR STATE FISH COMMISSIONER'S OFFICE.		
	Salary of Commissioner at \$2,000 per year.....	\$4,000	
	Traveling expenses of Commissioner at \$750 per year....	1,500	
	Salary of stenographer at \$720 per year.....	1,440	
	Office rent at \$325 per year.....	650	
	Total.....		\$7,590
	FOR STATE BOARD OF EQUALIZATION.		
	Expenses of board.....		\$400
	FOR STATE FAIR.		
	Maintenance at \$5,000 per year.....		\$10,000
	FOR STATE BOARD OF CONTROL.		
	Salaries of three members of Board at \$2,000 per year each.....	\$12,000	
	Traveling expenses of members at \$500 per year each....	3,000	
	Salary of bookkeeper at \$1,000 per year.....	2,000	
	Total.....		\$17,000
	FOR STATE BOARD OF HEALTH.		
	Salary of secretary at \$100 per year.....	\$200	
	Traveling expenses at \$500 per year.....	1,000	
	Semi-annual meetings of board.....	400	
	Telegraphing.....	60	
	Expressage.....	60	

Postage.....	\$120	
Office rent.....	300	
Total.....		\$2,140

FOR WESTERN WASHINGTON HOSPITAL FOR INSANE.

Maintenance (not more than forty per cent. of which shall be used for salaries).....	\$200,000	
For the construction of new wing to building.....	40,000	
Dynamo and engine.....	5,000	
Stand pipe.....	6,000	
Fire escapes.....	4,000	
General repairs and improvements.....	3,000	
Library.....	200	
Furniture.....	1,500	
Bake oven and building for same.....	2,000	
Total.....		\$261,700

FOR EASTERN WASHINGTON HOSPITAL FOR INSANE.

Maintenance (not more than forty per cent. of which shall be used for salaries).....	\$115,000	
Additional pumps and piping.....	7,500	
General repairs and improvements.....	2,500	
Furniture.....	1,500	
Storm sashes.....	1,500	
Sewerage System.....	5,000	
Purchase of land in front of asylum.....	600	
Library.....	200	
Construction and equipment of new wing.....	45,000	
Additional boiler and installing same.....	2,500	
Total.....		\$181,300

FOR STATE PENITENTIARY.

Maintenance.....	\$120,000	
Dynamo and engine.....	6,000	
General repairs and improvements.....	5,000	
Library.....	250	
Total.....		\$131,250

FOR REFORM SCHOOL.

Maintenance..	\$45,000	
General repairs.....	5,000	
Introduction of Manual Training Department.....	2,000	
Library.....	200	
Total.....		\$52,200

FOR STATE SCHOOL FOR DEFECTIVE YOUTH.

Maintenance.....	\$60,000	
New boiler house.....	2,000	
General repairs.....	2,000	
Library.....	400	
Total.....		\$64,400

FOR SOLDIERS' HOME.

Maintenance.....	\$25,000	
Building assembly hall.....	5,000	
Additional to hospital and equipment.....	3,000	
General repairs and improvements.....	1,000	
Storeroom.....	1,000	
Library.....	200	
Total.....		\$35,200

FOR SUPREME COURT.

Salary of Judges.....	\$52,300	
Salary of clerk at \$2,000 per year.....	4,000	

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Salary of reporter at \$2,000 per year.....	\$4,000	
Contingent expenses and furniture.....	8,000	
Total.....		\$68,300
FOR SUPERIOR COURTS.		
Salaries of superior judges.....	\$69,000	
Traveling expenses of superior judges whose jurisdiction contains more than one county.....	3,000	
Payment of salaries and expenses of superior judges, <i>pro tem</i>	700	
Total.....		\$72,700
FOR STATE UNIVERSITY.		
Maintenance.....	\$150,000	
For construction and equipment of science hall.....	70,000	
For new power plant.....	50,000	
Total.....		\$270,000
FOR STATE AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.		
Maintenance.....	\$60,000	
For construction and equipment of armory and gymna- sium.....	10,000	
For library.....	1,500	
Cases for apparatus and museum.....	300	
For ward in veterinary hospital for contagious diseases.....	500	
For the purchase of live stock.....	1,000	
For sewer system.....	5,000	
For water supply and fire protection.....	10,000	
For insectory, green house and horticultural barn.....	1,000	
Additions to heating plant.....	4,000	
Miscellaneous repairs and improvement.....	1,500	
Total.....		\$94,800
For traveling expenses of state veterinarian.....		\$2,500
FOR EXPERIMENTAL STATION AT PUYALLUP.		
For building and improvements.....	\$2,000	
For maintenance.....	6,000	
Total.....		\$8,000
FOR STATE NORMAL SCHOOL AT WHATCOM, WASHINGTON.		
For Maintenance.....	\$42,500	
For building an annex to present building.....	40,000	
For equipment and supplies for chemical, physical and biological laboratories.....	1,500	
For furniture for same.....	300	
For library.....	1,000	
For heating and ventilating annex.....	5,000	
For furniture for same.....	2,000	
For improving campus.....	500	
For finishing rooms in old building.....	1,000	
Total.....		\$93,800
FOR STATE NORMAL SCHOOL AT ELLENSBURG.		
Maintenance.....	\$35,000	
Repairs and heating plant.....	2,500	
For library.....	1,000	
Furniture for leased dormitory.....	1,500	
Total.....		\$40,000
FOR STATE NORMAL SCHOOL AT CHENEY.		
Maintenance.....	\$35,000	
Repairs, fixtures and furniture.....	4,000	
Library.....	1,000	
Heating apparatus.....	5,000	
Total.....		\$45,000

For revolving fund for the State Penitentiary.....	\$150,000
For rent of state offices and for the expenses of heat, light, water and maintenance of new Capitol building and grounds connected therewith.....	10,000
For removal of the state's property from its present quarters to the new Capitol building.....	1,500
For the repair of the shed over and the preservation of the Capitol foundation upon the present capitol grounds: (<i>Provided</i> , That the money herein appropriated for such repairing and preservation of said Capitol foundation shall be returned to the general fund of the State Treasury from the proceeds of the sale of land granted to the state for the erection of public buildings at the state capital next after the payment of warrants heretofore issued against the fund provided for from said proceeds).....	1,000
Indexing House Journal.....	300
Indexing Senate Journal.....	250
For public printing.....	35,000

FOR HORTICULTURAL COMMISSIONER'S OFFICE.

Salary of commissioner, at \$1,000 per year.....	\$2,000
Incidental and traveling expenses, at \$500 per year.....	1,000
Salary of clerk, at \$400 per year.....	800
For improvement of horticultural exhibit, at \$100 per year.....	200
Total.....	\$4,000
For printing Washington Reports.....	\$3,750

FOR SCIENTIFIC EXPERIMENTAL STATION.

For salary of superintendent, at \$2,000 per year.....	\$4,000
For general expenses, at \$750 per year.....	1,500
For buildings and water supply.....	1,500
For one carload of Eastern oysters.....	1,200
For machinery, floats and cleaning pond.....	2,000
For purchase of crawfish.....	400
Total.....	\$10,600
Cost bills in convictions of felony.....	\$25,000
For desk supply fund.....	4,000
For transportation of convicts to State Penitentiary.....	16,000
For transportation of insane to hospitals.....	14,000
For transportation of incorrigibles.....	4,000

OFFICE OF STATE DAIRY AND FOOD COMMISSIONER.

For salary of commissioner, at \$1,800 per year.....	\$3,600
For expenses of commissioner and deputy, at \$1,250 per year.....	2,500
For salaries of deputies.....	2,500
Total.....	\$8,600

FROM LIBRARY FUND.

State Library, purchase of books.....	\$6,000
For indexing and cataloguing.....	500
Total.....	\$6,500

FROM GRAIN INSPECTION FUND.

Postage, expenses, salaries and incidentals, connected with the office of State Grain Inspector.....	\$23,000
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FROM MILITARY FUND.

For salary of Adjutant General at \$2,000 per year.....	\$4,000
Incidentals and traveling expenses.....	1,000
Salary of chief clerk at \$1,000 per year.....	2,000
Storekeeper and armorer at \$720 per year.....	1,440
Supplies, ammunition and clothing.....	12,000
Traveling expenses for Governor's staff.....	500
Armories and maintenance.....	40,000

For equipment and maintenance of hospital corps	\$1,000	
For freight on cannon.....	500	
Total.....		[\$62,540]
FROM FISH HATCHERY FUND.		
Salaries of two deputies at \$1,000 per year.....	\$4,000	
Traveling expenses for two deputies at \$1,000 per year, for the two.....	2,000	
Purchase of launch for Puget sound	4,500	
Engineer's salary for launch at \$750 per year	1,500	
Fuel and other expenses for launch	2,000	
For chartering steamer on Columbia river.....	1,500	
Total.....		\$15,500
For maintenance state fish hatcheries.....	\$70,000	
For improvements to state fish hatcheries.....	12,750	
		\$82,750
Total from fish hatchery fund		\$98,250

Vetoed.

SEC. 2. If any of the items appropriated to the State University, State Agricultural College and School of Science and respective State Normal Schools by section one of this act shall not be wholly expended for the purposes designated, and the amount named on any other items shall not be sufficient for the purpose named, then such overplus may be applied to meet the deficient item or items for such institution above named for which appropriation is made.

Vetoed.

SEC. 3. The State Auditor is hereby authorized to audit all claims and if found correct to issue warrants upon the State Treasurer in payment of bills duly authorized by the Board of Trustees of the State Normal Schools and the Agricultural College and School of Science and by the Board of Regents of the State University, and the State Treasurer is hereby directed to pay the same.

Passed the House March 7, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 15, 1901.

NOTE BY THE GOVERNOR.—Sections two (2) and three (3) of this bill providing for the expenditure of public funds for purpose other than that for which they are specifically appropriated are clearly unconstitutional. Article VIII, section 4, of the State Constitution provides as follows: "No moneys shall ever be paid out of the treasury of this state, or any of its funds or any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making new appropriation, or con-

tinuing or reviving an appropriation shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to, refer to any other law to fix such sum."

With the exceptions of sections two (2) and three (3) the bill is hereby approved. Sections two (2) and three (3) are vetoed.

J. R. ROGERS, *Governor*.

NOTE BY SECRETARY OF STATE.—Footing of appropriation from military fund is \$62,540 in enrolled bill ; should be \$62,440.

CHAPTER LXXIII.

[H. B. No. 129.]

PROVIDING AND APPROPRIATING FOR AN EXHIBITION OF THE PRODUCTS OF THE STATE OF WASHINGTON AT THE PAN-AMERICAN EXPOSITION.

AN ACT to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Pan-American Exposition at Buffalo, New York, and making an appropriation therefor.

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

SECTION 1. That for the purpose of exhibiting the resources, products and general developments of the State of Washington at the Pan-American Exposition of 1901, to be held at the city of Buffalo in the State of New York, there is hereby created a commission known as the Pan-American Exposition Commission of the State of Washington. Such board shall be non-partisan and shall contain not more than eleven (11) members who shall be appointed by the Governor, and all shall be residents of this state. They shall hold their office from the date of appointment to January 1, 1902, unless sooner removed for cause, by the Governor, and in case of such removal, or their death or inability or refusal to act, their successors shall be appointed by the Governor.

Creation of commission.

Board to be appointed by Governor.

Term of office.

SEC. 2. Each of the said commissioners hereby appointed shall serve without salary but is allowed his actual necessary expenses incurred in attending meetings of said board in the discharge of his duties to be

Compensation.

paid out of the money hereby appropriated, upon vouchers approved by the commissioners.

Meeting. SEC. 3. The members of said board of commissioners shall meet subject to the call of the Governor within ten days after this act becomes a law, at such time and place as he may designate and shall select from its members a president, and secretary who shall keep a record of their proceedings. They shall

Executive commissioner. appoint an executive commissioner who shall be a citizen of the State of Washington, and fix his salary not to exceed the sum of one hundred and fifty dollars (\$150) per month, for the time he shall be actually engaged in the business of the exposition, which salary and his necessary expenses shall be paid out of the money appropriated. The said executive commissioner shall be and is hereby authorized and empowered to assume and exercise all powers and functions necessary to secure a complete and creditable display of the productions and interests of the state at the Pan-American Exposition of 1901. He shall have personal

Authority. charge of the solicitation, collection, transportation, arrangement and exhibition of the objects sent under authority of the state to the Pan-American Exposition of 1901, and of such objects sent by individual citizens of the State of Washington as may be by them placed in

Duties of commissioner. his charge. He shall make a report to the commissioners monthly, or as often as by them required and shall hold office at the pleasure of such commissioners. The

Report. expenses incurred by the two honorary members of the board of women managers, who have been appointed from this state to attend said exposition, and who will work in conjunction with the commissioners to be appointed in collecting and caring for art in needlework, etc., and other exhibits to be displayed at said Pan-American Exposition be paid out of said fund to be hereafter appropriated, and the auditor is hereby instructed to draw his warrant upon the treasurer for all expenses actually incurred upon the presentation of the proper vouchers therefor.

Expenses of honorary member.

SEC. 4. All state bureaus including the bureau of mining, horticulture, agriculture, fisheries and others, are authorized to cooperate with said Washington Pan-American Committee and to forward to the Buffalo Exposition all the collections and cabinets belonging to the state. State institutions to cooperate.

SEC. 5. The State Printer is hereby authorized to do what printing may be required by the state commission upon the orders of the president of the said commission, in writing, not to exceed the sum of five hundred (\$500) dollars which shall be paid out of the appropriation hereby made. Necessary printing.

SEC. 6. After the close of said exposition, the said executive commissioner, or in case the term of office of the members of the state commission has expired, then the Governor shall have power to sell such exhibits as the state may have interest in, and which is proper to dispose of to the best advantage of the state, and shall deposit the proceeds in the general fund of the state treasury; and shall also return to the owners such exhibits as may be loaned for exhibition purposes, free of cost to said owners. Sale of exhibits. Return of exhibits loaned.

SEC. 7. All counties, districts or individuals, desiring to send articles to said exposition, may do so by having the same delivered in good order for shipment at a place to be designated by the executive commissioner, where they shall be received by him and carefully stored until the proper time for shipment to such exposition, and such executive commissioner shall forward all such articles as he shall deem worthy of exhibition to Buffalo; the freight or expense charges to and from Buffalo shall be paid out of the fund hereinafter appropriated. Forwarding of exhibits. Payment of charges.

SEC. 8. Such commission may issue certificates of indebtedness with sworn vouchers attached thereto. All such certificates shall be presented to the Auditor of the State, who shall issue warrants upon the Treasurer of the State for the same providing that the certificates and warrants so drawn shall in no case exceed the amount hereafter appropriated. Certificates of indebtedness.

Appropriation. SEC. 9. To carry out the purposes and provisions of this act the sum of twenty-five thousand (\$25,000) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated. The State Treasurer is hereby directed to pay the money to the executive commissioner from time to time upon the requisition of the state commission by its president and secretary and approved by the State Auditor.

Issuance of commission to executive officer. SEC. 10. The Governor of the state shall issue a commission as provided for by section 15, article III, of the state constitution, to the person selected for executive commissioner of the Pan-American Exposition.

Passed the House March 9, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 15, 1901

CHAPTER LXXIV.

[H. B. No. 443.]

CREATING A BUREAU OF LABOR AND REPEALING FORMER LAWS.

AN ACT creating a bureau of labor, defining its duties, abolishing the office of assistant labor and factory, mill and railway inspector, repealing chapter XXIX of the Laws of 1897; making an appropriation, and declaring an emergency.

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

Commissioner appointed by Governor. When. SECTION 1. A Commissioner of Labor shall be appointed by the Governor; he, together with the Inspector of Coal Mines, shall constitute a Bureau of Labor. On the first Monday in April, in 1897, and every four years thereafter, the Governor shall appoint, a suitable person to act as Commissioner of Labor, and as factory, mill and railroad inspector who shall hold office until his successor is appointed and qualified.

SEC. 2. It shall be the duty of such officer and employes of the said bureau to cause to be enforced all laws regulating the employment of children, minors

and women, all laws established for the protection of the health, lives and limbs of operators in workshops, factories, mills and mines, on railroads and other places, and all laws enacted for the protection of the working classes, and declaim it a misdemeanor on the part of the employers to require as a condition of employment the surrender of any rights or citizenship, laws regulating and prescribing the qualifications of persons in trades and handicrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of officers and employes of the bureau to collect, assort, arrange and present in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the state; to the subjects of corporations, strikes or other labor difficulties; to trade unions and other labor organizations and their effect upon labor and capital; and to such other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the state as the bureau may be able to gather. In its biennial report the bureau shall also give account of all proceedings of its officers and employes which have been taken in accordance with the provisions of this act or of any other acts herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such accounts and such remarks, suggestions and recommendations as the commissioner may deem necessary.

SEC. 3. It shall be the duty of every owner, operator or manager of every factory, workshop, mill, mine or other establishment where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the Commissioner

Duties of such officer.

Report biennially.

Contents of report.

Owners of various establishments to report to bureau.

of Labor, and shall certify to the correctness of the same. In the reports of said bureau no use shall be made of the names of individuals, firms or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent or employe of said bureau violating this provision shall be fined in the sum not exceeding five hundred dollars, or being imprisoned for not more than one year.

Reports to be confidential.

Penalty for violation.

Powers of the commissioner.

Witness fees.

Subpœnas.

Failure of witness to attend.

Penalty.

Duty of inspector in making examinations.

SEC. 4. The Commissioner of the Bureau of Labor shall have the power to issue subpœnas, administer oaths and take testimony in all matters relating to the duties herein required by such bureau, such testimony to be taken in some suitable place in the [vicinity] to which testimony is applicable: Witnesses subpœnaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a superior court, such payment to be made from the contingent fund of the bureau. Any person duly subpœnaed under provisions of this section shall wilfully neglect or refuse to attend or testify at the time and place named in the subpœna, shall be guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not less than twenty-five dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

SEC. 5. The Commissioner of Labor, the Coal Mine Inspector or any employe of the Bureau of Labor, shall have power to enter any factory, mill, mine, office, workshop or public or private works at any time for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employes, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of said factory, mill, mine, office or workshop or public or private works, or his agent or agents, who shall refuse to allow an inspector or employe of

the said bureau to enter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days, for each and every offense.

Refusal to allow examination.

Penalty.

SEC. 6. No report or return made to the said bureau in accordance with the provisions of this act, and no schedule, record or document gathered or returned by the commissioner or inspector, thereof, such reports, schedules and documents being declared public documents. At the expiration of the period of two years above referred to in this section, all records, schedules and papers accumulating in the said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the Governor be first obtained for such destruction.

Destruction of records.

Proviso.

SEC. 7. The biennial reports of the bureau of labor, provided for by section 2 of this act, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state: *Provided*, That not less than five hundred copies of the report shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the Bureau of Labor in accordance with the provisions of this act shall be furnished by the Secretary of the State, and shall be paid for from the printing fund of the state.

Printing of biennial reports.

Proviso.

Blanks—by whom furnished.

SEC. 8. The salary of the Commissioner of Labor, provided for in this act, shall be eighteen hundred dollars (\$1,800) per annum, and he shall be allowed his actual and necessary traveling and incidental expenses.

Compensation of commissioner.

SEC. 9. All the powers and duties heretofore exercised by the assistant commissioner of labor and the factory, mill, and railway inspector are hereby devolved on the Commissioner of Labor.

Duties devolved on commissioner.

SEC. 10. The act approved March 3, 1897, being chapter xxix, is hereby repealed; the office of the

Act of 1897 re-
pealed.

Emergency.

assistant commissioner of labor and factory, mill and railway inspector is hereby abolished. An emergency is declared to exist, and this act shall take effect the first Monday in April, 1901.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXV.

[S. B. No. 209.]

PROVIDING FOR ENFORCEMENT OF LIENS UPON VESSELS AND BOATS.

AN ACT to create and provide means for the enforcement of a lien on steamers, vessels and boats in favor of stevedores or others engaged in stowing, loading or unloading of cargo or performing services connected therewith, in, from, at or about steamers, vessels and boats.

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

Liability for
services.

SECTION 1. All steamers, vessels and boats, their tackle, apparel and furniture shall be held liable at all ports and places within this state or within the jurisdiction of the courts of this state or within the jurisdiction of the courts of the United States in said state for services rendered by stevedores, longshoremen or others engaged in the loading, unloading, stowing or dunnaging of cargo in or from any steamer, vessel or boat in any harbor or at any other place within said state, or within the jurisdiction of the courts thereof as above stated, and said steamers, vessels and boats shall further be liable as per their contracts for all services performed upon wharfs or landing places by stevedores, longshoremen or others: *Provided*, That such services must have been so performed in and about and be connected with the loading, unloading, dunnaging or stowing of said cargo.

Proviso.

SEC. 2. Demands for wages and all sums due under contracts or otherwise for the performance of all or any of the services mentioned in the last preceding section shall constitute liens upon all steamers, vessels and boats, their tackle, apparel and furniture, and shall have priority over all other demands save and excepting the demands mentioned in the first three sub-divisions of section 5953 of Ballinger's Annotated Codes and Statutes of the State of Washington, to which said demands the lien hereby provided shall be subordinate: *Provided*, That such liens shall only continue in force for the period of three years from the date when such work was done or the last services performed by such stevedores, longshoremen or others.

Demands for wages.

Priority.

Proviso.

SEC. 3. The liens hereby created may be enforced by a suit, *in rem*, and the law regulating like proceedings shall govern in all such suits.

Liens.

Passed the Senate March 11, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXVI.

[S. B. No. 193.]

TO PREVENT THE SPREAD OF DISEASE AMONG SHEEP AND CREATING THE OFFICE OF SHEEP INSPECTOR.

AN ACT to create the office of sheep inspector and prescribe the duties thereof; to prevent the spread of contagious and infectious diseases among sheep; to provide for the collection of damages for the spreading of disease among sheep and to repeal an act entitled "An act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888," and to repeal an act entitled "An act in relation to and prevent the introduction or spread of disease among sheep" approved February 2, 1888, and declaring an emergency approved February 26, 1897, and declaring an emergency.

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

SECTION 1. The county commissioners of each county in this state may, immediately upon this act going into

County commissioners to appoint a sheep inspector to hold till 1903.

effect, appoint a qualified person as sheep inspector for and within the boundaries of their counties, who shall hold office until noon on the second Monday in January, 1903, and until his successor is appointed and has qualified as herein provided ; any vacancies by resignation, or otherwise, in said office shall be immediately filled by said county commissioners: *Provided, however,* That the county commissioners of any county may at any time remove said sheep inspector from office, and declare the said office vacant, without a hearing or without assigning any cause therefor, for such reasons alone as may cause them to deem it expedient to act in the premises.

Proviso.

Election of succeeding inspector for two years.

SEC. 2. At the regular meeting of the board of county commissioners next prior to the second Monday in January, 1903, said county commissioners may elect a sheep inspector, whose term of office shall begin at noon on the second Monday in January, 1903, and continue for a period of two years, unless sooner removed as hereinbefore provided, and until his successor is elected and has qualified, and said county commissioners shall elect a sheep inspector each two years thereafter at such meeting, who shall from time to time hold office upon the conditions above and herein provided.

Oath of office and bond.

SEC. 3. The sheep inspector before entering upon the discharge of the duties of his office shall take an oath of office, and enter into a bond with two or more sureties to be approved by the county commissioners, in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties as such sheep inspector.

Powers of inspectors.

SEC. 4. Such inspector shall have the power to appoint not more than two deputies, for whose acts he shall in all cases be responsible, and by whom he may perform any act or duty required of him by law. Each inspector shall be provided with a seal of office, which shall be inscribed in substance as follows: "Sheep Inspector of county, Washington," and each official certificate, notice or report of such inspector shall be authenticated by such seal.

SEC. 5. Whenever it is shown to the sheep inspector of any county that scab or scabbies, or any contagious or infectious disease is epidemic in certain localities in any county of this state or other state, territory, province or country, the said inspector must thereupon designate such locality or localities, and prohibit the importation from such locality or localities of any sheep into his county, except under such restrictions as are provided for in this act. This action upon the part of the said inspector shall be known as and shall be deemed to be a quarantine against such locality or localities, and the sheep inspector shall file a notice of such quarantine attested under the seal of his office with the county auditor of his county, who shall provide and keep a book, which shall be properly indexed and open to the public during the office hours of said office, in which said notice shall be transcribed, said book to be designated as the "Sheep Quarantine Register" of said county, and a copy of said notice shall be posted at the front door of the court house of said county by the said inspector at the time the same is filed with the said auditor, and this shall be deemed to be full notice to all parties concerned of the existence of the sheep quarantine, and it shall be the duty of the inspector to raise the said quarantine when he discovers that the cause for its existence has ceased, and it shall be his duty from time to time to ascertain the condition in the quarantined locality or localities so as to raise said quarantine when he discovers that the cause for its existence has ceased; and upon said quarantine being raised, said inspector shall give notice of its rescission with the county auditor of his county, and post a copy of said notice at the front door of the court house of said county, and said auditor shall transcribe said notice of rescission in the same book and in the same manner as he has transcribed the notice of the quarantine.

Duties of inspector.

Quarantine.

Record notice.

Raising of quarantine.

Notice of raising.

SEC. 6. Upon notice that a quarantine has been placed on record as hereinbefore provided for against any locality or localities, the owner or person in charge

Duty of owner
of sheep.

of any sheep, which are intended to be brought into the said county from localities quarantined against, as provided in the next preceding section, must forthwith notify the sheep inspector of said county of such intention, and such owner or person in charge shall not allow any sheep from said locality so quarantined against to be brought into the said county doing the quarantining until such sheep have been quarantined and inspected by the sheep inspector as provided in

Proviso.

the next succeeding section : *Provided*, That this section shall not apply to sheep being transported upon any railroad or steamer lines through the State of Washington to points beyond the limits of said state, and which are not allowed to graze upon the public range of said state while being so transported.

Examination.

Sec. 7. Upon receiving notice of the intention of the owner or person in charge of any sheep as provided in the last preceding section to bring such sheep into any county of this state from any quarantined district, the sheep inspector of such county shall forthwith proceed to examine and inspect such sheep before they are brought into the state, and shall cause such sheep to be kept within certain limits designated by him for a period of sixty days, and shall cause the owner or person in charge of such sheep to dip them or otherwise treat them for the disease prevalent in the quarantined

Certificate.

district; if at the expiration of said sixty days the said sheep inspector shall find the said sheep are free from scab or scabbies and all contagious and infectious diseases, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into this state. When the county doing the quarantining is not one of the border counties of this state, and sheep from the quarantined localities have been permitted to be brought into the state by the inspector of the county or counties between said quarantining county and the border of the locality quarantined against, no certificate of the intermediary counties shall be final or binding upon the inspector of the county doing the quarantining, and such certificate shall not

No certificate
required when
county is not a
border county.

permit the owner or person having control of such sheep to bring them into the county quarantining upon such certificate, but in such a case the owner or person in charge of such sheep shall notify the sheep inspector of the county doing the quarantining of his intention to bring said sheep into said county, and hold said sheep on the boundary of said county until the sheep inspector of said county shall reach such sheep, which he shall do as speedily as possible; the said sheep inspector shall then cause such sheep to be kept within certain limits designated by him for a period of sixty days, and shall cause the owner or person in charge of such sheep to dip such sheep or otherwise treat them for the disease prevalent in the quarantined district; if at the expiration of said time the said sheep inspector shall find that such sheep are free from scab or scabies and all contagious and infectious diseases, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into his county. *Provided, however,* That if said sheep have been quarantined as provided by this act in any other county in this state after coming into this state, said sheep not having been taken out of the state in the meantime, then the sheep inspector of the county into which the said sheep are to be brought, after satisfying himself that said sheep have been duly and properly quarantined as provided for in this act in such other county or counties, and are in a healthy condition, shall endorse this fact upon the certificate already possessed by the owner or person in charge of said sheep, which shall be deemed to be a certificate from the quarantining county, and shall be sufficient to permit said sheep to be brought lawfully into said county, and to travel therein until revoked, or until such sheep become diseased.

Limits defined.

Treatment of sheep.

Issuance of certificate.

Proviso.

SEC. 8. Any person who is about to bring sheep into this state from any other state, territory, province or country, must before he brings said sheep into this state, notify the sheep inspector of the county in which he intends to first bring said sheep of the fact that he

Notice of intention to import sheep.

Duty of inspector.

is about to bring said sheep into said county, the section from whence he intends to bring said sheep, and the time, as near as he can tell, when said sheep will arrive in said county; it shall then become the duty of said sheep inspector to be on hand at the time of the arrival of said sheep, and inspect the same, and cause the same to be confined within certain limits to be designated by him the said sheep inspector. The said inspector shall also cause the said sheep to be dipped within ten days after the arrival of the said sheep in said county. The said sheep shall be kept within the boundaries prescribed, or which may be prescribed from time to time, by the said sheep inspector, for the period of thirty days after they are dipped, when the inspector shall again inspect the sheep, when he may, in his discretion, if he finds said sheep are diseased, or has any reasonable doubts as to the said sheep being in good condition, cause the same to be again dipped and treated, and if he deems the same necessary to prevent the scattering of any contagious or infectious disease, he shall require the said sheep to be confined within certain limits for an additional period of thirty days.

Period of detention.

Additional period of detention.

Unlawful to move sheep unless sound.

SEC. 9. No person shall move or cause to be moved any sheep from any county to another in this state unless said sheep are sound and healthy and free from scab or scabbies, and all infectious and contagious diseases, which condition shall be solely evidenced by a certificate of the inspector, or his deputy, of the county from which said sheep are to be moved, obtained within ninety days immediately preceding such removal.

Inspection of sheep.

SEC. 10. It shall be the duty of any sheep inspector, upon the request of any person, to visit and inspect any band of sheep within his county (or within five miles of the line of the state in another state or territory) and if at the time of such inspection such sheep are healthy and free from scab or scabbies, and all infectious and contagious diseases, said inspector shall cause the owner, or person in charge of such sheep, a certificate to that effect. And if he find said sheep not healthy and in-

fectured with scab or scabies, or other contagious or infectious diseases, he shall revoke any certificate which may have been issued by him showing such sheep to be in good condition, and such certificate so revoked shall thereafter be null and void, and shall be no protection whatever thereafter to the person holding the same, and such person, on demand, shall deliver the same to such inspector forthwith.

Revocation of certificates.

SEC. 11. It shall be unlawful hereafter for any person, company or corporation to bring into this state any sheep infected with the scab or scabbies, or any other infectious or contagious disease, and it shall also be unlawful for any person to bring into this state any sheep which have not been free from all evidence of scab or scabbies or any contagious or infectious diseases for at least three months prior to the time said sheep are brought into the state.

Unlawful to import infected sheep.

SEC. 12. Any person owning or having charge of any sheep infected with scab or scabbies or any infectious or contagious disease, shall keep the same and all sheep with which such sheep have been in contact, and the band or herd in which said sheep have been kept, secure from contact with other sheep, and shall not drive or permit the same to go upon any public road or highway, or any enclosed or unenclosed land, not owned or leased by such person: *Provided*, That such sheep may be moved or driven upon public roads or highways by first obtaining the written permission of the sheep inspector of the county wherein such sheep may be, which permission shall state the time within which such sheep are to be moved, the place to and from which they are to be moved, and the route to be traveled: *Provided*, That nothing contained herein shall be construed as giving any inspector any authority to grant any person any right to herd such sheep, or the band or herd with which such sheep have been kept, upon any public road or highway or any traveled trail or road.

To be kept apart from others if infected.

Proviso.

Proviso.

SEC. 13. It shall be the duty of each sheep inspector to visit and inspect every band of sheep within his county during the months of April or May each year,

Examinations
— when made.

and at such other times when he is informed in writing, or has reason to believe, that any sheep within his county are infected with scab or scabbies, or any infectious or contagious disease, he shall immediately visit such sheep and inspect the same, and upon request of sheep owners representing at least fifty thousand head of sheep he shall also inspect all the sheep in his county also between the 25th day of August and the 25th day of September of any year when so requested.

Additional
inspection.

Notice to
owner.

SEC. 14. Whenever upon inspection of any band or herd of sheep or of any sheep in any county of the State of Washington, the sheep inspector of such county shall find any of said sheep affected with scab or scabbies, or other infectious or contagious disease, he shall forthwith notify the owner, or person in charge of such sheep, in writing, to put such diseased sheep and the herd or band in which they have been kept into an enclosure, or if such sheep are on the range, to put and keep such diseased sheep and the herd or band in which they have been kept, within certain limits which shall be designated and defined in such notice by reference to natural or artificial objects, and which shall be known and designated in this act as the "sheep quarantine limits," and the inspector shall require the owner or person in charge of such sheep to proceed immediately to treat such sheep and the band or herd in which they have been kept, for the cure of such disease, by some means approved by the inspector, provided that when a dip is used the dip hereinafter provided for shall be used, and any person who shall neglect for three days after the service of such notice to put such sheep into an enclosure, or within the limits designated by such inspector, or shall refuse or neglect to proceed to treat such sheep for the cure of such disease by a remedy approved by the inspector and herein provided, within three days after the time fixed by the inspector, which must be reasonable and give ample time to said party to prepare to dip and treat said sheep, shall be deemed guilty of a

Quarantine
limits.

Failure or
neglect.

misdemeanor, and for each day of such neglect or refusal to comply with the order of said inspector after three days from the date of said notice, such person shall be deemed guilty of a separate misdemeanor, and in addition to the punishment provided for in this act, the inspector shall take charge of such sheep and place them within a proper enclosure or within proper limits and keep them there, and cause them to be treated as directed, and the expense of such seizure, keeping and treatment, together with the fees of the inspector, shall be a charge on the sheep so seized, and shall be a lien thereon prior to any other lien upon said sheep. Lien.

SEC. 15. The sheep inspector shall have the authority to corral any sheep which he may desire to examine and the person having charge of such sheep shall, when so requested, assist the said inspector in catching and examining said sheep, and any person being the owner, or in charge thereof, or assisting to care for, any sheep, who shall refuse to assist said inspector, when requested as hereinbefore provided, and any person who shall secrete any diseased sheep to prevent the inspector from examining the same, or who shall prevent the inspector from examining any sheep, or in any way interfere with such inspector discharging the duties of his office, shall be deemed guilty of a misdemeanor. Assistance rendered to inspector.

Any person who shall drive any sheep or cause any sheep to be driven upon or within the limits set apart for any quarantined sheep by a sheep inspector while the same are being occupied by such quarantined sheep, and any person who shall drive any sheep or cause any sheep within such quarantine limits to be driven out of the said quarantine limits shall be deemed guilty of a misdemeanor: *Provided, however,* That the sheep inspector shall not quarantine any sheep within three miles of any shearing corral, except corrals owned by the owners of said sheep, or leased by him. Misdemeanor to drive sheep on limits set apart. Proviso.

SEC. 16. The sheep inspector shall have the authority upon written application of the owner or person in

charge of any quarantined sheep to change the quarantine limits of such sheep for the purpose of procuring sufficient feed for such sheep, and to reestablish new quarantine limits, and this may be done from time to time in the discretion of the inspector.

Must produce certificate at toll bridges, etc.

SEC. 17. No owner of any toll bridge or ferry boat, or person in charge thereof, shall permit any sheep to cross any bridge or go upon any ferry boat in charge of such person or persons unless the person in charge of such sheep shall first exhibit to the person in charge of such bridge or boat a valid certificate issued by an inspector appointed under this act to the effect that such sheep are free from scab or scabbies or any contagious or infectious disease.

Certificate null after one year.

SEC. 18. Every certificate issued under this act to the owner of sheep continuously kept within this state shall be null and void after one year from the date thereof, and every certificate issued to the owner of any band or herd of sheep which are not continuously kept within this state during the year which such certificate was issued shall expire upon such sheep being driven out of this state at any time after said certificate has been issued.

Compensation of inspector.

SEC. 19. Every sheep inspector and deputy inspector shall be paid five dollars per day for each day when necessarily engaged in the duties of his office and five cents per mile for each mile necessarily traveled by him for such purpose, and his bills for such purposes shall be audited and paid by the county commissioners of the county from which he was appointed.

Unlawful to drive without certificate.

SEC. 20. No person shall drive any sheep or cause any sheep to be driven upon the public roads, upon the public ranges, or traveled trails or roads within this state except as herein provided, unless he has a valid certificate showing that said sheep are free from scab or scabbies or infectious or contagious disease.

Construction of this act.

SEC. 21. Nothing in this act shall be construed as exempting any person owning sheep from liability in a civil action for damages for negligently or carelessly spreading scab, or scabbies, or any other contagious or

infectious diseases, but any person so spreading or causing said disease to be spread, either personally or through his agents in charge of sheep belonging to him, shall be liable in a civil action for damages sustained by any other person for injury to such other person's sheep by the infecting of such sheep with the scab or scabbies or any other contagious or infectious disease, the same as if this act had not been passed, and no certificate issued under the provisions of this act shall be any defense or excuse in an action for damages of this character. Any damages that may be recovered in such a civil action for damages shall be a lien upon the sheep infected as stated herein by any other band or herd of sheep, for which infection such suit may have been brought, and the court in rendering judgment in any action brought for such damages shall declare such judgment to be a lien upon such sheep and direct them to be sold under special execution to pay such judgment. Damages.

SEC. 22. The liens herein provided for shall be foreclosed by an action brought in the Superior Court for the county wherein the lien originated in the name of the said county by the prosecuting attorney for said county as chattel mortgages are foreclosed by a suit in Superior Court, and upon commencing such an action in said court the prosecuting attorney shall immediately move for the appointment of a receiver to take charge of said sheep and keep the same pending the action, and it shall be the duty of the court to appoint such receiver without notice, and all the expense thereof and all the costs that are taxed in civil actions between individuals shall be taxed up in favor of the county in such a proceeding, and an attorney's fee of fifty dollars shall be taxed in such a proceeding in addition to the attorney's fee allowed by law in a civil action, and all the said costs and attorney's fees shall be paid into the county treasury and shall be credited to the same fund to which the fees collected by county officers are credited: Liens. Attorney's fee.
Provided, That the sheep inspector may employ an attorney to assist the prosecuting attorney in such case, Proviso.

when said attorney's fees will go to such attorney so employed.

Fraud on part of inspector. SEC. 23. The sheep inspector and his deputies shall in case that they or either of them or any of them, shall act fraudulently in administering this law, or enter into collusion with any person to evade it or to avoid the consequences of its violation, shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

Sheep to be returned—when. SEC. 24. Sheep brought into any county in this state, or moved through the said county without a proper certificate, shall be returned under the direction of the sheep inspector to the place from which they were so illegally moved, should the same be in the county where they are found, and if such place should be without the county they shall be moved to the border of the county where they are so found, and they shall there be held by the sheep inspector until the charges for driving said sheep or conveying said sheep to said point have been paid, including five dollars per day for the inspector or his deputy while engaged in such work, and such expenses shall be a lien against said sheep, and shall be enforced as other liens herein provided for are enforced: *Provided*, That said sheep shall only remain in the hands of the inspector until the appointment of a receiver by the court to take charge of the same, and it shall be the inspector's duty to see that this is done speedily.

Charges.

Proviso.

Limits defined. SEC. 25. In establishing the quarantine limits herein provided for the same shall be established only upon the range or land leased or owned by the owner of the sheep or the person in charge thereof, except where the same can be established on public lands of the United States, not the customary range of another, or lands obtained from private parties by their consent, either by the sheep inspector or the owner of said sheep, or the person in charge thereof, and in case it shall become necessary for said sheep to be driven or transported to a place where the same may be quarantined without infringing the rights of others, the sheep inspector shall carefully provide the route to be taken by

said sheep and supervise the movement thereof, and see to it that said sheep shall not come into contact with other sheep or near enough to affect them with the scab or scabbies or any other contagious or infectious disease.

SEC. 26. It is hereby made the duty of every sheep owner and of every person having charge of sheep or herding or working with sheep in any capacity to report to the sheep inspector of the county where such sheep are located, the existence of scab or scabbies, or any other contagious or infectious disease among said sheep as soon as possible after such person has knowledge of the existence thereof, and any such person who fails to give such information to such sheep inspector, or who knowingly or willfully conceals the existence of such disease or diseases amongst the sheep owned by him, or in his charge, or being herded by him or with which he is working in any capacity, shall be guilty of a misdemeanor and punished as hereinafter provided.

Reports from sheep owners.

Failure to report.

SEC. 27. In the event of any part of this act being declared invalid or unconstitutional by any court, the remainder of the act shall be and remain in full force and effect.

Constitutionality.

SEC. 28. The word person as used in this act shall include corporations, firms, associations and companies, as well as individuals, and the word "sheep inspector," or inspectors wherever used herein shall be deemed to be and used as "sheep inspector" as established in this act, and the words "deputy" or "deputies," shall be deemed to follow the word "inspector" wherever used in this act.

General definitions.

SEC. 29. Any person who shall violate this act, or any part thereof shall be deemed to be guilty of a misdemeanor and on conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be punished by confinement in the county jail for not less than thirty days, nor more than six months, and for the commission of the acts herein which are specifically declared in various parts of this [act] to be misdemeanors, aside from the general

Violations and penalty therefor.

provisions contained in this section, the person guilty thereof shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in the county jail for not less than ten days nor more than six months.

Acts hereby
repealed.

SEC. 30. The act of the Legislative Assembly of the Territory of Washington, approved February 2, 1888, entitled, "An act in relation to and to prevent the introduction or spread of disease among sheep," and the act of the Legislature of the State of Washington, approved February 26, 1897, and entitled, "An act in relation to, and to prevent the introduction, or spread of disease among sheep and repealing an act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888, and declaring an emergency," are each hereby repealed, and all other acts and parts of acts in conflict with this act are hereby repealed.

Emergency.

SEC. 31. An emergency exists and this act shall take effect immediately.

Passed the Senate March 6, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXVII.

[S. B. No. 154.]

PROVIDING FOR DRAINAGE AND SEWERAGE IN CITIES OF THE FIRST CLASS.

AN ACT authorizing cities of the first class to provide for the drainage and sewerage of such cities; the levy and collection of taxes or assessments, and the issuance of bonds to pay therefor.

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

Empowered to
construct, etc.

SECTION 1. Any city of the first class is hereby empowered to provide for the sewerage and drainage of such city; with full power to establish, construct and maintain a system, or systems, therefor; and shall have full jurisdiction and authority to manage, regulate and

control the same. It may establish sewer or drainage districts in conformity to the requirements of the topography of the ground ; and construct in each of said districts a main or trunk sewer ; and such district shall include real estate which can be conveniently sewered or drained into such main or trunk sewer, and which will be benefited thereby. It may provide for the payment for such sewer by a special tax, or by special assessments upon the land included in such district excluding all improvements thereon, whether the same be affixed to the land or not. The city may, from time to time, establish in connection with such main or trunk sewer, sub-sewer districts, and construct and maintain in such districts a sub-sewer, connecting and draining, directly or indirectly, into such main or trunk sewer. Such sub-sewer district shall include all real estate which can be conveniently drained or sewered by the sub-sewer constructed therein, and which will be benefited thereby, and it may provide for the cost of establishing and constructing such sub-sewer by a tax upon all the real property in such sub-sewer district, or by special assessments upon the land included in, and which will be benefited thereby, excluding all improvements thereon, whether the same be affixed to the land or not. The boundaries of such sewer and sub-sewer districts shall be established and fixed by ordinance. Maps, plans and specifications for any main or trunk sewer, and for any sub-sewer, shall be prepared in such manner as said city may by charter or ordinance prescribe; but shall be adopted by ordinance before any assessment or tax to pay for such sewer or sub-sewer shall be levied.

SEC. 2. Such cities may prescribe by general ordinance the mode and manner in which the charge upon the property in the sewer or sub-sewer district shall be assessed and determined for the purpose of paying the cost and expense of establishing and constructing such sewer or sub-sewers: *Provided, however,* That there shall be, in all cities, a provision for a hearing upon objections to the assessment roll by the parties affected

before the council or other legislative body as a board of equalization, which hearing shall be after publication of reasonable notice thereof, such notice to be published in such manner and for such time as may be prescribed by ordinance. Such charge shall be a lien paramount to all other liens, except liens for assessments and taxes, upon the property assessed from the time the assessment roll shall be placed in the hands of the collector. All sewer taxes and assessments levied upon property of the United States, State of Washington, State University, county and school districts and of the city (except streets, avenues, public ways and alleys, which shall not be assessed) shall be paid by the city out of the general fund.

SEC. 3. Such city shall prescribe by ordinance within what time or times such taxes, assessments or installments thereof shall be paid, and may provide for the payment and collection of interest at a rate not to exceed eight per cent. per annum upon all unpaid installments. Such city may prescribe by general ordinance in what manner and to whom such assessments and installments shall be paid, and for the giving of notice of publication for a reasonable time in the official newspaper that the assessment roll is in the hands of the collector, that the taxes or assessments are payable, and the date when the same become delinquent. Such notice shall be a sufficient demand for payment, and it shall be the duty of any person whose property is taxed or assessed for improvements, as herein provided, to pay such tax or assessment before the same becomes delinquent. Taxes, assessments or installments thereof shall, when delinquent, bear such interest and penalty as may by ordinance be prescribed, and such penalty and interest shall be added to and become a part of the assessment lien. Delinquent taxes or assessments shall be enforced and the lien thereof foreclosed in such manner as the city may by ordinance prescribe, and cities of the first class are hereby authorized and empowered to provide for the sale of lands upon which there are

Lien.

Taxes.

Exception.

Assessments.

Notice.

Demand.

Delinquent
taxes, etc.

delinquent sewer taxes or assessments for the amount of such taxes, assessments, penalties, interest and cost as may be due, upon reasonable published notice (the time of publication and manner of such notice to be prescribed by general ordinance) the execution and delivery of certificate of sale to the purchaser, and the time, manner and costs of redemption: *Provided*, That ^{Proviso.} said time shall not be less than one year from date of sale; the execution and delivery of tax or assessment deeds; and may, so far as consistent with the laws and constitution of Washington and of the United States, prescribe the effect of such deeds as *prima facie* and conclusive evidence of the validity and regularity of the improvement and tax or assessment proceedings culminating in the issuance of such deeds. Such city may provide for the bringing of suits in court in the ^{Suits.} name of the city to enforce the collection of such taxes or assessments, and the foreclosure of such tax and assessment liens, and for the recovery of costs. In such proceedings; all owners of property upon which there are delinquent taxes, assessments or installments thereof, arising under a single roll may be joined as defendants, ^{Joint defendants.} and all liens for such taxes or assessments may be foreclosed in such action. In such proceedings, it shall be sufficient to allege the passage of the tax or assessment ordinance, the levy of the tax or assessment, the confirmation thereof, and the failure to pay within the time prescribed. The tax or assessment roll and order of confirmation, or authenticated copies thereof, shall be *prima facie* evidence of the regularity and validity ^{Evidence.} of the proceedings connected therewith, and the burden of proof shall be upon the defendants. The decree in ^{Decree.} such proceedings shall be for the amount due and costs, and for the sale of the land therefor. Such city may provide for the issuance of delinquent tax or assessment certificates for any and all delinquent taxes, as- ^{Certificate} assessments, or installments thereof, levied or assessed for the payment of the cost of sewers or sub-sewers, and may provide that such certificates shall bear interest at the prescribed rate, not to exceed fifteen per

cent. per annum from the date of issuance, and such certificates shall constitute a lien upon the premises against which the same are issued for the amount of the delinquent tax or assessment and costs. It may provide that such certificates may be foreclosed in the same manner and with the same effect as mortgages upon real estate are foreclosed, or as delinquent tax certificates are foreclosed. It may make such certificates assignable in writing, may guaranty them in whole or in part, and prescribe the time, manner and terms in and upon which the land may be redeemed. Such certificates shall be *prima facie* evidence that the land against which the same were issued was subject to the tax or assessment; that the tax or assessments were properly and regularly levied or assessed, and that the tax or assessment, or installment thereof, for which the certificate was issued was not paid prior to the issuance thereof. The city may prescribe any other means for the enforcement of the payment of delinquent sewer taxes or assessments, or installments thereof, and the foreclosure of the tax or assessment lien, not forbidden by law. Such city may provide that, at the sale of lands for delinquent sewer taxes or assessments, or installments thereof, the lands shall be struck off to it, if there be no bidder therefor of the amount of the delinquent tax or assessment, penalties, interest and costs, and that the certificates of sale and tax or assessment deeds shall be issued and delivered to it, in its name, as purchaser, and may provide for the issuance to itself of all or any of the delinquent tax or assessment certificates, either at the date of delinquency or after a fixed period, and may foreclose the same in its own name: *Provided, however,* That any and all property which such city may acquire through proceedings for the collection of delinquent sewer taxes or assessments, or installments thereof, or the foreclosure of the liens thereof, shall be held in trust for the fund for the creation of which such tax or assessment was levied or assessed; and the city shall provide for the execution of such trust in such manner as may be equitable: *Provided further,* That

Foreclosure.

Certificates assignable.

Prima facie evidence of valid assessment.

Means for enforcing payment.

Proviso.

such city shall not be liable for any sewer or sub-sewer tax or assessment fund, or for any claims or demands whatsoever against such fund except as trustee therefor; and the holders or owners of any claims or demands against such tax or assessment fund shall look only to such fund for the payment thereof, and shall have no claim against said city therefor, except from such fund. The moneys collected or received upon taxes or assessments for sewers or sub-sewers shall be kept as a separate fund and shall be solely for the purposes for which such fund was credited.

SEC. 4. For the purpose of the payment of the cost of such sewers or sub-sewers, such cities may, by ordinance, authorize the issuance of interest bearing bonds or warrants of the sewer or sub-sewer district, which shall include the property liable to assessment for the payment of the cost of such sewer or sub-sewer; and taxes or assessments may be levied and collected as hereinbefore provided for the purpose of paying and retiring such bonds or warrants, together with interest accruing thereon. Such bonds or warrants may be issued and disposed of for such purpose in such manner as may be by law, charter or ordinance prescribed: *Provided, however,* That such bonds or warrants shall not be disposed of for less than par and accrued interest. Such bonds shall be made payable on or before a date not to exceed ten years from and after their date, and may be issued subject to call. They shall bear such interest as may be prescribed, not to exceed eight per cent. per annum, which interest shall be payable annually or semi-annually as prescribed by ordinance. Such bonds or warrants shall be payable only from the funds created by the special taxes or assessments, hereinbefore authorized, upon the property in the sewer or sub-sewer district; and the holder of such bonds or warrants shall look only to such fund for the payment of the principal and interest thereof, and shall have no claim or lien therefor against the city by which the same is issued, except from such fund.

Proviso.

Separate fund.

Bonds.

Disposition of bonds.

Proviso.

When payable.

Rate of interest.

Payable from special funds only.

Cumulative provisions.

SEC. 5. The provisions and remedies provided by this act are and shall be cumulative of existing provisions and remedies, and nothing in this act contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this act.

Passed the Senate February 26, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXVIII.

[S. B. No. 174.]

AMENDING BALLINGER'S CODE RELATING TO THE MILITARY CODE.

AN ACT to amend sections 1926, 1929, 1930, 1950, 1953, 1954, 1963, 1981, 1990, 1992, 1993, 2025, 2028, 2046, 2061, of Ballinger's Annotated Codes and Statutes of Washington, relating to the Military Code of the State of Washington, providing for courts of inquiry, and declaring an emergency.

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

Amendments.

Complement.

Allotment.

SECTION 1. That section 1926 of said code be amended to read as follows: "Sec. 1926. In time of peace, the National Guard of Washington shall consist of not less than twelve nor more than sixteen companies of infantry, one troop of cavalry, one battery of light artillery, and such bands, signal corps and medical department as are hereinafter provided for. The said companies, troop and battery may be allotted and stationed in such localities of the state as the necessity and advantage of the service require, in the discretion of the commander-in-chief, with reference to the means of rapid concentration, and may be arranged into regi-

ments, or battalions with power to alter and change the organization to conform to any system of drill or instruction, now or hereafter adopted for the army of the United States, as the commander-in-chief may deem necessary. Infantry, cavalry and artillery companies shall consist of not less than thirty-two non-commissioned officers, musicians and privates; infantry companies of not more than one hundred and forty-five, cavalry troop of not more than one hundred and battery of light artillery of not more than one hundred and twenty non-commissioned officers, musicians and privates. The commander-in-chief may limit the maximum membership of any company, troop or battery at any time to a less number than one hundred and forty-five, one hundred, and one hundred and twenty respectively, at his discretion. Any company presenting less than the minimum number of thirty-two enlisted men, at any stated muster or inspection, shall be disbanded by order of the commander-in-chief.

Infantry, etc

Membership limited.

Disbandment.

SEC. 2. That section 1929 of said code be amended to read as follows: Section 1929. The national guard of this state may, in the discretion of the commander-in-chief, be organized into one brigade. If thus organized the brigade officers shall be as follows: One brigadier general and staff consisting of one assistant adjutant general, one assistant chief engineer, one brigade inspector, one judge advocate, one brigade quartermaster, one brigade commissary, one inspector of rifle practice and one chief signal officer, each with the rank of lieutenant colonel, and three aides-de-camp, with the rank of first lieutenant: *Provided*, That the national guard of this state shall not be organized into a brigade unless the strength of the national guard shall be two or more regiments.

Amendment.

Organization.

Proviso

SEC. 3. That a regiment of infantry shall consist of one colonel, one lieutenant colonel, three majors, fifteen captains, fifteen first lieutenants and fifteen second lieutenants, one sergeant major, one quartermaster sergeant, one commissary sergeant, three battalion sergeants major, two color sergeants, with rank, pay and allow-

Officers.

ance of battalion sergeants major, and twelve companies organized into three battalions of four companies each. Of the officers herein provided, the captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers, and such other details as may be authorized by law or regulations: *Provided*, That the commander-in-chief may increase or decrease the number of officers and non-commissioned officers at his discretion.

Available as staff officers.

Proviso.

Amendment.

Official bond of adjutant general.

Salary.

Duties.

SEC. 4. That section 1950 of said code be amended to read as follows: Sec. 1950. The adjutant general must execute an official bond to the State of Washington for the sum of \$20,000 conditioned for the faithful performance of the duties of his office. His salary shall be \$2,000 per year, payable monthly, and his necessary expenses and the expenses of his department to be limited by the board of military auditors. His duties shall be: To keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the state not issued to the various companies. To keep on file in his office all returns and reports made by and to him. To keep an account in the manner directed by the commander-in-chief, of all moneys received and disbursed by him. To attest all commissions issued to military officers. To make out and transmit militia returns prescribed by acts of congress, and to perform such other duties as are required by the provisions of this act, and such as the commander-in-chief may direct. He shall make quarterly reports and an annual report on or before the first day of January of each year of the commander-in-chief, upon the condition of the national guard and a detailed statement of all expenses of his department during the preceding year and the present condition of all military property under his charge. He shall cause this act to be printed, indexed, annotated, bound in pamphlet form and distributed, one copy to each commissioned officer in the national guard. He shall also furnish to brigade, regimental, battalion and company commanders and to the judge advocates, each, a copy of the

Quarterly reports.

Printing of report.

Shall furnish army regulations.

rules and regulations of the United States army. The adjutant general shall have a seal and all copies, orders, records and papers in his office, duly certified and authenticated under said seal shall be evidence in all cases in like manner as if the originals were produced. Seal of office.

SEC. 5. Section 1953 of said code be amended to read as follows: "Sec. 1953. All officers shall be commissioned by the commander-in-chief and no person shall be commissioned in the national guard of this state unless he is a citizen of the United States and of the State of Washington of twenty-one years of age or upwards. No commission shall be issued to any person in the national guard save to general officers and the staff of the commander-in-chief, until the officer appointed shall have passed a satisfactory examination before a board as to his knowledge of military duties, proportionate to the office to be held, his general knowledge and his fitness for the service. If such a person shall be adjudged unqualified for such office, another person shall after due notice of such adverse decision, be appointed. The commander-in-chief shall appoint such examining boards and may remove any member thereof and fill any vacancy thereon, such examining boards to be appointed from any corps, and to consist of three officers, one of whom shall be a medical officer: *Provided*, That whenever practicable, they shall be selected from grades superior to the officer to be examined. Such board shall have the same power to compel the attendance of witnesses, administer oaths, and take testimony as is possessed by general courts martial. No person shall be eligible for appointment to office in the national guard for the period of one year after he shall have been reported adversely by an examining board. Any officer required by law or by orders to appear before such boards shall do so at his own expense. Amendment. Commissions. Examinations. Notice of adverse decision. May remove or fill any vacancy. Proviso. Compel attendance of witnesses. No person shall be eligible for period of one year after adversely reported. Appear at his own expense.

SEC. 6. That section 1594 of said code be amended to read as follows: Sec. 1594. The military officers of the state shall be chosen as follows: The brigadier general and the adjutant general shall be appointed by the com- Amendment.

commander-in-chief with the consent of the Senate. Any
 Vacancy. vacancy in said office from any cause may be filled by
 the commander-in-chief subject to confirmation or re-
 jection by the Senate at the next meeting of the Leg-
 islatre thereafter. Field officers of regiments and
 battalions shall be appointed by the commander-in-
 chief, and no person shall be eligible as a field officer
 Must have served three years to be eligible as field officer. who has not served as an officer at least three years in
 the aggregate in either the national guard of this state,
 or some other state of the Union, or in the army of the
 United States. The commissioned officers of companies
 shall be appointed and commissioned upon a recom-
 Majority petitioning commissioned officers shall be appointed. mendation of a majority of those signing the petition
 for the organization of any company. Whenever a va-
 cancy occurs in the commissioned office of the National
 Guard of Washington, below the rank of major, the offi-
 Shall be gazetted for promotion. cer next in rank in a company, battalion or regiment
 shall be gazetted for promotion and shall appear before
 the examining board for examination at such time as
 the board may order and upon passing a satisfactory
 examination shall be commissioned to fill the vacancy
 existing in said company, battalion or regiment. Va-
 cancies in the office of second lieutenants of companies
 shall be filled in the following manner: All the sergeants
 Sergeants eligible for appointment. of the company shall be eligible for appointment and
 the examining board shall order them to appear before
 it for a competitive examination for the office: *Provided*,
 Proviso. That any sergeant of such company who may have been
 appointed a non-commissioned staff officer, shall also
 be eligible for examination and appointment to fill a
 vacancy in the company in which he was originally a
 sergeant. The sergeant whom the board considers to
 be best qualified for the position after the examination,
 shall be appointed to fill the vacancy. No officer shall
 No officer shall be recommended for promotion who fails to make record of seventy-five per cent. be recommended for promotion who fails to make a
 record of seventy-five per cent. on examination, and
 where such failures occur, the officer shall be recom-
 mended for honorable discharge by the examining
 board, and the officer next in rank shall be gazetted for
 examination and promotion. Whenever a vacancy shall

exist in the office of any field officer in any regiment, or battalion not a part of a regiment the vacancy shall be filled in the manner herein provided: *Provided*, Whenever a vacancy occurs in any office by reason of the expiration of the term of office, such officer may, if found qualified upon examination be reappointed to fill the vacancy. No person shall be eligible as captain of a company except he shall have served at least one year as an officer, and three years in the aggregate in the national guard of this state, or some other state of the Union or in the army of the United States, or is a graduate of a military college requiring at least three years military service. For the purposes of this act, the word company or companies shall apply to and include the cavalry, infantry and artillery forces. Company commanders shall give bond in the sum of \$2,000, in form to be prescribed by the adjutant general, conditioned for the faithful discharge of the duties of their respective office and the proper care and preservation of the state funds and property in their charge. The staff of the commander-in-chief shall be appointed by the Governor, except as herein provided for, and their commission shall expire with the term for which the Governor appointing them shall have been elected. All officers of the Governor's staff shall hold office during his pleasure, and until their successors are appointed and qualified. The brigadier-general shall appoint his staff officers subject to the approval of the commander-in-chief, and they shall hold office at his pleasure and their commission shall expire with the term for which the officer appointing them shall have been appointed. Commanding officers of a regiment or battalion, not a part of a regiment, shall appoint their respective officers in line of promotion upon proper examination. No person shall be appointed as a staff officer, except judge advocates and chaplains, unless he shall have served at least three years in the national guard of this state, or of some other state in the Union or of the army of the United States: *Provided*, That nothing in this sec-

Vacancy.

Proviso.

Vacancy.

Eligible as captain.

Give bond.

Staff appointed by Governor.

Proviso.

Brigadier general appoint his staff.

Shall have served three years.

Proviso.

tion shall be so construed as to apply to the first officers selected of any company organized after the passage of this act.

Manner of admission into national guard of Washington.

SEC. 7. That section 1963 of said code be amended to read as follows: "Sec. 1963. No company other than those now organized and in the service as a part of the national guard shall be admitted into the national guard of Washington except upon the recommendation of the military board, approved by the commander-in-chief upon petition duly presented for that purpose. No officer shall be appointed upon the organization of a company hereafter organized, unless, at least the prescribed minimum number of men have petitioned therefor. If such company neglects or refuses to recommend persons for officer, or the person recommended shall not accept and qualify, the commander of the regiment or battalion to which the company may be assigned shall detail some officer of the line of the regiment or battalion to command said company until some officer is appointed. Such officer shall have the same power and be subject to the same liabilities as if he were the captain of such company. The military board shall consist of the commander-in-chief, the adjutant general and the senior field officer.

Selection of officers.

SEC. 8. That section 1891 of said code be amended to read as follows: "Sec. 1891. All non-commissioned officers, musicians and privates of a company or of a regiment or battalion staff, or members of a signal corps and medical department, and of the regular organized and enlisted band shall be furnished with the service uniform of the United States army, fatigue pattern, and arms and equipments, at the expense of the state. The service uniform and equipments shall be issued to the several organizations of the national guard upon requisition of the proper officers. No dress uniforms shall hereafter be furnished by the state. Uniforms of all commissioned officers shall be the undress uniform such as is worn by the officers of the army of the United States. Whoever shall secrete, sell, dispose of, offer for sale, purchase, retain after

Who shall receive uniforms.

Kind of uniform.

proper demand made, or in any manner pawn or pledge any military property which shall have been issued under the provisions of this act, and any person not a member of the national guard, except organizations especially authorized to do so, who shall wear any uniform or designation of grade similar to those in use by the national guard issued or authorized under the provisions of this act, shall forfeit to the people of this state \$100, and any member of the national guard who shall, when not on duty, wear any such uniform or equipments without permission of the commanding officer, shall be subject to a fine of not more than \$10, which fine shall be forthwith paid over to the State Treasurer.

Penalty for wearing uniform without authority.

SEC. 9. That section 1990 of said code be amended to read as follows: Sec. 1990. The commander-in-chief, State Auditor and the adjutant general, shall constitute a board of military auditors. The commander-in-chief is president of the board and the adjutant general is secretary. The board must have a seal which must be attached to all accounts audited by them.

Board of military auditors.

SEC. 10. That section 1992 of said code be amended to read as follows: Sec. 1992. Necessary expenses of a general, brigade, regimental or battalion headquarters shall be audited and allowed by the board of military auditors and paid as other military bills, and such expense shall in no event exceed for brigade and regimental headquarters \$25 per month, each, and for each battalion headquarters, \$5 per month.

Auditing of expense accounts.

SEC. 11. That section 1993 of said code be amended to read as follows: Sec. 1993. There shall be provided by the state transportation and subsistence, and in addition thereto there shall be paid to each officer and enlisted men for the annual parade, encampment or field duty, and when ordered for duty by the commander-in-chief, except when so ordered for inspection muster or rifle practice, the [following] sums for each day actually on duty, to be known as duty pay: Musicians or privates, \$1 per day, musicians, members of enlisted bands, \$2, all non-commissioned officers,

Rate per day of officers and enlisted men.

\$1, each enlisted man who has served a full term of enlistment shall be entitled to additional pay at the rate of twenty-five cents per day. All commissioned officers shall receive \$2 per day, when on actual duty. Each officer and enlisted man, mounted and equipped, shall be paid \$1.50 per day for each horse actually used by him. When on duty or assembled therefor or in case of a riot, tumult, breach of the peace, war, insurrection, or invasion, or whenever called in aid of the civil authorities, commissioned officers shall be entitled to and shall receive the same pay and allowance as commissioned officers of the regular army of the United States, of equal grade and term of service. First sergeants on such service shall receive pay at the rate of \$3 per day, sergeants at \$2 per day, corporals at \$1.75 per day and privates at \$1.50 per day. The necessary subsistence and quartermaster stores and transportation for the troops when ordered on any duty, may be contracted for by the proper departmental officers by the direction of the commander-in-chief, and paid for as other military bills.

Military courts.

SEC. 12. That section 2025 of said code be amended to read as follows: "Sec. 2025. The military courts of this state shall be (1) courts of inquiry, (2) general courts martial, (3) garrison courts martial, (4) delinquency courts, which are of two kinds, (a) for officers, (b) for enlisted men.

Who shall constitute military courts.

SEC. 13. Courts of inquiry to consist of from one to three officers of at least equal grade with the officers or with the senior officer if there be more than one, in regard to whom the court is ordered, may be ordered by the commander-in-chief for investigating the conduct of any officer, or for investigating any fact made the subject of military complaint. Such court of inquiry shall, without delay, report the evidence adduced, a statement of the facts and when required, an opinion thereon to the commander-in-chief.

SEC. 14. That section 2028 of said code be amended to read as follows: "Sec. 2028. The commanding officer of each regiment or battalion not a part of a regiment,

may appoint a delinquency court, or delinquency courts, to consist of one commissioned officer of his command, for the trial of enlisted men of his command, and shall designate the organization or organizations over which such court shall have jurisdiction. The commanding officer of each brigade may appoint delinquency court.

The commanding officer of each brigade may, in like manner appoint a delinquency court, or delinquency courts, for the trial of enlisted men in such troops, batteries, separate companies and signal corps as are under his direct command, and shall designate the organizations over which each court shall have jurisdiction. The commander-in-chief may in like manner appoint a delinquency court, or delinquency courts for the trial of enlisted men of any organization or organizations not herein provided for. Any officer so detailed may be relieved from the duties of such court at any time, by the officer appointing him, or his successor in office, and another detailed as such court. Proceedings pending before such court shall not abate or be suspended by reason of such relief and new detail, and any officer so detailed shall have full power to do and perform all acts necessary to complete any proceeding pending before the court to which he was appointed, and to carry into effect any judgment, mandate, order or process made or issued by such court previous to such relief and new detail. A delinquency court shall be permanent and continuous. Its sessions shall be held at such time and in such places as may be most convenient for the prompt disposition of the business of the court, within the discretion of the officer constituting the same. The officer constituting said court may appoint and at any time remove a clerk thereof who shall receive a reasonable compensation while on duty, to be fixed by such officer with the approval of the officer appointing the court. It shall be the duty of the commanding officer of every regiment or battalion, every company attached to a regiment or battalion, and of every battery, troop, separate company, signal corps or hospital or ambulance corps to make return to the delinquency court appointed for or having jurisdiction

Commander-in-chief may appoint delinquency court.

Officer may be relieved.

Any officer detailed shall have full power.

Delinquency court permanent.

Officer may appoint a clerk.

Make return.

over the enlisted men of his command, as herein provided, of all delinquents in his command, whereupon such delinquents must be forthwith summoned to appear before such delinquency court at the time and place designated in the summons. The proceedings and sentence of such court, shall, from time to time, as may be convenient for the prompt disposition of its business, be delivered to the officer ordering the court or his successor in command who shall approve or disapprove the same within fifteen days thereafter, and shall notify the delinquent of his approval or disapproval thereof and from the sentence of any such court imposing a fine or penalty for any delinquency, the person tried may appeal within ten days after the notification of the fines or penalty to the officer ordering the court or his successor in command, who may remit or mitigate such penalty or fine.

Proceedings
and sentence.

Shall approve
or disapprove.

May remit or
mitigate fine.

SEC. 15. That section 2046 of said code be amended to read as follows: "Sec. 2046. Enlisted men shall be tried by general courts martial —

1st, For disobedience of orders.

2d, For disrespect to his superiors.

3d, For mutiny.

4th, For desertion.

5th, For drunkenness on duty.

6th, For conduct prejudicial to good order and military discipline.

7th, For any act contrary to the military code or to the provisions of the regulations for the government of the national guard or to the by-laws of the organization to which he belongs, except for non-payment of dues and fines. On conviction, such enlisted man may be sentenced to be dishonorably discharged with loss of time served, reprimanded, and if a non-commissioned officer reduced to the ranks, dishonorably discharged or fined to an amount not exceeding \$50, or all or either of such fines and penalties.

Enlisted man
may be
sentenced.

Amount of
fine.

SEC. 16. That section 2061 of said code be amended to read as follows: "Sec. 2061. Prizes for rifle practice. The commander-in-chief is authorized to use annually

the sum of two hundred and fifty dollars to be given in prizes for the promotion and encouragement of rifle practice. Said sum shall be audited and paid as other military expenses and shall be [competed] for under such regulations as shall be prescribed by the commander-in-chief and general inspector of rifle practice.”

Sum to be given for prizes.

SEC. 17. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate March 1, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXIX.

[S. B. No. 197.]

AMENDING ACT OF 1899 RELATIVE TO REVENUE AND TAXATION.

AN ACT to amend section 3 of an act approved March 15, 1899, relating to revenue and taxation, and declaring an emergency.

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

SECTION 1. That section 3 of act approved March 15, 1899, relating to revenue and taxation, be and the same is hereby amended to read as follows:

Sec. 3. That section 43 of said act is hereby amended to read as follows: Sec. 43. The assessor shall list all real property according to the largest legal subdivision as near as practicable. The assessor shall make out in the plat and description book in numerical order a complete list of all lands or lots subject to taxation, showing the names and owners, if to him known, and if unknown, so stated; the number of acres and lots or parts of lots included in each description of property and the value per acre or lot: *Provided*, That the assessor shall give to each tract of land where described by metes and bounds a number, to be designated as Tax No. which said number shall be placed on the tax rolls to indicate that certain piece of real estate bearing

Assessor shall list all real property.

Proviso.

such number, and described by metes and bounds in the plat and description book herein mentioned, and it shall not be necessary to enter a description by metes and bounds on the tax roll of the county, and the assessor's plat and description book shall be kept as a part of the tax collector's records: *And provided further,*

Proviso.

Commissioner's order.

That the board of county commissioners of any county may by order direct that the property be listed numerically according to lots and blocks or section, township and range, in the smallest platted or government subdivision, and when so listed the value of each block, lot or tract, the value of the improvements thereon and the total value thereof, including improvements thereon, shall be extended after the description of each lot, block or tract, which last extension shall be in the column headed "Total value of each tract, lot or block of land assessed with improvements as returned by the assessor." In carrying the values of said property into the column representing the equalized value thereof, the county auditor shall include and carry over in one item the equalized valuation of all lots in one block, or land in one section, listed consecutively, which belong to any one person, firm or corporation, and are situated within the same road or school district or municipal corporation, and in the assessed value of which the county board of equalization has made no change.

Equalized valuation must be extended.

Time for delivery to assessors.

Where assessed valuation are changed, the equalized valuation must be extended and shown by item. The detail and assessment lists and blanks shall be in readiness for delivery to the assessors on the third Monday of January of each year.

Emergency.

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

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXX.

[H. B. No. 321.]

FOR THE RELIEF OF F. H. GOSS.

AN ACT for the relief of F. H. Goss, and making an appropriation therefor.

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

SECTION 1. That there is hereby appropriated from any money in the state treasury not otherwise appropriated the sum of seven thousand, five hundred dollars, for the relief of F. H. Goss to be paid to him in full settlement of work and labor done, material furnished and expenses incurred in pursuance of his contract for the construction of the state capitol building at Olympia, Washington, and for all damages claimed by said Goss in connection with the matter of said capitol building, upon his filing with the State Auditor a release in full of all demands, claims, actions and causes of action which he has or may have against the State of Washington growing out of said contract.

Relief of
F. H. Goss.

Matter of capi-
tol building.

SEC. 2. Upon filing the release in full as above provided the State Auditor is hereby authorized and directed to draw a warrant on the state treasury in favor of the said F. H. Goss for said amount, and the said treasurer is directed to pay said warrant out of any money in said treasury not otherwise appropriated.

Release.

Auditor to
draw warrant.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXXI.

[S. B. No. 272.]

PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF A SCIENTIFIC SCHOOL AND CHEMISTRY BUILDING.

AN ACT to provide for the control, management and disposition of four sections of land granted to the State of Washington for the establishment and maintenance of a scientific school, making an appropriation for the erection and equipment of a chemistry building at the Agricultural College and School of Science.

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

Establishment of scientific school.

SECTION 1. That the board of regents of the Agricultural College, Experiment Station and School of Science of the State of Washington is hereby authorized and directed to select and set aside for the purposes hereinafter described four full sections of land in lots of not less than forty acres each from the lands granted to the State of Washington for the establishment and maintenance of a scientific school and belonging to the Agricultural College and School of Science. That the entire management, control and power of disposition of said four sections of land be and hereby are vested in the board of regents of the Agricultural College, Experiment Station and School of Science and subject to the provisions of this act.

Vested in regents of Agricultural College, etc.

Manner of voting.

SEC. 2. The said board of regents may by a majority aye and nay vote, at any regular or special meeting said vote to be entered in the minutes, proceed to sell said land or the valuable material thereon, or such portion thereof as they may see fit. Such sale shall be by public auction and the land shall be offered in lots of not less than forty acres. No part of said tract shall be sold until the value thereof shall be appraised by three appraisers to be appointed by the Governor. Said appraisers shall be paid out of the general fund of the state in the same manner as the appraisers of the Land Commissioner's office for their services and expenses as such appraisers. Prior to said sale said board of regents shall give notice of the time, place of terms of

Appointment of appraisers.

sale by publication for four successive weeks in one or more daily papers published in the state and one or more weekly papers published in the county where said lands are situated, the cost of publication to be paid for in the same manner as the compensation of the appraisers. The place of sale shall be at the front door of the court house of the county wherein such lands are situated, and said sale may be made by the president of the board of regents, or by any other member thereof to be selected by the president. The highest bid made on the day of sale shall be accepted unless it is less than the appraised value of the parcel of land bid for or the valuable material bid for or less than ten dollars per acre, in which case the bid shall be rejected: *Provided*, A majority of the board of regents by an aye and nay vote, entered of record, may reject any or all bids for all or any part of the tract, and may postpone the sale until some future date, which sale shall be advertised in the same manner as the original offer to sell: *Provided, further*, That the successful bidder for any portion or lot or valuable material thereon must pay to the board of regents upon the date of sale, in cash, ten per cent. of the amount of his bid as an evidence of good faith, and upon such payment said board or its president shall deliver to said bidder a receipt stating the amount received and that the same shall be applied on purchase price on said portion or lot or valuable material. If the successful bidder shall refuse to comply with the terms and conditions of sale as hereinafter set forth, said ten per cent. deposited shall be forfeited to the State of Washington for the use of the Agricultural College and School of Science, and shall be, by the president of the board of regents, paid to the State Treasury, who shall place the same in the scientific school fund as hereinafter provided. The successful bidder must pay to the State Treasurer at least one-third cash within thirty days after the bid is awarded to him, and upon such payment shall be entitled to a certificate of purchase to be issued by the Board of Regents stating the amount bid, the amount paid, and the balance

Notice of time and place of sale.

Place of sale.

Bids to be accepted.

Rejection of bids.

Amount paid on date of sale.

Forfeiture of deposit.

One-third cash to be paid in thirty days.

remaining due and when payable. The balance due shall be paid in two equal semi-annual instalments with interest at six per cent. per annum, the first instalment to be paid in six months after the date of said certificate, and the second instalment one year after said date. Upon full payment the purchaser shall receive a deed to the property, to be executed by the Governor, attested by the Secretary of State, with the seal of the state thereto affixed, which deed shall convey to him the title of the state to the property described in the deed. The purchaser may at any time prior to maturity pay said balance remaining due, or any part thereof, with interest to date of payment, whereupon interest on the amount paid shall cease [cease]. The state retains a lien on the property sold for all unpaid balance of the purchase price, and upon any default by the purchaser, the whole of the balance of the purchase price and interest thereon shall be due and a lien may be foreclosed and the equity of the purchase in the land barred and sold, as in suit upon foreclosure of mortgage. In case any one making the highest bid fails to deposit with the board of regents on the date of sale ten per cent. of the price bid, the board of regents may recognize the next highest bidder for such lot or parcel, upon his depositing with the board of regents ten per cent. of the amount of his bid, or they may readvertise and resell said lot or parcel or valuable material, as to them may seem best, such decision to be determined by a majority vote of the board. Any purchaser at said sale shall not be entitled to the possession of the property purchased by him until specially authorized by the board of regents to take possession.

SEC. 3. The board of regents may from time to time, as said land or valuable material or portions thereof are sold in the manner herein provided, authorize the purchasers to take possession of the land or valuable material purchased.

SEC. 4. There shall be kept by the State Treasurer a separate fund to be known as the scientific school fund, into which shall be paid all moneys received from the

Balance. when paid.

Deed issued by Governor and attested by Secretary of State.

Full payment made when.

State to retain lien on property.

How foreclosed.

How purchaser may obtain possession.

Treasurer shall keep separate fund.

sale of the lands, or valuable material thereon, belonging to the Agricultural College and School of Science, which fund shall be paid out by the State Treasurer only upon warrants drawn by the State Auditor, which warrants shall be based upon proper vouchers of the board of regents of the Agricultural College and School of Science: *Provided, however,* That not more than twenty-five thousand dollars (\$25,000) shall, be paid out of said special scientific school fund for the purpose of the election and equipment of a chemistry building.

How moneys shall be paid out.

Proviso.

SEC. 5. There is hereby appropriated, out of the scientific school fund, the sum of twenty-five thousand dollars, or such portion thereof as may be necessary to be expended under the direction of said board of regents, for the following purposes, towit: The sum of twenty thousand dollars for the erection of a chemistry building, and the sum of five thousand dollars for equipping the same at the Agricultural College and School of Science: *Provided, however,* That no warrants shall be drawn, at any time, on said fund, unless the cash is in said fund to pay the same.

Appropriation.

Proviso.

Passed the Senate March 12, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 15, 1901.

CHAPTER LXXXII.

[S. B. No. 130.]

REGULATING THE SALE OF SPECTACLES AND EYE-GLASSES.

AN ACT regulating the sale of spectacles and eyeglasses, providing for licensing the same, and prescribing a penalty for the violation thereof.

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

SECTION 1. It shall be unlawful for any person to peddle, sell or offer for sale or barter any spectacles or

Unlawful to
sell without
having a
license.

eyeglasses, as an article of merchandise, from any boat, wagon, cart or other vehicle of any kind, or from any pack, basket, or other package carried on foot, or from a pocket of his clothing, without having first obtained a license so to do from the county auditor of the county in which said merchandise is sold or to be offered for sale or barter: *Provided*, This act shall not be construed to apply to any person selling spectacles or eyeglasses in his regular, established place of business, nor to administrators or executors selling property of deceased persons at public or private sale.

Proviso.

County auditor
to issue
license.

SEC. 2. The county auditor of the respective counties in this state are hereby authorized and required to issue to any applicant therefor a license to sell or peddle spectacles or eyeglasses, as an article of merchandise, from any traveling boat, wagon, cart or any kind of vehicle, or from any pack, basket or package carried on foot, or from a pocket of the clothing, in any of the incorporated cities or towns and elsewhere in said county, outside of the regular established place of business of such applicant, within this state, for the period of time to be specified in such license upon payment by such applicant of a license fee of five dollars per day for the number of days for which such license is issued.

License fee.

Violation.

Penalty.

SEC. 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of thirty days or by both such fine and imprisonment.

Passed the Senate March 1, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXXIII.

[S. B. No. 148.]

APPROPRIATION FOR WHITE SHIELD HOME, OF
TACOMA.AN ACT appropriating money for the White Shield Home, of
Tacoma.*Be it enacted by the Legislature of the State of Washington :*

SECTION 1. That there is hereby appropriated out of any moneys, not otherwise appropriated, the sum of ^{Appropriation.} twelve hundred dollars for the benefit of the White Shield Home, of Tacoma, Washington, said sum to be paid in monthly instalments of \$50 each, commencing ^{Monthly instalments.} April 1st, 1901, and continuing for the period of twenty-four months. The State Auditor is hereby instructed to draw monthly warrants for the same, payable to the order of the treasurer of the board of managers of said White Shield Home, of Tacoma, Washington.

Passed the Senate February 28, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXXIV.

[S. B. No. 83.]

RELATING TO VACATION OF STREETS AND ALLEYS.

AN ACT relating to the vacation of streets and alleys, and parts of streets and alleys, in incorporated cities and towns.

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

SECTION 1. That any person or body corporate in any city owning an interest in any real estate abutting upon ^{Petition.} any street or alley who may desire to vacate such street or alley, or any part thereof may petition the city council of such city or town to make vacation, giving a description of the property to be vacated, which petition shall be filed with the city clerk of said city or town; ^{Filed with city clerk.} and, (if said petition shall be signed by the owners of more than two-thirds ($\frac{2}{3}$) of the private property abut-

ting upon the part of such street or alley sought to be vacated) said city council shall, by resolution, fix a time when said petition shall be heard and determined, which time shall not be more than sixty (60) days, nor less than twenty (20) days after the date of the passage of such resolution and upon the passage of such resolution it shall be the duty of the city or town clerk to give twenty (20) days' notice of the pendency of said petition by a written or printed notice set up in three (3) of the most public places in said city or town and a like notice in a conspicuous place on the street or alley sought to be vacated, which said notice shall contain a statement that a petition has been filed to vacate said street or alley which shall be described in said notice, together with a statement of the time and place fixed for the hearing of said petition.

Hearing.

Duty of clerk.

Notice.

Vacation by ordinance.

SEC. 2. At the time appointed for the hearing of said petition or at such time as the time may be adjourned to by the city council, the same shall be heard, and if the council shall determine to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley or any part thereof.

Vacated portion to belong to abutting property owners, one-half to each.

Exception.

SEC. 3. That when any street, alley or public way in any incorporated city or town in this state has heretofore been or may hereafter be vacated by the council or legislative body of said city or town, the property within the limits of any such street, alley or public way so vacated shall belong to the abutting property owners, one-half to each, unless within six months after the taking effect of this act, any person or corporation, who may feel himself or itself aggrieved by such a division, may commence an action in the proper courts of this state to determine the title to any such street, alley or public way so vacated.

Vested rights.

SEC. 4. No vested rights shall be affected by the provisions of this act.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXXV.

[S. B. No. 189.]

AMENDING BALLINGER'S CODE RELATIVE TO POWER OF INCORPORATED CITIES AND TOWNS TO MAINTAIN AND CONSTRUCT WATER WORKS, SEWERAGE, ETC.

AN ACT amending section 1077 of Ballinger's Annotated Codes and Statutes of Washington relating to the power of incorporated cities and towns to maintain and construct water works, sewerage, works for lighting, fuel and power purposes, or cable, electric or other railways, and declaring an emergency.

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

SECTION 1. That section 1077 of Ballinger's Annotated Codes and Statutes of Washington, relating to the power of incorporated cities and towns to construct and maintain water works be and the same is hereby amended to read as follows: Amendment.

Sec. 1077. Whenever the city council or other corporate authority of any such city or town shall deem it advisable that the city or town of which they are officers shall exercise the authority conferred upon them, in relation to water works, sewerage, and works for lighting, heating, fuel and power purposes, or cable, electric or other railways, any or all thereof, the corporation shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city or town at a general or special election. Exercise of authority.

Ten days notice of the purpose to submit such system or plan to be voted on at such election shall be given in the newspaper doing the city or town printing by publication in each issue of said paper during said time: *Provided*, That, if the said city or town is to become indebted and issue bonds or warrants for such water works, sewerage system, lighting, heating, fuel or power works or railways, the said proposition and authority to become so indebted shall be adopted and assented to by three-fifths of the qualified voters of said Ordinance.

Submission to voters.

Notice thereof.

Adopted by
three-fifths
vote.

city or town voting at said election, except as to the adoption or rejection of the system or plan of said improvements, which may be adopted by a majority vote. When such system or plan has been adopted, and no indebtedness is to be incurred therefor, the corporate authorities may proceed forthwith to construct and acquire the improvements or lands contemplated, making

Construction.

payment therefor, from any available fund. When the system or plan has been adopted and the creation of an indebtedness by the issuance of bonds or warrants assented to as aforesaid, the said corporation shall be authorized and empowered to construct and acquire

Acquisition of
improvements.

the improvements or lands contemplated, and to create an indebtedness and to issue bonds or warrants therefor, or for the condemnations thereof, as hereinafter

Issuance of
bonds.

provided, to-wit: (a) General city or town bonds may be issued to an amount not exceeding five (5) per cent. of the taxable property, as shown on the last assessment roll of the city or town made for general municipal purposes; such bonds to be additional to all other outstanding indebtedness of the city or town created within constitutional limits. The said bonds shall be issued

Denomina-
tions.

in denominations of not less than one hundred, or more than one thousand dollars; shall be numbered from one up consecutively, shall bear the date of their issue, shall be payable not more than twenty years from date, and shall bear interest not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor

Signed by
mayor, etc.

and attested by the clerk under the seal of the city or town. There shall be levied each year a tax upon the taxable property of such city or town, as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity thereof, an annual sinking fund sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes. Said bonds shall be printed and engraved, or lithographed on good

Annual tax
levy.

bond paper, and a duly authenticated copy of this act, together with the ordinance of the city or town directing the submission of such plan or system to the qualified voters of such city or town for ratification or rejection shall be printed on each bond, together with a printed copy of a signed statement by the mayor and clerk showing the result of said election. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all the bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, and each and every bond executed, issued or sold under the provisions of this sub-division. (b) A special fund may be created for the sole purpose of defraying the cost and expense of construction or acquirement of each class of improvements or lands contemplated, or any condemnation thereof, together with such interest as shall accrue upon the obligations issued therefor, into which said funds the authorities of said city or town may obligate and bind the city or town to set aside and pay a fixed proportion of the revenue or proceeds to be derived from the plan or system, lands or uses of which the said improvement forms the whole or part; so long as any obligations are outstanding against said fund. In fixing said proportion, the authorities of such city or town shall have due regard to the cost of operation and maintenance of the plan or system as constructed or added to, and shall not set aside into the special fund a greater proportion of the revenue and proceeds than, in their judgment, will be available over and above such cost of, maintenance and operation. The city or town authorities may from time to time, by ordinance, transfer to any such special fund any other available funds of said city. Bonds or warrants may be issued against any such special fund to the amount of the cost or charges to be met therefrom. Such bonds or warrants shall be issued in denominations of not less than one hundred and not more than one thousand dollars, shall be numbered from one up con-

Bonds to be printed or lithographed.

Sale of bonds.

Register of bonds.

Special fund.

City bound to set aside fixed proportion of revenue.

Fixing of proportion.

Transfer of funds.

Issuance of bonds or warrants.

Interest. secutively, and shall bear interest not exceeding six per cent., payable semi-annually, the principal of any such bonds being payable upon call of the city or town treasurer in the order of their numbers whenever there is in such special fund, after payment of interest on all outstanding bonds or warrants, a sufficient balance to pay the same. And any such bonds or

Bonds a valid claim against special fund. warrants issued against any special fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund, and the fixed proportion of special revenues obligated to be set aside therein, and shall not constitute an indebtedness of such city or town within the meaning of the constitutional provisions and limitations. The principal and interest of any such bonds or warrants shall be made

Where payable. payable at such place as may be designated. Each such bond or warrant shall state upon its face that it is

Payable from a special fund. payable from a special fund, naming the said fund and the ordinance creating it. Said bonds or warrants shall be printed, or engraved or lithographed on good bond paper, and a duly authenticated copy of this act, together with the whole or a summary of the ordinances of the city or town authorizing and directing the submission of such plan or system to the qualified voters of such city or town for ratification or rejection, and creating the special fund, shall be printed on each such bond or warrant, together with a printed copy of a signed statement by the mayor and clerks showing the result of such election. Said bonds or warrants shall

Summary to be printed on bonds. be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, or the corporate authorities may provide in any contract for the construction or acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof. A

Sale of bonds. register shall be kept of all bonds and warrants, which register shall show the number, date, amount, interest, name of payee and where payable, of each and every bond or warrant issued or sold under the provisions of this sub-division. Upon the creation of any such

Register.

special fund and the issuance of any such obligation against the same, the fixed proportion of revenue shall be set aside and paid into said special fund as provided in the ordinance creating said fund, and in case any city or town shall fail to thus set aside and pay such fixed proportion as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the city or town and compel such setting aside and payment.

Creation of special fund.

Upon failure to set aside holder may bring suit.

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

Emergency.

Passed the Senate February 26, 1901.

Passed the House March 12, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXXVI.

[S. B. No. 138.]

AMENDING ACT RELATIVE TO DRAINAGE DISTRICTS

AN ACT amending section thirteen of an act entitled, "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section 13 of an act entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, be amended to read as follows: Section 13. If the board of drainage commissioners shall, at any time, discover that any lands within said district are being benefited by the drainage system, and the same were by mistake, inadvertence or other cause omitted from the assessment of benefits as provided for in the last preceding section, or which were omitted for the reason that they were not at the time of assessing the benefits provided for in said preceding section, for any cause, subject to a legal assessment,

Amendment.

Lands omitted from assessment.

Petition to be filed in Superior Court. said commissioners shall file a petition in the Superior Court in the original cause setting forth the facts of such benefits, describing the lands omitted, the reason the same were omitted in said original proceedings and giving the names of the owners or reputed owners thereof and praying that said original cause, as to such lands, be opened up for further proceedings for the assessment of the alleged benefits, and upon the filing of said petition summons shall issue thereon and be served on the defendants named in said petition the same as summons is served and issued in original proceedings, as near as may be, except the court may, to avoid costs and in its discretion, call a jury of not less than three jurors; and the jury, in assessing the benefits, shall take into consideration the length of time said lands are to receive the benefits from said improvement and its future maintenance, estimating said time from the date when said lands first became legally assessable, which date must be found by the jury in their verdict as to each tract or parcel found to be benefited: *And provided further*, That in case the expense and the cost of the improvements has been paid for by assessments levied against the land assessed in the original proceedings before the lands provided for in this section are assessed, as provided for herein, then, in such case, the assessments levied from time to time on said last mentioned land shall be paid into the maintenance fund of said district. Every person or corporation feeling himself or itself aggrieved by any judgment for damages or any assessment of benefits provided in this act, may appeal to the Supreme Court of the state within thirty days after the entry of the judgment, and such appeal shall bring before the Supreme Court the propriety and justness of the amount of damage or assessment of benefits in respect to the parties to the appeal. Upon such appeal no bonds shall be required and no stay shall be allowed.

Summons.

Jury.

Proviso.

Appeal within thirty days to Supreme Court.

No bond required.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXXVII.

[S. B. No. 223.]

PROVIDING FOR THE LEASING OF COUNTY PROPERTY.

AN ACT entitled an act for the leasing of county property, and declaring an emergency.

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

SECTION 1. That the board of county commissioners of any county in this state, wherever it shall appear that it is for the best interests of such county and the people thereof, that any part, parcel or portion of the real property and its appurtenances to said county belonging, should be leased for a year or term of years, are hereby authorized and empowered to lease such property under the limitations and restrictions and in the manner hereinafter provided.

Authority to lease.

SEC. 2. Any person or persons desiring to lease any of such lands shall make application in writing to the board of county commissioners of such county; each application shall be accompanied with a deposit of not less than ten dollars or such other sum as the county commissioners may require, not to exceed twenty-five dollars; such deposit shall be in the form of a certified check or certificate of deposit on some bank in said county, or may be paid in cash. In case the lands so applied for shall be leased at the time they are offered, then such deposit shall be returned to such applicant by the board of county commissioners, but if the party making such application shall fail or refuse to comply with the terms of his application and to execute such lease, then such deposit shall be forfeited to the county, and the board of county commissioners shall pay the said deposit over to the county treasurer, who shall place the same to the credit of the current expense fund of the county.

Application in writing.

Deposit of certified check.

Return of deposit.

Failure to comply forfeits deposit.

SEC. 3. When, in the judgment of the board of county commissioners, it is found desirable to lease the land applied for, they shall first give notice of their intention to make such lease by publishing a notice in a

Notice of intention to lease.

newspaper of general circulation within the county where such property is situated, for at least once a week for the term of three weeks, and shall also post a notice of such intention in a conspicuous place in the court house in said county for the same length of time; such notice so published and posted shall designate and describe the property which is proposed to be leased, together with the improvements thereon and appurtenances thereto, and shall contain a notice that the board of county commissioners will meet at the county court house on a day and at an hour, in such notice designated, for the purpose of leasing said property, which day and hour for such leasing shall be at a time not more than a week after the expiration of the time required by this act for the publication of the notice of such meeting.

What notice shall contain.

SEC. 4. At the day and hour designated in such notice or at any subsequent time to which such meeting may be adjourned by said board of county commissioners, but not more than thirty days after the day and hour of the meeting designated in said published notice, the board of county commissioners may, at their discretion, lease the property in such notice described, for a term of years and upon such terms and conditions as to the said board of county commissioners shall seem just and right in the premises; but for no longer term in any one instance, than ten years, and no renewal of a lease once executed and delivered shall be had, except by a releasing and re-letting of said property, according to the terms and conditions of this act.

Lease of land by county commissioners.

For not more than ten years.

SEC. 5 Any person may appear at such meeting of the county commissioners, designated in said notice, or any adjourned meeting thereof, and make objection to the leasing of such property, which objection shall be stated in writing, and in passing upon such objection the board of county commissioners shall, in writing, briefly give their reasons for accepting or rejecting the same, and such objections, and the reasons for accepting or refusing the same shall, by said board of county commissioners, be published in the next subsequent

Objections

Objections must be in writing.

weekly issue of the newspaper in which said notice of ^{Publication thereof.} hearing was published.

SEC. 6. The provisions of this act shall be held to apply to all property now owned by any county in this state ^{Applicable to all property.} and to all property hereafter acquired by any county in this state, and any lease executed under this act, shall be considered as a vested and binding contract between the county owning such property and the lessee in said lease named, and no lease shall be made except to the highest reponsible bidder for the rental ^{Lease to run to highest bidder.} of such county property at the time of hearing set forth in the notice of intention to lease.

SEC. 7. Upon the decision of the board of county commissioners to lease the lands applied for, a lease ^{Lease to be in duplicate.} shall be executed in duplicate to the lessee by the chairman of the board of county commissioners and the county auditor attested by his seal of office which lease shall also be signed by the lessee; such lease shall refer to the order of the board directing such lease, ^{Reference to order.} with a description of the lands conveyed, the periods of payment, and the amounts to be paid for each period.

SEC. 8. An emergency is hereby declared to exist and ^{Emergency.} this act shall take effect immediately.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXXVIII.

[S. B. No. 263.]

PROVIDING FOR SURVEY OF TIDE LANDS ON THE
COLUMBIA RIVER IN FRONT OF THE CITY OF VAN-
COUVER.

AN ACT to provide for the survey of the tide and shore lands on the Columbia river in front of the city of Vancouver, Washington, for an appraisalment of the same and granting abutting owners the preference right of purchase.

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

Commission to
cause survey.

SECTION 1. That it shall be the duty of the harbor line commission to, immediately after the passage of this act, cause a survey of the tide and shore lands within the harbor line on the Columbia river in front of the city of Vancouver to be made.

Appraisalment.

SEC. 2. That after said survey said harbor line commission shall cause the same to be appraised the same as other lands of a similar character are appraised as now provided by law.

Sale.

Proviso.

SEC. 3. That after said appraisalment the same shall be sold according to law: *Provided*, The owner of the abutting land shall have a preference right of purchase for the period of sixty days.

Passed the Senate March 12, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXXIX.

[S. B. No. 210.]

AMENDING BALLINGER'S CODES RELATIVE TO
ELECTION BALLOTS.

AN ACT to amend section 1364 of Ballinger's Annotated Codes and Statutes of Washington, relating to election ballots.

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

SECTION 1. That section 1364 of Ballinger's Annotated Codes and Statutes of Washington, relating to

election ballots, be amended to read as follows: "Sec- Amendment.
tion 1364. All ballots prepared under the provisions of Requirement.
this chapter shall conform to the following require-
ments:

First. Shall be of white and a good quality of paper, Quality of paper.
and the names shall be printed thereon in black ink.

Second. Every ballot shall contain the name of every What ballot shall contain.
candidate whose nomination for any office specified in
the ballot has been filed according to the provisions of
this act and no other names.

Third. All nominations of any party or group of Party titles, etc.
petitioners shall be placed under the title of such party
or petitioners as designated by them in their certificate
of nomination or petition, and the name of each nomi-
nee shall be placed under the designation of the office
for which he has been nominated.

Fourth. There shall be a ○ under the party design- Place for marking—how arranged.
nation and a □ at the right of the name of each of
its nominees so that the voter may clearly indicate the
party or the candidate or the candidates for whom he
wishes to cast his ballot; the circle shall be one-half
inch in diameter and the square one-fourth of an inch.
The size of type for the designation of the office shall Size of type.
be nonpareil caps; that of the candidates not smaller
than brevier or larger than small pica caps and shall
be connected with squares by leaders.

Fifth. The list of candidates of the republican party Arrangement of parties.
shall be placed in the first column of the left hand side
of the ballot, the democratic party the second column
and of other party [parties] in the order in which the
certificates of nomination have been filed.

The line of demarcation between the party columns Line of demarcation.
shall be inverted nonpareil rule.

If any of the above named parties shall fail to nomi- Failure to nominate
nate a ticket, the name of such party shall not appear
upon the ballot.

Sixth. No candidates' [candidate's] name shall ap- Names to appear but once.
pear more than once upon the ballot: *Provided,* That
any candidate who has been nominated by two or more Proviso.
political parties may, upon a written notice filed with

the clerk of the board of county commissioners at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed:

When more than one candidate.

Seventh. Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

General description of ballot.

Eighth. Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number 1, for each separate voting precinct.

To be numbered consecutively.

Justices of the peace not to be named on ballot.

Ninth. Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

Printed instructions.

Tenth. On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form herein-after given.

Questions as to amendments, etc.

(BALLOT.)

INSTRUCTIONS.—Mark x in under party name, for whose candidate you Form wish to vote.

If you desire to vote for any candidate of any other party place x in at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN TICKET.	DEMOCRATIC TICKET.	PROHIBITION TICKET.
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
PRESIDENTIAL ELECTORS. S. G. COSGROVE <input type="checkbox"/> F. W. HASTINGS <input type="checkbox"/> C. SWEENEY <input type="checkbox"/> J. BOYD <input type="checkbox"/>		
REPRESENTATIVES IN CONG. F. W. CUSHMAN <input type="checkbox"/> W. L. JONES <input type="checkbox"/>		
JUDGES SUPREME COURT. W. MOUNT <input type="checkbox"/> R. O. DUNBAR <input type="checkbox"/>		
GOVERNOR. J. M. FRINK <input type="checkbox"/>		
LIEUTENANT GOVERNOR. H. MCBRIDE <input type="checkbox"/>		
SECRETARY OF STATE. S. H. NICHOLS <input type="checkbox"/>		
STATE TREASURER. C. W. MAYNARD <input type="checkbox"/>		
STATE AUDITOR. J. D. ATKINSON <input type="checkbox"/>		
ATTORNEY GENERAL. W. B. STRATTON <input type="checkbox"/>		
SEPT. PUBLIC INSTRUCTION. R. B. BRYAN <input type="checkbox"/>		
COM. PUBLIC LANDS. S. A. CALLVERT <input type="checkbox"/>		
STATE SENATOR 18TH DIST. A. S. RUTH <input type="checkbox"/>		

Illustration.

Passed the Senate March 4, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER XC.

[S. B. No. 220.]

RELATING TO VACATION OF ROADS.

AN ACT relating to the vacation of roads and repealing sections 3798 and 3799 of Ballinger's Annotated Codes and Statutes of the State of Washington.

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

Petition of ten
freeholders—
to show what.

SECTION 1. When a county road, or part thereof, is considered useless, and ten freeholders residing in the vicinity of said road may petition the board of county commissioners to vacate the same, such petition shall show the land owned by each petitioner, and shall also set forth that such road will be useless as a part of the general road system, that the public will be benefited by its vacation. Such petition shall be accompanied by a bond in the penal sum of one hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals with two or more sureties, and conditioned that the petitioners will pay into the county treasury the amount of all costs and expenses incurred in the examination, report, and all other proceedings pertaining to such petition or vacation.

Petition
accompanied
by bond.

If accepted
bond to be
filed with
county
surveyor.

SEC. 2. The county commissioners when in session shall consider such petition and bond and if not rejected shall file the same with the county surveyor with instructions to examine said road and make a report in writing on the same. The surveyor shall include in his report his opinion as to whether the road should be vacated, whether the same is in use or has been in use, whether it will be advisable to preserve the same for a general road system in the future, whether the public will be benefited by the vacation and all other facts, matters and things which will be of importance to the board of county commissioners, and also file his cost bill.

Surveyor's
report—what
it shall
contain.

SEC. 3. The board when in session shall fix a date for hearing the said report and shall cause notice of said hearing to be published in the county official

newspaper and posted in a conspicuous place on said road, at least twenty days before the day set for hearing as follows: If the road be one mile or less than one mile long there shall be one notice posted near each end of said road; if said road be more than one mile long there shall be one notice posted near each end and one notice on each mile of said road.

Date for hearing report, notice of same to be given.

Notices—how posted.

SEC. 4. On the day set for hearing of said report the commissioners shall consider the same, together with the petition, and any objection that may be made to vacating the road, and if the road may be useful as a part of the general road system it shall not be vacated, but if the public will be benefited by the vacation then the commissioners may vacate the road or any portion thereof, and not otherwise; if the commissioners shall determine to vacate the road, or any part thereof, they shall, on payment of all costs by the principal petitioner declare the road vacated and make a record of the same.

Consideration of report and petition.

Vacation of road—when.

Record thereof.

SEC. 5. The clerk of the board of county commissioners shall make a statement in writing of all costs and expenses incurred in the proceedings and file the same with the county treasurer who shall proceed to collect the same.

Clerk's statement—filing thereof.

SEC. 6. No public road or highway or part thereof shall be vacated or cease to be a public highway until so ordered by the proper board of county commissioners, or by operation of law, or judgment of a court of competent jurisdiction.

No vacation unless properly ordered.

SEC. 7. The approval of any plat by the board of county commissioners or mayor and common council of any municipality shall not vacate any street, public road, or highway covered by such plat or over which such plat is laid.

Approval of plat not a vacation.

SEC. 8. Sections 3798 and 3799 of Ballinger's Annotated Codes and Statutes of the State of Washington be and they are hereby repealed.

Sections repealed.

Passed the Senate March 2, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER XCI.

[S. B. No. 204.]

AUTHORIZING COUNTY COMMISSIONERS TO GRANT
PRIVILEGES FOR BUILDING TRAM ROADS.

AN ACT authorizing county commissioners to grant to persons, companies or corporations the right to build and maintain tram roads upon the public highways.

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

Granting of
rights to build.

SECTION 1. The county commissioners of the several counties in this state may grant to persons, companies or corporations the right to build and maintain tram roads upon the public highways under such regulations and conditions as said county commissioners may prescribe.

Space to be
used.

SEC. 2. Such tram road shall not occupy more than eight feet of the public highway upon which the same is built and shall not be built upon the track of travel nor in such way as to interfere with the public travel upon such public highways: *Provided*, That nothing contained in this act shall be construed to prevent county commissioners from granting franchises for electric railways upon public highways.

Proviso.

Passed the Senate March 12, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER XCII.

[S. B. No. 231.]

CEDING TO UNITED STATES JURISDICTION OVER
RAINIER NATIONAL PARK.

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

SECTION 1. Exclusive jurisdiction shall be, and the same is hereby ceded to the United States over and within all the territory that is now or may hereafter be

included in that tract of land in the State of Washington, set aside for the purposes of a National Park, and known as the Rainier National Park; saving, however, to the said state, the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state, but outside of said park; and saving further to the said state the right to tax persons and corporations, their franchises and property on the lands included in said park: *Provided, however,* This jurisdiction shall not vest until the United States through the proper officer, notifies the Governor of this state that they assume police or military jurisdiction over said park.

Exclusive jurisdiction ceded to United States.

Exception.

Proviso.

Passed the Senate February 28, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER XCIII.

[S. B. No. 55.]

APPROPRIATION FOR PURCHASE OF OIL PAINTING OF GEORGE WASHINGTON.

AN Act making appropriation of money for the purchase of an oil painting of George Washington, and the frame therefor.

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

SECTION 1. That the sum of \$250 be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying S. W. Maxey for an oil painting of George Washington and the frame therefor made of specimens of the native woods of Washington exhibited at the World's Fair at Chicago and since hanging in the state capitol of this state.

Appropriation.

SEC. 2. The State Auditor is hereby authorized and directed to draw a warrant upon the general fund of the

Auditor to
draw warrant
therefor.

state for the sum of \$250 in favor of S. W. Maxey and the State Treasurer is hereby authorized and directed to pay the same out of the general fund of this state.

Passed the Senate March 4, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER XCIV.

[S. B. No. 120.]

PROVIDING AGAINST THE ADULTERATION OF FOOD AND FRAUD IN THE SALE THEREOF.

AN ACT to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing "An act to provide against the adulteration of food," approved March 13, 1899.

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

Unlawful
to sell if
adulterated.

SECTION 1. No person, firm or corporation shall, within this state, sell, offer for sale, have in his possession with intent to sell, or manufacture for sale, any article of food which is adulterated within the meaning of this act.

Term "food."

SEC. 2. The term "food" as used herein shall include all articles used for food, drink and condiment by men, whether mixed, simple or compound. The term "misbranded" as used herein includes all articles of food or articles which enter into the composition of food or condiments, the package or label of which shall bear any statement purporting to name any ingredient or substances not contained in such article, which statement shall be false in any particular, or any statement purporting to name the substance of which such article is made, which statement shall not fully give the names of all the substances contained in the article in any measurable quantities, or which names as a single

article of food any mixture or compound. The term "drink" as used herein, shall not include liquids containing two per cent. or more of alcohol.

Term "drink."

SEC. 3. That for the purpose of this act an article shall be deemed adulterated in the case of foods or drinks—

What constitutes adulteration of food.

(1st). If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

Grade or quality lowered or injured.

(2nd). If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Cheaper articles substituted.

(3rd). If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

Constituents abstracted.

(4th). If it be an imitation of or sold under the specific name of any other article.

Imitation of another article.

(5th). If it be mixed, colored, coated, powdered or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Colored, etc.

(6th). If it contains any added poisonous ingredients or any ingredients which may render such article injurious to the health of the persons consuming it.

Poisonous ingredients.

(7th). If it be misbranded, labeled or branded so as to mislead or deceive the purchaser.

Misbranded so as to deceive.

(8th). If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of any animal that has died otherwise than by slaughter: *Provided*, That an article of food which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under coined names and

Diseased or decomposed substance.

Proviso.

- Coined names. not included under definition four of this section. Second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends: *Provided*,
- Labeled. etc. That the same shall be labeled, branded or tagged so as to show the character and constituents thereof. Third, when any article or ingredient has been added to foods
- Articles added. because the same is required for the preparation or production thereof as an article of commerce, in a state fit for carriage, consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferiority thereof: *Provided, further*, that no dealer shall be convicted under the provisions of this act if he shall prove a written guaranty of purity in a form approved by the Dairy and Food Commissioner:
- Proviso. *And provided further*, That the guarantor is a resident of the State of Washington. Fourth, when food is inevitably mixed with some extraneous substance in the process of collection or preparation.
- Extraneous substances.
- Guaranty — to contain what. SEC. 4. The guaranty referred to in sub-division eight of section 3 herein, shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act.
- Possession of, prima facie evidence. SEC. 5. Possession by any person, firm or corporation of any article of food, the sale of which is prohibited by this act, or being the consignee thereof, shall be *prima facie* evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act, and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the superior court of the county in which such food is seized for an order directing him
- Commissioner authorized to seize such food. to dispose of or sell the same and apply the proceeds to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guarantee as re-
- Order of court.

quired in section 4: *Provided, however,* That the said Proviso.
 Dairy and Food Commissioner shall first give notice to
 the person, firm or corporation in whose possession Commissioner shall first give notice.
 such goods are found, or if the same are found in the
 possession of a common carrier then to the consignee
 of such food, notifying such person, firm or corpora-
 tion that he has seized the said foods and the reasons
 therefor, and that he has made an application to the
 superior court for an order to sell or dispose of the
 same, and that he will call up said application for
 hearing on a day certain, which shall not be less than Application—
when called
for hearing.
 ten days from the service of such notice, and that at
 the hearing of said application the said person, firm
 or corporation shall show cause, if any they have, why
 the prayer of the petition should not be granted. Upon
 the hearing of the said petition the affidavits or oral Hearing.
 testimony may be introduced to establish the conten-
 tions of the respective parties. Hearing, however,
 may be had at an earlier date by mutual consent of the
 parties to said application. No seizures shall be made Exception as
to seizures—
when person
resides in this
state.
 as provided herein if the person violating the pro-
 visions of this act resides in the State of Washington.

SEC. 6. Every person selling, exhibiting or offering
 for sale, manufacturing or having in his possession with
 intent to sell or serve or delivering to a purchaser any
 article of food included in the provisions of this act,
 shall furnish to any person demanding the same, who
 shall apply to him for the purpose and shall tender him
 the price at which the article of food is sold a sample
 sufficient for the analysis of any such article of food
 which is in his possession.

SEC. 7. The State Dairy Commissioner shall also be State Dairy
Commissioner
also Food
Commissioner.
 the State Food Commissioner and shall be known as
 the Dairy and Food Commissioner, and he shall receive
 in addition to his salary as State Dairy Commissioner
 \$600 per year as extra compensation for enforcing the Compensation
and powers.
 provisions of this act. He shall also have power to
 appoint such deputies as may be necessary, and pay
 therefor not to exceed three dollars per day: *Provided,* Proviso.
however, That the aggregate services of all deputies em-

ployed by him shall not exceed the appropriation made therefor.

Duty of State Chemist to make analysis and assist in prosecutions.

SEC. 8. It shall be the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may send to him, and report to the commissioner, without unnecessary delay, the result of any analysis so made and when called upon by the said commissioner, the chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Duty of Attorney General.

SEC. 9. It shall be the duty of the Attorney General and the prosecuting attorney in any county in this state, when called upon by the Dairy and Food Commissioner, to render any legal assistance in their power to execute the law and prosecute the case arising under the provisions of this act: *Provided*, That the Dairy and Food Commissioner may employ special counsel.

Proviso.

Powers of commissioner and deputies to make examination and analysis.

SEC. 10. The Dairy and Food Commissioner or his deputies, shall have power in the performance of their official duties to enter any restaurant, eating house, hotel, public conveyance, public or private hospitals, asylum, school, eleemosynary or penal institution, where foods are served, and take for analysis any article of food or ingredients which enter into the composition of the food there used. Any articles of food or ingredients which enter into the composition of foods therein used and so taken, if found to be adulterated, shall be *prima facie* evidence that the same is kept to be used or served to patrons, guests, boarders or inmates of such institution, and the person, firm or corporation owning and operating said restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, and having in his or its possession adulterated foods, shall be deemed to have such adulterated foods contrary to the provisions of this act.

Prima facie evidence—what constitutes.

Violation of this act and penalty therefor.

SEC. 11. Every person, firm or corporation violating the provisions of this act or refusing to comply upon demand with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be

fined not less than twenty-five dollars (\$25) and not to exceed one hundred dollars (\$100), or, in case of second offense, to be imprisoned not less thirty days and not to exceed ninety days, or both such fine and imprisonment. Any person found guilty of selling, offering for sale, having in his possession with intent to sell or serve, or manufacturing for sale any adulterated article of food under the provisions of this act, shall pay in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food in addition to the costs of such action: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the Board of State Dairy and Food Commission, or to their agent, and by them paid into the State Treasury and applied to the general fund.

Persons found guilty—additional penalty.

Proviso.

SEC. 12. The State Board of Dairy Commission *ex officio* shall be the State Board of Dairy and Food Commission and said board shall hereafter be known and described as the "State Board of Dairy and Food Commission."

Official title of board.

SEC. 13. All expenses incurred under the provisions of this act shall be paid out of the general fund, and shall be audited by the State Auditor upon bills being presented, appropriately certified by the Board of Dairy and Food Commission, and the State Auditor shall from time to time draw warrants upon the State Treasury [Treasurer] for the amounts thus audited.

Expense to be paid out of general fund.

SEC. 14. The Dairy and Food Commissioner shall publish each month a report of the work of his office, including the brand, name and address of manufacturer, analysis and fines of foods found to be adulterated.

Monthly report.

SEC. 15. An act entitled "An act to provide against the adulteration of food," approved March 13, 1899, is hereby repealed.

Repealing act of 1899.

Passed the Senate February 25, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER XCV.

[S. B. No. 41.]

FOR THE RELIEF OF CERTAIN PERSONS CONTRIBUTING TOWARD THE COMPLETION OF ROOMS IN THE STATE NORMAL SCHOOL AT WHATCOM.

AN ACT for the relief of persons contributing money for the completion of certain rooms in the State Normal School at New Whatcom, Washington.

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

SECTION 1. That there be and is hereby appropriated out of money in the state treasury not otherwise appropriated the sum of one thousand six hundred and fifty-four (\$1,654) dollars, for the relief and payment of the citizens of Whatcom county, Washington, for moneys paid and expended by E. W. Purdy, L. P. White, and Geo. E. Gage, as trustees of said citizens in the completion of certain rooms in the State Normal School at New Whatcom, Washington.

SEC. 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for the money hereby appropriated in favor of E. W. Purdy, L. P. White and Geo. E. Gage, trustees.

Passed the Senate March 11, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

State Auditor
directed to
pay.

Appropriation.

Payees.

CHAPTER XCVI.

[S. B. No. 235.]

RELATING TO THE ESTABLISHMENT AND OPENING OF PUBLIC ROADS.

AN ACT amending sections 3774, 3775, 3776, 3777, 3778 and 3779 of Ballinger's Annotated Codes and Statutes of Washington, relating to establishing and opening public roads.

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

SECTION 1. Section 3774 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as

follows: Sec. 3774. Such petition must be accompanied by a bond in the penal sum of three hundred dollars payable to the county, executed by one or more of such petitioners as principal or principals with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury the amount of all costs and expense incurred in examining and surveying the proposed road and in the proceeding, in case the road shall not be established, or in case the application is for the purpose of changing the road for the benefit of the land owner or owners, and no such change shall be made until such cost bill has been paid and the road graded. When the cost is assessed against the principal petitioner the clerk of the board of county commissioners shall file the cost bill with the county treasurer who shall proceed to collect the same. The board may require that waivers for the right-of-way be secured by the principal petitioner, before an examination or survey is ordered, said petition, bond, and waiver shall be filed with the clerk of the board of county commissioners.

Amendment.
Petition to be accompanied by bond for \$300.

Conditions of bond.

Cost bill filed with county treasurer.

Waivers required for right-of-way.

SEC. 2. That section 3775 of Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows: Sec. 3775. The board when in session, shall consider such petition and bond, and if not rejected they shall, if such petition contains substantially the matters and things required by law, and that the said bond is sufficient, file said petition, bond and waivers with the county surveyor, who shall make examination and if necessary, a survey of the proposed road. If, however, after an examination he deem the same impracticable he may so report to the board of county commissioners without a survey, or he may examine or survey any other route which would subserve the same purpose and make a report thereon.

Amendment.

Duty of county board.

Filing of bond, petition and waivers.

Report of surveyor.

SEC. 3. That section 3776 of Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows: Sec. 3776. In selecting the route, the surveyor shall take into consideration the general road system, the grade, cost of construction, mainten-

Amendment.

Selection of route.

ance, utility, convenience, inconvenience, and expense which will result to individuals as well as the public, if such roads shall be established, and opened or changed. He shall as far as possible, cause notice of the route of the road as far as surveyed to be given to each resident owner, lessee, occupant or owner's agent of lands over which said road passes. He shall receive from each person interested in such land, who will give the same, a statement in writing signed by such person and file the same with his report, and (1) consenting that such road shall be established as surveyed and waiving all claims to damages on account thereof; or (2) claiming damages on account of the establishment or opening of such road, and specifying the amount so claimed.

Giving of notice of route.

Statements of parties interested.

Claims waived.

Amendment.

Surveyor's report.

Terminal points and names of parties interested.

Estimate of damages.

SEC. 4. That section 3777 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 3777. When the examination or survey is completed the surveyor shall report in writing to the board of county commissioners (1) his opinion as to the necessity of the road, and whether the same ought to be established and opened; (2) the terminal points, general course and length of the road; (3) his recommendation as to the width of the proposed road; (4) the names of persons interested in lands over which the proposed road passes, who consent to the establishment of the same, and waive all claims to damages; (5) the names of all persons interested in said lands who refuse their consent, and the amount of damages claimed by each; (6) an estimate of damages to each tract of land of non-consenting persons interested in such tract of land, and in determining such damages it shall be the duty of the surveyor to estimate the benefits and damages accruing to any person by reason of establishing or changing such road, and the sum estimated as benefit must be deducted from the sum estimated as damages for the amount of damages to such person or land; (7) a description of each tract of land over which such road passes, with the name and place of residence or ad-

dress of the owners, lessees, claimants or incumbrancer if known, of each of said tracts of land, and the quantity of area of land to be taken from each of said tracts; (8) the probable cost of the construction of the road, including all necessary bridges, culverts, clearing, grubbing and grading; (9) such other facts, matters and things as he may deem of importance to be known by the board of county commissioners.

Description of each tract traversed.

Probable cost of construction.

SEC. 5. That section 3778 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 3778. The surveyor shall file with his report the written consent and waivers of claims to damages by persons interested in the lands affected by the establishment of said road, and the claims for damages procured as provided in this act.

Amendment.

Surveyor to file waivers of claims, etc.

SEC. 6. That section 3779 of Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows: Sec. 3779. If a survey is made of the proposed road the surveyor shall file a correctly prepared map of said road laid out and surveyed, which map must show the tracts of land over which said road passes with the name of the owner if known, of each tract written thereon, and the surveyor shall also file therewith his field notes of such survey.

Amendment.

Map of road and field notes of survey.

Passed the Senate March 11, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER XCVII.

[S. B. No. 249.]

PROVIDING FOR AND REGULATING THE SELECTION
OF JURORS.

AN ACT providing for and regulating the selection of jurors in the superior courts of the state ; and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office ; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such ; and repealing all laws and parts of laws in conflict therewith.

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

SECTION 1. The Superior Court for each county from the first to seventh classes inclusive shall upon the opening of court on the last Saturday in June of each year, by an order made in open court and entered of record, appoint as jury commissioners two electors of the county chosen by the court from four recommended by the bar of the county at a meeting of the bar called by the court for that purpose ; the persons so appointed shall not be of the same political party ; and such court shall cause the persons so appointed to appear and in open court take, and such court shall administer to them jointly an oath in the following form : " You do solemnly swear (or affirm) that you will, during your term of office, perform the duties of jury commissioners faithfully and to the best of your ability ; that in selecting persons to be drawn as jurors you will select none but persons whom you believe to be of good repute for intelligence and honesty ; that you will select none that you have been or may be requested to select ; and in all your selections you will endeavor to promote only the impartial administration of justice ; so help you God."

SEC. 2. The commissioners so appointed shall hold their office for the term of one year and until their successors are appointed and qualified. .

SEC. 3. In open court within ten days the commissioners shall select the names of all the qualified jurors in the county as far as they may be able to ascertain the

Length of term.

Appoint jury commissioners.

Form of oath.

Term of office of commissioners.

same from the latest tax rolls and poll books of the county and deposit the same written on separate slips of paper of uniform size, shape and color in a box to be furnished by the clerk of the court for that purpose.

Selection of jurors—
manner of.

In selecting and depositing such names, the said commissioners shall in all things observe their oath and they shall not select the name of any person who is to them known to be interested in any cause pending in the court by which such commissioners were appointed. When such names have been selected and deposited in such box the jury commissioners shall deliver the box, locked, and the key thereof, to the clerk of the court by which the commissioners were appointed; and such clerk shall at all times keep said locked box and said key, separately, in some safe and convenient place in his office. A list of the names so chosen shall be spread at large upon the journal of the court and all names subsequently drawn from the box shall at the time of the drawing be compared and checked in open court with the list as so recorded.

List of names.

SEC. 4. On the second Saturday in August and on the second Saturday in each calendar month thereafter except when the court may be in vacation, the Superior Court, on the opening of the court in the forenoon of such day, shall by an order made in open court and entered of record, direct to be drawn from such box such number of names as the judge of said court shall think requisite for the selection of petit jurors to serve during the ensuing calendar month, or shall think requisite for any grand jury which may have been or may be ordered for or during the ensuing three calendar months. Immediately upon the making of such order and before the transaction of any other business the jury commissioners and the clerk of such court, or the deputy of such clerk, shall assemble in open court, and in the presence of such persons who may be or desire to be present, the clerk of such court or his deputy shall be blindfolded, and thereupon the box containing the names previously deposited therein by the jury commissioners or such of such names as may yet remain

Selection of petit jurors,
when.

Clerk to draw names in open court—how so drawn, etc.

Entry on
journal.

Names drawn
to constitute
petit jurors,
etc.

Discharge of
jury, when.

Proviso.

Method of
procedure by
court when req-
uisite number
has not or may
not be drawn.

in said box, shall be first well shaken so that the names therein shall be thoroughly mixed, and said clerk or his deputy, blindfolded as above provided, shall then draw from the box, one name at a time; the number of names previously ordered by such court; and the names so drawn shall be entered upon the journal of the court by the clerk together with the certificate of the clerk of the drawing as above provided; and the names so drawn shall constitute the persons to be summoned to serve as petit jurors, or as grand jurors, as may be in accordance with the court's order previously made; and thereupon the clerk shall issue a venire for summoning the said persons as petit jurors or as grand jurors as the case may be. On or before the opening of court in the forenoon of the second Saturday in the next ensuing calendar month all persons theretofore drawn as petit jurors shall be discharged as jurors, and shall be incompetent to serve upon any petit jury within two years thereafter: *Provided*, That if upon the opening of court upon the day last mentioned any of such persons shall be then serving upon the jury in such court in any cause the trial of which shall not then be concluded, or upon which such jury may then be deliberating, the persons upon such jury shall not be discharged until the conclusion of such trial or of the deliberation of such jury.

SEC. 5. Whenever the judge of such court shall be of opinion that by reason of numerous challenges in any cause, or for any other reason, there will or may not be sufficient persons drawn as in the last section provided, to constitute the necessary jury or juries for the trial of causes in such court during and before the time for the next drawing of jurors prescribed in section 4 of this act, such court may, by an order made and entered of record, direct the jury commissioners and the clerk of such court to appear in open court at a time fixed in such order for the purpose of drawing as many names from such box as the court may in said order prescribe; and thereupon at the time fixed in said order the said commissioners and the clerk, or the deputy of such

clerk, shall in open court appear, and the number of names prescribed in said order shall, by said clerk or his deputy, in the manner prescribed in section four of this act be drawn from such box; and thereupon the clerk shall issue a special venire for the summoning of the persons so drawn to serve as jurors. If for any reason the names in such box shall be exhausted, or so nearly exhausted that the number of names prescribed in any order of such court made, as in this section or in section four of this act provided, can not be drawn therefrom, the jury commissioners shall forthwith and in the manner provided in section 3 of this act select and deposit in said box the names of all the qualified jurors in the county, ascertained in the manner hereinbefore provided.

Issuance of clerk's special venire.

Duty of jury commissioners when names in box are exhausted.

SEC. 6. The clerk of such court shall safely keep said box, and the same shall not be unlocked or opened except for the deposit or drawing of names as above required; and any person opening said box for any other purpose shall be deemed guilty of a contempt of court, and be punished summarily by the court by either fine or imprisonment or both in the discretion of the court.

Clerk custodian of box.

Violation and penalty.

SEC. 7. It shall not be a cause for challenge to any juror nor shall any juror be incompetent or excused for the reason that the name of such juror was selected and deposited in such box by a jury commissioner who was or is interested as a party or as an attorney or counsel or otherwise in any action pending in said court or which is to be or may be tried by or before any jury upon which such jury is called or chosen.

No cause for challenge if jury commissioner an interested party.

SEC. 8. Any person appointed a jury commissioner who shall, except for cause deemed sufficient by the court appointing him, fail to take upon himself said office or fail or refuse to discharge any of the duties thereof shall be deemed guilty of contempt of court, and shall be summarily punished by the court by fine or imprisonment, or both in the discretion of the court.

Failure to qualify when appointed and penalty therefor.

SEC. 9. Should a vacancy occur in the office of jury commissioner at any time, either by death, resignation or removal or for any cause the court shall fill such

Vacancy—how filled.

vacancy by appointment as in section 1 of this act provided; and the person so appointed shall serve during the unexpired term of his predecessor.

SEC. 10. For the time actually employed in the performance of his duties each jury commissioner shall receive five dollars per day; and each jury commissioner shall present to and file with the clerk of the court appointing him at least once in three months an itemized statement of the time employed together with his claim for compensation therefor at the rate aforesaid which bill shall be verified by the oath of such commissioner that the same is true and correct and has not been paid; and thereupon such bill or statement shall be presented to the judge of the court appointing such commissioner, either in open court or in chambers, and if said bill or statement appears to said judge to be correct he shall endorse thereon his approval signed by him as such judge, and thereupon the same shall be paid in the like manner as the fees of jurors are or may be paid.

SEC. 11. By stipulation or agreement between the parties to any action pending in such court, made in open court and entered upon the minutes of journal thereof, or made in writing and signed by such parties or by their attorneys of record and filed with the clerk of such court, and if such court shall consent to and approve of such agreement or stipulation, the court may at any time order an open venire or venires to be issued by the clerk of such court summoning persons to serve as petit jurors in said cause pending between said parties; or, upon such agreement or stipulation made as in this section provided, and approved by the court, the court may order the sheriff to summon from the bystanders a sufficient number of persons to fill up any petit jury then being selected in said cause between such parties: *Provided, however,* That persons selected upon any such open venire, or in such manner summoned from the bystanders shall be subject to challenge in the same manner and for the same causes as persons otherwise selected for jurors and previous service on petit

Compensation
of jury com-
missioners.

Shall file a
statement of
time employed.

Presenting of
statement in
open court.

Payment.

Issuance of
open venire or
venires.

Stipulations.

Sheriff to sum-
mon sufficient
number of
persons to fill
petit jury.

Proviso.

jury within the two years last preceding shall be a ground of such challenge.

SEC. 12. If at any of the times prescribed in this act, or fixed in any order of the court made pursuant to this act for the drawing from such box of the names of persons to serve as jurors, any jury commissioner shall be absent, the court shall immediately by order made and entered of record appoint some other person to serve as jury commissioner *pro tempore* in the place of such absent jury commissioner; and thereupon such jury commissioner *pro tempore* shall first take the oath and be sworn as in section 1 of this act provided, and shall then discharge the duties of the office during the absence of the jury commissioner; and such jury commissioner *pro tempore* shall be entitled to payment for his services at the same rate and in the same manner prescribed in this act for the payment of jury commissioners; and such absent jury commissioner shall not be entitled to payment for such time; and such court may at any time thereafter require such absent jury commissioner to give an excuse for his absence upon the penalty of being removed from his office for failure to excuse his absence.

Absence of jury commissioners.

Appointments pro tempore.

Entitled to same pay.

Absent jury commissioner not entitled to pay.

SEC. 13. The superior court appointing any jury commissioner may at any time for cause deemed by such court sufficient, remove any such jury commissioner from his office; but such court shall first by order require such jury to show cause why he should not be removed, and in such order set forth the alleged cause for which it is proposed to remove such jury commissioner, and shall first give such jury commissioner a hearing thereon in open court. If after such hearing the court shall think proper to remove such jury commissioner the court shall make and enter an order of record removing such commissioner, which order shall state the cause of such removal.

Removal of jury commissioners by court.

To show cause for removal.

SEC. 14. When, pursuant to any statute of this state, there is elected but one judge of the superior court in

Procedure
when but one
judge elected.

and for two or more counties, the superior court of any such county may by an order made and entered of record that until such order be altered or revoked, the drawing from such box of the names of persons to serve as jurors in that court shall take place in the court room in such county and not in open court and without the presence of the judge; and while such order remains in force the drawing shall be made accordingly; but the names of the persons drawn shall nevertheless be entered upon the journal of such court, together with the clerk's certificate prescribed in section 4 of this act, and the judge of the superior court for any such county may, while he is within or without such county, make in writing and sign the order prescribed in said section 4 for drawing persons to serve as jurors; but he shall then forward such order to the clerk of such court in time to reach such clerk on or before 10 o'clock A. M. of the last Saturday in the current month; and such drawing shall then take place at said hour on said Saturday. If at the time when the said court judge would otherwise make said order, it appears to the judge of said court that no jury will be needed in the ensuing month, the judge may omit said order and no jury need be drawn for such ensuing month.

Order sent to
clerk -- when.

Judge may
omit order.

All juries
selected as in
this act.

Repeal of
inconsistent
acts.

SEC. 15. All juries in any of the superior courts in this state in counties of the first seven classes, whether grand or petit, and whether in special proceedings or otherwise, shall be selected as in this act provided. All acts or parts of acts inconsistent herewith are hereby repealed.

Passed the Senate March 4, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER XCVIII.

[S. B. No. 188.]

MAKING AN APPROPRIATION FOR THE RELIEF OF H.
N. PRICE.

AN ACT appropriating funds for the relief of H. N. Price.

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, Appropriation. the sum of eight hundred and forty-one dollars and forty-one cents., to pay the claim of H. N. Price for cruising and locating state lands.

Passed the Senate February 21, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER XCIX.

[S. B. No. 67.]

APPROPRIATION FOR THE RELIEF OF CHARLES W.
GEIGER.

AN ACT for the relief of Charles W. Geiger.

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

SECTION 1. That the sum of seventy dollars (\$70) be and the same is hereby appropriated out of moneys Appropriation. in the state treasury not otherwise appropriated for the relief of Charles W. Geiger, for services rendered the State of Washington in making affidavits concerning lands filed on by the State Land Commission and in conflict with the claims of individuals, and making abstracts of said lands.

SEC. 2. That the State Auditor is hereby authorized and directed to draw a warrant on the State Treasurer for said sum in favor of said Charles W. Geiger, and the said State Treasurer is hereby directed to pay the State Auditor shall draw warrant therefor.

said warrant out of any funds in the state treasury not otherwise appropriated.

Passed the Senate February 13, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER C.

[S. B. No. 230.]

VACATING CERTAIN PLATTED LANDS.

AN ACT to vacate the plat of the N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ section 36, township 21 N., range 2 east of Willamette Meridian.

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

Description.

SECTION 1. That the plat and dedication thereof of the N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ of section 36, Tp. 21, N. R. 2, E. Willamette Meridian, be and the same is hereby vacated and set aside.

Passed the Senate March 8, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CI.

[S. B. No. 185.]

RELATING TO PAYMENT OF WITNESS FEES.

AN ACT relating to the payment of witness fees to public officers.

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

SECTION 1. That no state, county, municipal or other public officer within the State of Washington, who receives from the state, or from any county or municipality therein, a fixed and stated salary as compensation for services rendered as such public officer, shall be allowed or paid any per diem for attending or testify-

No state, county or municipal officers allowed per diem.

ing on behalf of the State of Washington or any county, or municipality therein, at any trial or other judicial proceeding, in any state, county or municipal court within this state; nor shall such officer, in any case, be allowed nor paid any per diem, for attending or testifying in any state or municipal court of this state, in regard to matters and information that have come to his knowledge in connection with and as a result of the performance of his duties as a public officer as aforesaid: *Provided*, That if a public officer be subpoenaed ^{Proviso.} and required to appear or testify in judicial proceeding in a county other than that in which he resides, then said public officer shall be entitled to receive per diem and mileage as provided by statute in other cases.

Passed the Senate March 6, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CII.

[S. B. No. 244.]

AMENDING BALLINGER'S CODES AND STATUTES RELATIVE TO APPEALS.

AN ACT to amend section 5645 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 5645 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same hereby is, amended to read as follows: ^{Amendment.}

Sec. 5645. Either party may appeal from the order of the court adjudicating or refusing to adjudicate that the contemplated use of the property sought to be appropriated is really a public use or a private use for a private way of necessity, and ordering or refusing to order a jury to be summoned for the assessment of damages, within thirty days after the entry of said order. ^{Appeal from adjudication.}

Either party
may appeal.

Before Su-
preme Court.

Proviso.

Further
proviso.

Provided
further.

Emergency.

Either party may also appeal from the judgment and decree of appropriation within thirty days after the entry of said judgment and decree, and such appeal shall bring before the Supreme Court the propriety and justness of the amount of damages in respect to the parties to the appeal, and also the legality, propriety and necessity of the appropriation: *Provided, however,* That no bonds shall be required of any person interested in the property sought to be appropriated by such corporation; but in case a corporation appropriating such land, real estate, premises or other property, is appellant, it shall give a bond like that prescribed in the next following section, to be executed, filed and approved in the same manner: *And provided further,* That if the owner of the land, real estate, premises or other property accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the Supreme Court, and final judgment by default may be rendered in the Superior Court, as in other cases: *And be it further provided,* That the right of appeal herein given shall be applicable to and shall exist in all condemnation proceedings hereafter brought, now pending, and in which judgment has been rendered, and the time for appeal herein provided has not elapsed.

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

Passed the Senate March 9, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER CIII.

[S. B. No. 81.]

REQUIRING STREET CAR COMPANIES TO EMPLOY COMPETENT MEN.

AN ACT requiring street railway and street car companies or corporations owning or operating street railways and street car lines to employ competent men to operate or assist in operating cars and (dummies) on such car lines and defining the meaning of who competent men are for such service, and providing a penalty for the violation of this act.

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

SECTION 1. Hereafter street railway or street car companies, or street car corporations, shall employ none but competent men to operate or assist as conductors, motor men or grip men upon any street railway, or street car line in this state.

Shall employ only competent men.

SEC. 2. A man shall be deemed competent to operate or assist in operating cars or (dummies) usually used by street railway or street car companies, or corporations, only after first having served at least three days under personal instruction of a regularly employed conductor, motor man or grip man on a car or dummy in actual service on the particular street railway or street car line for which the service of an additional man or additional men may be required: *Provided*, That during a strike on the street car lines the railway companies may employ competent men who have not worked three days on said particular street car line.

What constitutes competency.

Proviso and exception.

SEC. 3. Any violation of section 1 of this act by the president, secretary, manager, superintendent, assistant superintendent, stockholder or other officer or employee of any company or corporation owning or operating any street railway or street car line or any receiver of street railway or street car company, or street railway or street car corporations appointed by any court within this state to operate such car line shall, upon conviction thereof, be deemed guilty of a misdemeanor, and subject the offender to such offence to a fine in any amount not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail for a term

Violation

Penalty.

of thirty days, or both such fine and imprisonment at the discretion of the court.

Passed the Senate February 18, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CIV.

[S. B. No. 176.]

AMENDING BALLINGER'S CODE RELATIVE TO SCHOOL DISTRICTS.

AN ACT amending section 2394, Ballinger's Annotated Codes and Statutes of the State of Washington, and declaring an emergency.

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

SECTION 1. That section 2394, Ballinger's Annotated Codes and Statutes of the State of Washington be and the same is hereby amended to read as follows: "Sec. 2394. Whenever any school district in this state shall have heretofore, under any of the acts of the territorial or State Legislature now in force, issued any bonds for the purchase of any school house site, or the building of any school house, or the furnishing of the same, and the amount of said bonds so issued and negotiated did not, at the time of their issue, exceed the sum of five per centum of the taxable property of the said school district, it shall be lawful for the said school district to issue and exchange its bonds at a rate of interest not greater than that borne by the original issue of bonds, par for par, without any further vote of the school district than that heretofore had or required by existing law at the time of their issue, and said bonds, shall in all respects, conform to and be governed by the other provisions of this act: *Provided*, That in cities of ten thousand population or more, whenever any bonds issued under the provisions of this article shall reach maturity and shall remain unpaid, the board of directors thereof shall have the power to fund the same by

Amendment.

Bonds heretofore issued.

Exchange of bonds.

Proviso as to cities of more than 10,000.

issuing coupon bonds conformable to the requirements of this act and exchanging the same par for par, for the outstanding bonds as aforesaid, without any further vote of the school district: *Provided further*, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from date of issue, and shall draw a rate of interest not to exceed six per centum per annum.”

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

Passed the Senate February 28, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CV.

[S. B. No. 57.]

MAKING THE PACIFIC COAST SEA BEACH IN CHEHALIS COUNTY A PUBLIC HIGHWAY.

AN ACT to make the sea shore or sea beach of the Pacific Ocean in Chehalis county, State of Washington, a public highway forever.

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

SECTION 1. That the shore and beach of the Pacific Ocean including the area or space lying between ordinary high tide and extreme low tide (as such shore and beach now are or hereafter may be) from the southerly point of Damon's Point on the north side of the entrance to Gray's Harbor to the mouth of the Queets river, State of Washington, be and the same are hereby declared a public highway forever, and as such highway shall remain forever open to the use of the public.

SEC. 2. No part of said shore or beach shall ever be sold, leased or otherwise disposed of.

SEC. 3. No lease or contract of sale now existing on or for any part or parts of said shore or beach shall be renewed or extended.

Repeal.

SEC. 4. All laws or parts of laws of the State of Washington in conflict with this act, are hereby repealed.

Emergency.

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

Passed the Senate February 18, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER CVI.

[S. B. No. 147.]

REGULATING THE LEASING OF PETROLEUM AND NATURAL GAS LANDS.

AN ACT to regulate the leasing of petroleum and natural gas lands belonging to the State of Washington, and declaring an emergency.

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

Commissioner
of Public
Lands may
lease.

SECTION 1. The Commissioner of Public Lands of the State of Washington is hereby authorized to execute leases and contracts for the mining and extraction of petroleum and natural gas from any land belonging to the state or from any lands in which the state may hereafter acquire title, subject to the conditions hereinafter provided.

Applications
for lease.

SEC. 2. Any citizen of the United States finding petroleum or natural gas upon any lands belonging to the State of Washington may apply to the Commissioner of Public Lands for a lease of any amount of such land not to exceed one section.

Manner of
applying.

SEC. 3. Application shall be made in like manner as the application is made for the leasing of agricultural lands.

SEC. 4. No lease shall be made by the state for any sum less than twenty-five (\$25.00) dollars per quarter section of land for each year during the term of said

lease, and in addition thereto the said lease shall provide that the state shall be entitled to receive a sum not less than ten per cent. of the gross value of all petroleum and natural gas extracted therefrom during the term of the said lease, payable semi-annually during said term. The term of said lease to be any term not to exceed ten years.

No lease for less than \$25 per quarter section.

Not to exceed ten years.

SEC. 5. Persons leasing lands under the provisions of this act shall mine, take out, keep, maintain, ship and sell all petroleum and natural gas mined upon or taken from the lands so leased, separate and distinct from all like products taken from other lands, and shall submit to the Commissioner of Public Lands, at stated periods to be fixed by said commissioner, a statement showing the total product taken from said leased lands, the total shipments of such products, and an account showing the sales of all such products. The commissioner shall make all necessary rules and regulations necessary to carry out the provisions of this act, and to protect the interests of the state. The books and accounts of every person leasing lands under the provisions of this act shall be open to inspection by the state land commissioner, or such persons as he may designate at all times, and the property leased, together with all buildings, machinery, storage tanks and appliances of every kind and nature whatsoever, shall be subject to inspection and examination by the land commissioner. The reports required under this act shall be made under oath, upon forms prescribed by the commissioner. Failure on the part of any lessee hereunder to comply with the terms and conditions of this act, or of his lease, shall forthwith work a forfeiture of the lease. No such forfeiture may be waived. The Commissioner of Public Lands shall incorporate in every such lease such other provisions and conditions not inconsistent with the provisions and conditions contained in this act as may in his judgment be advantageous to the state.

Duties of persons leasing.

Commissioner of Public Lands to make rules, etc.

Books and accounts

Reports under oath.

Failure and forfeiture.

Provisions.

SEC. 6. Any person now holding leases for agricultural purposes shall have a first right to lease the lands held by them as lessees of the State of Washington, and

Holder of existing lease to have first right to lease for oil purposes.

upon notice to them by the Commissioner of Public Lands they shall within thirty days thereafter exercise their right to lease said lands under the provisions of this act, and upon their failure so to do their right to lease such land for mining for petroleum and natural gas shall be at an end, and the said land shall be deemed to be open and unoccupied public lands for the purposes of this act only, and the same shall be subject to lease for mining for petroleum and natural gas as if the same were fully owned and in the possession of the state. Any person so holding the lands of the state for agricultural purposes who shall within sixty days from the adoption of this act fail to apply to the State Land Commissioner for such lands shall forfeit all preference to them granted under the terms of this act.

Must exercise right within thirty days.

Failure to act and forfeiture.

Leases void unless work begun within one year.

SEC. 7. All leases under the terms of this act shall be deemed to be void and of no effect unless the lessee or his assigns shall commence the work of drilling or boring for petroleum oil and gas within the period of one year from and after the date of the execution of such lease: *And provided further*, That such work shall proceed continuously and at no time cease for a greater period than ninety (90) days: *Provided*, That whenever oil and natural gas be discovered by such work in paying quantities then no further work need be done under the terms of such lease than to mine, secure and store the same, but failure to operate after discovery of oil or natural gas in paying quantities for any period of ninety consecutive days shall work a forfeiture of the lease.

Proviso.

Failure to operate for ninety days to work a forfeiture.

Lessee to pay holder of an existing lease.

SEC. 8. If land is leased by the state upon which an existing lease for agricultural purposes is held by some person other than the lessee under the terms of this act, that the lessee hereunder shall pay to such person so holding said land under lease for agricultural purposes reasonable compensation for any and all damage sustained by him to growing crops or for the use of said premises during the development of the said petroleum and natural gas lands by mining and boring and holding possession thereof.

SEC. 9. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate March 1, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CVII.

[S. B. No. 233.]

FOR THE RELIEF OF FRANK BARTHOLET.

AN ACT making an appropriation for the relief of Frank Bartholet.

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

SECTION 1. That the sum of \$442.41 is appropriated for the relief of Frank Bartholet, to be paid out of any Appropriation. moneys in the general fund of the state treasury not otherwise appropriated, said payment to be made upon the presentation and execution of the proper vouchers to the State Treasurer by Frank Bartholet.

Passed the Senate March 5, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CVIII.

[S. B. No. 48.]

AUTHORIZING THE STATE AUDITOR TO CREDIT SPOKANE COUNTY FOR YEARS 1897 AND 1898 ON TAX ROLLS.

AN ACT authorizing the State Auditor to give Spokane county, Washington, credit on tax roll accounts for the years 1897 and 1898.

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

SECTION 1. The State Auditor is hereby authorized and directed to credit Spokane county, Washington,

State Auditor
to credit for
1897.

on its tax roll account for the year 1897, \$7,368.07 : General state fund, \$3,360.87; general school fund, \$3,490.14; state interest fund, \$258.53; state military fund, \$258.53, on account of said Spokane county by clerical error [having] paid into the state treasury the above named amounts in the above mentioned sums over and above its just proportion of the taxes for said year.

Credit for 1898.

SEC. 2. The State Auditor is hereby authorized and directed to credit Spokane county, Washington, on its tax roll account for the year 1898, \$7,374.57 in the following funds, to-wit: General state fund, \$3,277.59; general school fund, \$3,550.72; state interest fund, \$273.13; state military fund, \$273.13, on account of said Spokane county by clerical error having paid into the state treasury the above named amounts in the above mentioned sums over and above its just proportion of the taxes for said year.

Passed by the Senate March 8, 1901.

Passed by the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CIX.

[S. B. No. 181.]

TO REGULATE THE PURCHASE, SALE AND TRANSFER OF STOCKS OF GOODS.

AN ACT to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof.

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

Duty of parties
regarding
goods.

SECTION 1. It shall be the duty of every person who shall bargain for, or purchase any stock of goods, wares or merchandise in bulk, for cash, or on credit, before paying to the vendor, or his agent, or representative, or delivering to the vendor, or his agent, any part of the

purchase price thereof, or any promissory note, or other evidence therefor, to demand of and receive from such vendor, or agent, or if the vendor or agent be a corporation, then from the president, vice-president, secretary or managing agent of such corporation, a written statement, sworn to substantially as hereinafter provided, of the names and addresses of all the creditors of said vendor, to whom said vendor may be indebted, together with the amount of the indebtedness due or owing, and to become due or owing, by said vendor to each of such creditors; and it shall be the duty of said vendor, or agent, to furnish such statement, which shall be verified by an oath to the following effect:

Names of creditors.

STATE OF WASHINGTON, }
 COUNTY OF } ss.

Before me personally appeared (vendor, or agent, as the case may be), who being by me first duly sworn upon his oath doth depose and say that the foregoing statement contains the names of all of the creditors of (the name of the vendor) together with their addresses, and that the amount set opposite each of said respective names is the amount now due and owing, and which shall become due and owing by (vendor) to such creditors, and that there are no creditors holding claims due, or which shall become due for or on account of goods, wares or merchandise purchased upon credit or on account of money borrowed to carry on the business of which said goods are a part, other than as set forth in said statement, and in this affidavit, are within the personal knowledge of affiant.

Form of oath.

Subscribed and sworn to before me this day of, 190..
 (Title of officer taking oath.)

SEC. 2. Whenever any person shall bargain for, or purchase any stock of goods, wares or merchandise in bulk, for cash, or on credit, and shall pay any part of the purchase price, or execute or deliver to the vendor, thereof, or to his order, or to any person for his use, any promissory note, or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from said vendor, or from his agent, the statement provided for in section 1 of this act and verified as there provided, and without paying, or seeing to it that the purchase money of the said property, is applied to the payment of the *bona fide* claim of the creditors of the vendor as shown upon such

Credit purchases.

Statement of vendor.

Applied to payment of claim.

verified statement, share and share alike, such sale, or transfer shall be fraudulent and void.

When acting for any vendor. SEC. 3. Any vendor of any stock of goods, wares or merchandise in bulk, or any person who is acting for, or on behalf of any vendor, who shall knowingly or willfully make or deliver, or cause to be made or delivered a statement as provided for in section 1 of this act which shall not include the names of all the creditors of such vendor with the correct amount due, and to become due to each of them or which shall contain any false or untrue statement, shall be deemed guilty of Perjury. and upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years, or shall be fined in any sum not exceeding one thousand dollars.

Sale of goods. SEC. 4. Any sale or transfer of a stock of goods, wares or merchandise out of the usual or ordinary course of business or trade of the vendor, or whenever substantially the entire business or trade therefore [therefor] conducted by the vendor, shall be sold or conveyed or whenever an interest [in] or to the business or trade of the vendor is sold or conveyed, or attempted to be sold or conveyed shall be deemed a sale and transfer in bulk in contemplation of this act: *Provided, however,* That [if] such vendor produces and delivers a written waiver of the provisions of this act from his creditors as shown by such verified statements then and in that case the provisions of this section shall not apply.

Act not to apply to executors, etc. SEC. 5. Nothing in this act contained shall apply to executors, administrators, receivers, or any public officer acting under judicial process.

Passed the Senate February 28, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CX.

[S. B. No. 35.]

MAKING THE SEA BEACH IN PACIFIC AND CHEHALIS
COUNTIES A PUBLIC HIGHWAY.

AN ACT to make the sea shore or sea beach of the Pacific Ocean in Pacific and Chehalis counties, State of Washington, a public highway forever, to provide for the cancellation of existing contracts of sale and lease of such seashore and sea beach, and declaring an emergency.

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

SECTION 1. That the shore and beach of the Pacific Ocean, including the area or space lying, abutting or fronting on said ocean and between ordinary high tide and extreme low tide (as such shore and beach now are or hereafter may be) from the Columbia river or Cape Disappointment on the south to a point three hundred feet southerly from the south line of the government jetty on Peterson's Point, State of Washington on the north, be and the same are hereby declared a public highway forever, and as such highway shall remain forever open to the use of the public.

Sea beach —
location of and
what portion.

SEC. 2. No part of said shore or beach shall ever be sold, conveyed, leased or otherwise disposed of.

Shall not be
sold or leased.

SEC. 3. No lease or contract of sale now existing on or for any part or parts of said shore or beach shall be renewed or extended, nor shall any sale or conveyance of any part or parts of said shore or beach be made or executed under or by virtue of any such lease or any contract of sale.

Existing
leases not to
be renewed or
extended.

SEC. 4. In any and all cases where any part or parts of said shore or beach has been sold or conveyed, or been contracted to be sold or conveyed, or has been leased by the State of Washington to any person or corporation, any such person, or his heirs, executors, administrators or assigns, or any such corporation or its successors or assigns, may re-convey to the State of Washington such part or parts of said shore or beach so sold or conveyed by the State of Washington,

Where certain
portions have
been conveyed,
parties may
re-convey
to state.

Lease to be
canceled by
Commissioner
Public Lands.

or surrender for cancellation any such contract or lease, and thereupon the Commissioner of Public Lands of the State of Washington is hereby authorized and directed to cancel such contract or lease, and to refund or cause to be refunded any moneys received by the State of Washington on account of such sale, conveyance, contract or lease.

Conflicting
laws hereby
repealed.

SEC. 5. All laws and parts of laws of the State of Washington in conflict with this act are hereby repealed.

Emergency.

SEC. 6. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the Senate February 18, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXI.

[S. B. No. 137.]

AMENDING AN ACT RELATIVE TO DIKES.

AN ACT amending section 13 of an act entitled "An act to provide for the establishment and creation of diking districts, and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

Amendment.

SECTION 1. That section 13 of an act entitled "An act to provide for the appointment and creation of diking districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," approved March 20th, 1895, be amended to read as follows :

Benefited
lands formerly
omitted from
assessment —
remedy.

Sec. 13. If the board of diking commissioners shall, at any time, discover that any lands within said district are being benefited by the diking system and the same were by mistake, inadvertence or other cause omitted

from the assessment of benefits as provided for in the last preceding section, or which were omitted for the reason that they were not at the time of assessing the benefits as provided for in said preceding section, for any cause, subject to a legal assessment, said commissioners shall file a petition in the Superior Court in the original cause setting forth the fact of such benefits, describing the lands omitted, the reason the same were omitted in said original proceedings and giving the name of the owners or reputed owners thereof and praying that said original cause, as to such lands, be opened up for further proceedings for the assessment of the alleged benefits, and upon the filing of said petition summons shall issue thereon and be served on the defendants named in said petition the same as summons is served and issued in original proceedings, as near as may be, except the court may, to avoid costs, and in its discretion, call a jury of not less than three jurors, and the jury, in assessing the benefits, shall take into consideration the length of time said lands are to receive the benefits from said improvement and its future maintenance, estimating said time from the date when said lands first became legally assessable, which date must be found by the jury in their verdict as to each tract or parcel found to be benefited: *And provided further*, That in case the expense and costs of the improvement have been paid for by assessments levied against the lands assessed in the original proceeding before the lands provided for in this section are assessed, as provided for herein, then, in such case, the assessments levied from time to time on said last mentioned land shall be paid into the maintenance fund of said district. Every person or corporation feeling himself or itself aggrieved by any judgment for damages or any assessment of benefits provided in this act, may appeal to the Supreme Court of the state within thirty days after the entry of the judgment, and such appeal shall bring before the Supreme Court the propriety and justness of the amount of damage or assessment of benefit in respect to the parties to the appeal. Upon such

File a petition.

Court may call a jury.

Proviso.

Whom may appeal to Supreme Court.

No bonds
required nor
stay allowed.

appeal no bonds shall be required and no stay shall be allowed.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXII.

[S. B. No. 94.]

AMENDING AN ACT CREATING OFFICE OF STATE VETERINARY SURGEON.

AN ACT to amend sections 2 and 5 of an act entitled "An act providing for the creation of the office of the State Veterinary Surgeon and defining his duties," approved March 22, 1895.

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

Amendment.

SECTION 1. That section 2 of an act approved March 22, 1895, entitled "An act providing for the creation of the office of the State Veterinary Surgeon and defining his duties," be and the same is hereby amended to read as follows :

Powers of
such officer.

SEC. 2. He shall have general supervision of all contagious and infectious diseases among domestic animals within or that may be in transit through the state, and he is authorized and empowered to inspect and test all cattle within the state for tuberculosis whenever in his judgment it is deemed advisable, and he is empowered to establish quarantine against any and all such animals affected with any contagious or infectious disease or diseases, or that have been exposed to others thus diseased, whether within or without the state; and he may with the concurrence of the State Board of Health, make such rules and regulations as he may deem necessary for the protection against the spread and for the suppression of said disease or diseases, which rules and regulations after the concurrence of the Governor, shall be published and enforced, and in doing said things, or any of them, he shall have the power to call on any

Rules and
regulations.

Publication of
rules, etc.

one or more peace officers, whose duty it shall be to give him all the assistance in their power. Call on peace officers to assist.

SEC. 3. That section 5 of said act be amended to read as follows: Amendment.

Sec. 5. Whenever in the opinion of the State Veterinary Surgeon the public welfare demands the destruction of any diseased animal under the provisions of this act, he shall cause the same to be destroyed. Destruction of diseased animals. No stock shall be destroyed except on the written order of the State Veterinary Surgeon. The Governor of the state with the State Veterinary Surgeon may co-operate with the government of the United States for the object of this act and the Governor is hereby authorized to receive and receipt for any money receivable by this state through provisions of any act of Congress which may at any time be in force upon this subject, and to pay the same into the state treasury to be used according to the act of Congress and the provisions of this act. Co-operation with United States.

Passed the Senate February 18, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXIII.

[S. B. No. 161.]

AMENDING LOCAL IMPROVEMENT ASSESSMENT ACT.

AN ACT amending section 943 of Ballinger's Codes and Statutes of Washington, relating to assessments for local improvements.

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

SECTION 1. That section 943 of Ballinger's Annotated Codes and Statutes of Washington relating to assessments for local improvements be amended to read as follows: Amendment.

"Sec. 943. The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, alleys, avenues, highways and public places of such city. The expense City council authorized to proceed.

or cost of improving and repairing streets, sidewalks, alleys, squares and other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same, and planting, setting out and cultivating of shade trees therein, and constructing gutters,

Assessment of costs and expenses.

culverts and sidewalks therein, shall be assessed as follows : The city council shall, before or during the grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass a resolution or ordinance

Resolution or ordinance.

declaring its intention to make such improvement and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which the said improvement is made, and the estimate of the cost of the same, and the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided) on such street proposed to be improved, and shall fix a time not less than ten days in which protests against

Time for filing of protests.

such proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protest, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protest against the proposed improvement by the owners of

Protest of owners of more than two-thirds of front feet.

more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein proposed, be fixed on or before the date fixed for such filing, the council shall not proceed further with the work unless six members of said council shall vote to proceed with such work.

Exception.

If no such protest is filed, or if such protest is filed and six councilmen shall vote to proceed with such work, the council shall at its next regular meeting, proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improve-

ment. By the provisions of such ordinance a local improvement district shall be established to be called: "Local Improvement District No.—;" which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks, to the center of the blocks; if platted in lots only to the center of each lot, and if not platted, to the distance of one hundred and twenty feet. Such ordinance shall provide that such improvement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such land and lots fronting thereon, and included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in their judgment may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or cross ways at corners or intersection of streets, and the expenses of establishing, building and repairing bridges in such city shall be paid by such city, the expense incurred in making and repairing sewers in any street shall be paid by the city out of the sewer fund. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinafter provided.

Title of district.

Property to be included.

Provisions of ordinance.

Proviso.

Portion to be paid by city.

When on water front to be paid by city.

Contract, to whom.

When any work or improvements mentioned in this section is done or made on one side of the center lines

When done on only one side of street.

of such street, avenues or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any ex-

When cost has been assessed to become a lien on said lands.

penses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure.

Suit.

Said suit shall be in the name of the city of..... (naming it) as plaintiff. And in any such proceedings where the court trying the same shall be satisfied that the work has been done or material furnished, which according to the true intent of the act would be properly chargeable upon a lot or land through or by which the street, alley or highway improved or repaired may pass, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informalities, irregularities or defect in any of the proceedings of such municipal corporation or its officers.

Passed the Senate February 27, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXIV.

[S. B. No. 76.]

AMENDING ACT RELATIVE TO GAME BIRDS.

AN ACT to amend sections 7351 and 7359 of Ballinger's Annotated Codes and Statutes relating to game birds, and repealing section 5 of the act approved March 14, 1899, entitled "An act to amend sections 2, 3, 12, 13 and 15 of an act entitled 'An act for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation, and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington,' approved March 11, 1897."

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

SECTION 1. That sections 7351 and 7359 of Ballinger's Annotated Statutes and Codes of Washington, relating to game birds, be amended to read as follows: Section 7351. Every person who shall hunt, pursue, take, kill, injure or destroy any grouse, partridge, prairie chickens, sage hen, native pheasant, or ptarmigan between the first day of December of any year and fifteenth day of August of the following year, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That in all counties lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat it shall be unlawful to hunt, pursue, take, kill, injure or destroy any prairie chicken or sage hen between the fifteenth day of November of any year and the fifteenth day of September of the following year: *Provided further*, That in the counties of Kittitas and Yakima it shall be unlawful to hunt, pursue, take, kill, injure or destroy any prairie chickens or sage hen from and after the passage of this act and before the fifteenth day of August, 1903: *Provided further*, That no quail shall be killed until 1903.

Amendment.

Game birds—
what.From what
dates.Proviso as to
certain
counties.

Proviso.

Quail— not to
be killed till
1903.

SEC. 2. That section 7359 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 7359. Every person who shall hunt, pursue, take, kill, injure or destroy any imported or Oriental pheasant, golden, silver, ring-necked, copper, bronze, Chinese or Mongolian pheasant, or California, valley or mountain quail, or bob-white quail, between the first day of December of any year and the fifteenth day of August of the following year, shall be guilty of a misdemeanor and upon conviction shall be punished as hereinafter provided: *Provided*, That it shall be unlawful to hunt, pursue, take, kill, injure or destroy any of the birds named in this section in any of the counties lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat from and after the passage of this act and before the fifteenth day of August, 1905.

SEC. 3. That section 5, of an act approved March 14, 1899, entitled "An act to amend sections 2, 3, 12, 13 and 15 of an act entitled 'An act for the protection of game animals and birds, and song birds and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation, and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington,' approved March 11, 1897," be and the same is hereby repealed.

Passed the Senate February 23, 1901.

Passed the House March 12, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXV.

[H. B. No. 215.]

FOR THE RELIEF OF DONNELLY BROTHERS.

AN ACT for the relief of Donnelly Brothers for the interment of Nicholas C. Polley, late a private of Company D, First Washington Volunteers, and for the reintering of said Nicholas C. Polley in the cemetery at Olympia.

WHEREAS, Nicholas C. Polley, late a private of Company D, First Washington Volunteers, and who has been honorably discharged from said service on account of physical and mental disabilities resulting from a wound received at Paco Church in the battle of Manila on the — day of February, 1899, while heroically [heroically] defending his country's flag in the line of duty, and whose death occurred in this state on the 22nd day of March, 1900, as a result of said wounds; and

Name of deceased soldier.

WHEREAS, At the time of his said death he was wholly without means himself, and had no relatives who were able to bear the expenses of an honorable burial; and

WHEREAS, D. M. Donnelly and B. N. Donnelly, co-partners doing business under the firm name of Donnelly Brothers, residing in the town of Sedro-Wooley where his said death occurred, took charge of the body of said deceased soldier and gave it an honorable and respectable burial:

Firm name.

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

SECTION 1. That there be, and is hereby appropriated out of the military fund of the state treasury not otherwise appropriated the sum of fifty dollars, for the relief and reimbursement of the said D. M. Donnelly and B. N. Donnelly for their expenses incurred in the burial of Nicholas C. Polley, late of Company D, First Washington Volunteers.

Appropriation for former burial expenses.

SEC. 2. That the sum of two hundred dollars, or so much as may be necessary, be, and is hereby appropriated from the military fund of the state treasury not otherwise appropriated for the purpose of taking up, transporting and re-intering the body of said Nicholas

Appropriation for removal to and re-interment at Olympia.

C. Polley in the cemetery at Olympia, under the direction of the Adjutant General.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXVI.

[H. B. No. 477.]

AMENDING AN ACT TO CREATE A BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS.

AN ACT to amend an act entitled "An act to create a board of health and bureau of vital statistics in the State of Washington," approved March 7, 1891, by amending section 2 and adding sections 2½ and 6½.

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

Amendment.

SECTION 1. That section 2 of an act entitled "An act to create a board of health and bureau of vital statistics in the State of Washington," approved March 7, 1891, be and the same is hereby amended so as to read as follows: Sec. 2. The State Board of Health shall have supervision of all matters relating to the preservation of the life and health of the people of the state. The board shall have supreme authority in matters of quarantine, and may declare and enforce it when none exists, may modify, relax or abolish it when it has been established. The board may have special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule. It may also make and enforce orders in local matters, when in the opinion of the State Board of Health, an emergency exists and the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when no such local board has been established, and all ex-

Supervision of board and supreme authority.

Special or standing orders.

penses so incurred shall be paid by the county in which such services are rendered out of the general fund of said county. It shall be the duty of all local boards of health, health authorities and officials, officers of the state institutions, police officers, sheriffs, constables, and all other officers and employes of the state, or any county, city or township thereof, to enforce such quarantine and sanitary rules and regulations as may be adopted by the State Board of Health, and in the event of failure or refusal on the part of any member of said boards or other officials, or persons in this section mentioned to so act, he or they shall be subject to a fine of not less than fifty dollars, upon first conviction, and upon conviction of second offence [offense] of not less than one hundred dollars. The board shall make careful inquiry as to the cause of disease especially when contagious, infectious, epidemic or endemic, and take prompt action to control and suppress it. It shall respond promptly, when called upon by the state or local government and municipal or township boards of health, to investigate and report upon the water supply, sewerage, disposal of excreta, heating, plumbing, or ventilation of any place or public building.

Duty of local boards and officials.

Refusal or failure to act.

Penalty

Response—when called upon.

SEC. 2. Section 2½ is hereby added to said act to read as follows: Section 2½. It shall be the duty of the local board of health, health authorities or officials, and of physicians in localities where there are no local health authorities or officials, to report to the state board of health, promptly upon discovery thereof, the existence of any one of the following diseases which may come under their observation, to-wit: Asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, typhus, typhoid fever, bubonic plague or leprosy, and of such other contagious or infectious diseases as the state board may from time to time specify. And when any contagious or infectious disease shall, in the opinion of the state board of health, become or threaten to become epidemic in any city, village or county, and the local authorities shall neglect or refuse to enforce measures which, in the opinion of the state board of health, are

Duty of local board of health.

Certain diseases enumerated.

Contagion—when threatened to become epidemic.

efficient for its prevention, the state board of health, or its executive officers, on the order of the president of said board, may appoint a medical or sanitary officer, and such assistants as he may require, and authorize him to enforce such orders or regulations as said board or its executive officer may deem necessary, the expense thereof to be paid by that county in which such services are rendered out of its general fund.

Expense to be paid by county.

SEC. 3. Section 6½ is hereby added to said act to read as follows: Section 6½. All prosecutions and proceedings instituted by the state board of health, for the violations of any of the provisions of this chapter, or any other laws to be enforced by this board, for the violation of any of the orders or regulations of the state board of health, shall be instituted by its proper officer on the order of the board; and all laws prescribing the modes of procedure, courts, practice, and penalties for judgments applicable to local boards of health, shall apply to the state board of health, and the violation of its laws or orders; and all fines or judgments collected or received, shall be paid over to the state treasurer, and credited to the fund created for the support of the state board of health.

Prosecutions.

All laws to apply to state board.

Passed the House March 11, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXVII.

[H. B. No. 284.]

AUTHORIZING CITIES AND TOWNS TO CONSTRUCT WATER WORKS WITHIN ASSESSMENT DISTRICTS.

AN ACT authorizing cities and towns other than cities of the first class to construct water works for irrigation and domestic purposes within assessment districts, and to levy and collect special assessment and taxes to pay therefor.

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

SECTION 1. That all cities and towns within the state, other than cities of the first class, where such cities are

now empowered or may hereafter be empowered to construct water works for irrigation and domestic purposes, may do so either by the entire city or by assessment districts as the mayor and council of said city may determine.

May construct by entire city or district assessment.

SEC. 2. Before letting any contract for the construction of any water works for irrigation and domestic purposes, the mayor and council shall by ordinance or resolution adopt the plans therefor and shall fix and establish the assessment districts, if the same is to be constructed at the expense of the district, and such cities and towns are hereby authorized to charge the expense of such water works for irrigation and domestic purposes to all the property included within such district which is contiguous or approximate to any street in which any main pipe or lateral pipe of such water works for irrigation and domestic purposes, is to be placed, and to levy special taxes upon such property to pay therefor, which assessment and tax shall be levied in accordance with the last general assessment of the property within said district for city purposes.

Before letting contract shall adopt plans by resolution, etc.

Levy of special taxes.

SEC. 3. That the purpose of providing for, constructing and maintaining such water works for irrigation and domestic purposes and issuing bonds to pay therefor, such cities and towns are hereby authorized to proceed in all ways in accordance with, and apply all the provisions of an act of the legislature of this state, entitled "An act relating to internal improvements in cities authorizing the issuance and collection of bonds upon the property benefited by local improvements, and declaring an emergency," approved March 9, 1893, and of any and all other laws now in force or which may be hereafter enacted relating to the levy and collection of special assessments and taxes.

Cities authorized to comply with act.

Passed by the House March 11, 1901.

Passed by the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXVIII.

[H. B. No. 179.]

AUTHORIZING LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS IN CITIES OF FIRST CLASS.

AN ACT authorizing the levy and collection of special assessments to pay the cost and expense of local improvements in cities of the first class; declaring such assessments to be a lien against the property assessed therefor; providing for the confirmation of assessment rolls and for the collection of such assessments and the enforcement of the liens thereof, and authorizing the issuance of delinquent assessment certificates against the property assessed for local improvements and the foreclosure of the same.

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

Mode of
assessments.

SECTION 1. That cities of the first class shall have power by general ordinance to prescribe the mode in which the charge on respective lots and parcels of land shall be assessed and determined for the purpose of special assessments to pay the cost and expense of any local improvements. Such charge when assessed and the assessment roll confirmed by the legislative body of such city in the manner provided, or to be hereafter provided, by ordinance or city charter, shall be a lien upon the property assessed from the time said assessment roll shall be placed in the hands of the officer authorized by law or the charter and ordinances of such city to collect such assessments. Said lien shall be paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created except a lien for assessments for general taxes.

Lien on
property.

Such lien
paramount to
all others.

SEC. 2. Whenever any assessment roll for local improvements shall have been prepared as provided by law, charter or ordinance of any city of the first class, and such assessment roll shall have been confirmed by the council or legislative body of such city, after due and proper notice to the property owner, as provided by law, charter or ordinance, so that said owners of property may have a reasonable opportunity to object to or protest against any assessment, the regularity, and

correctness of the proceedings to order said improvement, and the regularity, validity and correctness of said assessment cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll, prior to the same being confirmed, as aforesaid, and at such time or times as may be prescribed by charter or ordinance. Upon any objections being filed as aforesaid, the council or other legislative body, at the time set for hearing objections to the confirmation of said roll, or at such time as said hearing may be adjourned to, shall have power to correct, revise, change or modify such roll, or any part thereof, and to set aside such roll and order that said assessment be made *de novo*, as to such body shall appear equitable and just, and shall confirm the same, as corrected, by resolution or ordinance, in conformity with the charter of such city. All objections shall state clearly the grounds of objection, and objections to such assessment roll or to the assessment proceedings not made before such council, or other legislative body, as aforesaid, shall be conclusively presumed to have been waived. The decision of the council or other legislative body upon any objections filed as aforesaid may be reviewed by the Superior Court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the city clerk of such city within ten days after the assessment roll shall have been confirmed, as aforesaid, and such notice shall describe the property and the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal, the appellant shall file with the clerk of the Superior Court of the county in which such city may be situated a copy of such notice of appeal, a transcript of the assessment roll, of the objections thereto filed by him with the city clerk, as aforesaid, the order confirming such assessment roll, and the record of the council or other legislative body with reference to said assessment, which transcript shall be furnished and cer-

Regularity, validity and correctness not to be contested unless objections have been filed.

Correction and revision.

Objections—what to state.

Decision of council.

Appeal.

Appellant to file notice of appeal.

tified to by the city clerk as being a true copy of the original, upon payment of the necessary fees therefor. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the Supreme Court in civil actions. At the time of the filing of the transcript on appeal, the appellant shall execute and file with the clerk of the Superior Court a sufficient bond with at least two sureties (provided however, that any surety company authorized by the laws of the State of Washington to become surety upon appeal bonds shall be deemed sufficient security), to be approved by the judge of said court, conditioned to prosecute such appeal without delay and, if unsuccessful, to pay all costs to which the city is put by reason of such appeal. Such bonds shall be for a penal sum of not less than two hundred dollars. Said cause shall be docketed by the clerk of such court in the name of the person taking such appeal as plaintiff and against said city as defendant as "an appeal from assessment."

Proviso. Within three days after such transcript is filed in the Superior Court, as aforesaid, the appellant shall give written notice to the head of the legal department of such city, and to the city clerk, that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the Superior Court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in cities and towns and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision, if any

Fees same as for appeal to Supreme Court in civil actions.

Bonds for not less than \$200.

Docketing of cause.

Notice in three days.

Time of hearing.

Hearing without jury.

Judgment of court.

Copy of decision to be filed.

modification thereof be required to make such roll conform to such decision. An appeal shall lie to the Supreme Court from the judgment of the Superior Court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen days after the date of the entry of the judgment of such Superior Court; and the record and opening brief of the appellant in said cause shall be filed in the Supreme Court within sixty days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the Superior Court, or by stipulation of the parties concerned. And the Supreme Court, on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the Supreme Court upon such appeal shall, within fifteen days after the entry of such order, be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision, if any modification or change thereof be required to make such roll conform to such decision.

Proviso.

Filing of brief within sixty days.

Extension of time.

Changes in assessment.

Filing of copy of court's order.

SEC. 3. The action of the council or other legislative body, hereinbefore mentioned in confirming such assessment roll shall be conclusive in all things upon all parties not appealing therefrom in the manner and within the time hereinbefore mentioned, and no proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment or the foreclosure of any lien herein provided for: *Provided,* This section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds: (1) That the property about to be sold does not appear upon the assessment roll, and (2) that said assessment has been paid.

Action conclusive.

Proviso.

SEC. 4. The city shall prescribe by ordinance within what time such assessments, or instalments thereof,

Ordinance to prescribe— what.	shall be paid; and may provide for the payment and collection of interest at a rate not to exceed eight per cent. per annum upon all unpaid instalments. Assess-
Delinquent assessments to bear interest and penalty.	ments, or instalments thereof, shall, when delinquent, bear such interest and penalty as may be by ordinance or charter prescribed. Interest and penalty shall be included in and shall be a part of the assessment lien.
Collections.	All assessments shall be collected and all such liens enforced in such manner as may be by charter or ordinance prescribed.
Provisions for sale of property.	SEC. 5. Such cities may by charter or ordinance provide for the sale of the property described in the assessment roll, after the assessment or any instalment thereof shall have become delinquent, for the amount of such delinquent assessment or instalment, and whatever penalty and interest may have accrued, and for the costs of such sale; and for the execution and delivery by the officer making such sale of certificates of sale to the purchaser, and for the execution of an assessment deed to the person entitled thereto under the provisions of said charter or ordinance: <i>Provided, however,</i>
Proviso.	That such sale shall not be made until after reasonable notice thereof, to be prescribed by the charter or ordinance, shall have been published: <i>And provided further,</i>
Period of redemption.	That there shall be a period of redemption of any property sold as aforesaid within the same time and by the same persons, at least, as may be provided by law for the redemption of real estate sold upon execution. Said cities may prescribe by ordinance or charter that
Assessment deeds conclusive.	such assessment deeds shall be conclusive of all things pertaining to any and all prior proceedings of which such deeds can, under the constitution of the United States and of the State of Washington, be made conclusive, and shall convey the entire title to the property therein described stripped of all prior liens and claims, except unpaid assessments and general taxes. The city
County treasurer may collect, when stipulated by ordinance.	may by ordinance or charter prescribe that the county treasurer shall be the collector of all delinquent assessments; and such treasurer shall, thereupon, make such collections, and shall do all things, including the ad-

vertisement and sale of lots and parcels of land, the execution and delivery of certificates of sale, the execution and delivery of assessment deeds, and the acceptance of redemption money, as may be necessary to enforce [enforce] the collection of such assessments, and instalments thereof, and to foreclose the assessment liens as prescribed by charter or ordinance; but all expenses of such proceedings shall be paid by the city: *Provided however*, That the treasurer shall not receive from such city any compensation for such services. All such moneys which may be collected or received by such treasurer, or which may come into his hands as such collector, shall be paid by him to such city in such manner and at such times as such city shall prescribe by charter or ordinance.

SEC. 6. Whenever any city of the first class made by charter or ordinance provide for the collection of any assessment, or instalment thereof, or the enforcement of any assessment lien, by proceedings in court, it may bring an action in its own name for such purpose in the superior court in the county where such city is situate. In any such proceeding, all owners of property upon which there are delinquent assessments, or instalments thereof, arising under a single roll, may be joined as defendants, and all liens for such delinquent assessments, or instalments thereof, may be foreclosed in such proceeding. Such proceeding shall be tried before the court without a jury; and, if in such proceeding the court shall find that there is any amount properly chargeable to any of the lots or parcels of land included therein for the making of said improvement, it shall enter judgment therefor, and for all costs, against such lot or parcel of land, and shall decree that such land shall be sold to enforce such judgment, and execution shall issue for the enforcement of such decree. In any such proceeding, it shall be sufficient to allege the passage of the ordinance authorizing such assessment, the levying of the assessment, the confirmation thereof and the failure to pay such assessment, or instalment thereof, within the time prescribed. The

City to pay taxes.

Proviso.

City may bring actions in its own name.

Joint defendants.

Foreclosures.

Trial without jury.

Decree

Sufficient to allege passage of ordinance.

Burden of proof. assessment roll and confirmatory order, or duly authenticated copies thereof, shall be *prima facie* evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon the defendants.

Certificates of delinquency to constitute lien. SEC. 7. Any city of the first class may by charter or ordinance provide for the issuance of certificates of delinquency for any and all delinquent assessments, or instalments thereof, and any interest and penalty thereon which may be due. Such certificates of delinquency shall constitute a lien against the property upon which such assessments were levied, and shall bear interest from the date of issuance thereof at a rate to be prescribed by ordinance, not to exceed fifteen per cent. per annum, and shall be foreclosed, after a period prescribed by ordinance (not exceeding three years) in the same manner and with the same effect as mortgages upon real estate are foreclosed. Such certificates may be issued to the city, or may be sold to any person applying therefor upon payment of the value and principal, interest and penalty thereof. They may be assigned in writing, and the city may sell and assign any and all certificates which may be issued to it upon the payment of the value thereof in principal and accrued interest, in cash. Such certificates may contain or import such guaranty as the city may by charter or ordinance prescribe. They shall be *prima facie* evidence that the land against which the same were issued was subject to the assessment at the time the same was assessed, that the property was assessed as required by law, and that the assessment, or instalments thereof, were not paid prior to the issuance of such certificates.

Rate of interest.

Sale of certificates.

Assignment.

Guaranty.

Evidence.

Property to be struck off to the city. SEC. 8. At all sales of lots or parcels of land for the enforcement of assessments, or foreclosure of assessment liens whether after publication of notice, under decree of court or by foreclosure of delinquent assessment certificates issued to the city (which certificates may be foreclosed by the city in an action brought in its own name), or otherwise, the property offered for sale shall be struck off to the city for the amount of the delin-

quent assessment, interest, penalty and costs, if there be no bid therefor equal to or exceeding the amount of the assessment and such penalty, interest and costs as may then be due; and certificates of sale and deeds shall be issued to such city in the same manner and with the same effect as to any other bidder: *Provided*, Proviso. *however*, That said city shall hold such property as trustee of the fund for the creation of which such assessment was levied: *Provided further*, That said city may, at Proviso. any time prior to the expiration of the period of redemption, pay into such fund the amount of the delinquent assessment, with accrued interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided for such bonds or warrants, upon such lot or parcel of land, and shall, thereupon, hold such lands discharged of such trust. If any lot or parcel of land shall be held by such city as trustee, as aforesaid, until the period of redemption shall have expired, said city shall, thereupon, advertise Shall advertise sale. in such manner and for such time as may be prescribed by charter or ordinance such lot or parcel of land for sale at public auction, and shall sell the same, pursuant Sale of — at public auction. to a notice, to the highest bidder therefor for cash, but no bid shall be accepted of an amount less than the face of the delinquent assessment upon such lot or parcel of land, plus the interest accruing, to the date of sale computed at the rate provided for delinquent assessments, and all penalties and costs which may have accrued, with interest thereon at the same rate; and, of the moneys received at such sale or sales, there shall be paid into the fund for the creation of which such assessment shall have been levied an amount equal to the Paid into fund amount equal to assessment. assessment upon such lot or parcel of land, plus the interest accruing thereon computed to the time of the next call for bonds or warrants issued against such fund at the rate prescribed for such bonds or warrants. If at such sale there shall be no bid in the amount aforesaid, When no bid. said city may sell such lot or parcel of land at private sale for bonds or warrants issued against the said assessment fund to any person who will surrender to such

city an amount of such warrants or bonds, which, with accrued interest, shall equal the amount of the assessment against such lot or parcel of land plus the accrued interest thereon, and all costs which may have been incurred, or for lawful money of equal amount. Bonds or warrants so surrendered and delivered to the city shall be canceled.

Cancelation of bonds or warrants.

SEC. 9. When the assessment upon property is payable in instalments, the foreclosure of the lien of any instalment, by sale or otherwise, shall not prevent the foreclosure of any subsequent instalment, when the same may become due; but such subsequent instalment may be collected and the lien thereof enforced in the manner provided. But the purchaser of any prop-

Foreclosure not prevented.

Purchaser may pay all accruing instalments.

erty at the foreclosure of any instalment may pay all subsequent accruing instalments, assessments or taxes upon the property so sold, while the same remains unredeemed, and such purchaser shall be entitled to collect, upon the redemption of such land, in addition to the purchase price and interest thereon, the amount of such subsequent payment or payments, with interest thereon at a like rate from the date of payment: *Provided, however,* That such city may provide by charter or ordinance that upon failure to pay any instalment when due, the entire assessment shall become due and payable and the collection thereof enforced in the manner prescribed.

Purchaser entitled to collect.

Proviso.

SEC. 10. That the provisions of this act shall, so far as practicable, extend to the collection of any local improvement assessment or assessments, or to the enforcement of the lien or liens thereof, heretofore, as well as hereafter, levied or created; and cities of the first class may exercise the authority hereby conferred and the ways and means hereby authorized in the collection of existing assessments and the foreclosure of existing assessment liens: *Provided,* That nothing contained shall prevent or be construed to prohibit the assessment or collection of any local improvement assessment in any manner now, or which may be, provided by law or charter, but any city of the first class

Cities to exercise authority.

Proviso.

may pursue the means now, which may be, provided by charter or law for the levy, collection and enforcement of local improvement assessments; but the authority hereby conferred and the ways and means hereby authorized shall be considered as additional and concurrent. Nothing herein contained shall be construed as making any city liable to the holder of any local improvement bonds or warrants which are payable only from the proceeds of special assessments; and the holder of any such bonds or warrants shall look only to the fund provided by such assessment for the principal or interest of such bonds or warrants, and shall have no claim therefor against the city by which the same are issued, except from the special assessments levied for the improvement and funds thereby created.

Concurrent
authority.

City not liable.

Exception.

Passed the House February 19, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXIX.

[H. B. No. 222]

CREATING A STATE BOARD OF CONTROL AND REPEALING CONFLICTING LAWS.

AN ACT to create a State Board of Control, and to provide for the government, control and maintenance of the Western Washington Hospital for the Insane, the Eastern Washington Hospital of the Insane, the State Penitentiary, the State Reform School, the State Soldiers' Home and the State School for Defective Youth; repealing all laws in conflict with this act and declaring an emergency.

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

SECTION 1. The Governor of the state shall, by and with the advice and consent of the Senate appoint a bi-partisan board consisting of three citizens of the state, not more than two of whom shall belong to the

Governor to
appoint.

dominant political party, as members of a board to be known as the "State Board of Control." The members of said board shall hold office, as designated by the Governor, for two, four and six years respectively and be removable by the Governor in his discretion. Subsequent appointments shall be made as provided and, except to fill a vacancy shall be for a period of six years. The chairman of the board for each year shall be the member whose term of office first expires. All vacancies that may occur on said board while the Legislature is not in session shall be filled by appointment by the Governor and shall be submitted to the Senate for consideration at the next session following the appointment. Each member of the said board shall receive a salary of two thousand dollars (\$2,000) per annum, and in addition shall be paid for all actual expenses incurred in discharge of his duties, said expenses not to exceed the sum of one thousand dollars (\$1,000) per annum for each member of the said board.

Term of office.

Removal.

Subsequent appointments.

Vacancies filled by appointments by Governor.

Salary of members.

Oath of office and official bond to be filed with Secretary of State.

Quorum.

Duties of board — to assume when.

Institutions governed.

SEC. 2. Each member of the board shall, before entering upon the duties of his office, take and subscribe to an oath, before an officer qualified to administer the same, that he will faithfully perform the duties of his office according to law, and shall furnish the state an official bond in the sum of ten thousand dollars, conditioned as provided by law, said bond to be approved by the Governor and, when so approved, shall be filed in the office of the Secretary of State. Two members of the board shall constitute a quorum and shall have power to transact any business for the board.

SEC. 3. The Board of Control shall assume its duties on April 1st, 1901, and shall have full power to manage and govern the Western Washington Hospital for the Insane, Eastern Washington Hospital for the Insane, the State Penitentiary, State Reform School, the State Soldiers' Home and the State School for Defective Youth, subject only to the limitations contained in this act and other acts relating to the management of the said institutions; and the said institutions shall hereafter be known by the titles herein given. The State Board of

Audit and Control and the board of trustees now charged with the control and management of the institutions named in this section, shall, on and after April 1st, 1901, have no further legal existence and the Board of Control created by this act, is, without further process of law, authorized and directed to assume the control and management of the said institutions, subject to the provisions of this act.

SEC. 4. Immediately upon assuming control and management of the public institutions in accordance with the provisions of this act, the board shall secure suitable offices for the transaction of its business and shall employ a competent bookkeeper and accountant, who shall act as secretary of the board, also a stenographer and such additional help as might be required for the proper conduct of the work of the board. The salaries of the employees of the board shall be fixed by the board: *Provided*, That the salaries of the said employees shall not in any one year exceed the sum of two thousand dollars. The board shall cause to be kept at its office a proper and complete system of books and accounts with each institution, which shall clearly show every expenditure authorized and made thereat, the said books shall exhibit an account of all appropriations made by the Legislature, and of all other funds. It shall prescribe the form of vouchers, records and the methods of keeping accounts at and by each of the institutions under its control; said vouchers, records and methods of accounts of each of the institutions to be as nearly uniform as possible. The board, or any member of the board, shall have the power to examine and check the records of the institutions at any time. The board shall also have the power to authorize its bookkeeper and accountant, or any other employee, to proceed to any of the institutions, for the purpose of examining and checking the records, taking inventory of the property of the institution, or any department thereof, or for any other purpose that in the opinion of the board might be deemed necessary. The said employee shall, while engaged in said work, receive, in addition to his salary, pay for actual expenses in-

Present board to have no legal existence after April 1, 1901.

Offices and employes.

Bookkeeper and stenographer.

Salaries fixed by board.

Proviso.

System of accounts.

Duties of board.

Powers of board.

Extra compensation of employes.

curred in the discharge of the special duty, said expenses to be paid from the fund for the expenses of the board.

Reports to be made within ten days.

Upon the completion of any special work provided for in this section the board shall cause the employee doing the said special work, to make a full and complete report of the said work, to the board, within ten days after the completion of the same.

SEC. 5. It shall be the duty of the board to visit, at least once each four months, institutions under its control at which times meetings of the board shall be regularly held at the said institutions. During such visitations the board shall thoroughly inspect all of the departments of, and investigate the financial condition and management of the said institutions. For the purpose of aiding in any investigation, the board shall have the power to summon and compel the attendance of witnesses, to examine them under oath, which any member of the board shall have power to administer. Said board shall also have access to all books, papers and property material to any investigation, and may order the production of any books, papers or property material thereto. Witnesses, other than those employed by the state, shall be entitled to the same fees as in civil cases in a Superior Court. It shall be the duty of the board to cause the testimony so taken to be transcribed and filed in the office of the board within ten days after the same is taken, or as soon thereafter as practicable. Any person refusing or failing to obey the orders of the board issued under the provisions of this section, or to give or produce evidence when required, shall be reported by the board to the Superior Court or any judge thereof, and shall be dealt with by the court or judge as for contempt of court. It shall be the duty of the board to provide that each institution placed under the control of the said board by this act shall be visited by one member of the board each month. Each member shall alternate in said monthly visits of inspection.

Visitations by board — how often.

Inspection.

Power to summon witnesses.

Access to all books and papers.

Witnesses.

Testimony.

Refusals to obey orders.

Visits by one member each month — alternately.

Chief officer.

SEC. 6. It shall be the duty of the board to appoint a chief executive officer for each of the institutions under

its control who shall devote his entire time to the duties of his office and whose title shall be "superintendent." Said appointment shall be for a term of four years: *Provided, however,* That at any time the superintendent of an institution may be removed by the board at its discretion. The salaries to be paid to the superintendents shall be fixed by the board, and shall not exceed the amounts herein indicated. Superintendents of the hospitals for the insane, not to exceed twenty-five hundred dollars (\$2,500) per annum; superintendent of State Penitentiary, not to exceed eighteen hundred dollars (\$1,800) per annum; superintendent State Reform School, not to exceed eighteen hundred dollars (\$1,800) per annum; superintendent State Soldiers' Home, not to exceed twelve hundred and fifty dollars (\$1,250) per annum; superintendent State School for Defective Youth, not to exceed eighteen hundred dollars (\$1,800) per annum. The superintendent of each institution shall have the power to appoint all assistants and employes required for the management of the institution placed in his charge, the number of said assistants and employes to be determined and fixed by the board. The superintendent of an institution may, at his pleasure, discharge any person therein employed. It shall be the duty of the board to investigate any and all complaints made against the chief executive officer of an institution and also against any other officer or employe of an institution if the same has not been investigated and reported upon by the superintendent to the board. The board shall have the power to remove any chief officer in accordance with the provisions of this section and may after investigation, for good and sufficient reasons, order the discharge of any other officer or employe. The board shall fix the salaries of the officers and employes of institutions under its control, on or before the first day of July each year to be paid during the year commencing July 1st, and no change shall be made in the salaries to be paid, excepting at the time prescribed in this section.

Title.

Proviso.

Salaries.

Power of superintendents.

Discharge of employes.

Board may remove chief officer.

Salaries fixed by board.

Furnishing of quarters. **SEC. 7.** The superintendent of each of the institutions under the control of the board; the assistant physicians, the steward and accountant and the chief engineer of the hospitals for the insane shall be furnished with quarters, household furniture, board, fuel and lights, for themselves and their families: *Provided*, That the Board of Control may, by unanimous vote of the full board when in their opinion any public institution would be benefited by so doing, extend this privilege to an officer at any of the institutions under the control of the board.

Proviso. The word "family" or "families" used in this section shall be construed to mean only the wife and minor children of an officer. **Employes to be furnished with quarters.** Employes shall be furnished with quarters and board for themselves.

Special powers of board. **SEC. 8.** The board shall have the power to receive, hold and manage all real and personal property made over to them by gift, devise or bequest, and the proceeds and increase thereof shall be used for the benefit of the institution for which it is received.

Rules of board and power to adopt. **SEC. 9.** The board is authorized to make its own rules for the proper execution of its powers. It shall also have the power to adopt rules and regulations for the government of the institutions placed under its control and shall therein prescribe, in a manner consistent with the provisions of this act, the duties of the persons connected with the management of the institutions.

Purchase of supplies under contract when practicable. **SEC. 10.** The Board of Control is hereby empowered and required to purchase all of the supplies needed for the proper support and maintenance of the institutions placed in its charge. Said supplies to be purchased, whenever practicable, under contract, notice of the call for the same to be published in at least two newspapers of general circulation in the state for two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder, if the price bid is a fair and reasonable one and not greater than the market value and price, and if the bid covers the kind and quality of article or articles required by the board. The board is authorized to require such security as it may deem proper to accompany the bids submitted, and

Contract to lowest bidder.

Security.

shall also fix the amount of the bond or other security that shall be furnished by the person or firm to whom the contract for supplies is awarded. The board shall have the power to reject any or all bids submitted, if for any reason it is deemed for the best interest of the state to do so and readvertise in accordance with the provisions of this section. The board shall also have the power to reject the bid of any person or firm who has had a prior contract, and who did not, in the opinion of the board, faithfully comply with the same.

Rejection of bids.

SEC 11. It shall be the duty of the superintendents of the several institutions to cause to be prepared, estimates of the supplies required for the proper conduct and maintenance of the institutions under their charge, covering the period to be fixed by the Board of Control, and to forward the same to the board in accordance with its directions. The board shall have the power to revise the estimates made, either as to quantity or quality, and shall make the call for supplies in accordance with the revised list, a copy of which shall be forwarded to the superintendent of the institution for which the call is made. The board shall purchase the supplies at such times and for such periods as in its judgment may be for the best interests of the institution, in accordance with the provisions of this act.

Duty of superintendents.

Revisions of estimates.

Quantity of supplies.

No superintendent or other officer or employee of an institution shall have the authority to purchase any article for the use of the institution of which they have charge or in which they are employed, except in case of extreme necessity, and when the superintendent shall consider such article absolutely necessary; that all supplies shall be purchased by the Board of Control in accordance with the provisions of this act. It shall be the duty of the superintendent of each institution to furnish to the board on or before the fifth day of each month a full and complete statement showing the supplies or articles purchased by him, upon his authority, without the authority of the board and to state therein the reasons for the purchases being made. No member of the Board of Control, employee in the

Superintendents, officers and employes not authorized to purchase supplies.

Statements—when to be furnished.

Persons who shall not be interested in purchase of supplies.

office of the board, or officer or employee of any institution under the control of the board, shall be directly or indirectly interested in the purchase of supplies, or any other contract entered into by and for any of the institutions under the control of the board, and if so interested he shall forfeit his office, such contract shall be void, and such person shall be liable to the state upon his official bond for all damages sustained.

Forfeiture of office.

Employment of architect.

SEC. 12. The power is also vested in the board to employ the services of competent architects for the preparation of plans and specifications for new buildings, or for repairs, changes or additions to the buildings already constructed, to employ competent persons to superintend the construction of new buildings or repairs changes or additions to the buildings already constructed, to call for bids and award contracts for the erection of new buildings, or for repairs, changes or additions to buildings already constructed: *Provided,*

Proviso.

however, That the board shall have the right to proceed with the erection of any new building, or repairs, changes or additions to any buildings already constructed, employing thereon the labor of the inmates of the institution, when in their judgment the improvements can be made in as satisfactory a manner and at a less cost to the state by so doing. In calling for bids

Call for bids.

for improvements to be made the board shall follow the provisions of section 10 of this act, which provisions are hereby made to and shall cover all calls made and contracts awarded under this section.

Records of board—what to contain.

SEC. 13. The board shall keep at its office, accessible only to members of the board, the secretary and proper clerks except by the consent of the board, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance or commitment of every person, patient, inmate or convict in the several institutions governed by the board, the date of discharge of every person from the institution and whether such discharge is final: *Provided,* That in addition to this information the superintendent of the hospitals of the insane shall also state the condition of the person

Proviso.

at the time of leaving the institution. The records shall also indicate if the person is transferred from one institution to another and to what institution; and if dead, the date and cause of death. This information shall be furnished to the board by the several institutions, and also such other obtainable facts as the board may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each institution, upon blank forms which the board may prescribe.

Transfers—
record of.

SEC. 14. The Board of Control shall, on or before the first Tuesday after the convening of each regular session of the Legislature, make to the Governor and Legislature a full report of all matter herein prescribed showing the condition of all the said institutions, the cost of conducting the same during the period covered by the report, and shall also include therein a statement of the work and expenses of the board. The board shall also incorporate in its report, suggestions respecting legislation for the benefit of the several institutions under its care, and also make estimates of the appropriations that in its opinion are necessary for the maintenance of the institutions and for buildings, betterments or other improvements. The said report shall also contain the biennial report made by the chief executive officers of the several institutions to the board or so much thereof as in its opinion might be deemed proper. Also a statement showing the dates of visitations made by the board or any member thereof to the several institutions. There shall also be published in the report a full and complete list of the officers and employes of the board and of the institutions under the control of the board, showing the annual salary paid to each officer and employe.

Report to
Governor.

Report to
contain what.

To include bi-
ennial reports
of institutions.

Statements.

Publishing of
reports.

SEC. 15. Any member or officer of the board of control, or any other officer or employe of the institutions under the control of the board, who, by solicitation or otherwise, exercises his influence, directly or indirectly, to influence other officers or employes of the state to

Exercise of
influence—
politically or
otherwise.

Removal from office. adopt his political views or to favor any particular person or candidate for office, shall be removed from his office or position by the proper authorities.

Repeal. SEC. 16. Existing laws relating to the institutions referred to in this act, which are not inconsistent with the provisions of this act, shall remain in force, and all acts or parts of acts in conflict or inconsistent with this act are hereby repealed.

Emergency. SEC. 17. An emergency exists and this act shall take effect immediately.

Passed the House March 4, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER CXX.

[H. B. No. 50.]

FOR THE PROTECTION OF STOCKHOLDERS.

AN ACT for the better protection of the stockholders in corporations, doing business under the laws of the State of Washington, for the purpose of carrying on and conducting the business of mining.

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

Right to enter property and make examination. SECTION 1. Any owner of stock to the amount of one thousand shares, in any corporation doing business under the laws of the State of Washington for the purposes of mining, shall, at all hours of business or labor on or about the premises or property of such corporation, have the right to enter upon such property and examine the same, either on the surface or under ground.

Duty of officers to allow examinations. And it is hereby made the duty of any and all officers, managers, agents, superintendents, or persons in charge, to allow any such stockholder to enter upon and examine any of the property of such corporation at any time during the hours of business or labor; and the presentation of certificates of stock in the corporation of the amount of one thousand shares, to the officer

or person in charge, shall be *prima facie* evidence of ownership and right to enter upon or into, and make examinations of the property of the corporation.

SEC. 2. Any violation of any of the provisions of this act by any officer or agent of such corporation shall constitute a misdemeanor, and upon conviction thereof every such officer or agent shall be fined in a sum not greater than two hundred dollars for each offense.

Violations and penalty.

SEC. 3. In case such corporation shall fail and neglect to furnish the statement provided for in section 1, of this act within sixty days from and after such demand, the franchise of said corporation may be annulled in any action brought by such stockholder in the name of the State of Washington, in any Superior Court in the county in which said mining property is situated or in which the principal place of business of the corporation may be located.

Failure to furnish statement annuls franchise.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Repeal.

Passed the House February 13, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXI.

[H. B. No. 203.]

RELATING TO ARTESIAN WELLS.

AN ACT in relation to artesian wells and regulating the flow of water therefrom, and providing a penalty for the violation thereof.

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

SECTION 1. It shall be unlawful for any person, firm, corporation or company having possession or control of any artesian well within the state, whether as contractor, owner, lessee, agent or manager, to allow or permit water to flow or escape from such well between the first day of October in any year and the first day

Unlawful to allow flow — from what dates.

Proviso. of April next ensuing: *Provided*, That this act shall only apply to sections and communities wherein the use of water for the purpose of irrigation is necessary or customary: *And providing further*, That nothing herein contained shall prevent or prohibit the use of water from any such well between said first day of October and the first day of April next ensuing, for household, stock and domestic purposes only, water for said last named purposes to be taken from such well through a one-half inch stop and waste cock to be inserted in the piping of such well for that purpose.

Household use not prohibited. Capping to prevent flow—for what period. Proviso. Lawful to use one-half inch stop. SEC. 2. It shall be the duty of every person, firm, corporation or company having possession or control of any artesian well, as provided in section one of this act, to securely cap the same over on or before the first day of October in each and every year in such manner as to prevent the flow or escape of water therefrom, and to keep the same securely capped and prevent the flow or escape of water therefrom until the first day of April next ensuing: *Provided, however*, It shall and may be lawful for any such person, firm, corporation or company to insert a one-half inch stop and waste cock in the piping of such well, and to take and use water therefrom through such stop and waste cock at any time for household, stock or domestic purposes, but not otherwise.

Violation and penalty. SEC. 3. Any person whether as owner, lessee, agent or manager having possession or control of any such well, violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding two hundred dollars for each and every such offense, and the further sum of two hundred dollars for each ten days during which such violation shall continue.

Failure to comply. Parties on adjacent property may enter and take possession. SEC. 4. Whenever any person, firm, corporation or company in possession or control of an artesian well shall fail to comply with the provisions of this act, any person, firm, corporation or company lawfully in the possession of land situate adjacent to or in the vicinity or neighborhood of such well and within five miles

thereof may enter upon the land upon which such well is situate, and take possession of such from which water is allowed to flow or escape in violation of the provisions of section 1 of this act, and cap such well and shut in and secure the flow or escape of water therefrom, and the necessary expenses incurred in so doing shall constitute a lien upon said well, and a sufficient quantity of land surrounding the same for the convenient use and operation thereof, which lien may be foreclosed in a civil action in any court of competent jurisdiction, and the court in any such case shall allow the plaintiff a reasonable attorney's fee to be taxed as a part of the cost. This shall be in addition to the penalty provided for in section 3 of this act.

Foreclosure of lien.

Attorney's fee.

Passed the House March 7, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER CXXII.

[H. B. No. 285.]

RELATING TO SALE OR BARTER OF CERTAIN ARTICLES TO MINORS.

AN ACT making it unlawful to sell, barter or to give away to minors certain articles, providing penalties therefor, and repealing certain laws.

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

SECTION 1. That it shall hereafter be unlawful in the State of Washington for any corporation, company, firm or person to sell, barter, furnish or give away, directly or indirectly, to any minor under eighteen years of age any cigarette, cigarette wrappers or any substitute for either; or to procure for, or to persuade, advise, counsel or compel any minor under said age to smoke cigarettes or for any minor under said age to smoke any cigarette.

Cigarettes—unlawful to sell to minors.

Unlawful for any minor to smoke.

SEC. 2. Any such corporation, company, firm or person, violating any of the provisions of the preceding section shall, for the first offense, upon conviction thereof, be fined in any sum not more than fifty dollars, nor less than ten dollars; and for a second and any subsequent offense, such corporation, company, firm or person shall, upon conviction thereof, be fined in any sum not more than five hundred dollars nor less than ten dollars, and to which may be added imprisonment in the county jail for any period not exceeding sixty days. It is hereby made the special duty of prosecuting attorneys to enforce the provisions of this act, and he may summon any minor under eighteen years of age who may have or had had in his possession any cigarettes, and compel him to testify before the mayor of a city or a justice of the peace as to where and of whom he obtained such cigarettes.

Penalty for violation.

Special duties of prosecuting attorneys.

Conflicting laws repealed.

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

Passed the House February 28, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXIII.

[H. B. No. 173.]

RELATIVE TO TAKING UP AND SALE OF LOGS.

AN ACT to prevent and punish the taking up, selling, disposing of or appropriating to one's own use, logs and other timber by a person not the owner thereof; and to prevent anyone knowingly purchasing any such logs, fixing rule of evidence in prosecutions for violation thereof, providing for the retaking of such logs and other timber and for punishment for the prevention or obstruction of such retaking, providing for recovery of a forfeit by the owner for any unlawful taking, repealing sections 3135, 3291, 3292, 3293, 3294, 3295, 7126 and 7127 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That it shall be unlawful for any corporation except boom companies who are compelled to

catch and hold logs, spars, piles, boom sticks, shingle bolts, and other timber of value, or any person, or persons, to take up, and it shall be unlawful for any corporation, person or persons to sell, dispose of, or appropriate to its, his or their own use, any saw logs, hewn or other timber of value found on the bank or banks of, or adrift on any bay, harbor, river, stream, bayou, marsh, ditch or other waters in this state that shall be marked with any mark, or brand, without permission of the owner thereof or his agent: *Provided*, The person or persons claiming such mark or brand shall have had a description and diagram thereof recorded in the office of the auditor of any county in this state as provided by law, and knowledge of the ownership of all such timber for the purpose of this act shall be conclusively presumed upon proof that said timber was properly marked, and that the description and diagram of marks had been theretofore duly recorded as aforesaid.

Unlawful to take up, sell, or dispose of logs that are marked or branded.

Exception and proviso.

Recording of description of brand.

SEC. 2. That it shall be unlawful, for any person knowingly to purchase from any one taking up any saw logs, spars, piles, boom sticks, shingle blots, hewn or other timber of value found adrift on any bay, harbor, river, stream, bayou, marsh, ditch or other waters in this state, that shall be marked with any mark or brand without permission of the owner thereof or his agent.

When unlawful to purchase.

SEC. 3. Any person or persons violating any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred (\$300) dollars.

Violation and penalty therefor.

SEC. 4. The owner of any such log, spar, pile, boom stick, shingle bolt or other timber of value who has a mark or brand recorded, as provided by law, or who claims ownership of or the right to possession of such logs, spars, piles, or other timber, by, through, or under a person having such recorded mark or brand may at any time lawfully, by himself or his agent enter in a peaceable manner into or upon any mill or mill boom,

Lawful owner may search for, enter mill, etc., and retake same.

or raft of logs, spars, piles or other timber on any of the waters of this state, in search of any such log, spar, pile, boom stick, shingle bolt or other timber, which he may have lost, and re-take the same; and any person who shall wilfully prevent or obstruct such search when such search is being made in good faith, or prevent the re-taking of such log, spar, pile, boom stick, shingle bolt or other timber, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

Obstruction or prevention of such retaking.

Penalty.

Persons who take up shall forfeit ten times value thereof to owner.

SEC. 5. Any person or persons, or corporation who shall take up or cause to be taken up and manufactured into lumber or shingles, any saw log, piling, shingle bolt, or other timber of another, as provided in this act, which saw log, piling, shingle bolt, or other timber, shall have been previously branded with the mark or marks of the owner or owners thereof, and the diagram and description of which shall have theretofore been duly recorded in the auditor's office of any county in this state as hereinbefore provided, without the permission or request of said owner, shall forfeit to the owner of said timber ten times the value thereof to be recovered in an action at law; and every employee or agent of the person, persons or corporation who shall aid or assist in taking up such timber, or who shall aid or assist in such manufacture, shall be jointly or severally liable with his principal for such penalty.

Persons who are jointly liable.

Sections repealed.

Sec. 6. Section 3135, 3291, 3292, 3293, 3294, 3295, 7126 and 7127 of Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

Passed the House March 11, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXIV.

[H. B. No. 377.]

PROVIDING FOR THE SURVEY AND PLATTING OF IRREGULAR TRACTS OR LOTS OF LAND.

AN ACT to provide for the surveying and platting of irregular tracts or lots of land and for a sufficient and legal description thereof for revenue and all other purposes.

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

SECTION 1. In all cases of irregular subdivided tracts or lots of land other than any regular government subdivision the county assessor shall outline a plat of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county surveyor, and cause the same to be platted into numbered (or lettered) lots or tracts: *Provided, however,* That where any county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts may be mapped from such field notes.

Assessor shall outline plat and notify owners.

Proviso.

SEC. 2. In case the owner of such tracts or lots neglect or refuse to have the same surveyed or platted, the county assessor shall notify the board of county commissioners in and for the county, who may order and direct the county surveyor to make the proper survey and plat of the tracts and lots.

Negligence or refusal.

SEC. 3. A plat shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered) which numbers (or letters) together with number of the section, township and range shall be distinctly marked on such plat, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The plat shall be given a designated name by the surveyor thereof. When the survey, plat, field notes and name of plat, shall have been approved by the board of county commissioners, the plat and field notes shall be filed and recorded in

Plat—what to contain.

Plat to be named.

Plat and field notes, when recorded, a legal description.

the office of the county auditor, and the description of any tract or lot of land described in said plats by number (or letter) section, township and range, shall be a sufficient and legal description for revenue and all other purposes.

Passed the House March 9, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER CXXV.

[H. B. No. 31.]

RELIEF OF JOHN AND JOSEPH NICKLAS.

AN ACT for the relief of John Nicklas and Joseph Nicklas.

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

Appropriation.

For use of certain lands.

SECTION 1. That the sum of fifty dollars (\$50) be and the same hereby is appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of reimbursing John Nicklas and Joseph Nicklas, for money paid to the state as rent and expended in preparing for their use and occupation certain tracts of land leased to them by the State of Washington on the 21st day of December, 1897, but which they were prevented from occupying and using by legal proceedings in the Superior Court on the ground that the state had no authority to lease said lands.

State Auditor to draw warrant.

SEC. 2. That the State Auditor is hereby authorized and directed to draw his warrant for said sum upon the State Treasurer in favor of John Nicklas and Joseph Nicklas, and the State Treasurer is hereby authorized and directed to pay the same out of any funds in the State Treasury not otherwise appropriated, in full settlement of all the claims against the State of Washington.

Passed the House March 2, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXVI.

[H. B. No. 394.]

RELATIVE TO VIOLATIONS OF CONTRACTS BY
SCHOOL TEACHERS.

AN ACT relating to school teachers who violate their contracts for teaching.

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

SECTION 1. All teachers in the public schools of this state who shall willfully violate the terms of his or her contract for teaching by resigning his or her position as teacher without a written notice given to the school board at least thirty days before the time when the resignation shall take effect shall have his or her certificate revoked by the state school superintendent upon due notice from the school board, and shall be disqualified from teaching in the public schools of the state for the remainder of the school year: *Provided*, That sickness or other unavoidable circumstances which prevent the teacher from teaching one month shall be sufficient reason for the termination of the contract: *And provided further*, That a school board may release a teacher from a contract by mutual agreement.

Willful violation, by resignation.

Revocation of certificate and disqualification.

Proviso.

Passed the House March 8, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXVII.

[H. B. No. 305.]

RELIEF OF CAPT. HENRY ROEDER.

AN ACT for the relief of Capt. Henry Roeder.

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

SECTION 1. That the sum of one hundred and twenty dollars (\$120) be and the same is hereby appropriated out of the military fund, not otherwise appropriated, in

Appropriation.

Rent of
armory.

favor of Capt. Henry Roeder for rent of Armory Hall for the use of company "F" of the National Guard of Washington, at New Whatcom, Washington, in full settlement of all claims against the State of Washington.

State Auditor
to draw
warrant.

SEC. 2. That the State Auditor is hereby authorized to draw a warrant upon the State Treasurer against the military fund for the said sum of one hundred and twenty dollars (\$120) in favor of the said Capt. Henry Roeder; and the State Treasurer is hereby directed to pay said warrant out of such funds in the state treasury not otherwise appropriated.

Passed the House March 8, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXVIII.

[H. B. No. 405.]

FOR THE RELIEF IN CERTAIN COUNTIES OF COUNTY OFFICERS, CLERKS AND DEPUTIES.

AN ACT for the relief of county officers, their clerks and deputies, in certain counties of the State of Washington.

Doubtful
section.

WHEREAS, Prior to the 25th day of July, 1895, the judicial interpretation of section 1564 of volume 1 of Ballinger's Annotated Codes and Statutes of Washington was in doubt; and

WHEREAS, Under the provisions of said section certain county officers of the counties of the State of Washington had employed clerks and deputies in their respective offices, for the purpose of assisting in the performance of the duties thereof, said employment being without the consent of the board of county commissioners of such counties; and

Case cited.

WHEREAS, On said July 25th, 1895, the Supreme Court of the State of Washington, in a cause entitled *Asahel Dillon, Respondent, vs. Whatcom County, Appellant*, decided that under the provisions of said section 1564, as

aforesaid, the county commissioners, and not the county officers, were vested with discretionary power to fix the number and compensation of employees in the various counties; and

WHEREAS, Unless relief is extended certain county officers, their deputies and clerks, of the counties of this state, will not receive just and adequate compensation for their services: Now, therefore,

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

SECTION 1. In all counties of this state where prior to July 25th, 1895, the duties of any county office were greater than could be performed by the person elected to fill the same and where said officer employed clerks or deputies, without the consent of the board of county commissioners, for the purpose of transacting the business of such office, said county officers, their clerks or deputies, or assignees of said county officers, their clerks or deputies, may present their claim, within the time provided by this act, for compensation for their unpaid services, to said counties, and if the boards of county commissioners of such counties shall find said claims to be just and reasonable, and if said claims represent the amount due for services actually rendered for the use and benefit of said counties, such claims shall be audited and allowed the same as other claims against counties.

Duties prior to July 25, 1895.

Presentation of claim.

Auditing and allowance of claims.

SEC. 2. No claim within the meaning of this act shall be allowed by any board of county commissioners of the counties of this state unless the same be presented within the six months succeeding the date this act shall take effect.

Claim to be presented within six months.

Passed the House March 9, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXIX.

[H. B. No. 201.]

MONUMENT FOR THE DECEASED WASHINGTON
VOLUNTEERS.

AN ACT providing for the erection of a monument to the dead soldiers of the Washington Volunteers, and making an appropriation therefor.

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

Erection of
monument
authorized.

SECTION 1. That the Governor, Adjutant General and the colonel commanding the First Regiment of the National Guard of Washington of the state are hereby authorized and directed to cause to be erected to the memory of the dead of the Washington Volunteers at the state's burial lot in Masonic cemetery near Olympia, Washington, a suitable and proper monument commemorative of the patriotic and noble services of her dead soldiery.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of the general fund of the state treasury not otherwise appropriated, the sum of twenty-five hundred dollars, or so much thereof as may be necessary.

Passed the House February 16, 1901.

Passed the Senate February 19, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CXXX.

[H. B. No. 408.]

AMMENDING ACT RELATIVE TO FISH COMMISSIONER.

AN ACT to amend sections six (6) and seven (7) of an act entitled "An act for the appointment of a Fish Commission, and defining its duties, and declaring an emergency to exist," approved February 20, 1890, relating to fish commissioner and declaring an emergency.

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

SECTION 1. That section six (6) of an act entitled "An act for the appointment of a Fish Commission, and defining its duties, and declaring an emergency to ex-

ist," be and the same is hereby amended to read as follows: Sec. 6. The fish commissioner shall receive an annual salary of two thousand dollars, to be paid in monthly instalments by the State Treasurer, and he shall be allowed his actual expenses of travel in the performance of his duties, not to exceed one thousand dollars in any one year. The deputies shall receive a salary of twelve hundred dollars each per year, to be paid in monthly instalments by the State Treasurer, and they shall be allowed their actual expenses of travel in the performance of their duty, not to exceed six hundred dollars per annum each; and no payment of salary or traveling expenses shall be made by the State Treasurer to any deputy fish commissioner except upon a certificate of the fish commissioner that he has performed his duty in all respects to the satisfaction of such fish commissioner.

Amendment.

Salary and traveling expenses of commissioner.

Salary of deputies

No payment except on certificate of commissioner.

SEC. 2. That section seven (7) of an act entitled "An act for the appointment of a Fish Commission, and defining its duties, and declaring an emergency to exist," be and the same is hereby amended to read as follows: Sec. 7. Each deputy fish commissioner shall give bonds in the sum of two thousand dollars, conditioned on the faithful performance of their duties, respectively, such bonds to be subject to the approval of the fish commissioner. The fish commissioner shall issue to his deputies such general and special orders and instructions in the execution of their duties under the law as he shall deem necessary; and he shall assign one deputy to duty in the lower Puget Sound district, and one to the Columbia river district; the third deputy being assigned to office duty and shall be considered the office deputy, but the above assignment shall not relieve any deputy from the performance of duty in any other part of the state when his services may be needed.

Amendment.

Issuance of orders.

Lower Sound district and Columbia river district.

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

Emergency.

Passed the House March 2, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXI.

[H. B. No. 283.]

AMENDING BALLINGER'S CODES RELATIVE TO
POWERS OF CORONERS.

AN ACT to amend section 527 of Ballinger's Annotated Codes and Statutes of Washington, relating to power of coroners to summon and examine witnesses.

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

SECTION 1. That section 529 of Ballinger's Annotated Codes and Statutes of Washington, relating to power of coroners to summon and examine witnesses, be and the same is hereby amended to read as follows : Section 529. The coroner may issue subpoenas for witnesses to the sheriff or any constable of the county, returnable forthwith or at such time and place as he may appoint, which may be served by any competent person. He must summon and examine as witnesses, on oath by him administered, every person, who, in his opinion or that of any of the jury, has any knowledge of the facts, and he may summon a surgeon or physician to inspect the body and give under oath a professional opinion as to the cause of the death. The fees for the coroner's physician or surgeon shall not be less than ten (\$10) dollars : *Provided*, That in counties between the first and eighth classes inclusive the fee herein provided shall not apply.

Amendment.

Subpoenas.

Summoning of witnesses.

Surgeon or physician.

Fees.

Exception.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXII.

[H. B. No. 484.]

RELATING TO SALARIES OF COUNTY OFFICERS OF
COUNTIES OF THE EIGHTEENTH CLASS.

AN ACT to amend section 1582, Ballinger's Annotated Codes and Statutes of Washington, relating to salaries of officers of counties of the eighteenth class.

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

SECTION 1. That section 1582 of Ballinger's Annotated Codes and Statutes of Washington be amended Amendment. to read as follows: "County auditor, fifteen hundred dollars; county clerk, thirteen hundred and fifty dollars; county treasurer, thirteen hundred and fifty dollars; county attorney, nine hundred dollars; county sheriff, \$1,350; county superintendents of common schools, seven hundred and fifty dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law." Amounts allowed.

Passed the House March 13, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXIII.

[H. B. No. 475.]

PROVIDING FOR THE LEVY, COLLECTION AND PAYMENT OF ROAD POLL AND PROPERTY TAXES AND REPEALING INCONSISTENT ACTS.

AN ACT providing for the levy, collection and manner of payment of road poll and property taxes, the manner of expenditure thereof, to provide for elections to adopt the system herein provided and to repeal all laws inconsistent herewith.

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

SECTION 1. That every male person resident of this state and every person sojourning in this state for six months or more, over twenty one years and under fifty Annual road poll tax.

years of age, outside the limits of an incorporated city or town, unless by law exempt, shall annually pay a road poll tax of two dollars which shall be due and payable in money without any exemption whatsoever on the first day of March in each year or in the case of sojourners; at the expiration of six months sojourn in this state. All poll taxes shall be paid into the district funds.

Paid into district funds.

SEC. 2. The county assessors shall, annually at the time of the listing and assessment of personal property, make a separate list of all persons liable under the law to the payment of a poll tax, and shall at the same time collect from the persons listed, the tax for which such persons are liable by law and return such lists to the boards of county commissioners together with the statement of the persons who have paid and those delinquent. He shall pay all moneys collected to the county treasurer. The remaining taxes due or delinquent shall be collected by the county commissioners or as they shall direct.

Separate lists of persons liable.

Duty of assessor.

Commissioners to collect remaining taxes.

SEC. 3. Any person, firm or corporation owing money to any person from whom a poll tax or taxes is due or delinquent, may pay to any duly authorized collector of poll taxes, such amount or amounts due or delinquent and such payment shall be a discharge of the debt, to the extent of such payment, and may be pleaded in defense to any action brought for the money paid. In all actions brought by poll tax debtors for money paid as herein provided, the burden of proof that he has paid, or showing that he does not owe the tax shall be on such debtor.

Persons owing others from whom tax is due may pay delinquent.

Discharge of debt.

Actions.

SEC. 4. The county commissioners or any poll tax collector they may authorize may in the name of any county where any poll tax is sought to be collected, invoke in the collection of such tax, any process of civil procedure authorized by law. Public officers of this state shall render any service demanded by the commissioners or any collector duly authorized by them without charge of fee of any kind: *Provided*, That county commissioners may allow in the case of public officers who receive their compensation by fees, such allowance chargeable against the taxes collected as they may deem just.

Commissioners may invoke collection in civil procedure.

Services of public officers.

Proviso.

SEC. 5. Any poll taxes due or delinquent are, together with penalty and interest at the same rate as attaches to delinquent real property taxes, shall be chargeable to and shall be lien from the time such taxes are due and payable on any real or personal property of the person owing the tax. The county commissioners may certify a list of persons from whom poll taxes are due or delinquent, to the county auditor who shall extend such list or lists on the tax rolls, against the real or personal property of such tax debtor.

Poll taxes, when delinquent, a lien on personal property.

Auditor to extend on tax list.

SEC. 6. The means or methods provided in this act for the collection of poll taxes, shall be held to be concurrent and any two or more may be prosecuted at the same time.

Concurrent methods.

SEC. 7. The boards of county commissioners of the several counties of this state, shall at any of their regular sessions, divide their respective counties into not to exceed four road districts for the purpose of this act and cause a brief description thereof to be entered in the county records. [They] may change such districts but not oftener than once in any one year.

Counties to be divided into not to exceed four road districts.

SEC. 8. The boards of county commissioners shall annually, at the time of making the levy for county purposes, levy and certify to the county auditor, a tax of not more than three mills on the dollar, on all the taxable property in the county, which shall be payable in money, for the general road and bridge fund; from which fund they shall order paid such sums as may be found necessary for the construction, repair and improvement of roads and bridges.

Annual levy not to exceed 3 mills.

Repairs, etc., to be paid from this fund.

SEC. 9. The boards of county commissioners shall annually at the time of making the tax levy for general, road and bridge purposes provided for in section 6 and levy and certify to the county auditor, a tax of not more than six mills on the dollar of all of the taxable property in the road districts previously defined by them, which shall be payable in money for a road district fund, from which fund they shall order paid such sums as may be found necessary for the construction

Levy of 6 mills.

For construction purposes.

and repair of roads in the several districts where the tax is levied.

County auditors to extend taxes on roll.

SEC. 10. When taxes shall have been levied and certified for the general and district funds as provided for in the last two preceding sections, the county auditors shall extend such taxes on the tax roll of their respective counties, against all of the property subject to said levies, in the same manner as other taxes are extended.

County treasurer to collect all taxes and credit proper funds.

SEC. 11. The county treasurers shall collect all taxes on the rolls, whether poll or property taxes in money as other taxes are collected, and credit the proper funds with the amounts collected.

Road supervisor.

SEC. 12. The boards of county commissioners may appoint from among the qualified electors in each district, for such time as they may determine, with compensation not to exceed \$4.00-per-day, a road supervisor who shall enter into a bond satisfactory to the commissioners. The commissioners shall have power to remove any supervisor.

Duty of road supervisor.

SEC. 13. It shall be the duty of the road supervisor, under the direction of the county commissioners to keep the roads and bridges in his district in as good repair as the funds available will allow and keep all roads open for travel at all times and make a detailed monthly report of all work performed in his district during the previous month, to the boards of county commissioners; examine and certify all bills for labor and material in his district; and perform such other duties as may be required by the commissioners for the proper maintenance of the highways.

Detailed monthly report.

Several supervisors to meet - when.

SEC. 14. The supervisors of the several road districts shall meet with the county commissioners on the first Tuesday of the board's regular session in April, to outline the road improvements to be made.

Funds raised - expenditure thereof.

SEC. 15. All the funds in the county treasury raised by the taxation herein provided shall be expended by the county commissioners and all road and bridge construction improvement or repair, shall be made by the county commissioners in the following manner:

First. All road and bridge construction improvement

or repair of which the estimated cost shall be under \$50, may be let by the commissioners or they may authorize the road supervisor to let the same without bid or advertising as hereinafter provided.

Construction work—letting of same.

Second. In all bids, the county commissioners may require bidders upon such conditions as they may impose, before advertising for bids, to deposit with their bids certified checks or bonds, approved by the commissioners, in the sum of ten per cent. of the estimated contract price, and said amount, if the conditions are not fulfilled, shall be by the commissioners declared forfeited and shall be paid into the general road and bridge fund.

Bids shall require of bidders a deposit.

Deposit forfeited when provisions not fulfilled.

Third. In all road and bridge construction improvement or repair of which the estimated cost shall be more than \$50 and less than \$500, shall be let by contract by the county commissioners on plans and specifications previously prepared by them, to the lowest and best bidder, calls for said bids to be made by posting for ten days three notices in three public places as follows: One at the most public place on the route of the proposed work, one at the nearest post office to the proposed work and one at the county court house.

When contract shall be let.

Fourth. In road and bridge construction improvement or repair of which the estimated cost shall be more than \$500, shall be let by contract by the county commissioners on plans and specifications previously prepared by them, to the lowest and best bidder, calls for said bids to be made by posting three notices as above provided for and publication in the official county paper for not less than three consecutive weeks prior to the time set by the commissioners for the opening of bids. The county commissioners shall require a bond of the successful bidder in double the amount of the estimated cost of construction improvement or repair of roads or bridges, conditioned for the faithful performance of the contract according to law and any requirements the commissioners may impose at the time of advertising for bids.

Road and bridge construction let by contract.

Call for bids.

Bond from successful bidder.

Conditions of payment. SEC. 16. No money shall be paid by the county commissioners to exceed fifty per cent. of the value of any work done at any time until the entire work is completed by the contractor and accepted by the commissioner.

Not operative until voted upon. SEC. 17. The provisions of this act shall not become operative in any county in this state unless a majority of the qualified voters thereof shall vote in favor of adopting the system herein provided which question shall be submitted as follows:

System. *First.* The system provided for herein shall be known for the purposes of elections as "The system of collection of road taxes in money and the expenditure thereof by contract"

Petition. *Second.* Upon the petition of a number of qualified voters of any county equal to one-twentieth of the voters that voted in such county for the candidate for Governor elected at the last preceding election, the county commissioner shall submit at the next general election and place the question on the ballots for such election.

Special election — now called. *Third.* Upon the petition of a number of qualified voters of any county equal to one-tenth of the voters that voted in such county for the candidate for Governor elected at the last preceding election, the county commissioners shall call a special election to be held in not less than thirty and not more than ninety days, provide ballots and submit the question at such special election.

Adoption. SEC. 18. If a majority of the voters voting at any election in any county, vote in favor of the adoption of the provisions of this act, thereupon the provisions of this act shall become operative in such county, this act shall receive a liberal construction to effect its objects and all laws relating to any other system shall be superseded by the provisions of this act.

Passed the House March 11, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CXXXIV.

[H. B. No. 294.]

FOR THE PROTECTION OF GAME ANIMALS AND
BIRDS, AND SONG BIRDS.

AN ACT for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violation thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation and defining the duties of certain county, precinct and municipal peace officers in relation to game, and amending sections 7345, 7348, 7351, 7352, 7358, 7363, 7364 and 7366 of Ballinger's Codes and Statutes of Washington, and imposing a license upon hunters and creating a game protection fund.

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

SECTION 1. That section 7345 of Ballinger's Annotated Codes and Statutes of Washington be and the Amendment. same is hereby amended to read as follows: "Section 7345. Every person who shall at any time, within the State of Washington, hunt, pursue, take, kill, injure or destroy any female of the moose, elk, caribou, antelope, Game animals. when unlawful to kill. mountain sheep or mountain goat species, or who shall at any time between the first day of November of any year and the first day of September of the following year, hunt, pursue, take, kill, injure or destroy any male of the moose, elk, caribou, antelope, mountain sheep or mountain goat species, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 2. That section 7348 of Ballinger's Annotated Codes and Statutes of Washington be amended to read Amendment. as follows: Sec. 7348. Every person who shall, within the State of Washington, during the season when it is lawful to kill the same, kill more than four deer or more than one male of the elk, moose, or antelope, or more than two males of the caribou, mountain sheep or mountain goat species or who shall kill any spotted fawn, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Limited number to be killed.

SEC. 3. That section 7351 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 7351. Every person who shall hunt, pursue, take, kill, injure or destroy any grouse, partridge, prairie chicken, sage hen, native pheasant or ptarmigan, between the first day of December of any year and the 15th day of August of the following year shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That no person shall kill on one day more than ten of the game birds mentioned in this section: *Provided further*, That in the counties of Kittitas and Yakima it shall be unlawful to hunt, pursue, take, kill or destroy any prairie chickens, sage hen from and after the passage of this act and before the 15th day of August, 1903.

Amendment.

Game birds,
when unlawful
to kill.Proviso as to
certain
counties.

SEC. 4. That section 7352 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 7352. Every person who shall hunt, take, kill, injure or destroy any swan, sand hill crane, mallard duck, canvas back duck, widgeon, teal, wood duck, spoon bill, gray or black duck, sprig tail, or other game duck, rail, plover, or other game water fowl, between the first day of March and the 15th day of August of any year, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That no person shall on any one day kill more than twenty-five of the game birds mentioned in this section.

Amendment.

Game ducks,
when unlawful
to kill.Proviso as to
number killed.

SEC. 5. That [section] 7358 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 7358. Every steamboat company, railroad company, express company, or other common carrier, their officers, agents and servants and every other person who shall transfer, carry or take out of this state, or who shall receive for the purpose of transferring from this state any of the wild game birds or animals enumerated in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*,

Amendment.

Common
carriers.

however, That upon the granting of a similar privilege Proviso.
 by the Legislature of the State of Oregon or Idaho to
 the citizens or residents of the State of Washington,
 nothing in this section shall be construed to prevent
 any citizen or resident of the State of Oregon or Idaho Residents of
 Oregon and
 Idaho may
 take game out
 of state, when.
 from personally taking with him any game to the limit
 of one day's hunt, killed by himself, in the State of Wash-
 ington, when it is lawful to take and kill the same; but
 this provision shall be strictly construed, and the burden
 of the proof shall be upon the person taking with him
 such game to establish the fact that the same was per-
 sonally killed by himself: *Provided*, that nothing in this Proviso.
 section shall be construed to prevent any steamboat com-
 pany, express company, railroad company, or other com-
 mon carrier, their officers, agents and servants, from
 receiving any of the game birds or animals enumerated
 in this act from transferring them from one point to
 another point within this state when said game birds
 or animals are accompanied by the affidavit of the ship- Affidavits of
 shippers.
 per that the same is not shipped for sale or profit.

SEC. 6. That section 7363 of Ballinger's Annotated Amendment.
 Codes and Statutes of State of Washington be and the
 same is hereby amended to read as follows: Sec. 7363.
 The county commissioners of the respective counties
 in the State of Washington are hereby empowered and
 authorized to, and shall, upon application in writing of
 one hundred resident free holders and taxpayers of said
 county, appoint a suitable person, who shall be a quali- Appointment
 of game
 warden—
 powers of.
 fied elector and taxpayer of said county, as game
 warden for such county, who shall be vested with all
 the authority of a sheriff to perform the duties pre-
 scribed in the following section. Such game warden, Salary of
 warden.
 so appointed, shall receive a salary of not more than
 fifty dollars (\$50) per month, to be paid in the same
 manner as other county officers.

SEC. 7. That section 7364 of Ballinger's Annotated Amendment.
 Codes and Statutes of Washington be and the same is
 hereby amended to read as follows: Sec. 7364. It is Duty of game
 warden.
 hereby made the duty of every game warden so ap-
 pointed, and every sheriff, deputy sheriff, constable,

city marshal and police officer, within their respective jurisdictions in the State of Washington, to enforce all the provisions of this act, and all laws for the protection of game birds and animals, fish and song birds, and such sheriffs, deputy sheriffs, constables, city marshals, police officers, or any forest rangers appointed by the United States government, and each of them, by virtue of their election and appointment, are hereby created and constituted *ex officio* game wardens for their respective jurisdictions, and they and each of them, and each and every game warden so appointed, under the provisions of the preceding section, shall have authority, and it shall be their duty to inspect all depots, warehouses, cold storage rooms, storerooms, hotels, restaurants, markets and all packages or boxes, held either for storage or shipment, which they shall have reason to believe contain evidence of the infraction of any of the provisions of this act. And if, upon inquiry said officer discovers evidence sufficient in his judgment to secure a conviction of the offender, or shall have good cause to believe that sufficient evidence exists to justify the same, he shall at once institute proceedings to punish the alleged offenders.

Who constitute *ex officio* game wardens.

Proceedings instituted upon finding sufficient evidence.

Amendment.

Power to make arrests.

Actions to be in name of state.

SEC. 8. That section 7366 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 7366. Any game warden appointed under the provisions of this act, any sheriff, deputy sheriff, city marshal, constable or police officer, forest ranger, may, without warrant, arrest any person by him found violating any of the provisions of this act, or any other act or acts hereafter enacted and enforced, at any time for the protection of game, fish and song birds, and take such person or persons before a justice of the peace or municipal judge having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enter judgment according to the allegations and proof. All such actions shall be brought in the name of the State of Washington and shall be prosecuted by the prosecuting attorney of the respective counties.

SEC. 9. Hereafter it shall be unlawful and it is hereby prohibited for any resident or non-resident of this state of the age of sixteen years or over, to hunt for, pursue, take, catch or kill any of the animals, fowls, or birds protected by the laws of this state without having in his possession at the time of such taking, catching or killing a license therefor duly issued to him by the county auditor in the county in which the said person is then hunting, which county officer is hereby authorized to issue such license under the provisions of this act; such license shall be numbered and dated and shall contain the name and postoffice address of the person to whom such license shall be granted. All licenses provided for in this act shall be issued as follows upon application therefor by any resident or non-resident of this state an annual license shall be issued by the county auditor for the purpose of hunting for, pursuing, taking, catching or killing any of the animals, fowls, or birds protected by the laws of this state which shall entitle the holder to hunt for, pursue, take, hunt, catch or kill any of the said animals, fowls or birds within the county wherein said license is issued for the term of one year in any manner and wherever such hunting is not prohibited by law, a fee of one dollar for each license issued to a resident of this state or of Oregon or Idaho and a fee of ten dollars issued to any other non-resident of this state shall be collected by the county auditors and paid over to the county treasurer and by said treasurer placed in the game protection fund. All fines collected under the provisions of this act or collected under the provisions of any of the game laws of this state shall be turned over to the county treasurer and placed by him in the game protection fund which fund shall be applied to the payment of salaries of game wardens so far as the same will apply: *Provided*, That in addition to the license hereinafter paid upon the killing of any male elk the person killing the same shall pay into the county treasury in which such elk is killed the further sum of twenty dollars which shall be placed in the game protection fund;

Unlawful to hunt without license.

Licenses.

Fee for license.

Fee for non-residents.

Fines collected to go to county treasurer.

Applied to payment of salaries.

Further penalty.

and upon failure so to do the person killing said elk shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars together with the cost of prosecution in such action.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CXXXV.

[H. B. No. 338.]

DECLARING QUALIFICATION OF ELECTORS AND GOVERNING REGISTRATION OF VOTERS, AND AMENDING FORMER ACT.

AN ACT declaring the qualification of electors and governing the registration of voters, and amending sections 1445, 1455, 1456, 1454, 1393, 1391 and 1373 of Ballinger's Annotated Codes and Statutes of Washington, and carrying into effect the provisions of section 1, article VI, of the Constitution of the State of Washington.

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

SECTION 1. All male persons over the age of twenty-one years, possessing the following qualifications shall be entitled to vote at all elections: All persons who at the time of the taking effect of this act are qualified electors of this state; all other male persons who are over the age of twenty-one years, citizens of the United States who have lived in the state one year and in the county ninety days and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote, and who shall be able to read and speak the English language: *Provided*, That indians not taxed shall never be allowed the elective franchise.

SEC. 2. That section 1445 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: "Section 1445. In

Guilty of
misdemeanor.

Who may vote.

Qualifications.

Proviso.

Amendment.

all cities and towns and all voting precincts having a voting population of two hundred and fifty or more, who are entitled to the right of suffrage as shown by the number of votes cast at the preceding general election, there shall be a registration of voters prior to all general, special or municipal elections as herein provided.”

In cities having voting population of 250 or more.

SEC. 3. That section 1455 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: "Section 1455. The poll books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns with appropriate heads as follows: Date of registration; name; age; occupation; place of residence; place of birth; time of residence in the state, county, ward and precinct, and if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization, and with column for signature and one for remarks, and one column for checking the name of voter at the time of voting. If the voter registering is of foreign birth he shall at the time of registering produce satisfactory evidence to the registration officer that he was at the time of the adoption of the constitution of the State of Washington a qualified elector of this state, or that he is a naturalized citizen of the United States. Under the head of place of residence shall be noted the number of lot and block or number and street where the applicant resides or some other definite description sufficient to locate the residence; and the voter so registered as provided in this section shall sign his name on the registry opposite the entries above required, in the column headed "signature" unless he is a qualified elector at the time of the taking effect of this act, and shall not be capable of writing his name, in case of physical infirmity he be unable to write his name, in either of which cases he shall on the left hand margin of said column make his mark or cross and such other mark as is usual in indicating his signature, and some person who personally

Amendment.

Poll book, what to contain.

When of foreign birth.

Place of residence.

knows said voter, and who is personally known to the registering officer and who is capable of writing his name shall sign in said column immediately opposite said mark, as an identifying witness thereto."

Amendment.

Must appear in person.

Exception.

SEC. 4. That section 1456 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: "Sec. 1456. No person shall be registered unless he appears in person before the city or town clerk or officer of registration at his office during office hours and apply to be registered and give his name, age, occupation, number of place or residence, place of birth, time of residence in the state, county, ward or precinct, and if naturalized, furnish satisfactory evidence to such registration officer that he is capable of reading and speaking the English language so as to comprehend the meaning of ordinary English prose, unless he is incapacitated through physical infirmities, in which case he shall furnish satisfactory evidence that he was before such infirmity capable of reading and speaking the English language, unless such person so offering was a qualified elector at the time of the taking effect of this act, in which case the provisions with reference to reading and speaking the English language shall not apply; and such applicant shall make and subscribe to the following oath or affirmation:

STATE OF WASHINGTON, } ss
COUNTY OF

Form of oath.

I, do solemnly swear or affirm that I am a male person over twenty years, eleven months and ten days of age, that I am a native born or naturalized citizen of the United States, or was a legal elector of the Territory of Washington at the time of the adoption of the constitution of the State of Washington; that I have been an actual permanent resident of the State of Washington for eleven months and ten days last past, of the county of for seventy days last past and of the precinct ten days last past, and I have not lost my civil rights by being convicted of an infamous crime; that I was either a qualified elector on the first day of July, 1901, or that I can read and speak the English language.

Subscribed and sworn to before me this day of

Said affidavit shall be bound in book form and preserved with the other records of the city, town or precinct. Preservation of affidavit.

SEC. 5. That section 1454 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Sec. 1454. The poll-books in this chapter provided for shall be open at all times during the year for the registration of voters, except that they shall be closed on any day in which a primary election shall be held in such city or town under the laws governing primary elections in cities and towns, and excepting that they shall be closed in all general, special and municipal elections for the purpose of organization, twenty days preceding any election to be held in said city, town or precinct. The city or town clerk or officers of registration shall give notice of the closing of said books by notice to be published at least ten days in a newspaper of general circulation in such city, town or precinct, and by posting written or printed notices in three of the most public places in any such city, town or precinct, at least ten days preceding the day of such closing, and such notice of publication shall have at least two insertions in such newspaper; in all special city, town or precinct elections such notice shall be given by the posting aforesaid only at least five days before such closing and the poll-books shall be closed ten days preceding all such special or local elections. Amendment. Poll books. Notice of closing poll books.

SEC. 6. That section 1373 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Sec. 1373. Any voter who declares to the judges of election, or when it shall appear to the judges of election that he can not read, and was at the time of the taking effect of this act a qualified elector, or that by blindness or other physical disability he is unable to mark his ballot, shall upon request receive the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it has been so marked, with his or their assistance, and shall thereafter give no information regarding the same. The Posting of notice. Amendment. When voter can not read, etc.

Judges may require declaration.

judges may in their discretion require from such person so offering to vote a declaration of such disability, that he was at the time of the taking effect of this act a qualified elector and of his disability to read and speak the English language, to be made by the voter under oath before them and they are hereby qualified to administer the same. No elector, other than the one who

No information to be given as to intention to vote.

may, because of his inability to read, or physical disability, be unable to mark his ballot, shall divulge to any person within the polling-place the name of any candidate for whom he intends to vote or to ask or receive the assistance of any one within the polling-place in the preparation of his ballot.

Amendment.

SEC. 7. That section 1391 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Sec. 1391. When

Challenges.

any person offering to vote is challenged, it shall be the duty of the judges to declare to him the qualifications of an elector, and the inspector or one of the judges shall tender him the following oath: "You do swear

Oath.

(or affirm) that you will truly and fully answer all questions as shall be put to you touching your place of residence and qualifications as an elector." The in-

Examination by judges.

pector or one of the judges shall then proceed to question the person challenged in relation to his name, place of residence, how long he has resided in the precinct and county, where his last place of residence was, also as to his citizenship and whether a native or naturalized citizen and if the latter, when, where, and in what county or before what officer he was naturalized; whether he can read and speak the English language, and may submit to him for reading extracts of English prose, and all such other questions as shall tend to test his qualifications as to citizenship and the right to vote.

Amendment.

SEC. 8. That section 1393 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 1393. If

When challenge is not withdrawn.

such person shall insist that he is entitled to vote, and the board of judges find no cause to reject his vote

under the preliminary examination, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he takes the following oath to be administered by the inspector or one of the judges, viz.: "You do swear (or affirm as the case may be) that you have resided in this state twelve months preceding this election; in this county ninety days; and in this precinct or ward thirty days, and have not voted this day, and that you are otherwise qualified to vote at this election;" and in case the person offering a vote is a naturalized citizen he shall produce evidence of his citizenship.

Oath.

Evidence of citizenship.

Passed the House March 4, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXVI.

[H. B. No. 353.]

RELATIVE TO CLASSIFICATION OF COUNTIES.

AN ACT relating to the classification of counties, and amending section 1563 of Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington

SECTION 1. That section 1563 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 1563. For the purpose of regulating the compensation of county officers and for all other purposes herein provided for the several counties of this state are hereby classified according to their population:

Counties containing a population of eighty thousand or over shall belong to and be known as counties of the first class;

Counties containing a population of seventy thousand and under eighty thousand shall belong to and be known as counties of the second class;

3rd. Counties containing a population of sixty thousand and under seventy thousand shall belong to and be known as counties of the third class;

4th. Counties containing a population of fifty thousand and under sixty thousand shall belong to and be known as counties of the fourth class;

5th. Counties containing a population of forty-five thousand and under fifty thousand shall belong to and be known as counties of the fifth class;

6th. Counties containing a population of forty thousand and under forty-five thousand shall belong to and be known as counties of the sixth class;

7th. Counties containing a population of thirty-five thousand and under forty thousand shall belong to and be known as counties of the seventh class;

8th. Counties containing a population of thirty thousand and under thirty-five thousand shall belong to and be known as counties of the eighth class;

9th. Counties containing a population of twenty-five thousand and under thirty thousand shall belong to and be known as counties of the ninth class;

10th. Counties containing a population of twenty thousand and under twenty-five thousand shall belong to and be known as counties of the tenth class;

11th. Counties containing a population of eighteen thousand and under twenty thousand shall belong to and be known as counties of the eleventh class;

12th. Counties containing a population of sixteen thousand and under eighteen thousand shall belong to and be known as counties of the twelfth class;

13th. Counties containing a population of fourteen thousand and under sixteen thousand shall belong to and be known as counties of the thirteenth class;

14th. Counties containing a population of twelve thousand and under fourteen thousand shall belong to and be known as counties of the fourteenth class;

15th. Counties containing a population of ten thousand and under twelve thousand shall belong to and be known as counties of the fifteenth class;

Counties containing a population of nine thousand ^{16th}. and under ten thousand shall belong to and be known as counties of the sixteenth class;

Counties containing a population of eight thousand ^{17th}. and under nine thousand shall belong to and be known as counties of the seventeenth class;

Counties containing a population of seven thousand ^{18th}. and under eight thousand shall belong to and be known as counties of the eighteenth class;

Counties containing a population of six thousand ^{19th}. and under seven thousand shall belong to and be known as counties of the nineteenth class;

Counties containing a population of five thousand ^{20th}. five hundred and under six thousand shall belong to and be known as counties of the twentieth class;

Counties containing a population of five thousand ^{21st}. and under five thousand five hundred shall belong to and be known as counties of the twenty-first class;

Counties containing a population of four thousand ^{22nd}. five hundred and under five thousand shall belong to and be known as counties of the twenty-second class;

Counties containing a population of four thousand ^{23rd}. and under four thousand five hundred shall belong to and be known as counties of the twenty-third class;

Counties containing a population of three thousand ^{24th}. five hundred and under four thousand shall belong to and be known as counties of the twenty-fourth class;

Counties containing a population of three thousand ^{25th}. and under three thousand five hundred shall belong to and be known as counties of the twenty-fifth class:

Counties containing a population of two thousand ^{26th}. five hundred and under three thousand shall belong to and be known as counties of the twenty-sixth class;

Counties containing a population of two thousand ^{27th}. and under two thousand five hundred shall belong to and be known as counties of the twenty-seventh class;

Counties containing a population of one thousand ^{28th}. five hundred and under two thousand shall belong to and be known as counties of the twenty-eighth class;

29th. Counties containing a population of one thousand or less and under one thousand five hundred shall belong to and be known as counties of the twenty-ninth class.

Passed the House March 4, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXVII.

[H. B. No. 418.]

AMENDING ACT PROVIDING FOR THE LOCATION AND HOLDING OF LODE AND PLACER MINING CLAIMS.

AN ACT to amend section 10 of an act entitled "An act providing for the manner of locating and holding lode and placer mining claims, prescribing authority of mining districts," approved March 8, 1899, and declaring an emergency.

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

Amendment. SECTION 1. Section 10 of an act entitled "An act providing for the manner of locating and holding lode and placer mining claims, prescribing authority of mining districts," approved March 8, 1899, is hereby amended to read as follows :

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

Notice of location—what to contain. *First.* He must immediately post in a conspicuous place at the point of discovery thereon, a notice or certificate of location thereof, containing (a) the name of the claim ; (b) the name of the locator or locators ; (c) the date of discovery and posting of the notice hereinbefore provided for, which shall be considered as the date of the location ; (d) a discription of the claim by reference to legal subdivisions of sections, if the location is made in conformity with the public surveys, otherwise, a description with reference to some natural

object or permanent monuments as will identify the claim; and where such claim is located by legal subdivisions of the public surveys, such location shall, notwithstanding that fact, be marked by the locator upon the ground the same as other locations. Permanent monuments.

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

Third. Within sixty (60) days from the date of discovery, the discoverer shall perform labor upon such location or claim in developing the same to an amount which shall be equivalent in the aggregate to at least ten (10) dollars worth of such labor for each twenty acres, or fractional part thereof, contained in such location or claim: *Provided, however,* That nothing in this subdivision shall be held to apply to lands located under the laws of the United States as placer claims for the purpose of the development of petroleum and natural gas and other natural oil products. Perform labor — to what value. Proviso as to petroleum and gas.

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

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

Passed the House March 9, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXVIII.

[H. B. No. 467.]

RELATIVE TO LEASING OF RIGHT TO BUILD AND MAINTAIN WHARVES, DOCKS AND OTHER STRUCTURES.

AN ACT relating to the leasing of the right to build and maintain wharves, docks, and other structures on harbor area, and declaring an emergency.

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

Preference right to lease.

SECTION 1. That any owner under deed or contract of tide or shore land abutting on harbor area of the State of Washington shall have until the first day of July, 1902, a preference right to apply for, obtain and receive from the State of Washington a lease of the right to build and maintain wharves, docks and other structures upon that portion of the harbor area lying in front of said tide lands, said lease to contain the provisions in such cases provided by law ; and any and all leases heretofore issued to any such owner or owners, are hereby validated, ratified and affirmed provided this act shall not affect vested or existing rights.

Validation of former leases.

Emergency.

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

Passed the House March 11, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXXXIX.

[H. B. No. 105.]

AMENDING ACT RELATIVE TO EXEMPTION OF WAGES.

AN ACT amending section 5412 of Ballinger's Annotated Codes and Statutes of Washington relating to exemption of wages.

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

SECTION 1. That section 5412 of Ballinger's Annotated Codes and Statutes of Washington, relating to

exemption of wages, be amended to read as follows: Amendment.
 Section 5412. Current wages or salary to the amount
 of one hundred dollars for personal services rendered Wages up to
 \$100 per month
 exempt.
 by any person having a family dependent upon him
 for support, shall be exempt from garnishment, and
 where it appears upon the trial, or by answer of the
 garnishee, when not controverted as hereinafter pro-
 vided, that the garnishee is indebted to the defendant
 for such current wages or salary for an amount not
 exceeding one hundred dollars, the garnishee shall be
 discharged as to such indebtedness; that if the gar-
 nishment be founded upon a debt for actual necessaries
 furnished to the defendant or his family, no exemp-
 tion shall be allowed in excess of ten dollars per week
 for four consecutive weeks. The provisions of this
 section shall apply to actions in the Superior Court or Applicable to
 actions in Su-
 perior Court.
 before justices of the peace.

Passed the House March 4, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXL.

[H. B. No. 112.]

AMENDING ACT RELATING TO THE CLEARING OUT AND IMPROVEMENT OF RIVERS AND STREAMS.

AN ACT amending section 4391 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 5 of an act entitled "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, fixing maximum tolls therefor," approved March 18, 1895.

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

SECTION 1. That section 1491 of Ballinger's Codes and Statutes of Washington, being section 5 of an act Amendment.
 entitled "An act to provide for the organization and
 incorporation of companies for clearing out and im-
 proving rivers and streams in this state and for the pur-

Duties of corporations.

pose of driving, sorting, holding and delivering logs and other timber products thereon, fixing maximum tolls therefor," approved March 18, 1895, be and the same is amended to read as follows: Sec. 4391. After such corporation shall have entered upon its duties, which shall be within three months of the time of filing of its maps of location, such corporation shall come in streams theretofore navigable, upon the request of the owners, and in case of logs and other timber products being commingled, or lying in such a position as to obstruct or impede the drive, without such request, and in streams not navigable before such improvements were made, without request, sluice, sack and drive all logs and other timber products of suitable length that may be placed in the beds of the stream improved as aforesaid, or that may be delivered into its ponds, and shall handle all such logs and other timber products of all persons upon the same terms, without discrimination as to time of sluicing, sacking and driving such logs, or other timber products, and shall be entitled to charge and collect reasonable and uniform tolls for such services on all logs and other timber products so handled; such tolls shall not exceed one dollar per thousand feet, board measure, on logs, spars, or other large timber, and reasonable compensation on all other timber products, for sluicing, sacking and driving the same, such charges to be fixed by the board of trustees of such corporation in proportion to the distance such timber is to be driven and the number of dams through which the same is necessarily sluiced, and in case any such corporation shall be engaged in the booming and rafting of logs and other timber so sluiced, sacked and driven, an additional sum not to exceed sixty cents per thousand feet for logs, spars and other large timber, and reasonable compensation on all other timber products may be charged for booming and rafting the same; the amount of such logs and other products is to be determined by the usual method of scaling, and such corporation shall have a lien upon all logs and other timber products handled for sluicing,

Driving of logs.

Entitled to charge tolls.

Booming and rafting of logs.

Lien on logs for services.

sacking and driving, and for booming and rafting the same, to be enforced in any manner now or hereafter provided by law for the enforcement of liens for labor on logs.

Passed the House February 15, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLI.

[H. B. No. 174.]

RELATIVE TO TIDE LANDS WITHIN CITY LIMITS OF ABERDEEN.

AN ACT relating to the tide or shore lands within the city limits of the city of Aberdeen, Chehalis county, Washington, and providing for the completion of the survey, plats and appraisement, for the sale of said lands, and the leasing of the harbor line area abutting upon such tide or shore lands, and declaring an emergency.

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

SECTION 1. The Board of State Land Commissioners of the State of Washington are hereby authorized and required to complete the survey, plats and appraisement of the tide or shore lands embraced within the city limits of the city of Aberdeen, Chehalis county, Washington, and to file the said plats, and appraisement, on or before the first day of July, 1901, in the state land commissioner's office, and a copy thereof in the auditor's office of said Chehalis county.

Duty of Board
of Land Com-
missioners.

SEC. 2. Immediately upon the filing of said plats, and appraisement, the said Board of State Land Commissioners shall give notice by publication in each newspaper published in said city of Aberdeen that said plats and appraisement are filed, which notice shall be published at least once in each week in each of said papers, for four consecutive weeks, which notice shall contain a further notice that said tide or shore lands are open for sale, according to law.

Notice by
publication

Preference
right, for how
long.

SEC. 3. The owner or owners of said land abutting or fronting upon the tide or shore lands of the first class shall have the preference right for sixty days following the filing of the final appraisal of the tide and shore lands with the Commissioner of Public Lands and of the copy of the same with the county auditor of Chehalis county, Washington, to apply for the purchase of all or any part of the tide or shore lands in front of the land so owned; and to apply for the leasing of the harbor line area abutting upon such tide or shore lands: *Provided*, That if valuable improvements in actual use prior to January 1st, 1901, for commerce, trade, residence or business, have been made upon said tide or shore lands by any person, association or corporation, the owner of such improvements shall have the exclusive right to apply for the purchase of the lands so improved for the period aforesaid.

Proviso.

Exclusive
right.

Emergency.

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

Passed the House March 2, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLII.

[H. B. No. 223.]

RELATIVE TO THE INTIMIDATION AND BRIBING OF VOTERS.

AN ACT relating to the intimidating or bribing of voters, and amending section 7420 of Ballinger's Annotated Codes and Statutes of Washington.

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

Amendment.

Menace, force
or threats.

SECTION 1. That section 7420 of Ballinger's Annotated Codes and Statutes of Washington be and the same hereby is amended to read as follows: Section 7420. If any person shall use any menaces, force, threats or any corrupt means at or previous to any election held pursuant to the laws of the state, towards

any elector to hinder or deter such elector from voting at said election, or shall directly or indirectly offer any bribe or reward of any kind to induce any elector to vote contrary to his inclinations or shall on the day of election give any public treat or authorize any person to do so to obtain votes for any person, such person so offending shall be fined in any sum not less than one hundred nor more than one thousand dollars, or shall be imprisoned in the penitentiary not less than one year nor more than five years, or of both such fine and imprisonment. Penalty.

Passed the House March 2, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLIII.

[H. B. No. 341.]

EXTENDING RIGHT OF EMINENT DOMAIN TO WATER POWER COMPANIES.

AN ACT extending the right of eminent domain to water power companies.

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

SECTION 1. The right of eminent domain for the purpose of appropriating real estate is hereby extended to all corporations that are now or that may hereafter be incorporated under the laws of this state, or of any state or territory of the United States and doing business in this state, for the purpose of conveying water by ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power: *Provided, however,* That said right of eminent domain shall not be exercised in respect to any residence or business structure or structures. Extended to all corporations, for what purposes. Proviso.

SEC. 2. Every corporation that is now or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States and doing business in this state, for the purpose of conveying water by ditches, flumes, pipe lines, tunnels or Right to enter and survey, etc.

any other means for the utilization of water power, shall have the right to enter upon any land between the termini of the proposed ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power, for the purpose of examining, locating and surveying such ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power, doing no unnecessary damage thereby.

Right to
appropriate
real estate.

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

Passed the House March 4, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CXLIV.

[H. B. No. 404.]

REQUIRING THE WEIGHING OF CARS LOADED WITH LUMBER.

AN ACT requiring railroad companies to weigh cars loaded with lumber, shingles, and other forest products at some common point or points.

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

Scales.

SECTION 1. All railroad companies operating any railroad or any part thereof within the limits of this state are required to provide scales and weigh at some common point or points within this state all cars loaded with lumber, shingles or any other forest products destined for shipment to any and all points within the limits of the state, and also car load shipments of said commodities to any and all points outside of the limits

of this state. Also that charges for freight on said commodities be based on the weights determined by the weighing stations within the limits of this state. Also that all bills of lading of railroads operating within the limits of this state specify said provision.

Charges based on weights.

Passed the House March 2, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLV.

[H. B. No. 380.]

FOR THE PROTECTION OF TREES AND SHRUBS.

AN ACT to protect from injury and destruction trees and shrubs in highways and other places, and providing a penalty for the violation thereof.

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

SECTION 1. Whoever digs up, cuts down, girdles, defaces, or otherwise injures or mars any tree or shrub on any public highway, bicycle path, park or any public grounds used as a place of public resort, unless the same is deemed an obstruction by the road supervisor or person lawfully in charge of such highway, bicycle path, park or public grounds and removed under his or their direction, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than five dollars nor more than one hundred dollars and the costs of prosecution.

In public highways, parks, etc.

Penalty..

Passed the House March 9, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLVI.

[H. B. No. 51.]

PREVENTION OF CRUELTY TO ANIMALS.

AN ACT for the more effectual prevention of cruelty to animals.

*Be it enacted by the Legislature of the State of Washington :*Future
corporations.

SECTION 1. Any citizens of the State of Washington who have heretofore, or who shall hereafter, incorporate as a body corporate, under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may avail themselves of the privileges of this act: *Provided*, That the corporate body existing at any given time and first incorporated as aforesaid in any county, shall be the only one entitled to the benefits and privileges of this act in such county.

Proviso.

Powers of
officers, etc.

SEC. 2. All members and agents, and all officers of any society so incorporated, as shall by the trustees of such society be duly authorized in writing, approved by any judge of the Superior Court of the county, and sworn in the same manner as are constables and peace officers, shall have power lawfully to interfere to prevent the perpetration [perpetration] of any act of cruelty upon any animal and may use such force as may be necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any of the provisions of this act in the same manner as herein provided for other officers; and may carry the same weapons that such officers are authorized to carry: *Provided*, That all such members and agents shall, when making such arrests, exhibit and expose a suitable badge to be adopted by such society. All persons resisting such specially authorized, approved and sworn officers, agents or members shall be guilty of a misdemeanor.

Proviso—must
wear badge.Resistance,
etc.Sheriffs, etc.,
empowered to
make arrests.

SEC. 3. All sheriffs, constables, police and peace officers are empowered to make arrests for the violation of any provisions of this act, as in other cases of misdemeanor.

SEC. 4. Every person who cruelly overdrives, over-^{Cruelty defined.} loads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air, light,^{Failure to properly care for, feed, etc.} space, shelter or protection from the weather, or who willfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or^{Harness.} check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours^{Abandonment.} without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor.

SEC. 5. If any person shall carry, transport, or confine, or cause to be carried, transported or confined^{Transportation in cruel manner, penalty.} upon any wagon, railway, car, vehicle, boat, vessel or otherwise, any domestic animal, in a cruel or unnecessarily [unnecessarily] painful manner, posture or confinement, he shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody therefor by any officer or authorized person, such officer or person may take charge of such car, wagon, vehicle, boat or vessel and its contents together with the horse or team attached to any such wagon or vehicle, and place or leave the same in some reasonably safe place of custody; and any necessary expense which may be incurred for taking care of and keeping the same, shall be a lien thereon, to be paid before the same can be lawfully recovered; and if the said expenses, or any part thereof, remain unpaid, they may be recovered, by the person incurring the same, of the owner of such domestic animal, or of the person guilty, as aforesaid, in any action therefor.^{Duty of officer making arrest.}

Unlawful to
"dock" the
tail of any
horse.

SEC. 6. Every person who shall cut or cause to be cut, or assist in cutting the solid part of the tail of any horse in the operation known as "docking," or in any other operation for the purpose of shortening the tail or changing the carriage thereof, shall be guilty of a misdemeanor.

Unlawful to
cause animals
to fight.

SEC. 7. Every person who wantonly or for the amusement of himself or others, or for gain, shall cause any bull, bear, cock, dog, or other animal to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any man or animal, and every person who shall permit the same to be done on any premises under his charge or control; and every person who shall aid, abet, or be present at such fighting, chasing, worrying or injuring of such animal as a spectator, shall be guilty of a misdemeanor.

Owners of
birds or
animals, when
guilty of
misdemeanor.

SEC. 8. Every person who owns, possesses, keeps, or trains any bird or other animal with the intent that such bird or other animal shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of birds or other animals, with the intent to be present at such exhibition, or is present at such exhibition, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 9. Every person who shall attempt to do any act or thing which by this act is made a misdemeanor shall be guilty of a misdemeanor.

Complaints, on
oath.

SEC. 10. When complaint is made on oath, to any magistrate authorized to issue warrants in criminal cases that the complainant believes that any of the provisions of law relating to or in any way affecting animals, are being or are about to be violated in any particular building or place, such magistrates shall issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer, or officer of any incorporated society qualified as provided in the second section of this act, authorizing him to enter and search such building or place, and to arrest any person or persons there present violating or attempting

Issuance of
warrants.

to violate any law relating to or in any way affecting animals, and to bring such person or persons before some court or magistrate of competent jurisdiction within the city or county within which such offense has been committed or attempted to be committed, to be dealt with according to law.

SEC. 11. Any person qualified under section 2 of this act and any sheriff, constable, police or peace officer may enter any place, building or tenement, where there is an exhibition of the fighting of birds or animals or where preparations are being made or training had for such exhibition, and without a warrant arrest all or any persons there present and bring them before some court or magistrate of competent jurisdiction to be dealt with according to law.

Power to arrest without warrant, when.

SEC. 12. Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor. In case any domestic animal shall be impounded or confined as aforesaid and shall continue to be without necessary food and water for more than twenty-four consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary to enter into and open any pound or place of confinement in which any domestic animal shall be confined, and supply it with necessary food and water so long as it shall be confined. Such person shall not be liable to action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and the said animal shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

Confinement of animals.

More than 24 hours without food and drink.

Persons may enter pound and feed such animal.

Attachment.

SEC. 13. Every owner, driver, or possessor of any old, maimed or diseased horse, cow, mule, or other domestic animal, who shall permit the same to go loose in any lane, street, square, or lot or place of any city or town-

Old, maimed or diseased animals not to run at large.

ship, without proper care and attention, for more than three hours after knowledge thereof, shall be guilty of a misdemeanor: *Provided*, That this shall not apply to any such owner keeping any old or diseased animal belonging to him on his own premises with proper care. Every sick, disabled, infirm or crippled horse, ox, mule, cow or other domestic animal, which shall be abandoned on the public highway, or in any open or enclosed space in any city or township, may, if, after search by a peace officer or officer of such society no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace and public officers to cause the same to be killed on information of such abandonment.

Proviso.

Abandoned animals may be killed — by whom.

Prosecutions.

SEC. 14. Any member of such society authorized as provided in section 2 of this act, may appear and prosecute in any court of competent jurisdiction for any violation of any of the provisions of this act, whether or not he be an attorney or counsellor at law: *Provided*, That all such prosecution shall be conducted in the name of the people of the State of Washington.

Proviso.

Convicted persons.

Fines collected.

SEC. 15. Every person convicted of any misdemeanor under this act, shall be punished as is by law provided for the punishment of misdemeanors and all fines imposed or collected in any county under the provisions of this act, shall inure to the society in said county, organized and incorporated as in the first section of this act provided, in aid of the benevolent object for which it is incorporated, and shall be paid out of the county treasury to such society and the county auditor shall draw warrants in favor of such society upon the county treasurer therefor.

Fine and term of imprisonment.

SEC. 16. Every person convicted of any misdemeanor under this act, shall be punished by a fine of not exceeding one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution.

Definitions of animal, etc.

SEC. 17. In this act the singular shall include the plural; the word "animal" shall be held to include every living creature, except man; the words "torture,"

"torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals; Persons and corporations. and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees.

SEC. 18. No part of this act shall be deemed to interfere with any of the laws of this state known as the "Game Laws," nor shall this act be deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the State of Washington. This act not to interfere with the game law.

SEC. 19. All acts and parts of acts inconsistent with Inconsistent acts repealed. the provisions of this act are hereby repealed.

Passed the House February 27, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLVII.

[H. B. No. 417.]

RELATING TO CEMETERIES.

AN ACT relating to cemeteries and burial places.

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

SECTION 1. Any person owning any land, exclusive of encumbrances of any kind, situate two miles outside of Reservation of land. the corporate limits of any incorporated city or town, may have the same reserved exclusively for burial and

cemetery purposes by complying with the terms of this act, provided said lands so sought to be reserved shall not exceed in area one acre.

Plat and survey.

SEC. 2. Such person or persons shall cause such land to be surveyed and platted.

Deed.

SEC. 3. A deed of dedication of said tract for burial and cemetery purposes with a copy of said plat shall be filed with the county auditor of the county in which said lands are situated and the title thereto shall be and remain in the owner, his heirs and assigns, subject to the trust aforesaid.

Exempt from taxes.

SEC. 4. Upon compliance with the requirements of this act said lands shall forever be exempt from taxation, judgment and other liens and executions.

Passed the House March 8, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLVIII.

[H. B. No. 212.]

RELATIVE TO STATE'S LANDS AND HARBOR AREAS.

AN ACT to amend section 1 of an act entitled "An act to amend section 12 of an act entitled 'An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners as required by article 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners, defining their duties, and making an appropriation therefor, and declaring an emergency,' approved March 16, 1897," approved March 14, 1899.

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

Amendment.

SECTION 1. That section 1 of an act entitled "An act to amend section 12 of an act entitled 'An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the

confirmation and completion of the several grants to the state by the United States ; creating a board of appraisers and a board of harbor line commissioners as required by articles 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners ; defining their duties and making an appropriation therefor, and declaring an emergency,' approved March 16, 1897," approved March 14, 1899, be amended to read as follows: Section 12. That when applications are made for the purchase of timber, stone, fallen timber, hay or gravel, or other valuable materials situated upon public lands of the state, the same inspection shall be had as for applications to purchase lands : *Provided*, That no standing timber or stone shall be sold for less than the appraised value thereof, and such timber, stone, hay and gravel may be sold separate from the land, when, in the judgment of the board, it is for the best interest of the state to sell same, except when the estimated amount of timber shall exceed one million feet to the quarter section, in which case the timber shall be sold separate from the land : *And provided further*, That the full purchase price of such valuable materials shall be paid in cash when sold separate from the lands: *Provided*, That in all cases when the timber is sold separate from the land, said timber shall revert to the state if it has not been removed from the land within three years from the date of purchase thereof, except that in all cases when the purchasers are acting in good faith and removing the said timber, the land commissioner may extend the time of removal for a period not to exceed two years. That in every appraisement of land granted to this state the board of appraisers shall be and serve as the board of appraisers mentioned in section two of article sixteen of the state constitution. And in every appraisement under this chapter the said board shall separately appraise all improvements placed upon any land of the state and found on such land at the time of the appraisement; and shall also appraise all damages and waste done to said land by the cutting and removal of

Inspection.

Proviso.

Purchase price to be paid in cash.

Timber to revert to the state if not removed within three years.

Separate appraisal.

Appraise damages also.

timber or the removal of stone or other materials by the person or persons claiming such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said land shall be considered in the appraisalment, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised and every such appraisalment shall be recorded in the proceedings of the board of appraisers: *Provided*, That this section shall not be considered to affect the right of the state to the value of such land: *Provided further*, That if the purchaser of such land from the state be not the owner of the improvements he shall deposit with the State Treasurer, through the board of appraisers, within thirty days after the sale, the appraised value of such improvements; and if it be found by the said board that the owner of said improvements was not holding adversely to the state or improving said land, or that said improvements were placed on said land in good faith by a lessee from the state or territory, or that said lessee had in all respects complied with the terms of his lease and his leasehold interest, not forfeit or subject to a forfeiture then the board of appraisers shall direct the State Treasurer to pay, and he shall pay to the owner of said improvements such sum so deposited; but if it be found by the said board of appraisers that the said improvements owned or made on said land by parties holding or claiming the land, adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the State Treasurer to pay over such sum so deposited into the permanent school fund. In case the purchaser shall not deposit the appraised value of the improvements in the manner described above, the sale may be disapproved by the board of appraisers: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser the sum so deposited shall be re-

Proviso as to rights of state.

Purchaser to deposit appraised value within thirty days.

Pay owner of improvements.

Sale disapproved when no deposit.

turned in the manner described above, to the state: *Provided further*, That in determining the value and nature of such improvements the board is hereby authorized to compel by subpoena the attendance, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well. Witnesses.

Passed the House February 28, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLIX.

[H. B. No. 286.]

PROHIBITING USE OF NICKEL-IN-THE-SLOT MACHINES.

AN ACT to prohibit the maintaining, conducting, operating, playing or using nickel-in-the-slot machines, or other devices of like character, wherein there enters an element of chance.

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

SECTION 1. Any person or persons who shall conduct, maintain or operate either as owner or owners, proprietor or proprietors, lessee or lessees, employe or employes, agent or agents, any nickel-in-the-slot machine, or other device of like character, wherein there enters an element of chance, whether the same be played or operated for money, checks, credits, or any other thing or representative of value, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and in default of the payment of the fine imposed shall be imprisoned in the county jail one day for each two dollars thereof. Unlawful to conduct or maintain—for what purpose.
Penalty.

SEC. 2. For the purposes of trial and conviction under this act the possession of any such machine or device or keeping the same in any place accessible to the public shall be *prima facie* evidence against the person in possession thereof of guilt under this act. Possession of prima facie evidence.

SEC. 3. Any fine imposed under this act shall be paid into the county treasury of the county wherein such conviction was secured, for the benefit of the school fund.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House March 4, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CL.

[H. B. No. 349.]

PROVIDING FOR SALE OF CERTAIN SCHOOL LAND.

AN ACT to provide for the sale of certain school land in section 36, township 10 north, range 38 east, Willamette meridian.

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

SECTION 1. That the board of appraisers and the Commissioner of Public Lands are hereby authorized to offer for sale and sell, under the provisions of section 2144 to 2148, inclusive, of Ballinger's Annotated Codes and Statutes of Washington, the following described real estate, to-wit: Beginning at a point one and fifty-hundredths chains west of the N. E. corner of the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section 36, Tp. 10 N., R. 38 E., W. M., running thence south $48\frac{1}{2}$ degrees east, $4\frac{3}{8}$ chains; thence south 56 degrees west, 9.93 chains; thence north 34 degrees west, 6 chains; thence north 56 degrees east, 6.05 chains; thence east 3.50 chains to place of beginning: *Provided, however,* That such land shall not be sold for less than ten dollars per acre: *And provided, further,* That said lands shall never be used for any other than cemetery purposes.

Passed the House March 2, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLI.

[Substitute Bill No. 191.]

RELATIVE TO LEASING OF MINERAL LANDS.

AN ACT amending sections 2213, 2216 and 2218 of Ballinger's Annotated Codes and Statutes of Washington relating to the leasing of mineral lands belonging to the State of Washington.

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

SECTION 1. That section 2213 of Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Sec. 2213. Any citizen of the United States finding precious minerals upon any lands belonging to the State of Washington may apply to the Commissioner of Public Lands for a lease of any amount not to exceed eighty acres for prospecting purposes, provided that said applicant has posted up location notice and set corner posts and marked boundary lines as required by the mining laws of the State of Washington: *Provided*, Any person, persons or corporations to whom a lease or contract has been issued prior to the passage of this act may, by applying to the Commissioner of Public Lands, have the boundaries of their mineral claims or lots changed to conform to the section lines as surveyed by the U. S. surveyors: *Provided*, The changing of boundaries does not infringe upon the rights of any other lease holder or assignee, and shall pay a fee according to the increased area which they may obtain.

SEC. 2. That section 2216 of Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Sec. 2216. Before any lease shall be granted the applicants shall pay to the State Treasurer the sum of five dollars for each forty acres or fraction thereof. The holder of a mineral lease, secured as above stated, shall have two years to develop said mine or mines: *Provided*, That no more than five tons of ore shall be removed therefrom for assaying or testing purposes until a contract, as hereinafter provided, shall have been executed.

SEC. 3. That section 2218 of Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Sec. 2218. The terms and conditions on which the same may be mined shall be agreed upon by the Commissioner of Public Lands and the lessee: *Provided*, "That a royalty be paid to the state on the value of the gross output to an amount not less than two per cent. thereof and not more than five per cent. thereof; said royalty to be paid according to the provisions made in said lease."

Amendment.

Royalty to be paid to state.

May apply for new lease.

Prior right.

SEC. 4. Within sixty days prior to the expiration of the lease, the lessee may apply to the Commissioner of Public Lands for a new lease. Therefore the Commissioner of Public Lands shall give said applicant a prior right, and shall, upon the expiration of the old lease issue a new lease to the former lessee on terms as may be provided by law.

Passed the House February 28, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLII.

{ H. B. No. 369. }

AMENDING ACT RELATIVE TO PRACTISE OF DENTISTRY.

AN ACT to amend sections 4, 6, 8 and 11 of chapter LV of the Session Laws of 1893, entitled "An act to regulate the practise of dentistry in the State of Washington and declaring an emergency, the same being section 3025, 3027, 3029 and 3032 of volume 1 of Ballinger's Annotated Codes of the State of Washington, and to prohibit the practise of dentistry by persons not duly registered and licensed and to provide for the punishment of violators thereof," and declaring an emergency.

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

SECTION 1. That section 4 of chapter LV of the Laws of 1893 the same being section 3025 of volume 1 of

Ballinger's Annotated Codes and Statutes of Washington be and the same hereby is amended so as to read Amendment. as follows: Sec. 4. Any person or persons seeking to practise dentistry in the State of Washington, or to own, operate or cause to be operated, or to run or manage a dental office or place for the practise of dentistry in the State of Washington after the passage of this act shall file his or her name, together with an applica- Filing of name and applica- tion. tion for examination, with the secretary of the State Board of Dental Examiners, and at the time of making such application shall pay to the secretary of the board a fee of twenty-five dollars, and to present him Fee. or herself at the first regular meeting thereafter of said board to undergo examination before that body. No person shall be eligible for such an examination unless Eligibility. he or she shall be of good moral character and shall present to said board his or her diploma from some dental college in good standing and shall give satisfactory evidence of his or her rightful possession of the same: *Provided*, This section shall not apply to persons engaged in the practise of dentistry at the time of the passage of this act who are *bona fide* citizens of the State of Washington. All persons successfully passing such examination shall be registered as licensed dentists in the board register as hereinafter provided, and also receive a certificate, said certificate to be signed by the president and secretary of said board and in substantially the following form, to-wit:

This is to certify that is hereby licensed to practise dentistry in the State of Washington. This certificate must be filed for record in the office of the auditor of any county in which the party holding such certificate desires to practise, and it is unlawful for him (or her) to practise dentistry in any county in which said certificate is not filed for record. Form of certificate.

Dated at this day of, A. D. 190...

.....
(President of said board of examiners.)

.....
(Secretary of said board.)

SEC. 2. That section 6 of chapter LV of the Laws of 1893, the same being section 3027 of volume 1 of Ballinger's Annotated Codes and Statutes of Washington

Amendment. be and the same hereby is amended so as to read as follows: Sec. 6. Every person having been admitted to the practise of dentistry by said board in this state after the approval of this act shall on or before the first day of July, 1901, cause his or her name, residence and place of business to be registered with the board of dental examiners, if not already registered.

Registration. A statement of every such person that he was engaged in the practise of dentistry in this state at the time of approval of this act shall be verified under oath by him and placed with the board of dental examiners. It shall be the duty of the secretary of the said board to send to each person registered under the provisions of this act without fee a certificate similar in form to the other certificate provided for by this act, signed by the president and secretary of said board of examiners, which certificate the holder thereof shall have recorded with the county auditor of the county in which the holder desires to practise, within ninety days from the date of said certificate.

Statement. Record of such certificate.

Title to be displayed.

Failure to comply, a misdemeanor.

SEC. 3. That hereafter if any association or company of persons, whether incorporated or not, shall engage in the practise of dentistry under the name of "company," "association," or any other title, said company or association shall cause to be displayed and kept in a conspicuous place at the entrance to its place of business the name of each and every person employed by said company or association in the practise of dentistry; and any person employed by such company or association whose names shall not be displayed as above provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided, and the said association or company if incorporated, or the persons comprising the same if not incorporated, shall for such failure to display the aforesaid name be guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SEC. 4. That section 8, of chapter LV of the Laws of 1893, the same being section 3029, in vol. 1 of Bal-

linger's Annotated Codes and Statutes of Washington be and the same hereby is amended to read as follows: Amendment.

Sec. 8. Any person who, as principal, agent, employer, employee or assistant, who in any manner whatsoever shall practise dentistry or who shall own, run, operate or cause to be operated, or manage a dental office or headquarters in the State of Washington without having first filed for record and had recorded in the office of the auditor of the county wherein he shall so practise or do such act, a certificate from said board of dental examiners as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than two hundred dollars, or be confined for any period not exceeding six months in the county jail for each and every offense: *Provided*, The foregoing provisions of this section shall not, prior to the 10th day of July, 1901, apply to any person who shall be practising dentistry in this state at the time of the passage of this act and whose name shall be registered under the provisions of this act in the records of said board. After said 10th day of July, 1901, all the provisions of this section shall apply to all persons whomsoever. All fines recovered under this act shall be paid into the common school fund of the county in which the conviction is had. Operation of office without having filed a certificate a misdemeanor. Penalty. When not applicable. Applicable when. Fines recovered.

SEC. 5. That section 11 of chapter LV of the Laws of 1893, the same being section 3032 of vol. 1 of Ballinger's Codes and Statutes of Washington, be and the same hereby is amended to read as follows: Amendment.

Sec. 11. All persons shall be said to be practising dentistry within the meaning of this act who shall contrary to this act for a fee or salary or other reward paid either to himself or to another person for operations or parts of operations of any kind, treat diseases or lesions of the human teeth or of jaws or correct malpositions thereof, or who shall own, run or manage a dental office or department in the State of Washington, without registering and procuring the license as herein provided. Definition of dentistry.

Emergency. SEC. 6. An emergency exists and this act shall take effect immediately.

Passed the House March 2, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLIII.

[H. B. No. 83.]

PROVIDING FOR ESTABLISHMENT OF PRIVATE FISH HATCHERIES.

AN ACT providing for establishing private fish hatcheries, and for the control, sale and disposition of fish spawn, fry and fish raised in private hatcheries, defining the duties of the fish commissioner in relation thereto, providing a penalty for the violation thereof, and repealing all laws in conflict therewith.

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

Private hatcheries, how established.

SECTION 1. Any riparian proprietor may establish a private fish hatchery for the cultivation of food fishes, and for such purpose and use may, within the limits of his own premises, inclose the waters of any river or stream or lake in this state, subject to the conditions and regulations hereinafter provided ; and any person lawfully conducting any such private fish hatchery and engaged in the artificial propagation, culture and maintenance of fishes, may take them in his own inclosed waters wherein the same are so cultivated and maintained at any time and for any purpose.

May take fish at any time.

Suitable passageway for migratory fish, logs, etc.

SEC. 2. Any person, firm or corporation establishing a private fish hatchery and inclosing the waters of a river or stream, as provided in section 1 of this act, shall provide and furnish a suitable passage-way along said hatchery for migratory fishes naturally frequenting such waters, above and below such hatchery, and shall so place and construct said inclosure as to allow the passage of boats, saw logs, shingle bolts, cord wood, fencing posts or rails, without unreasonable delay, when such inclosure is upon a river or stream navigable and

generally used for the navigation of boats, or for the floating down of logs, fencing posts, or rails: *Provided*, That if the person, firm or corporation inclosing the waters of a river or stream, as herein provided, is the sole riparian proprietor thereof from such inclosure to and including the source of such river or stream, such person, firm or corporation shall be excepted from the operation of this section, and shall not be required to furnish any passage-way for fish or for boats, logs, fencing or other material. Proviso.

SEC. 3. Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act. What constitutes conducting of private hatchery.

SEC. 4. No fish spawn, fry or fish from any private fish hatchery shall be sold under the terms of this act, unless the location and plan of such hatchery, including the character and size of fish way and passage be approved by the fish commissioner, and the same duly licensed as a private fish hatchery. No sale without approval of fish commissioner.

SEC. 5. The product of such fish hatchery, fish spawn, fry and fish may be sold at any time of the year by such hatchery or their then vendees after having first complied with the terms of this act and the regulations of the fish commissioner in relation thereto. May sell at any time.

SEC. 6. Each private fish hatchery before it shall be entitled to the benefits of this act, shall pay an annual license fee of \$25 to the fish commissioner. Annual license fee.

SEC. 7. It shall be the duty of the superintendent or person in charge of any private fish hatchery to make a quarterly report to the state fish commissioner of the amount of spawn, fry and number of fish sold and the name and address of the party receiving the same. It shall be the duty of each person, firm or corporation affected by the provisions of section 8 of this act to render to the fish commissioner of the State of Washington a quarterly report giving a detailed statement showing the amount of spawn, fry and number of fish Quarterly report to fish commissioner.

Detailed statement.

received from any private hatchery and giving the name and post-office address of the superintendent or manager of the same.

Packers and
sellers to pro-
cure license.

SEC. 8. Every person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in trout or other food fish obtained from private hatcheries of this state, shall procure a license for such business from the fish commissioner of the state and shall pay an annual license fee of \$2.50.

Unlawful to
take without
permission.

SEC. 9. No person shall take fish in any manner from the inclosed portion of any river, stream, pond, or other water in which a private fish hatchery is located, or in which fish are artificially propagated, cultivated and maintained under the provisions of this act, without permission of the owner or proprietor of such hatchery.

Moneys
collected.

SEC. 10. All moneys collected for licenses and fines under the provisions of this act shall be turned into the state treasury and placed in the fish and game protection fund.

Penalty for
violation.

SEC. 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not more than \$500 or by both such fine and imprisonment.

Tags on fish
sold.

SEC. 12. The state fish commissioner shall have authority to require tags, branding or other device attached to all fish sold from private hatcheries.

Repealing
clause.

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the House February 28, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLIV.

[H. B. No. 228.]

FOR THE PROTECTION OF THE AMERICAN FLAG.

AN ACT for the protection of the American flag and coat of arms of the United States.

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

SECTION 1. That the national flag or the coat of arms of the United States or any imitation or representation thereof, shall not be attached to or imprinted or represented upon any goods, wares, or merchandise, or any advertisement of the same; and no goods, wares, or merchandise, or any advertisement of the same, shall be attached to the national flag or the coat of arms of the United States, and no such advertisement shall be imprinted thereon. Any violation of this act shall be punishable, on conviction in any court of competent jurisdiction in the State of Washington, by a fine of not more than five hundred dollars.

Not to be attached to or imprinted on goods, etc.

Penalty.

Passed the House March 2, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLV.

[S. B. No. 137.]

APPROPRIATION FOR PAYMENT OF BOUNTIES.

AN ACT making an appropriation for the payment of bounties under the provisions of an act approved February 21, 1899, entitled "An act granting a bounty for the encouragement of the production and manufacture of sugar in the State of Washington."

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

SECTION 1. That there is hereby appropriated from any moneys in the treasury of the State of Washing-

Appropriation. ton, not otherwise appropriated, the sum of forty thousand dollars, or so much thereof as may be necessary, to pay any claim or claims for bounty for the production and manufacture of sugar in the State of Washington, earned or to be earned under the provisions of an act approved February 21, 1899, entitled "An act granting a bounty for the encouragement of the production and manufacture of sugar in the State of Washington." Said appropriation shall be disbursed under and subject to the provisions and limitations of said act of February 21, 1899.

Passed the Senate February 15, 1901.

Passed the House March 11, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLVI.

[S. B. No. 205.] °

DEFICIENCY APPROPRIATION FOR STATE BOARD OF HEALTH.

AN ACT making an appropriation for the State Board of Health for the remainder of the fiscal year ending March 31st, 1901.

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

Deficiency
appropriation.

SECTION 1. That the sum of three hundred and fifty dollars be appropriated out of the general funds of the state, not otherwise appropriated, for the expenses of the State Board of Health for the remainder of the fiscal year ending March 31, 1901.

Passed the Senate February 25, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLVII.

[S. B. No. 206.]

DEFICIENCY APPROPRIATION FOR DESK SUPPLIES
FOR LEGISLATURE AND STATE OFFICERS.

AN ACT making a deficiency appropriation for the stationery and desk supply fund for the fiscal year ending March 31, 1901.

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

SECTION 1. That there be and is hereby appropriated out of the general fund of the state, not otherwise ap- Appropriation. propriated, the sum of two thousand (\$2,000) dollars, or so much thereof as may be necessary to pay for the stationery, desk supplies and furnishings for the session of the Legislature and the state officers at the capital for the fiscal year ending March 31, 1901.

Passed the Senate February 25, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLVIII.

[S. B. No. 79.]

AMENDING BALLINGER'S CODE RELATIVE TO
EXEMPTIONS.

AN ACT to amend section 5248a of Ballinger's Annotated Codes and Statutes of Washington, relating to exemptions.

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

SECTION 1. That section 5248a of Ballinger's Annotated Codes and Statutes of Washington, relating to Amendment. exemptions, be and the same is hereby amended to read as follows: Sec. 5248a. No property shall be exempt Property not exempt. from execution for clerk's, laborer's, or mechanic's wages, earned within this state, nor shall any property be exempt from execution issued upon a judgment against an attorney or agent on account of any liability incurred by such attorney or agent to his client or prin-

cipal on account of any moneys, or other property coming into his hands, from or belonging to his client or his principal.

Passed the Senate February 14, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLIX.

[S. B. No. 196.]

FOR THE PROTECTION OF BASS, PERCH, PICKEREL AND PIKE.

AN ACT for the protection of bass, perch, pickerel and pike in the lakes of this State.

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

Unlawful to
take — during
what period.

SECTION 1. It shall not be lawful for any person or persons to take, capture, catch or kill in any of the lakes or streams in this state, or have in their possession after the same has been taken, captured, caught or killed, any bass, perch, pickerel or pike, between the 15th day of May, and the 1st day of July of each and every year.

Exception as
to hook and
line.

SEC. 2. It shall not be lawful at any time to take, capture, catch or kill any bass, perch, pickerel or pike in any of the lakes or streams of this state by the use of any device or in any other manner than with hook and line.

Penalty.

SEC. 3. Upon conviction of any violation of this act, the person or persons so convicted shall be punished by a fine of not less than ten dollars nor more than fifty dollars.

Passed the Senate February 26, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLX.

[S. B. No. 163.]

FOR THE PROTECTION OF SEED BUYERS.

AN ACT to protect seed buyers in the State of Washington.

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

SECTION 1. That any person or persons doing business in this state who shall knowingly sell seed, or offer for sale any vegetable seed that are not plainly marked upon each package or bag containing such seed the year in which said seed were grown, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days for each and every offense.

Unlawful to
sell unless
plainly
marked.

Penalty.

SEC. 2. That any person or persons who shall, with intention to deceive, wrongly mark or label, as to date, any package or bag containing garden or vegetable seed shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days.

Intentional
deceit and
penalty
therefor.

SEC. 3. That this act shall take effect and be in force from and after the first day of January, 1902.

In effect when.

Passed the Senate February 19, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXI.

[S. B. No. 236.]

AMENDING ACT RELATIVE TO THE STATE'S GRANTED LANDS.

AN ACT amending section 40 of an act relating to public lands of the state, being chapter 89 of the Laws of 1897, approved March 16, 1897, entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency." Said section 40 being section 2170, volume 1, of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

Amendment. SECTION 1. Section 40 of an act of the Legislature of the State of Washington, approved by the Governor March 16, 1897, relating to public lands of the state, being chapter 89 of the Laws of 1897, entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency." Said section 40 being section 2170 of volume 1 of Ballinger's Annotated Codes and Statutes of the State of Washington, is hereby amended so that said section shall read as follows:

Sec. 2170. It shall be the duty of the harbor line commission provided for in this act to survey, plat, examine and appraise any tide or shore lands of the first class not heretofore platted and appraised and said commis-

Duty of harbor
line commis-
sion.

sion may establish harbor lines in front of incorporated cities and towns where such harbor lines have not been heretofore established under the provisions of article 15 of the constitution of this state; and whenever all of the owners and other persons having a vested interest in the lands embraced within any such plat or within any portion of such plat embracing all the land in such plat, bounded by water ways heretofore established and the upland and deep water, shall petition the state land commission by filing a petition therefor with the Commissioner of Public Lands, the state land commission is authorized and empowered to replat the lands described in said petition and all unsold land within such replat shall be reappraised in the manner provided for original appraisements of tide lands. All streets, alleys, water ways and other public places embraced within any such plat or portion of plat vacated by the replat hereby authorized shall vest in the owner or owners abutting thereon. If in the preparation of such replat by the state land commission it becomes desirable to appropriate any tide land which has heretofore been sold for use as streets, alleys, water ways or other public places, all persons interested in the title shall join in the dedication of such replat before the same shall be effected. No water ways laid out prior to January 1, 1900, shall be vacated. All plats and replats provided for in this section shall be in triplicate. Within thirty days after the adoption of such replat by the commission one copy shall be filed in the office of the Commissioner of Public Lands; one copy in the office of the auditor of the county wherein such land is situated and one copy in the office of the city engineer of the city or town wherein such land is situated. Any replat of lands heretofore platted shall be in full force and effect and shall constitute the vacation of streets, alleys and waterways and public places heretofore dedicated and shall constitute a dedication of new streets, alleys or public places and waterways appearing upon such replat when a majority of the city council of the city or town wherein such replatted land is situated

Petition — to be filed with Commissioner of Public Lands.

Streets, alleys, etc.

Exception as to waterways.

Plats to be in triplicate.

Replat to be in force.

- shall by resolution approve the same; and if such land is not in any incorporated city or town when a majority of the county commissioners of the county wherein such replatted land is situated shall approve the same.
- If not within corporate limits.**
- Existing laws.** Nothing herein contained shall be construed to supersede existing laws relating to the vacation of streets, alleys and public places. This section is intended to afford an additional method of procedure: *Provided*, If any streets heretofore platted are vacated by the replat and any new street or waterway is so laid out as to leave unsold tide land between such new street or waterway and land heretofore sold, the owner of said tide land heretofore sold shall have the preference right, for sixty days after final approval of such replat, to buy the unsold tide land so intervening at the appraised value.
- Proviso.**
- Emergency.** SEC. 2. An emergency exists and this act shall take effect immediately.
- Passed the Senate March 9, 1901.
 Passed the House March 13, 1901.
 Approved by the Governor, March 18, 1901.

CHAPTER CLXII.

[H. B. No. 348.]

ESTABLISHING THE OFFICE OF STATE FIRE MARSHAL.

AN ACT to establish the office of fire marshal and to prescribe the duties and powers of the state fire marshal.

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

Deputy insurance commissioner ex-officio fire marshal.

SECTION 1. The deputy insurance commissioner shall be *ex-officio* fire marshal of this state, and shall receive for his services the compensation hereinafter provided for. All necessary forms, circulars and blanks, together with such reports as may be required by the provisions of this act, shall be furnished at the expense of the state.

SEC. 2. The chief of the fire department of every city having a paid or organized volunteer fire department,

the city marshal or chief of police of every incorporated town or city having no paid or organized volunteer fire department, and the justices of the peace outside of incorporated towns or cities shall be ex-officio deputy state fire marshals within their respective jurisdictions. They shall investigate the cause, origin [origin] and circumstances of every fire occurring within their respective jurisdictions by which property has been destroyed, and especially making investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making such investigation of fires shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire, furnish to the said fire marshal a written statement of all the facts relating to the cause and origin of the fire, the value of the property destroyed and the amount of insurance, if any carried thereon, and such other information as may be called for by the blanks provided by the said fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection.

Who are
ex-officio
deputies.

Investigations.

Investigating
officer to notify
marshal.

Records of
fires and facts.

SEC. 3. The said state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or the crime of incendiarism, he shall cause such person to be arrested and charged with such offense, and shall

Testimony.

Evidence as to
arson.

Prosecuting attorney to be furnished all data.

furnish to the prosecuting attorney of the county in which the offense was committed, all such evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Power of marshal and deputies.

SEC. 4. The state fire marshal and deputy fire marshals shall each have the power of a trial justice for the purpose of summoning and compelling the attendance of witnesses before them or either of them to testify in relation to any matter which is by provision of this act a subject of inquiry and investigation. Said state fire marshal and deputy fire marshals may also administer

May administer oaths, etc.

oaths and affirmations to any persons appearing before them or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation. State fire marshal and deputy fire marshals may also administer

False swearing.

oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Said state fire marshal and his subordinates shall have authority at

Perjury.

Authority to enter premises and make investigations.

all times of day and night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near the same. The state fire marshal and the deputy fire marshals, upon complaint of any person having an interest in any building or property adjacent to the complainants, shall have the right at all reasonable hours, for the purpose of examination to enter into and upon all buildings and premises within their jurisdiction. Whenever any of

Right to enter buildings—when.

said officers shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of said building or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises: *Provided, however,* That if the said occupant or owner shall

Finding of inflammable material.

Proviso.

find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of said building or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises: *Provided, however,* That if the said occupant or owner shall

deem himself aggrieved by such order he may within three days appeal to the state fire marshal, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities above specified shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect.

Appeal of owner.

Failure of owners to comply — penalty.

SEC. 6. Any officer referred to in section 2 of this act who neglects to comply with any of the requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Negligence of officers — penalty.

SEC. 7. The deputy fire marshals shall receive a salary of two and one-half dollars per day for the time actually spent in investigating and reporting upon fires occurring within their jurisdictions. All claims for compensation to deputy fire marshals shall be examined by the state fire marshal, and if found correct, shall be certified by him to the state auditor who shall draw his warrants upon the state treasurer who is hereby directed to pay said warrants out of moneys herewith appropriated.

Salaries of deputies.

Claims.

SEC. 8. For the biennial term ending March 31, 1903, there is hereby appropriated for the per diem salary of deputy fire marshals a sum not exceeding two thousand dollars, payable as provided in section 7 of this act.

Appropriation.

SEC. 9. The state fire marshal shall submit annually on the first day of January, a full and accurate report to the Governor of this state, giving a detailed statement of his official acts, and proceedings in connection with the duties made incumbent upon him by the provisions of this act.

Annual report to Governor.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

NOTE BY SECRETARY OF STATE.—Section 5 does not appear in enrolled bill.

SAM H. NICHOLS,

Secretary of State.

CHAPTER CLXIII.

[H. B. No. 447.]

AUTHORIZING THE CONVEYANCE OF CERTAIN TIDE
LANDS IN LIEU OF OTHER TIDE LANDS TO LOUIS
FEUREUR.

AN ACT to authorize the Governor and the Commissioner of Public Lands to convey to Louis Feureur tide lands in lieu of tide lands heretofore conveyed to said Feureur, and in exchange for same, in front of Seattle, and declaring an emergency.

Erroneous
conveyance.

WHEREAS, In replatting portions of the tide lands in front of the city of Seattle, pursuant to authority conferred by law upon the State Board of Land Commissioners, certain of said tide lands theretofore conveyed to one Louis Feureur by the state were inadvertently and erroneously conveyed to one G. W. Davis; and

Replat does
not include
proper
frontage.

WHEREAS, In said replatting, the tide lands sought to be conveyed to said Feureur in lieu of tide lands theretofore conveyed to him under the original plat do not include as large an amount of frontage as is included in the tide lands so formerly conveyed and is consequently less valuable; therefore,

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

Compromise
authorized.

SECTION 1. That the State Board of Land Commissioners is hereby authorized to effect a compromise with said Feureur in said matter, and to convey to him such additional tide lands in front of said city of Seattle and belonging to the State of Washington as may be necessary and reasonable in the judgment of said board to compensate said Feureur for the difference in value between said tract so formerly conveyed to him and the tract now sought to be conveyed to him in lieu thereof; and the Governor is hereby authorized and empowered to execute such conveyance, upon the recommendation and decision of the board of land commissioners. Such conveyance, when so made, shall take effect only upon the acceptance of same by said Feureur in full of all demands upon the state, and upon the reconveying by him to the state of said tide lands so formerly conveyed to him.

Governor to
execute
conveyance.

When to take
effect.

Whereas, It is necessary that the foregoing matter Emergency. be speedily adjusted; therefore an emergency exists, and this act shall take effect immediately upon its passage and approval by the Governor.

Passed the House March 11, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXIV.

[H. B. No. 90.]

MAKING APPLICATION TO CONGRESS FOR THE CALLING OF A CONSTITUTIONAL CONVENTION.

AN ACT making application to the Congress of the United States of America to call a convention for proposing amendments to the constitution of the United States of America as authorized by article v of the constitution of the United States of America.

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

SECTION 1. That application be and the same is hereby made to the Congress of the United States of America Application to congress. to call a convention for proposing amendments to the constitution of the United States of America as authorized by article v of the constitution of the United States of America.

SEC. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several states of the United States of America through the Governor of each of the several states with a request that each of such legislatures pass an act of like import as this act. Certified copy to be transmitted.

Passed by the House February 19, 1901.

Passed by the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXV.

[H. B. No. 69.]

ESTABLISHING A STATE GEOLOGICAL SURVEY AND
REPEALING ACT CREATING MINING BUREAU.

AN ACT establishing a state geological survey, defining its duties, and repealing "An act to create a Mining Bureau, and to define its powers and duties, and declaring an emergency," being sections 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182 and 183 of Ballinger's Annotated Codes and Statutes of Washington, approved February 25, 1890; also repealing "An act to create the office of a State Geologist, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency," being sections 3145, 3146, 3147, 3148, 3149 and 3150 of Ballinger's Annotated Codes and Statutes of Washington, approved February 28, 1890.

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

Establishment
of board —
composed of
whom.

SECTION 1. There is hereby established a State Geological Survey of the State of Washington, which shall be under the direction of the Board of Geological Survey of the State of Washington, which is hereby established, composed of the Governor, the Lieutenant-Governor, the State Treasurer, the president of the University of Washington, and the president of the Washington Agricultural College and School of Science, who shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties, and the said board shall have general charge of the survey, and shall appoint as superintendent of the survey a geologist of established reputation, to be known as the State Geologist, and upon his nomination such assistants and employes as the said board may deem necessary and the said board shall also determine the compensation of all persons employed by the survey, and may remove them at will.

Actual
expenses.

Appoint a
geologist.

Objects of
survey.

Examination
of minerals.

SEC. 2. The said survey shall have for its object:

(1) An examination of the economic products of the state, viz.: the gold, silver, copper, lead and iron ores, as well as building stones, clays, coal and all mineral substances of value.

- (2) An examination and classification of the soils, and the study of their adaptability to particular crops. Examination of soils.
- (3) The investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes. Water supply, wells, etc.
- (4) An examination and report upon the occurrence of different road building material. Road building.
- (5) An examination of the physical features of the state with reference to their practical bearing upon the occupations of the people. Physical features.
- (6) The preparation of special geological and economic maps to illustrate the resources of the state. Maps.
- (7) The preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state. Reports.
- (8) The consideration of such other kindred scientific and economic questions as in the judgment of the board shall be deemed of value to the people of the state. Scientific questions.
- SEC. 3. The board shall cause to be prepared a report to the Legislature before each regular meeting of the same, showing the progress and condition of the survey, together with such other information as they may deem necessary and useful or as the Legislature may require. Report to Legislature.
- SEC. 4. The regular and special reports of the survey with proper illustrations and maps, shall be printed as the board may direct, and the reports shall be distributed or sold by the said board as the interests of the state and of science demands; and all money obtained by the sale of reports shall be paid into the state treasury. Printing of reports.
- SEC. 5. All materials collected, after having served the purpose of the survey, shall be distributed by the board to the University of Washington, the Washington Agricultural College and School of Science, the normal schools, and the leading high schools of the state in such a manner as to be of the greatest advantage to the educational interests of the state. Materials collected, disposition thereof.

First meeting of board. SEC. 6. The Board of Geological Survey shall meet for organization within thirty days after the passage of this act.

Regular meetings. The regular meetings of the board shall be held on the first Wednesday in April and the first Wednesday in November of each year.

Appropriation. SEC. 7. The sum of five thousand dollars (\$5,000) annually, or so much thereof as may be necessary, is hereby appropriated out of any funds out of the treasury not otherwise appropriated for the purpose of carrying out the provisions of this act.

Repeal. SEC. 8. "An act to create a mining bureau, and to define its powers and duties, and declaring an emergency," approved February 25, 1890; also "An act to create the office of a State Geologist, prescribing his duties and compensation, and making an appropriation for the same, and declaring an emergency," approved February 28, 1890, are hereby repealed.

Passed the House February 19, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXVI.

[H. B. No. 486.]

PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF PUBLIC AND FREE LIBRARIES.

AN ACT providing for the establishment and maintenance of public and free libraries and museums, and repealing all laws in conflict herewith.

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

Establishment of—how accomplished. SECTION 1. By a majority vote at any election any city, village, town, school district, or other body authorized to levy and collect taxes, or by a vote of its common council any city may establish and maintain a free public library, with or without branches, either

by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted: *Provided*, That due public notice shall have been given of the proposed action.

SEC. 2. By a similar vote money may be granted toward the support of libraries not owned by the public but maintained for its welfare and free use: *Provided*, That such libraries shall be subject to the inspection of the state library commission and registered by it as maintaining a proper standard; that the commission shall certify what number of books circulated are of such a character as to merit a grant of public money; that the amount granted yearly to libraries on the basis of circulation shall not exceed ten cents for each volume of the circulation thus certified by the commission.

SEC. 3. Taxes, in addition to those otherwise authorized may be voted by any authority named in section one and for any purpose specified in sections one and two and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes; and all money received from taxes or other sources for such library shall be kept as a separate library fund and expended only under direction of the library trustees on properly authenticated vouchers. Every free library now established, unless it is otherwise provided by the city charter of a city wherein such library is situated, and every free library hereafter established shall be maintained and managed as provided in this act.

SEC. 4. The management and control of every public library shall be vested in a board of five trustees (unless a larger number be decided upon by vote at the time of establishment or at some subsequent annual election) who shall be elected by the legal voters; except

that in cities they shall be appointed by the mayor with the consent of the city council from citizens of recognized fitness for such position. No person shall be ineligible as a trustee by reason of sex and no trustee as such shall ever receive any compensation. The first trustees shall determine by lot whose term of office shall expire each year and a new trustee shall be elected or appointed annually to serve for five years; all vacancies shall be as soon as possible filled in like manner as the members of the board are regularly chosen and in an unexpired term for the residue of the term only: *Provided*, That in any city in which a library is maintained under this act the city superintendent of schools or the principal of schools shall be *ex officio* a member of the board of trustees of such library.

Eligibility.

Expiration of term.

Proviso.

Organization.

By-laws, etc.

Supervision of buildings, etc.

Lease, purchase or erection of building.

Proviso.

Proviso.

SEC. 5. The trustees shall immediately after taking office meet and organize by the election of one of their number president and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with law or this act. They shall have the supervision, care and custody of the rooms or buildings constructed, leased or set apart for the library and the exclusive control of the expenditure of all moneys collected for the library fund; and such money shall be paid out from the treasury by the proper officers upon the properly authenticated vouchers of the board of trustees without further audit. They may lease and occupy, purchase, or erect on purchased ground, an appropriate building for the library: *Provided*, That in cities the purchase of such real estate or the erection of such building, if done at the public expense, be with funds expressly provided therefor by city charter, ordinance of the council, or vote of the people. They may appoint a librarian and assistants, prescribe rules for their conduct, fix their compensation and remove them from office for cause shown: *Provided*, That in all cities or other localities having a civil service based on competitive examination all appointments

and removals shall be under the rules of such service; and in all cases where possible all appointments to library positions shall be made for ascertained fitness after examination. They shall have the power to do all other acts and things necessary to the management, custody and control of the library.

SEC. 6. The trustees shall make an annual report at the close of each year to the city council or the proper body authorized to levy and collect taxes, stating the condition of their trust, the various sums of money received from the library fund and all other sources, how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number missing or retired, the number loaned out and the general character of such loan, and such other statistics, information and suggestions as they may deem of general interest, together with their estimate of the income necessary for the proper maintenance of the library for the ensuing year: *Provided*, That nothing in this act shall be construed as empowering the board of trustees to incur any indebtedness except as there is sufficient money in the library fund applicable to the payment thereof.

Annual report
to city council
— what to
contain.

Proviso.

SEC. 7. In order to avail the library of any provision of this act for state aid, the first board of trustees shall within one month at the taking office apply to the state library commission to have the institution registered by the commission as a library under its visitation and supervision.

Registration
of institution.

SEC. 8. Every library which receives state aid shall make to the commission an annual report verified by the oath of its presiding officer and giving such information in such form as shall be prescribed by the commission. These reports shall be summarized and transmitted to the Governor by the commission together with the reports of its proceedings as required by law.

Annual report
of aid received
— to Governor.

SEC. 9. Every library established or maintained under this act shall be forever free for the use of the inhabitants of the city, town, village or district where located,

Free — to
whom.

subject to such reasonable rules and regulations as the trustees may find necessary in order that the library shall be of the greatest benefit to the greatest number ; and they may exclude from the use of the library any person who willfully violates such rules.

Non-residents may use books.

SEC. 10. The board of trustees of any free library in this state may, under such rules and regulations as it may deem necessary and upon such conditions as may be agreed upon, allow non-residents of the city, town, village, or district in which the library is situated to use the books therein, and may make exchanges of books with any other public library, either permanently or temporarily ; and any such board may contract with the board of commissioners of the county in which the library is situated or with the board of commissioners, village trustees, town or city council, of any neighboring county, village, town or city, to loan the books of said library to the residents of such county, village, town, or city, upon the terms agreed upon in such contract; and every such board of trustees, board of county commissioners or village trustees, town or city council is hereby empowered to make contracts for such purpose and to pay the consideration agreed upon therein to the board of trustees of such library out of the county, town, village or city treasury upon the rendering of proper accounts therefor.

Board to contract with commissioners to loan books.

Intentional injury to property and penalty therefor.

SEC. 11. Whoever intentionally injures, defaces, or destroys any property belonging to or deposited in any public library, reading room, museum, or other educational institution, shall be punished by imprisonment in the penitentiary for not more than three years, or in the county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Wilful detention of books, etc., after being notified to return — penalty.

SEC. 12. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public or incorporated library, reading room, museum, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time

which by the rules of such institution such article or other property may be kept, shall be punished by a fine of not less than one or more than twenty-five dollars, or by imprisonment in the jail not exceeding six months; and the said notice shall bear on its face a copy of this section.

SEC. 13. Any corporation, association, school district or combination of districts may, by legal vote duly approved by the state library commission, transfer the ownership and control of its library, with all its appurtenances, to any public library under the supervision of the commission and thereafter said public library shall be entitled to receive any money, books, or other property from the state or other sources, to which said corporation, association or district would have been entitled but for such transfer; and the trustee or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

Transfer of ownership.

Entitled to receive money, etc., when.

SEC. 14. If the local authorities of any library supported wholly or in part by state money fail to provide for the safety and public usefulness of its books, the state library commission shall in writing notify the trustees of said library of what is necessary to meet the state's requirements, and on such notice all its rights to further grant of money or books from the state shall be suspended until the commission certifies that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements for sixty days after service of such notice, the commission may remove them from office and thereafter all books and other library property wholly or in part paid for from state money shall be under the full and direct control of the commission which, as shall seem best for the public interests, may appoint new trustees to carry on the library or may store it, or may distribute to other libraries the books paid for with state money.

Failure to provide.

Failure to comply for sixty days.

SEC. 15. Under such rules as it may prescribe, the state library commission may lend from any books it may have for the purpose selections of books for a limited time to any public library in this state under its

May lend books.

State publications free gratis.

visitation or supervision, or to any community not yet having established such library but having conformed to the conditions required for such loans. All the official publications of the state shall be furnished, through the state library commission, to every free public library in the state, free of charge.

Who may ask advice.

SEC. 16. The trustees or librarian of, or any citizen interested in, any public library in the state shall be entitled to ask from the state library commission any needed advice or instruction as to a library building, furniture and equipment, government and service, rules for readers, selecting, buying, cataloguing, shelving, or lending books, or any other matter pertaining to the establishment, reorganization, or administration of a public library. The commission may provide for giving such advice or instructions either personally or through printed matter and correspondence. The commission may, on request, select or buy books or furnish books instead of money apportioned, or may make exchanges and loans from any collection of books it may have in its possession. Such assistance shall be free to residents of this state as far as practicable; but the commission may in its discretion charge a proper fee to non-residents, or for assistance of a personal nature or for anything which is not properly an expense to the state but which may be authorized for the accommodation of users of such library.

Provisions for advice or instructions.

Selection and exchange of books.

Fee from non-residents.

Books purchased from funds received.

SEC. 17. The state library commission may use receipts from fees, fines, gifts from all sources, or sale of its bulletins or similar printed matter, for buying books or for any other proper expenses of carrying on its work.

Apportionment.

SEC. 18. Such sum as shall have been appropriated by the Legislature as a fund for public library aid, shall be paid annually by the State Treasurer on a warrant of the State Auditor according to an apportionment to be made for the benefit of deserving free libraries by the commission in accordance with its rules and duly authenticated by it: *Provided*, That this money shall not be spent for any books except those approved

Proviso.

or selected and furnished by the commission; that no locality shall share in the apportionment unless it shall raise and use for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the commission shall file with the State Auditor proper vouchers showing that it has been spent in accordance with law exclusively for books for free libraries or for proper expenses incurred for their benefit; and that books paid for by the state shall be subject to return to the commission whenever the library shall neglect or refuse to conform to the regulations under which it secured them.

Vouchers—
filed with
State Auditor.

SEC. 19. Any library established under this act may be abolished only by a majority vote of the people at a regular annual election, ratified by a majority vote at the next annual election. If any such library be abolished, its property shall be used first to return to the state library commission, for the benefit of other public libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return, any remaining property may be used as directed in a vote abolishing the library; but if the entire library property does not exceed in value the amount of such gifts, it may be transferred to the commission for public use, and the trustees shall thereupon be freed from further responsibility. No abolition of a public library established under this act shall be lawful till the commission grants a certificate that its assets have been properly distributed and its abolition completed in accordance with law.

Abolished by
vote—when.

Return of its
property.

Abolition un-
lawful—when.

SEC. 20. All persons desirous of making gifts of money, personal property or real estate, for the benefit of a public library shall have the right to vest the title thereto in the board of trustees, to be held and controlled by the board, when accepted according to the terms of the deed of gift, devise, or bequest.

Gifts—right to
vest title.

SEC. 21. All provisions of this act shall apply equally to libraries and to combine libraries and museums, and

Provisions to
apply equally.

the word library shall be construed to include reference and circulating libraries and reading rooms.

Repeal.

SEC. 22. All acts and parts of acts in conflict with this act are hereby repealed.

Passed the House March 14, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXVII.

[H. B. No. 437.]

AMENDING BALLINGER'S CODE RELATIVE TO SOLDIERS' HOME.

AN ACT to amend sections 2631 and 2632, Ballinger's Annotated Codes and Statutes of Washington, relating to Soldiers' Home, and declaring an emergency.

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

Amendment.

SECTION 1. That section 2631, Ballinger's Annotated Codes and Statutes, be and the same is hereby amended to read as follows: "There shall be established in this state an institution under the name of the Washington Soldiers' Home which institution shall be a home for honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled in the line of duty, and who are *bona fide* citizens of this state."

Must be bona fide citizens.

Amendment.

SEC. 2. That section 2632, Ballinger's Annotated Codes, be and the same is hereby amended to read as follows: "All honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled while in the line of duty, may be admitted to the home provided for in the last preceding section of this chapter, under such rules and regulations as may be adopted by the Board of Audit and Control: *Provided*, Such applicants are *bona fide* citizens of this state."

If honorably discharged.

Proviso.

SEC. 3. Whereas an emergency exists this act shall ^{Emergency.} be in force from and after its passage.

Passed the House March 11, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CXLVIII.

[H. B. No. 12.]

TO INCREASE NUMBER OF SUPREME JUDGES.

AN ACT increasing the number of judges of the Supreme Court of the State of Washington, and declaring an emergency.

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

SECTION 1. The Supreme Court of the State of Washington, from and after the passage of this act, up and to ^{Proviso.} the first Tuesday, after the first Monday in October, 1902, shall consist of seven judges: *Provided*, That after the first Tuesday after the first Monday in October, 1902, said Supreme Court shall consist only of five judges.

SEC. 2. The Governor is hereby authorized to appoint one from each of the dominant political parties the two ^{Governor to appoint.} additional judges provided for by section 1 of this act, which appointees shall hold office until the first Tuesday after the first Monday in October, 1902, and no longer, and each of the said judges shall receive a salary of four thousand dollars per annum.

SEC. 3. An emergency is hereby declared to exist and ^{Emergency.} this act shall take effect from and after its passage and approved by the Governor.

Passed the House March 9, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLIX.

[H. B. No. 378.]

RELATING TO STREETS AND ALLEYS ACROSS TIDE
AND SHORE LANDS.

AN ACT providing that all streets and alleys upon and across tide and shore lands of the first class shall be under the supervision and control of the cities within whose limits such tide and shore lands are situated, and confirming all acts of supervision and control thereof by such city hitherto.

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

Under super-
vision of cities.

SECTION 1. All streets and alleys, which have been heretofore or may hereafter be established upon, or across tide and shore lands of the first class shall be under the supervision and control of the cities within whose corporate limits such tide and shore lands are situated, to the same extent as are all other streets and alleys of such cities, and all acts of supervision and control thereof by such cities hitherto within one year last past are hereby confirmed and declared valid to the same extent that they would be valid in the case of other streets and alleys of such cities.

When valid.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXX.

[H. B. No. 412.]

RELATIVE TO THE WHITMAN MISSION AND APPOINT-
ING A COMMISSION.

AN ACT to provide for the acquirement, management and control by the State of Washington, of grounds surrounding and including what was the Whitman Mission, and where now stands the Whitman monument, and authorizing the appointment of a commission.

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

SECTION 1. That the Governor be and he is hereby authorized to appoint a commission of three qualified

electors of the state to serve as commissioners for the period of four years, and until their successors are appointed and qualified, which shall comprise what shall be known as the Whitman Park Commission. That such commission so appointed shall serve without compensation, but before entering on the duties of their office, shall each give a bond to the State of Washington, with sufficient surety, in the sum of one thousand (\$1,000.00) dollars, conditioned for the faithful performance of their duties as such commission.

Governor to appoint commission.

No compensation.

Bond.

SEC. 2. That said commission shall be and they are hereby authorized to accept from the present holders thereof a free conveyance of the land on which stands the Whitman monument in Walla Walla county, said land being described as follows: Beginning at the northwest corner of the land owned by the Whitman and Eells Memorial Church, a corporation, on the Whitman donation claim in the said county of Walla Walla, running thence north on the prolongation of the west line of the land of said church two hundred and fifty (250) feet; thence at right angles easterly six hundred and twenty-five (625) feet; thence at right angles southerly to the north side of the present county road; thence west along the north side of said county road to the southeast corner of the said land owned by the Whitman and Eells Memorial Church, thence north on the east line of the said land of said church to the northeast corner of said land, thence west along the north line of said land of said church to the place of beginning. That such conveyance shall be made to the State of Washington.

Description of land.

Conveyance.

SEC. 3. That when the Legislature provides sufficient funds such commissioners be and they are hereby authorized to purchase at a price not exceeding \$60 per acre not to exceed twenty (20) acres of land adjacent to the land hereinbefore decribed, which additional land so purchased shall include the ground where the Whitman Mission formerly stood.

Conditional purchase.

SEC. 4. That such commissioners shall be appointed within sixty (60) days after this act goes into effect and

Appointment
when — and to
meet when.

Records and
report.

Governor to
fill vacancies.

that said commissioners shall within sixty days after their appointment meet in the city of Walla Walla and organize by the election of a president and secretary and shall thereafter meet from time to time as they shall elect and decide. They shall keep a record of the accounts and proceedings of such commission and shall make, on or before the 1st day of January of each year a report to the Governor of their accounts and proceedings. The Governor is hereby authorized to fill any vacancy that may occur on said board.

Passed the House March 9, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXXI.

[S. B. No. 45.]

ADMITTING INDIAN WAR VETERANS TO THE SOLDIERS' HOME.

AN ACT providing for admission to the Soldiers' Home of veterans of the Indian war of 1855-6.

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

Term and
manner of
service.

SECTION 1. Any man who served in the Indian war in the Territory of Washington in 1855-6 as a volunteer, messenger, in the transportation service or otherwise in behalf of the Territory of Washington or of the United States, shall hereafter be admitted to the Washington Soldiers' Home maintained at Orting in Pierce county, Washington, upon terms similar to those under which the veterans of other wars are now admitted to that institution, and submitting to the commandant and the board having charge of the said institution sufficient evidence to satisfy them that he has served in the said war as hereinbefore provided.

Passed the Senate February 14, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXXII.

[S. B. No. 59.]

REGULATING THE PRACTICE OF BARBERING.

AN ACT to regulate the practice of barbering, and licensing of persons to carry on such practice, and providing punishment for its violation.

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

SECTION 1. It shall be unlawful for any person to follow the occupation of barber in any incorporated city or town in this state, unless he shall have first obtained a certificate of registration as provided in this act: *Provided, however,* That nothing in this act shall apply to or affect any person who is now engaged in such occupation except as hereinafter provided.

Unlawful to practice.

SEC. 2. Shaving the face, or cutting the hair or the beard of any person either for hire or reward, shall be construed as practicing the occupation of barbering within the meaning of this act.

Barbering. what constitutes.

SEC. 3. A board of examiners, to consist of three persons, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the Governor, the appointees to be chosen from practical barbers who have at least five years prior to their appointment followed the occupation, and have been residents of the State of Washington for two years. Each member of the said board shall serve for a term of three years, and until his successor is appointed and qualified, except in the case of the first board who shall serve one, two and three years respectively.

Board of examiners to be appointed by Governor.

Term of office.

SEC. 4. Said board shall elect a president, secretary and treasurer, shall have a common seal, and shall have power to administer oaths. The headquarters of said board shall be the place of residence of the secretary.

Officers and headquarters.

SEC. 5. The treasurer of said board shall give surety bond to be approved by and deposited with the Auditor of this state, in the sum of one thousand dollars, and said board shall take the oath provided by law for pub-

Surety bond and cost thereof.

lic officers. The costs of said bond shall be paid out of the funds in the hands of the treasurer.

Compensation
— paid from
what funds.

SEC. 6. Each member of said board shall receive a compensation of five dollars per day for actual service and actual expenses incurred in attending the meetings of the board. All moneys shall be paid out of the fund in the hands of the treasurer, and in no event shall any money be paid out of the state treasury.

Biennial
report.

SEC. 7. Said board shall report to the Governor of this state biennially a full statement of the receipts and disbursements of the board during the preceding two years, a full statement of its doings and proceedings, and such recommendation as may seem proper.

Public exami-
nations, notice
thereof.

SEC. 8. Said board shall hold public examinations at least four times a year in different cities of this state, at such times and places as it may determine, notice of such meetings to be sent to the various applicants by mail, at least ten days before the meetings are to be held.

Duty of person
now engaged
in barbering.

SEC. 9. Every person now engaged in the occupation of barber in cities of the first, second or third class in this state shall within ninety days after the approval of this act file with the secretary of said board an affidavit setting forth his name, residence and length of time during which and the places where he has practiced such occupation, and shall pay to the secretary of said board one dollar, and a certificate entitling him to practice said occupation for one year shall thereupon be issued to him.

Certificate.

Registration
fee.

SEC. 10. To obtain a certificate of registration under this act, any person excepting those mentioned in section nine shall make application to said board, and shall pay to the secretary an examination fee of five dollars, and shall present himself at the meeting of the board for examination of applicants. The board shall examine such person, and being satisfied that he is above the age of eighteen years, of good moral character, free from contagious or infectious disease, has studied the trade for two years as an apprentice under or as a qualified and practicing barber in this state, or

Examination
— requisites
to pass.

other states, and is possessed of the requisite skill to properly perform all the duties, including his ability in the preparation of the tools used, shaving, cutting of the hair and beard and all the various services incident thereto, and has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of his trade, his name shall be entered by the board in a register hereinafter provided for and a certificate of registration shall be issued to him authorizing him to practice said trade in this state, for one year. All certificates shall be renewed each year, for which renewal, a fee of fifty cents shall be paid. All persons making application for examination under the provisions of this act, shall be allowed to practice the occupation of barber until the next meeting as designated by said board.

Preparation of tools, knowledge of skin diseases, etc.

Renewal fee.

Term of practice, till when.

SEC. 11. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice under this act: *Provided*, That in no barber shop shall there be more than one apprentice to each registered barber and all apprentices shall be registered with the secretary of said board for which registration no fee shall be paid.

Apprentices.

Proviso as to number of.

SEC. 12. Said board shall furnish to each person who has successfully passed examination, a certificate of registration, bearing the seal of the board and the signature of its president and secretary certifying that the holder thereof is entitled to practice the occupation of barber in this state, and it shall be the duty of the holder of such certificate to post the same in a conspicuous place in the shop.

Issuance of certificate.

SEC. 13. Said board shall keep a register in which shall be entered names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

Register of names.

SEC. 14. Said board shall have power to revoke any certificate of registration granted by it under this act, for (a) conviction of crime, (b) drunkenness, (c) having or imparting any contagious or infectious disease

Revocation of certificate— for what causes.

or (d) for doing work in an unsanitary or filthy manner: *Provided*, That before any certificate shall be revoked the holder thereof shall have notice in writing of the change [charge] or charges against him, and shall at a day specified in said notice, at least five days after the service thereof be given a public hearing and full opportunity, to produce testimony in his behalf, and to confront the witnesses against him.

May again
apply — when.

Any person whose certificate has been so revoked may after expiration of ninety days upon application have the same re-issued to him upon satisfactory showing that disqualification has ceased.

Violations—in
what manner.

SEC. 15. Any person practicing the occupation of barber in any city of the first, second or third class in this state, without first having obtained a certificate of registration as provided in this act, or falsely pretending to be practicing such occupation under this act, or who uses, or allows towels to be used on more than one person before such towels have been laundered; or razors, lather, or hair brushes on more than one person before same shall have been sterilized or in violation of any of the provisions of this act, and every proprietor of a barber shop who shall wilfully employ a barber who has not such a certificate shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety days, or both.

Penalty.

Passed the Senate January 30, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXXIII.

[S. B. No. 248.]

GRANTING RIGHTS-OF-WAY TO RAILROAD COMPANIES
OVER STATE LAND.

AN ACT granting rights-of-way to railroad companies over the lands of the State of Washington, and providing for the appraisement and disposition of the lands included within and used for such rights-of-way, and declaring an emergency.

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

SECTION 1. That a right-of-way through, over and across the public lands of the State of Washington, except tide lands, harbor areas and shore lands, is hereby granted to any railroad company duly organized under the laws of any state or by the Congress of the United States to any extent not exceeding fifty feet on each side of the center line of said railroad now constructed or hereafter to be constructed. In order to obtain the benefits of this grant as to any railroad hereafter to be constructed, the company constructing or proposing to construct such road shall file with the Board of State Land Commissioners a copy of its articles of incorporation, due proofs of organization thereunder, a map or maps accompanied by the field notes or the survey and location of the line of said railroad, and shall pay to the state as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right-of-way. In order to obtain the benefits of this grant as to any railroad now constructed, the company owning such road shall file with the Board of State Land Commissioners a list of the lands affected by, used for or included within such right-of-way, and shall pay to the state as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right-of-way.

Tide lands
excepted.

Steps to be
taken.

Benefits of
grant—how
obtained.

SEC. 2. That all lands of this state over which a right-of-way of any railroad company may now or hereafter be located shall be classified and appraised as herein-

Classification
and appraisal.

after provided, and the State Board of Land Commissioners shall constitute and serve as the board of appraisers mentioned in section 2 of article XVI of the constitution of this state.

SEC. 3. That upon the filing of said list or maps by said company as herein provided, said Board of State Land Commissioners are hereby authorized and directed to ascertain and classify the lands affected by, to be used for and included within the aforesaid right-of-way, and shall thereupon fix the price per acre for each lot or block, quarter section and subdivision thereof, less the improvements, if any, so affected by, used for and included within said right-of-way, which price shall be the full market value thereof but not to be less than ten dollars per acre.

SEC. 4. That should any improvements made as of right and with license from the State of Washington be upon any of such lands at the time of said appraisalment, the state board shall separately appraise the same together with the damage and waste done to said lands by the use and occupancy of the same or to adjacent lands and after deducting from the amount of the appraisalment for improvements the amount of such damage and waste the balance shall be determined and regarded as the value of said improvements, and the railroad company if not the owner of such improvements shall deposit with the State Treasurer through the Commissioner of Public Lands the value of the same as [shown] by said appraisalment within thirty days next following the date thereof. That where said right-of-way affects the improvements of any person other than [the person] owning said improvements or entitled thereto under existing law the applicant for said right-of-way shall file with the Commissioner of Public Lands a valid release of damages duly executed by such person or persons, or a certified copy of a judgment of a court of competent jurisdiction showing that the damages resulting to such person or persons, ascertained in accordance [accordance] with existing law, has been made or paid into the registry of such court.

Land Commissioners to fix price per acre, to be not less than \$10.

Improvements to be appraised separately.

Deposit.

When improvements affected by right-of-way.

SEC. 5. When said appraisalment is made it shall be recorded in the proceedings of said Board of State Land Commissioners and the evidence or report upon which the same is based shall be preserved of record in the office of the Board of State Land Commissioners and the Commissioner of Public Lands shall prepare a certificate of said appraisalment in duplicate, one of which he shall file in his office and the other transmit to the auditor of the county in which the lands affected by said rights-of-way are located; and shall send a notice to the railroad company availing itself of the provisions of this act that such appraisalment has been made. The board of county commissioners of any county where the said right-of-way is situate shall be forthwith served with notice of appraisalment. A copy of said appraisalment shall be forthwith filed with the board of county commissioners of any county in which the land is situated.

Record of appraisalment.

Service of notice.

Copy filed with county commissioners.

SEC. 6. Within thirty days after the appraisalment of said lands, as aforesaid, the board of county commissioners of any county in which the right-of-way is situate, or any person, company or corporation may appeal from the same to the Superior Court of the county in which the right-of-way affected by the appeal is situate; but if the applicant is the party appealing, he or it must deposit the amount of the appraisalment in the registry of the court to which the appeal is taken. All appeals shall be heard and determined by the court *de novo*. The taking of an appeal shall not prevent the use of the land affected thereby for right-of-way purposes during the prosecution of the appeal. All costs on appeal shall be paid by the applicant.

Appeal.

Appeals heard de novo.

Costs.

SEC. 7. That upon full payment of the value of such easement ascertained as aforesaid, any future grant or lease by the state of the lands affected by said right-of-way shall be subject to the easements obtained under the provisions of this act.

Full payment.

SEC. 8. Nothing contained in this act shall be deemed to in any way conflict with any existing law of this state relating to the method by which railroad companies

Pending
condemnation
not affected.

may acquire rights-of-way. No pending condemnation proceeding nor right claimed therein shall be affected in any way by the provisions of this act.

Emergency.

SEC. 9. An emergency exists and this act shall take effect immediately.

Passed the Senate March 12, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLXXIV.

[S. B. No. 276.]

RELATING TO BENEFICIARY SOCIETIES, ETC.

AN ACT regulating fraternal beneficiary societies, orders or associations.

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

Definition.

SECTION 1. A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each association shall have

Lodge system,
death benefits,
etc.

a lodge system, with ritualistic form of work and representative form of government, and shall make provision for the payment of benefits in case of death, and may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident or old age: *Provided*, The period in life at which payment of physical disability benefits on account of old age commences, shall not be under seventy (70) years, subject to their compliance with its constitution and laws. The fund from

Proviso.

which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death

Fund—how
derived.

benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this act, and shall be exempt from the provisions of other laws of this state, and no law hereafter passed shall apply to them unless they be expressly designated therein. Any such fraternal beneficial association may create, maintain, disburse and apply a reserve or emergency fund in accordance with its constitution or by-laws.

Payment of benefits.

Exemption.

Emergency fund.

SEC. 2. All fraternal, beneficiary associations organized under the laws of this or any other state, province or territory, now doing business in this state, may continue such business: *Provided*, That they hereafter comply with the provisions of this act regulating annual reports and the designation of the commissioner of insurance as the person upon whom process may be served as hereinafter provided.

Continuation of business.

Proviso thereto.

SEC. 3. Any such association coming within the description, as set forth in section 1 of this act, organized under the laws of any other state, province or territory, and not now doing business in this state, shall be admitted to do business within this state when it shall have filed with the commissioner of insurance a duly certified copy of its charter and articles of association, and a copy of its constitution or laws, certified to by its secretary or corresponding officer, together with an appointment of the commissioner of insurance of this state as a person upon whom process may be served as hereinafter provided; and provided that such association shall be shown to be authorized to do business in the state, province or territory in which it is incorporated or organized, in case the laws of such state, province or territory, shall provide for such authorization; and in case the laws of such state, province or territory do not provide for any formal authorization to do business on the part of such association, then such association shall be shown to be conducting its business in accordance with the provisions of this act, for which purpose the commissioner of insurance of this

Foreign associations — how admitted to this state.

Examination
of affairs—
by whom.

state may personally, or by some person to be designated by him, examine into the condition, affairs, character and business methods, accounts, books and investments of such association at its home office, which examination shall be at the expense of such association, and shall be made within thirty days after demand thereof, and the expense of such examination shall be limited to \$200.

Annual filing
of certificate of
authority.

SEC. 4. Any association doing business under this act shall be permitted to do business upon filing annually with the commissioner of insurance of this state, the certificate of authorization of the insurance department of the state, province or territory in which it is incorporated or organized: *Provided, however,* In

Proviso.

case of failure to file said certificate by any such association, or in case the commissioner of insurance shall deem it necessary, he shall have power to examine, either personally or by some person designated by him, into the condition, affairs, character, business methods, accounts, books and investments of such association, at its home office, which examination shall be at the expense of the association, the amount thereof shall not exceed two hundred dollars in associations with no reserve or emergency fund, and four hundred dollars for associations with a reserve or emergency fund.

Expense of
examination.

Filing of
report.

SEC. 5. Each such association doing business in this state shall, on or before the first day of March of each year, make and file with the commissioner of insurance of this state a report of its affairs and operations during the year ending on the 31st day of December, immediately preceding, which annual report shall be in lieu of all other reports required by any other law. Such reports shall be upon blank forms to be provided by the commissioner of insurance, or may be printed in pamphlet form, and shall be verified under oath by the duly authorized officers of such association, and may be published, or the substance thereof, in the annual report of the commissioner of insurance under a separate part entitled "Fraternal Beneficiary Associa-

Blanks
provided by
insurance
commissioner.

tions," and shall contain answers to the following questions: Report—what to contain.

1. Number of certificates issued during the year, or members admitted.
2. Amount of indemnity affected thereby.
3. Number of losses or benefit liabilities incurred.
4. Number of losses or benefit liabilities paid.
5. The amount received from each assessment for the year.
6. Total amount paid members, beneficiaries, legal representatives, or heirs.
7. Number and kind of claims for which assessments have been made.
8. Number and kind of claims compromised or resisted, and statement of reasons.
9. Does the association charge annual or other periodical dues or admission fees?
10. How much on each one thousand dollars, annually or per capita, as the case may be.
11. Total amount received, from what sources, and the disposition thereof.
12. Total amount of salaries paid to officers.
13. Does the association guarantee, in its certificates, fixed amounts to be paid, regardless of amount realized from assessments, dues, admission fees and donations?
14. If so, state amount guaranteed, and the security of such guarantee.
15. Has the association a reserve fund?
16. If so, how is it created, and for what purpose, the amount thereof, and how invested?
17. Has the association more than one class?
18. If so, how many, and the amount of indemnity in each.
19. Number of members in each class.
20. If voluntary, so state, and give date of organization.
21. If organized under the laws of this state, under what law, and at what time; giving chapter and year and date of passage of the act.

22. If organized under the laws of any other state, province or territory, state such fact and the date of organization, giving chapter and year and date of passage of the act.

23. Number of certificates of beneficiary membership lapsed during the year.

24. Number in force at beginning and end of year; if more than one class, number in each class.

25. Names and addresses of its president, secretary and treasurer, or corresponding officers.

Commissioner of insurance to make additional inquiry.

The commissioner of insurance is authorized and empowered to address any additional inquiries to any such association in relation to its doings or condition, or any other matter connected with its transaction relative to the business contemplated by this act, and such officers of such association as the commissioner of insurance may require shall promptly reply in writing, under oath, to all such inquiries.

Legal process.

Agreement in regard to same.

Copies of certificate.

Service.

SEC. 6. Each such association now doing business or hereafter admitted to do business within this state and not having its principal office within this state, and not being organized under the laws of this state, shall appoint, in writing, the commissioner of insurance and his successors in office to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it must be served, and in such writing shall agree that any lawful process against it which is served on said attorney, shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of such certificate, certified by said commissioner of insurance, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association.

When legal process against any such association is served upon said commissioner of insurance, he shall immediately notify the association of such service by

letter, prepaid and directed to its secretary or corresponding officer, and shall within two days after such service forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process so served shall pay to the commissioner of insurance at the time of such service a fee of \$3 which shall be recovered by him as part of the taxable costs, if he prevails in the suit. The commissioner of insurance shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

When served on insurance commissioner he shall at once notify the association.

Plaintiff to pay insurance commissioner.

Record.

SEC. 7. The commissioner of insurance of this state shall, upon the application of any association having the right to do business within this state, as provided by this act, issue to such association a permit in writing, authorizing such association to do business within this state, for which certificate and all proceedings in connection therewith, such association shall pay to said commissioner the fee of \$5.

Issuance of permits—fee for same.

SEC. 8. Any number of persons, not less than ten, residents of the State of Washington, and citizens of the United States may form a fraternal beneficiary society, order or association, for the purposes set forth in this act, by filing in the office of insurance commissioner a declaration signed by each of the incorporators and duly acknowledged before an officer authorized under the laws of this state to take acknowledgments, and shall therein express their intention of forming a fraternal beneficiary society, order or association for beneficiary purposes, which said declaration shall also contain the proposed name of the society, order or association, which shall not be the same as, nor too closely resemble, the name of any other society, order or association, organized under the laws of this state or doing business in this state; the mode and manner in which the powers granted by this act are to be exercised; the place of doing business fully and clearly defined; the limit as to age of applicant or beneficiary membership, which shall not exceed fifty years, and that medical examinations are required of members

Formation of beneficiary associations.

Name.

Exercise of powers.

for life benefits; the name and official titles of the officers, trustees, directors, representatives or other persons, by whatsoever name or title designated, who are to have and exercise the general control and management of its affairs and all its funds, who shall be elected after the first year by representatives chosen by subordinate lodges, councils or bodies, or grand lodges, grand councils or bodies, as the laws of the society, order or association may provide, who shall be members of such society, order or association.

Term of office. Such first officers of any such society, order or association, shall not hold office longer than one year unless re-elected by a majority of the members thereof.

Shall not employ paid agents. SEC. 9. Such associations shall not employ paid agents in soliciting or procuring members, except in the organization or building up of subordinate bodies or granting members inducements to procure new members.

Contracts—when not valid. SEC. 10. No contract with any such association shall be valid when there is a contract, agreement or understanding between the member and the beneficiary that the beneficiary or any person for him shall pay such member's assessments or dues, or either of them.

Money of association not liable to attachment. SEC. 11. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any association authorized to do business under this act, shall not be liable to attachment by trustee, garnishee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

Exception as to admission to this state. SEC. 12. No association not admitted to transact business within this state prior to the passage of this act shall be incorporated or given a permit or certificate of authority to transact business within this state, as provided for by this act, unless it shall first show that the mortuary assessment rates, provided for in whatever plan of business it has adopted, are not lower than is indicated as necessary by the following mortality table:

FRATERNAL CONGRESS MORTALITY TABLE.

Age.	Number living.	Number dying.	Probability of dying.	Age.	Number living.	Number dying.	Probability of dying.
20	100,000	500	.005000	60	69,801	1,588	.0227504
21	99,500	501	.005035	61	68,213	1,681	.0246434
22	98,999	502	.005071	62	66,532	1,778	.0267240
23	98,497	503	.005107	63	64,754	1,880	.0290330
24	97,994	505	.005153	64	62,874	1,985	.0315711
25	97,489	507	.005201	65	60,889	2,094	.0343904
26	96,982	510	.005259	66	58,795	2,206	.0375206
27	96,472	513	.005318	67	56,589	2,318	.0409620
28	95,959	517	.005388	68	54,271	2,430	.0447753
29	95,442	522	.005469	69	51,841	2,539	.0489767
30	94,920	527	.005552	70	49,302	2,645	.0536489
31	94,393	533	.005647	71	46,657	2,744	.0588122
32	93,860	540	.005753	72	43,913	2,832	.0644912
33	93,320	548	.005872	73	41,081	2,909	.0708118
34	92,772	557	.006004	74	38,172	2,969	.0777795
35	92,215	567	.006149	75	35,203	3,009	.0854757
36	91,648	578	.006307	76	32,194	3,026	.0939927
37	91,070	591	.006490	77	29,168	3,016	.1034010
38	90,479	606	.006698	78	26,152	2,977	.1138345
39	89,873	622	.006921	79	23,175	2,905	.1253506
40	89,251	640	.007171	80	20,270	2,799	.1385163
41	88,611	660	.007448	81	17,471	2,659	.1521951
42	87,951	683	.007766	82	14,812	2,485	.1677694
43	87,268	708	.008113	83	12,327	2,280	.1849599
44	86,560	734	.008480	84	10,047	2,050	.1855707
45	85,826	761	.008867	85	7,997	1,800	.2250844
46	85,065	790	.009287	86	6,197	1,539	.2483460
47	84,275	822	.009754	87	4,658	1,277	.2741520
48	83,453	857	.0102693	88	3,381	1,023	.3025732
49	82,596	894	.0108238	89	2,358	788	.3341815
50	81,702	935	.0114440	90	1,570	579	.3687898
51	80,767	980	.0121337	91	991	404	.4076690
52	79,786	1,029	.0128970	92	587	264	.4497445
53	78,757	1,083	.0137511	93	323	161	.4984520
54	77,674	1,140	.0146767	94	162	89	.5493827
55	76,534	1,202	.0157054	95	73	44	.6027397
56	75,332	1,270	.0168587	96	29	19	.6551724
57	74,062	1,342	.0181200	97	10	7	.7000000
58	72,720	1,418	.0194994	98	3	3	1.0000000
59	71,302	1,501	.0210513				

Mortality table.

SEC. 13. Any such association, organized under the laws of this state, may provide for the meetings of its legislative or governing body in any other state, province or territory, wherein such association shall have subordinate bodies, and all business transacted at such meeting shall be valid in all respects, as if such meetings were held within this state, and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any other state, province or territory, shall be valid as if cast within this state.

Provision for meetings in other states.

False or fraudulent statements.

SEC. 14. Any person, officer, member or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining any money or benefit in any association transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$100, nor more than \$500, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Penalty.

Further false statement to procure benefits constitutes perjury.

Refusal or neglect to report.

SEC. 15. Any such association refusing or neglecting to make the report, as provided in this act, shall be excluded from doing business within this state. Said commissioner of insurance must within twenty days after failure to make such report, or in case any such association shall exceed its powers or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this act, give notice in writing to the attorney general, who shall immediately commence an action against any such association to enjoin the same from carrying on any business. And no injunction against any such association shall be granted by any court, except on application by the attorney general, at the request of the commissioner of insurance, whether the state or a member or other party seeks relief. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violations complained of shall have been corrected,

Duty of insurance commissioner.

Injunction.

Cannot continue business if enjoined.

nor until the cost of such action be paid by it, provided the court shall find that such association was in default, as charged, whereupon the commissioner of insurance shall reinstate such association, and not until then shall such association be allowed to again do business in this state. Any officer, agent or person, acting for any association or subordinate body thereof, within this state, while such association shall be so enjoined or prohibited from doing business pursuant to this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than \$25 nor more than \$200, or by imprisonment in the county jail for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court.

Officers, acting while so enjoined, guilty of misdemeanor.

Penalty.

SEC. 16. Any person who shall act within this state as an officer, agent, or otherwise, for any association which shall have failed, neglected or refused to comply with, or shall have violated any of the provisions of this act, or shall have failed or neglected to procure from the commissioner of insurance proper certificate of authority to transact business, as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

Acting for companies which have failed to comply subjects person to penalty.

SEC. 17. Nothing contained in this act shall be construed to affect the Independent Order of Odd Fellows as they now exist nor any grand, subordinate lodge or other body of Free and Accepted Masons, nor the grand, nor any subordinate lodge of the Knights of Pythias, exclusive of the Endowment Rank, nor any association not working on the lodge system which limits its certificate holders to a particular class or to the employment of a particular town or city, designated firm, business house or corporation.

This act not to affect I. O. O. F. or F. and A. M., etc.

Passed the Senate March 8, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLXXV.

[S. B. No. 74.]

GIVING UP-LAND OWNERS PREFERENCE RIGHT TO PURCHASE SHORE LANDS.

AN ACT giving a preference right to up-land owners to purchase adjoining shore lands belonging to the State of Washington.

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

Preference right to purchase.

SECTION 1. That the owner or owners of any up-land bordering upon shore lands of the second class, shall have a preference right for the period of time hereinafter named, to purchase from the State of Washington such shore lands at the appraised value when the same shall have been appraised as hereinafter provided, together with the costs of sale and costs of application by whomsoever made: *Provided, however,* That the provisions of this act shall not apply to any shore lands set apart by legislative enactment, for a public road or boulevard, or for any public improvement or use.

Proviso.

Pending or prior applications.

SEC. 2. That in cases where application to purchase any such land has already been made and is still pending undisposed of, such upland owner's preference right shall be exercised within sixty days from the taking effect of this act; and in all cases wherein application may be hereafter made such upland owner shall have thirty days from the time of making such application, if made by himself, or thirty days from the time of service upon him of notice of such application if made by another.

Land commissioners may place on market.

SEC. 3. The land commission whenever they shall deem it for the best interests of the state, may place any of said shore lands on the market for sale, without application therefor being first made, and in such case such upland owners or owner shall have notice and preference right for a period of thirty days, as above set forth.

SEC. 4. The land commission may have any part or all of the shore lands of the state re-appraised, in the event that they shall deem the land to have been here-

tofore appraised of [at] more or less than its true value. Re-appraisal and platting.
 They may also cause any of said shore lands to be platted, as is provided for the platting of shore lands of the first class, and when so platted such lands shall be disposed of as is provided by law for the sale and disposition of shore lands of the first class, except that the Exception. notice and preference right of purchase by the upland owner shall remain in force as provided in this act.

SEC. 5. Service upon the upland owner, as hereinbefore provided, shall be made by the Commissioner of Service made by Commissioner of Public Lands. Public Lands or by some citizen of the state by him appointed, by leaving with said upland owner the required notice, or if the upland owner be a non-resident of said state, by mailing to his last known post office Notice. address a copy of the required notice. If he be a non-resident and his address unknown to the land commissioner, notice to him shall not be necessary or required.

Passed the Senate March 13, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLXXVI.

[H. B. No. 13.]

AMENDING ACT RELATIVE TO REVENUE AND TAXATION.

AN ACT relating to revenue and taxation and amending section 2 of an act amending an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119½, 119¾, 119¼, 120½, 120¾, to said act, and declaring an emergency," approved the 15th day of March, 1899.

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

SECTION 1. That section 2 of said act be amended to read as follows: Sec. 2. That section five of said act is

Amendment. hereby amended to read as follows: "Sec. 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say—

Exemptions. *First.* All lands used exclusively for public burying ground or cemeteries, all churches built and supported by donations whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity: *Provided,* That such grounds are used wholly for church purposes and not otherwise. Also all property of Young Men's Christian Associations which shall be wholly used, or to the extent solely used, for the religious purpose of such association.

Cemeteries and churches. *Second.* All property, whether real or personal, belonging exclusively to any school district, county, municipal corporation, the state, or to the United States.

Property of school districts, etc. *Third.* All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safe keeping thereof, and for the meetings of fire companies, providing that such belongs to any town or fire company organized therein.

Fire engines, etc. *Fourth.* All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions; and the grounds, wherever such libraries, orphanages, institutions, homes and hospitals are built when used exclusively and not otherwise for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes, within the true intent of this act, the state board of health, the county and city authorities of the county and city wherein such institutions are respectively situated, shall have access to the books of such institution, and the institution claiming exemption shall provide by its articles of incorporation

Free libraries, asylums, etc. City council to have access to books, etc., to determine if exempt.

that the mayor of the city and the chairman of the board of county commissioners wherein such institution is located shall be *ex-officio* trustees thereof, and shall be notified of each and every meeting thereof, and shall have the same powers as a trustee of such institution.

And the superintendent or manager of the library, orphanage institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that all the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose.

Oath of superintendent of institution.

He shall also, under oath, make an annual report to the state board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived, and the object to which disbursements have been applied, and shall further furnish in the said report, full and complete vital statistics for the use and information of the state board of health, who may publish the same in its annual report.

Annual report.

Fifth. All fruit trees, except nursery stock and forest trees artificially grown.

Fruit trees.

Sixth. All ships, vessels and boats in actual construction, and all materials especially designed and set apart for the construction of any such ship, vessel or boat in process of building within this state, shall be exempt from taxation.

Ships and boats in construction.

Seventh. The personal property of each head of a family liable to assessment and taxation of which such individual is the actual and *bona fide* owner, to an amount of three hundred dollars: *Provided*, That each person shall list all of his personal property for taxation and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of the assessment and assess the remainder.

Personal property to amount of \$300.

Proviso.

Passed the House February 28, 1901.

Passed the Senate March 13, 1901.

NOTE BY SECRETARY OF STATE.—This bill filed and allowed to become a law without the signature of the Governor.

SAM H. NICHOLS,

Secretary of State.

CHAPTER CLXXVII.

[H. B. No. 442.]

AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT to amend an act entitled and cited as the Code of Public Instruction of the State of Washington, amending sections 5, 6, 9, 10, 22, 24, 37, 38, 39, 40, 71, 105, 106, 107, 108, 111, 112, 140, 156, and 177 of said act, approved March 19th, 1897.

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

Amendment.	SECTION 1. That section 5 of the Code of Public Instruction be amended to read as follows: Section 5.
Transfer of territory.	For the purpose of transferring territory from one district to another or enlarging the boundaries of any school district, a petition in writing shall be presented to the county superintendent, signed by a majority of heads of families residing in the territory which it is proposed to transfer or include, which petition shall
Petition.	describe the change which it is proposed to have made. It shall also state the reason for desiring said change, and the number of children of school age residing in the territory to be transferred. The county superintendent shall file said petition in his office and shall give notice to parties interested by causing to be posted notices at least twenty days prior to the time appointed by him for considering said petition, one of which shall be in a public place in the territory which it is proposed to be annexed or transferred, and one on the door of the school house in each district affected by the change, or if there be no school house in such district, then in some public place in such district or districts; and at the time stated in said notices he shall proceed to hear said petition, and if he deem it advisable he shall grant the same and make an order fixing the boundaries of the districts affected by this action, and shall certify his action to the board of county commissioners at their next regular meeting: <i>Provided,</i>
Filing of petition and posting of notice.	
Proviso.	That the county auditor shall, in all cases of the formation of new districts or the alteration of school district boundaries, certify the action of the county com-

missioners to the county assessor and to the county superintendent: *Provided further*, That an appeal may be taken, as provided for in section 4 of this chapter. Proviso.

SEC. 2. That section 6 of an act known and cited as the Code of Public Instruction of the State of Washington, approved March 19, 1897, be amended to read as follows: Sec. 6. In forming new districts, or transferring territory from one district to another, or changing boundaries of districts, no school district shall contain less than four sections of land, unless said district can support six months' school per year after such change of territory: *Provided*, That the county superintendent may establish a district with less than four sections on a petition signed by eighty per cent. of all the heads of families of the proposed district, by and with the consent of the State Superintendent of Public Instruction. Amendment.
New districts.

SEC. 3. That section 9 of an act known and cited as the Code of Public Instruction of the State of Washington, approved March 19, 1897, be amended to read as follows: Sec. 9. Whenever the residents of two or more school districts may wish to unite for the purpose of establishing a union or graded school the clerks of said districts by order of the boards of directors, shall, upon a written or printed petition of five or more heads of families of their respective districts, call a meeting of the voters of such districts at some convenient place by posting written or printed notices in like manner as is provided for calling annual school district elections; and if a majority of the voters of each district shall vote to unite for the purposes herein stated, the boards of directors of the several districts so voting to unite shall constitute the board of directors of such union district, and shall, within ten days thereafter, meet and organize by electing one of their number president of the board, and selecting their clerk for such union district; and the clerk and president chosen at such meeting shall hold their respective offices until the next annual school district election and until their successors are elected; and the election of president and Proviso.
Amendment.
Union of districts.
Meeting of voters.
Term of office of clerk and president.

Annual election, when. clerk shall occur annually thereafter, on the second Saturday, next succeeding the annual school district election: *Provided*, That in union districts consisting of three or more school districts the board of directors of said union district shall be composed of a chairman of the several boards of directors of the districts comprised in such union district: *Provided*, That if local conditions admit of it the directors of any union district may, at their discretion, admit pupils residing in such union district, belonging to [a] grade lower than the high school grades, but no pupil belonging to a grade lower than the seventh shall ever be admitted to any such union school: *Provided, further*, That the course of study for such grade or grades shall not be inconsistent with the laws of this state, and shall be such as shall be approved by the Superintendent of Public Instruction.

Proviso. Proviso as to local conditions. Proviso as to course of study.

SEC. 4. That section 10 of said act be amended to read as follows: Sec. 10. The board of directors and clerk provided for in the preceding section shall, in all matters relating to the union or graded schools of such district, possess all the powers herein provided for school district officers, including the power to levy special taxes for the purpose of furnishing transportation to pupils to and from school and other additional school facilities for the union district, or for the payment of teachers' wages, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances for teaching, or for any or all of these purposes. They shall discharge all the duties and be governed by the laws herein provided for school district officers, and the clerk of such union district shall, immediately upon his election, inform the county superintendent of the organization of the district. Upon the receipt of such notice of organization the county superintendent shall designate such union district by number, as "Union District No. —, — County," and shall notify the county treasurer of the organization of such district: *Provided*, That such district shall be entitled to and shall receive apportionments from the

Amendment. Powers of directors and clerk. Duty of clerk. Districts to be numbered.

state annual school fund in the manner provided by law for the apportionments from the state annual fund to other school districts: *Provided further*, That the Superintendent of Public Instruction shall apportion annually to each union district the sum of one hundred (\$100) dollars for each grade above the grammar grade maintained in such schools.

Proviso as to apportionments.

Further provision.

SEC. 5. That section 22 be amended to read as follows: Sec. 22. The powers and duties of the Superintendent of Public Instruction shall be:

Amendment.

Powers and duties of Superintendent of Public Instruction.

First. To have supervision over all matters pertaining to the public schools of the state.

Supervision.

Second. To report biennially to the Governor on or before the first day of November preceding the regular session of the Legislature, of which report three thousand copies shall be printed and delivered to the Superintendent of Public Instruction, who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools, and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state with full statistical tables, by counties, showing the number of schools and the attendance; the state and county school funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools, and the amount paid him for incidentals and expenses; the amount paid for building and providing school houses, furniture and apparatus; the amount of bonded or other school indebtedness, with the rate of interest paid thereon; the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

Biennial report to Governor.

What report shall contain.

Plans for improvements, etc.

Third. To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions

Printing of blanks.

prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools; and to distribute the same to the county superintendents.

Visit various counties.

Fourth. To travel in the different counties of the state where public schools are taught without neglecting his official duties as Superintendent of Public Instruction, for the purpose of visiting schools, of consulting the county superintendents, and of addressing public assemblages on subjects pertaining to public schools; also to conduct such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states.

Correspondence.

Monthly statement of expenses.

Fifth. To submit to the State Auditor a monthly statement of his expenditures for traveling expenses: *Provided*, That said expenditures shall not exceed eight hundred dollars in any one year.

Appendix to report.

Sixth. To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer and to cause the same to be printed and distributed as often as any change in the laws makes it of sufficient importance, in his opinion, to justify the same.

Ex officio president of board.

Seventh. To act as *ex officio* president of the State Board of Education.

Biennial election.

Eighth. To hold biennially, on or before the first day of October following the election of county superintendents, a convention of county superintendents of the state, at such time and place as he may deem convenient, for the discussion of questions pertaining to the supervision and administration of the school laws, and such other subjects affecting the welfare and interest of the common schools as may be brought before it.

Ninth. Upon the receipt from the State Auditor of a certificate of the state school fund subject to apportion-

ment, to apportion within ten days said fund among the several counties of the state, in proportion to the total days attendance: *Provided*, That each school district shall be credited with two thousand days attendance. The basis of said apportionment shall be the last annual records of the several county superintendents on file in his office at the time of making his apportionment: *Provided further*, If a pupil attends any school of the state outside his resident district, or private school within his resident district, during the time the resident district maintains school of the grade in which the pupil belongs, the attendance shall be credited to the district in which the pupil resides, unless mutually arranged otherwise by the directors; and the clerk of any district whose resident pupils are attending school in another district, shall notify the clerk of the district where such pupils attend, when the school of said pupil's resident district will be in session, and the grades maintained; and without such notice all claim to attendance will be forfeited.

Certificate
from State
Auditor.

Proviso as to
attendance.

Attendance
outside of
district—how
credited.

Tenth. To require annually on or before the fifteenth day of August, of the president, manager or principal of every seminary, academy, or private school, and of the president, manager or principal of every state educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports, and it is made the duty of every such president, manager or principal to fill up and return such blanks within such time as the Superintendent of Public Instruction shall direct.

Annual report
required.

Eleventh. To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

Directory of
boards, etc.

Twelfth. To issue common school certificates as provided by law.

To issue
certificates.

Thirteenth. To keep in his office at the capital of the state all books and papers pertaining to the business of his office, and to keep and preserve in his office a com-

Books and
papers.

plete record of statistics and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the State Board of Education. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state each year, separately. Copies of all papers filed in his office, and his official acts may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

Copies of
papers filed.

Fourteenth. To decide all points of law which may be submitted to him in writing by any county superintendent or that may be submitted to him by any other person upon appeal from the decision of any county superintendent, and shall publish his rulings and decisions from time to time, for the information of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

Decide points
of law.

Fifteenth. To deliver over to his successor at the expiration of his term of office, all records, books, maps and documents, and papers of whatever kind belonging to his office, or which may have been received by him for the use of his office.

Delivery to
successor of
all books, etc.

SEC. 6. That section 24 be amended to read as follows: Sec. 24. The Governor shall appoint, by and with the advice and consent of the state senate four suitable persons holding life diplomas issued by authority of this state, who, together with the Superintendent of Public Instruction, shall constitute the State Board of Education: *Provided*, That at least two members of said board shall be selected from those actually engaged in teaching in the common schools of the state. The persons appointed members of the State Board of Education shall hold their office for two years from from the first Monday in March next following their appointment, and shall serve until their successors are appointed and qualified.

Amendment.

Governor to
appoint Board
of Education.

Proviso.

Term of office.

Amendment.

SEC. 7. That section 37 be amended to read as follows: Sec. 37. The county commissioners shall provide the county superintendent with a suitable office at the

county seat, and all necessary blanks, books, stationery, postage, printing and other expenses of his office shall be paid by the county treasurer out of the county fund upon a sworn statement made quarterly and allowed by the county commissioners: *Provided*, That, as to the necessity for the printing and issuance of circulars of information pertaining to the schools of his county, for the use of schools, school officers and teachers, the county superintendent shall determine.

County commissioners to provide county superintendent with office room, books, etc.

Proviso.

SEC. 8. That section 38 be amended to read as follows: Sec. 38. For each mile actually and necessarily traveled in the performance of their official duties and in attendance on the convention of county superintendents, called by the Superintendent of Public Instruction, county superintendents shall be allowed mileage as follows: In each county of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth classes, five cents per mile; in each county of the eleventh class and all counties having a higher class number than the eleventh, ten cents per mile: *Provided*, That no county superintendent shall be allowed to charge or collect any fee for the performance of any other duties herein named: *Provided further*, That no constructive mileage shall be charged.

Amendment.

Mileage.

Five cents per mile.

Ten cents per mile.

Constructive mileage not charged.

SEC. 9. That section 39 of said act be amended to read as follows: Sec. 39. Directors of school districts shall be elected at the regular annual school election. At the first annual election in all new districts three directors shall be elected, for one, two, or three years, respectively. No person shall be eligible to the office of school director who is not able to read and write the English language. The ballot shall specify the term for which each is to be elected. In all districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms; and the ballot shall specify the respective term for which each director is to be elected. Directors-elect shall take office on the first Monday in June next succeeding their election, and as soon there-

Amendment.

First annual election.

Eligibility.

Take office when.

- after as practical shall meet and organize by selecting one of their number as chairman, and they shall hold office until their successors are qualified. In case of
- Vacancies. county superintendent shall fill such vacancy by appointment until the next annual election.
- Amendment. SEC. 10. That section 40 be amended to read as follows: Sec. 40. Every board of directors, unless otherwise specially provided by law, shall have power, and it shall be their duty—
- Duties and powers. *First.* To employ, and, for sufficient cause, to discharge teachers, mechanics or laborers, and to fix, alter, allow, and order paid their salaries and compensation: *Provided, however,* That no board of directors shall, before the first Monday in June hire any teacher or teachers whose term of teaching does not commence prior to the first Monday in August.
- Employ labor. *Second.* To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of the schools, pupils and teachers, and to enforce the course of study prescribed by the State Board of Education.
- Enforce rules. *Third.* To provide and pay for such materials, supplies and libraries as may be necessary for the schools, and to purchase such school furniture, charts or other apparatus as may have the written approval of the county school superintendent as to quality and price: *Provided,* That all such purchases of furniture, charts or other apparatus shall be approved at a meeting of said board, at which all members shall be present.
- Provide and pay for materials, etc. *Fourth.* To rent, repair, furnish and insure school houses.
- Proviso. *Fifth.* To build or remove school houses, purchase or sell lots or other real estate, when directed by a vote of the district to do so: *Provided,* That a school house already built shall not be removed, nor a new site for a school house be designated except when directed by a two-thirds vote of the electors of such district at an
- School houses. *Proviso.*
- Build or remove school houses. *Proviso.*

election to be held for that purpose, which election may be a special or a general school election.

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

Seventh. To suspend or expel pupils from school who refuse to obey the rules thereof, and exclude from school all children under six years of age. Suspension or expulsion of pupils.

Eighth. To provide free text books and supplies to be loaned to the pupils of the schools when directed by a vote of the district to do so; and if not so directed, to provide books for children of indigent parents on the written report of the clerk after investigation that the parents of such children are unable to purchase the same. Provide text books.

Ninth. To require all pupils to be furnished with such books as may have been adopted by the State Board of Education, as a condition to membership in the schools. Furnish books adopted by board.

Tenth. To exclude from school and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency or of a sectarian or partisan character. Exclusion of certain books, etc.

Eleventh. To authorize the school room to be used for summer or night schools, literary, scientific, religious, political, mechanical or agricultural societies, under such regulations as the board of directors may adopt. Use of school for other than school purposes.

Twelfth. To require teachers to conform to the provisions of the school law. Teachers.

SEC. 11. That section 71 of the Code of Public Instruction be amended to read as follows: Sec. 71. All parents, guardians and other persons in this state having or who may hereafter have immediate custody of any child or children between the ages of eight and fifteen years, shall send the same to school at least three months in each year: *Provided*, That in graded school districts in incorporated cities and towns such children shall be sent to school at least six months in each year. Amendment. Parents and guardians — duty of. Proviso.

SEC. 12. That section 105 be amended to read as follows: Sec. 105. For the purposes of adopting text-books Amendment.

State Board of Education
— to consist of whom.

and prescribing courses of study for the use of the common and graded schools of the state, the State Board of Education shall consist of the state superintendent, the four appointed members and the six city superintendents of the six largest cities of the state.

Amendment.

Provide for school books
— when.

SEC. 13. That section 106 be amended to read as follows: Sec. 106. Before the first of September, 1902 the school district officers of the various schools in the state may provide all text-books necessary for carrying on the school work.

Amendment.

Special tax levy.

Proviso.

SEC. 14. That section 107 be amended to read as follows: Sec. 107. At the time fixed by law in the year 1901 for the levy of a special school tax the officers of the various school districts of the state may levy a special tax sufficient to carry into effect the provisions of section 106 of this act: *Provided*, That said district boards may acquire by purchase or gift the books in use by the pupils of said schools.

Amendment.

Rules for care of books.

SEC. 15. That section 108 be amended to read as follows: Sec. 108. It shall be the duty of the board of directors to adopt such rules and regulations as may be necessary for the care and use of text-books.

Amendment

Additional levy — for what purpose.

SEC. 16. That section 111 be amended to read as follows: Sec. 111. In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the State Board of Equalization, annually, at the time of levying tax for state purposes, to levy a tax that shall be sufficient to produce a sum which, when added to the estimated amount of money to be derived from the interest on the state permanent school fund for the current fiscal year, shall equal ten dollars for each child of school age residing in the state as shown by the last report of the several county superintendents to the Superintendent of Public Instruction:

Proviso.

Provided, That said tax shall not exceed five mills on the dollar. Said tax levy shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and transmitted to the State Treasurer at the same time and in the same manner as other state taxes

Certification of tax levy — collection thereof.

are required to be collected and transmitted; and it shall be the duty of the State Auditor within thirty days after the date at which county treasurers are required to transmit state funds to the State Treasurer, to certify to the Superintendent of Public Instruction the amount of all state annual school funds in the hands of the State Treasurer subject to apportionment.

Transmission of funds collected.

SEC. 17. That section 112 be amended to read as follows: Sec. 112. The board of directors, when in their judgment it is necessary, for the purpose of furnishing additional school facilities for their district, or for the payment of teachers' wages, or for the building of one or more school houses, or for the repairing of one or more school houses, or for the building of additions thereto, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances or apparatus for teaching, or for any or all of these purposes, may levy especial tax on the taxable property of the district, not to exceed ten mills on the dollar: *Provided*, That no tax exceeding five mills on the dollar shall be levied until such levy shall have been ordered by a majority vote of the legal electors of the district, at a special election called for that purpose: *Provided, further*, That boards of directors of union schools may levy a special tax on the taxable property of the union district not to exceed three mills on the dollar, and the levying of such tax by such union school district board shall not prevent the electors of any district within such union district from levying a tax of ten mills, as hereinbefore provided. School district elections for the purpose of voting special tax, shall be called and conducted in the manner provided for calling and conducting annual school elections. At such elections the ballots shall contain the words "Tax, yes," or "Tax, no." The officers of the election shall certify the result of the election to the clerk of the district, who shall file said certificate as a part of his records. Whenever a special tax is ordered to be levied, the clerk of the district shall, on or before the first day of September, of the year in which such special tax is ordered to be levied, make to

Amendment.

Board of directors to levy special tax for wages, supplies, books, etc.

Proviso as to limit — not to exceed five mills.

Further proviso.

Three mills.

Elections — how called and conducted.

Certification of results thereof.

Duty of district clerk.

the county auditor a certified statement of the number of mills of such special tax which has been ordered to be levied in such district. The county auditor shall extend the same against all the taxable property within such district upon the general assessment roll of the county, showing the amount and kind of property so assessed, and to certify the same to the county treasurer. The county treasurer shall proceed to collect the tax in the same manner and at the same time and with the same power and authority to enforce payment of the same, as in the case of county and state taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs.

Extension of tax.

Collection of tax.

Crediting proper district.

Amendment.

Meeting of voters — what to be determined thereat.

SEC. 18. That section 156 of the Code of Public Instruction be amended to read as follows: Sec. 156. Any board of directors may, at its discretion and shall, upon a petition of the majority of the legal voters of their district, call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that school shall be maintained in the district during the school year; to determine whether or not the district shall purchase any school house site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more school houses; or to determine whether or not the district shall maintain one or more free kindergartens; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library.

Amendment.

Neglect of parents to send children to school.

SEC. 19. That section 177 of the Code of Public Instruction, as amended by section 25, chapter CXLII, of the Session Laws of 1899, be amended to read as follows: Sec. 177. Any parent or guardian, who, after being notified by the county school superintendent of the provisions of the law relative to children attending school, shall further refuse or neglect to send such child to school, shall, upon complaint of the county superintendent, be summoned before the judge of the

Superior Court, who shall have power to remove any child, if an orphan, who fails to attend school as required by law, and place it in the care of some other person who will be likely to send such child to school, or if the child be under the care of a parent or parents, then said judge shall have power, upon the complaint of the county school superintendent, to summon such child and such parent or parents before him, and if he shall, upon inquiry, find the said child has not already attained a reasonable proficiency in the common school branches for the first eight years outlined in the course of study for common schools for the State of Washington, he shall issue an order commanding such parent or parents to place such child in school, if school be then in session, or immediately when school shall resume, if school be not in session, or appear before him and show cause for the neglect or refusal so to do: *Provided*, That the county attorney shall act as attorney for the county superintendent in all court proceedings relating to the compulsory attendance of children in school as required by law.

Power of court.

Issuance of order.

Proviso.

Passed the House March 7, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 19, 1901.

CHAPTER CLXXVIII.

[S. B. No. 126.]

AMENDING AN ACT RELATIVE TO THE ASSESSMENT AND COLLECTION OF TAXES.

AN ACT to amend sections 13, 14, 15 and 24 of an act entitled "An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15th, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119½, 119¾, 119¾, 120½, 120½, 120¾ to said act, and declaring an emergency, approved March 15th, 1899," and declaring an emergency.

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

SECTION 1. That section 13 of an act entitled "An act amending an act entitled 'An act to provide for the as-

Amendment. assessment and collection of taxes in the State of Washington,' approved March 15th, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97 $\frac{1}{2}$, 110 $\frac{1}{4}$, 119 $\frac{1}{2}$, 119 $\frac{3}{4}$, 120 $\frac{1}{4}$, 120 $\frac{1}{2}$ and 120 $\frac{3}{4}$ to said act, and declaring an emergency," approved March 15th, 1899, and declaring an emergency, be and the same is hereby amended to read as follows: Sec. 13. Section 96 of said act is hereby amended to read as follows: Sec. 96. Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of any certificate of delinquency may give notice to the owner of the property described in such certificate that he will apply to the Superior Court of the county in which such property is situated for a judgment foreclosing the lien against the property mentioned herein. Such notice shall contain —

Holder may give notice—when.

Notice, what to contain.

Title of court, description of property and name of owner, if known.

Summons to appear, when.

Notice of judgment.

(1) The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof, and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amount.

(2) A direction to the owner summoning him to appear within sixty days after service of the summons, exclusive of the day of service, and defend the action or pay the amount due, and when service is made by publication a direction to the owner, summoning him to appear within sixty days after the date of the first publication of the summons, exclusive of the day of said first publication, and defend the action or pay the amount due.

(3) A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien of such taxes and costs against the land and premises named.

(4) The summons shall be subscribed by the holder

of the certificate of delinquency, or by some one in his behalf, and residing within the State of Washington, and upon whom all process may be served.

Subscribed by holder.

(5) A copy of said notice shall be delivered to the county treasurer. Thereafter when any owner of real property or person interested therein seeks to redeem as provided in section 17 of this act, the treasurer shall ascertain the amount of costs accrued in foreclosing said certificate and include said costs as a part of the redemption required to be paid.

Copy of notice to county treasurer.

SEC. 2. [Vetoed.]

Vetoed section.

SEC. 3. That section 15 of said act be and the same is hereby amended to read as follows: Sec. 15. Section 98 of said act is hereby amended to read as follows: Sec. 98. After the expiration of five years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county, and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county commissioners shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: *Provided*, That summons may be served or notice given exclusively by publication in one general notice, describing the property as the same is described on the tax rolls. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made co-defendants in said action, and if unknown may be

Amendment.

County treasurer to issue certificates—when.

Legal assistance.

General notice.

General certificate.

Who shall be considered owners.

Publication of notice — by whom.

Price of publication.

Lots, when deemed delinquent.

Foreclosure.

therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein. The names of the person or persons appearing on the treasurer's rolls as the owner or owners of said property for the purpose of this act shall be considered and treated as the owner or owners of said property, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder. The publication of the summons or notice required by this section shall be made by the county treasurer in the official newspaper of the county: *Provided*, The price charged by any such newspaper for such publication for the whole number of issues shall not exceed in any case the sum of ten cents for each description contained in said notice; and that, if such publication can not be made in said newspaper at said price, the county treasurer may cause such publication to be made in any other newspaper printed, published and of general circulation in the county, at a cost not to exceed said price.

SEC. 4. That section 24 of said act be amended to read as follows: Sec. 24. Section 116 of said act is hereby amended to read as follows: Sec. 116. All lots, tracts and parcels of land upon which taxes remain due and unpaid at the date of the approval of this act, except the taxes for the year 1898, shall be deemed to be delinquent under the provisions of this act, under [and] the same proceedings may be had to enforce the payment of such unpaid taxes, with penalty, interest and cost, and payment enforced and liens foreclosed under and by virtue of the provisions of this act. For purposes of foreclosure under this act, the date of delinquency shall be construed to mean the date when the taxes first became delinquent: *Provided*, That on all certifi-

cates of delinquency issued for the taxes of 1895 and Proviso. prior years, proceedings for foreclosure under the provisions of this act may commence on and after December 1, 1900, and not sooner; and on certificates of delinquency for 1895, and prior years, held by the county, proceedings must be commenced on or before the first day of January, 1902, by the several county treasurers under the provisions of this act. At all sales of property for which certificates of delinquency are held by the county if no other bids are received, the County considered a bidder—when. county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, penalties, interests and costs due thereon, and where no bidder appears, acquire title thereto as absolutely as if purchased by an individual under the provisions of this act; “all bidders except the county at sales of property Exception. for which certificates of delinquency are held by the county shall pay the full amount of taxes, penalties, interests and costs for which judgment is rendered, together with all taxes, interests, [and] costs for all subsequent years due on said property at the date of sale.”

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

Passed the Senate February 21, 1901.

Passed the House March 14, 1901.

NOTE BY THE GOVERNOR.—This act, with the exception of section 2, is approved this 20th day of March, 1901. Reasons for disapproval are herewith appended.

J. R. ROGERS, *Governor.*

CHAPTER CLXXIX.

[H. B. No. 317.]

AMENDING ACT RELATIVE TO ISSUANCE OF BONDS
AND INVESTMENT OF PERMANENT SCHOOL FUND.

AN ACT to amend section 2 of an act entitled "An act authorizing the issuance of state bonds and the investment of the permanent school funds therein, and declaring an emergency," being chapter XLIV of the Session Laws of 1899, approved March 8, 1899, and declaring an emergency.

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

Amendment. SECTION 1. That section 2 of an act entitled "An act authorizing the issuance of state bonds and the investment of the permanent school funds therein, and declaring an emergency," being chapter XLIV of the Session Laws of 1899, approved March 8, 1899, be amended to read as follows: Sec. 2. Such bonds shall

Bonds— description of. bear date of issue and be issued in denominations of five thousand dollars (\$5,000), and shall bear interest at the rate of three and one-half per cent. per annum, payable semi-annually on the first day of May and November of each year until paid, payable out of the state general fund, and the State Treasurer is hereby

Transfer of funds. authorized and directed to transfer from the said state general fund to the said current school fund sufficient money to pay said interest as the same falls due, and certify the same to the State Auditor, which certificate shall be authority to said auditor to make the necessary and proper entries in the books and records of his office to show such transfer. The principal of said

Principal payable in twenty years. bonds shall be payable, any or all of them, on or before twenty years from the date of issue, to the State Treasurer for the account of the state permanent school fund, out of the state general fund, to which the proceeds thereof shall have been credited, and when paid the principal thereof shall be credited to the state permanent school fund.

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

Passed the House March 4, 1901.

Passed the Senate March 13, 1901.

NOTE BY THE SECRETARY OF STATE.—This bill was neither
vetoed nor approved by the Governor, but allowed to become a law
without his signature.

SAM H. NICHOLS,
Secretary of State.

CHAPTER CLXXX.

[H. B. No. 246.]

REGULATING AND LICENSING MARINE INSURANCE AGENTS.

AN ACT to regulate and license marine insurance agents or bro-
kers in this state and declaring an emergency.

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

SECTION 1. The insurance commissioner is hereby
authorized to issue licenses to marine insurance agents Licenses, by
whom issued.
or brokers to write or solicit marine insurance for com-
panies that have not complied with the insurance laws
of this state.

SEC. 2. Before a license such as is provided for in
section 1 of this act shall be issued, the person, firm License fee.
or corporation applying for such license shall: 1. Pay
a fee to the insurance commissioner in the sum of
fifty dollars (\$50). 2. Execute a bond to the state in Bond.
the sum of [one] thousand dollars (\$1,000) condi-
tioned upon their complying with the provisions of
this act.

SEC. 3. Such person, firm or corporation shall file
a sworn statement on or before the 15th day of January Sworn state-
ment—what
to show.
of each year showing the total risks written, the total
premiums collected and the total losses paid upon risks
written by such person, firm or corporation; and upon
such total premiums, less losses paid policy holders,
such person, firm or corporation shall pay to the in-

insurance commissioner by March 1st of each year a tax of two per cent.

Statement to be filed with insurance commissioner — when; what to contain.

SEC. 4. On or before January 15th of each year such person, firm or corporation as may have been licensed under the provisions of this act shall file a statement with the insurance commissioner giving the names and the home officers [offices] of all companies or associations for which such person, firm or corporation has written or solicited business during the year ending December 31, preceding; and the books or other record of any such person, firm or corporation shall at all times be open to the inspection and examination of the insurance commissioner.

Soliciting without license — penalty therefor.

SEC. 5. Any person, firm or corporation soliciting marine insurance or acting, or assuming to act, as an agent or broker for any person, company, corporation or association engaged in doing marine insurance business, without having a license as provided for in this act, shall be deemed guilty of a misdemeanor and may be punished by a fine in any sum not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000) in the discretion of the court.

Who may be deemed agents.

SEC. 6. Any agent or broker through whom, in whole or in part, any insurance company, association, individual or individuals shall negotiate, issue or deliver any policy of insurance, shall be deemed an agent of such company, association, individual or individuals, for the purpose of service of process in any action brought on said policy in the courts of this state or the courts of the United States therein. And any company, association, individual or individuals negotiating, issuing or delivering a policy of marine insurance through any agent or broker in this state shall be deemed by the act of issuing such policy to have appointed such agent or broker its, his or their agent for the purpose of receiving service of process in any suit or action brought on said policy in the courts of this state or of the United States therein.

An agent delivering policy deemed to have been appointed.

SEC. 7. All acts and parts of acts inconsistent or in

conflict with the provisions of this act are hereby re- Repeal.
pealed.

SEC. 8. An emergency exists and this act shall take Emergency.
effect and be in force immediately upon its passage and
approval by the Governor.

Passed the House February 28, 1901.

Passed the Senate March 14, 1901.

NOTE BY SECRETARY OF STATE.— This act allowed to become a
law without the signature of the Governor.

SAM H. NICHOLS,
Secretary of State.

MEMORIALS AND RESOLUTIONS.

SENATE JOINT MEMORIAL No. 1.

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

Your Memorialists, the Legislature of the State of Washington, respectfully represent as follows:

During the early years of Oregon and Washington Territories there were wars with the Indians of bloody and disastrous character, in which both territorial and United States authorities were resisted by the savages, and in which the scattering settlements were destroyed and the people massacred or driven off.

The men of the two territories rose in arms, and, in defending their lives and families, overcame the enemy. This was done under the calls of their respective governors, and almost without help from the military of the United States; the volunteers often furnishing their own animals, their own clothes, their own weapons and their own food in a defense which they had a right to expect from the nation, but which the nation at the time was unable to give.

Property and services were then taken for the government that were rated by a government commission as worth \$6,011,459. This value was ruthlessly cut in half in the Treasury department, and less than half the half that remained was paid to the settlers and volunteers for their sacrifices of time, blood and money.

After waiting many years the volunteers were given regular army pay in a depreciated currency, the men in the ranks receiving thirteen dollars per month worth not to exceed seven or eight in gold for risking their lives and giving their services in one of the hardest campaigns of modern Indian warfare. For the property destroyed they received nothing and for that taken by the government next to nothing.

Of the 4,526 Oregon volunteers and 1,896 Washington volunteers of those terrible days, half a century ago, ninety per cent. are dead and gone, and the ten per cent. remaining are old men, averaging seventy years and more, worn, feeble, many of them helpless and the majority financially impoverished.

Their work, taken in connection with their acts as pioneers, was of untold value to the nation, and was worthy of the warmest, most generous recognition at the hands of the general government. They assisted materially in preventing Great Britain from acquiring and holding this region, and in doing so they added to the country at large an empire in area and resources from which three states have since been formed. If ever gratitude was due to citizens for public services it was to the pioneers of Oregon and Washington, and their neglect and their wrongs by a great and powerful government have been shameful indeed.

Taking these things into consideration, the Legislature of the State of Washington believes that Congress should promptly pass Senate bill No. 340, providing for the pensioning of survivors of the Indian wars from 1817 to 1856 inclusive, as an act of justice to the few remaining of the once numerous company of patriots who lived on the frontier, and who opened to civilization a region extending from the Rio Grande to the 49th parallel, now occupied by millions of fellow-countrymen.

Passed the Senate January 18, 1901.

Passed the House February 20, 1901.

Approved by the Governor February 28, 1901.

SENATE JOINT MEMORIAL No. 2.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully represent:

That the north fork of the Lewis river forming the boundary between Clarke and Cowlitz counties, in the State of Washington, is a navigable stream of great importance from its mouth at the Columbia river up to the mouth of the Spillieyi in Cowlitz county, a distance of twenty-five miles.

That a rich and fertile section of the state, much of which is at present heavily timbered, is tributary thereto.

That many thrifty settlers living within the basin of said river have no other means of shipping the products of their farms and of the forest.

That at present stumps, snags logs and a few sand bars obstruct navigation thereon during a greater part of the year, and render it difficult and dangerous at all times.

That the immediate improvement of said stream by the general government is a necessity to the many settlers already owning homes within reach of said river as a shipping point, and such improvement would beside promote early and rapid settlement of a much larger area than existing conditions will warrant.

That an appropriation of fifteen thousand (\$15,000) dollars would make said stream navigable for river boats for the greater portion of the year, and we therefore petition your honorable body that an appropriation of fifteen thousand (\$15,000) dollars be made for the improvement of the said north fork of the Lewis river, and your memorialists will ever pray.

Passed the Senate January 23, 1901.

Passed the House January 31, 1901.

Approved by the Governor February 8, 1901.

SENATE JOINT MEMORIAL No. 5.

*To the Honorable Senate and House of Representatives of
the United States of America :*

Your Memorialists, the Senate and House of Representatives of the State of Washington, respectfully represent :

That there is now pending before the Congress of the United States a bill for an act which provides in effect and substance that the supervision and control of the United States forest reserves shall be withdrawn from the Department of the Interior, where the same is now reposed, and placed in the Department of Agriculture.

That for many years past there has been within the State of Washington forest reserves comprising several millions of acres of forest lands, and your memorialists represent that the administration of the affairs thereof by the Department of the Interior has been eminently satisfactory to those whose interests are most affected, and such supervision and control of said reserves has been so administered during such time as to fully accomplish the purpose and spirit of the acts and proclamation relating to forest reserves.

That said forest reserves embrace numberless acres of luxuriant grazing lands which have been utilized for stock grazing purposes ever since the first settlement of the State of Washington.

That your memorialists are advised that the Department of Agriculture is adverse to the present system of grazing of stock in the forest reserves, though the same works no injury to the timber therein.

That to withdraw the privilege of grazing in the forest reserves would be a most serious and injurious blow to one of the most important industries of the State of Washington, viz.: The stock raising industry.

That your memorialists protest against any law or rule which tends or promises to deprive the farming and stock raising population of Washington of the privileges heretofore enjoyed by them, and under ex-

pectation of the continuation of which they have settled in a country far distant from railroads and markets and there established homes and farms.

That your memorialists protest against any law or rule that will withdraw the direct supervision of the forest reserves from forest officers demonstrated to be able, efficient and practical and place it in hands unknown and untried and recommended only by their theoretical learning.

WHEREFORE, Your memorialists protest against any departure from present laws and conditions, and our Senators and Representatives in Congress are requested to use their utmost endeavors to prevent the same.

Passed the Senate January 31, 1901.

Passed the House February 27, 1901.

SENATE JOINT MEMORIAL No. 11.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, most respectfully represent:

That there are within the counties of Clarke and Cowlitz, in the State of Washington, many settlers living upon odd-numbered sections, upon which they were permitted to settle by the government, and where they have labored for years to build and maintain homes where they and their families might live and enjoy the privileges and blessings of their humble domiciles owned in fee, who, by reason of existing conditions, due to no fault of the settler, are grievously embarrassed and oppressed, and they are to-day living in a state of apprehension and fear that they may be deprived of their homes, themselves and families thrown out upon the world well nigh penniless, and thereby deprived not only of their homes, which have become

endeared to them, but of the work and labor of years as well.

That the conflicting grants made to the Northern Pacific railroad were the primary cause of this unsatisfactory and deplorable condition of affairs; that the conflicting decisions of the Interior Department relative to the land within the limits of the conflicting grant, have been such as to deceive and mislead the settlers herein referred to; that said settlers in seeking to establish their homes upon these lands acted in good faith, and that they are not to blame for the condition of affairs actually existing.

That this unsettled and uncertain condition has already existed for years, to the great detriment and injury of the settlers themselves, and to the broader interests of the county and state as well.

That the courts have been appealed to to secure an adjustment of the troubles occasioning this condition of affairs, but that this course seems destined to continue for a long term of years the existing unsettled condition, which is only aggravated by postponement of the day of settlement.

That steps should be taken by your honorable body to hasten an ultimate early decision by the court of last resort; that in addition thereto the aggravated condition of affairs existing in said counties demands legislative enactment to provide for an equitable adjustment giving to the settlers herein named such protection as is their just due.

WHEREFORE, Your memorialists pray in behalf of said settlers that your honorable body take such action as will insure an early decision by the court of last resort that shall settle the question of title within the limits of the "Spaulding decision," and that your honorable body take such further legislative action as will effectually protect such settlers, and insure to them that justice which is their due.

And your memorialists will ever pray.

Passed the Senate March 14, 1901.

Passed the House March 14, 1901.

SENATE MEMORIAL No. 3.

To the Honorable the Senate and House of Representatives of the United States :

We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent as follows :

That by reason of the annexation of Puerto Rico and the Hawaiian Islands, and the establishment of profitable trade relations with Cuba, the Philippines, and the boundless possibilities for the extension of trade in the Orient, the United States has now become recognized as a world power.

And further, That no one interest will be more favorably affected by these changes in national affairs than that of ship owning and ship building, which, by proper encouragement by Congress, may be restored to the glory of past days, when the American flag could be seen flying at the masthead of American ships in every part of the world ; and

WHEREAS, The State of Washington, being the gateway to the Orient, and in closest touch with the Philippine and Hawaiian Islands, is vitally interested in anything that will tend to build up the American merchant marine ; and

WHEREAS, Trade and commerce is as essential to the life and prosperity of the state and nation as mining, manufacturing and agriculture, and the shipping interests of the State of Washington is one of the chief commercial industries : therefore, be it

Resolved, That the Legislature of the State of Washington earnestly petitions for the early passage of the measure known as the "Hanna-Payne subsidy bill," now pending before the Senate of the United States, believing that the same, enacted into law, will be of great benefit to the American merchant marine of the

entire Pacific Coast as well as the State of Washington.
And your petitioners will ever pray.

Passed the Senate January 22, 1901.

Passed the House February 1, 1901.

SENATE MEMORIAL No. 4.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent that:

WHEREAS, It is desirous to add to that bill an appropriation for the construction of the canal known as the "Dalles-Celilo canal" around certain unnavigable rapids in the Columbia river;

WHEREAS, The construction of said canal would be of vast benefit to eastern Washington; and

WHEREAS, The time is short in which action upon this matter can be taken:

Now therefore, we, your memorialists aforesaid, respectfully pray that an appropriation of one hundred thousand (\$100,000) dollars be added to the pending river and harbor bill to be used for the construction of the said Dalles-Celilo canal, and your memorialists will ever pray.

Passed the Senate January 23, 1901.

Passed the House January 31, 1901.

Approved by the Governor February 8, 1901.

SENATE MEMORIAL No. 10.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, in Legislature assembled, respectfully represent:

WHEREAS, The entrance to Blaine Harbor from the waters of the Gulf of Georgia and Boundary Bay is narrow and unmarked by either natural or artificial monuments, and it is very difficult and oft times dangerous to enter said harbor in the night time, as the channel cannot be located by the master or pilot with any reasonable degree of certainty; and

WHEREAS, Blaine Harbor is the most northerly in the State of Washington, being the first port of entry for vessels coming from the waters of British Columbia, and has large and constantly increasing shipping and commercial interests, the entrances and clearances being greater at that port than at any other in the Puget Sound customs district, there being 345 entrances and 338 clearances during the fiscal year ending July 1, 1900; and

WHEREAS, The shipping and commercial interests of said port requires for its protection, and the protection of the lives of seamen and travelers, that there be erected and maintained at the entrance to said Blaine Harbor, a substantial light house: therefore, be it

Resolved, By the Legislature of the State of Washington: That the State of Washington respectfully asks the Congress of the United States to appropriate the sum of fifteen thousand dollars to erect a substantial stone light house at the entrance to Blaine Harbor, in the county of Whatcom, State of Washington; and

Be it further resolved, That the Secretary of State is hereby directed to furnish each of our senators and representatives in Congress with a copy of this memorial, and that our delegation in Congress be and are

specially requested to exert their influence, and use all proper means to secure the said appropriation.

Passed the Senate February 18, 1901.

Passed the House February 27, 1901.

SENATE MEMORIAL No. 15.

To the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Legislature of the State of Washington, would respectfully represent that the State of Oregon is making extensive preparations for holding an oriental centennial fair in the city of Portland, in 1905, in commemoration of the centennial of the Lewis and Clark exploring expedition to the Pacific northwest.

That the State of Oregon and the city of Portland have made liberal provisions to make such fair a success.

That said fair will be of invaluable benefit to the whole country, and particularly to the Pacific northwest.

That your memorialists respectfully urge upon Congress the importance of this fair to the interests of the United States, and urge that such legislation as will promote its success be enacted.

That invitation be extended by Congress to all foreign nations to participate in said fair, and that liberal appropriation be made therefor, to the end that said fair may be in every way a success and a credit to this great country.

And your memorialists will ever pray.

Passed the Senate March 6, 1901.

Passed the House March 13, 1901.

HOUSE JOINT MEMORIAL No. 3.

To the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent:

That it is the belief of this body that the fourth-class postmasters throughout the State of Washington and the United States are not properly remunerated for their services, and are entitled to receive relief in the form of a bill providing for an increase of compensation for their services.

We, your memorialists, therefore respectfully request the favorable action by Congress on that certain bill "A bill to amend section 2 of the act entitled 'An act to adjust the salaries of postmasters,' approved March 3, 1883," said bill being introduced by Congressman Cummings on April 10, 1900, and referred to as House bill No. 10591.

HOUSE JOINT MEMORIAL No. 5.

To the Honorable the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully pray such action by your honorable body as will cause the speedy construction of a light house on Burrows Island, near the west entrance of Deception Pass, at the head of the Straits of Juan de Fuca and the entrance to the Straits [of] Rosario.

The importance of this light is shown by the report on commerce and navigation of the United States, in

the fact that the increase of commerce in these waters and in the fact that several regular lines of steamers, carrying United States mails and many steamers and sail vessels carrying freight and passengers traverse these waters and this Deception Pass daily. Population, commerce and trade are rapidly increasing, and the erection of this guide and safeguard is therefore almost indispensable to life and property.

For these and other reasons, your early and favorable action is most earnestly requested.

And your memorialists will forever pray.

HOUSE JOINT MEMORIAL No. 7.

WHEREAS, Many foreign countries have passed laws against the importation of fruit and nursery stock, which laws were passed for the purpose of protecting the horticultural interests from the introduction of insect enemies and plant disease; and

WHEREAS, The United States is at present entirely unprotected in this respect, through the character of our foreign commerce and the magnitude of our fruit industries we are more in danger from this source than any of the nations that have legislated on this subject; and

WHEREAS, There is now before Congress a bill which was introduced by Mr. Wadsworth of New York, and is entitled "House bill No. 96," which bill provides against the further introduction and dissemination of insect pest and plant diseases; and

WHEREAS, The passage of this bill would be of very great benefit to the horticulturists and farmers of this state and of the entire United States: therefore, be it

Resolved by the House of Representatives of the State of Washington, the Senate concurring, We respectfully but urgently request Congress to enact said House

bill No. 96, at its session, thereby freeing our fruit growers and farmers from the further introduction of insect pests and preventing the distribution through inter-state commerce of those already established; and it is further

Resolved, That the Governor of Washington is hereby requested to immediately forward copies of these resolutions to the Honorable President of the Senate and the Speaker of the House of Representatives.

HOUSE JOINT MEMORIAL No. 9.

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

Your memorialists, the House of Representatives and Senate of the State of Washington, respectfully represent that the buildings and grounds located near Couer de Alene Lake, Kootenai county, State of Idaho, formerly known as Fort Sherman, is admirably adapted to a soldiers' home; that the grounds and buildings are ample for a national home and could be used for that purpose without material change from their present condition.

Your memorialists therefore respectfully ask that the United States set the same apart as a national soldiers' home for the volunteer veterans of the United States.

Passed the House March 8, 1901.

Passed the Senate March 14, 1901.

HOUSE JOINT MEMORIAL No. 11.

To the Honorable Senate and House of Representatives of the United States of America:

Your memorialists, the House of Representatives of the State of Washington, respectfully represent that:

WHEREAS, It is now the practice of the Department of the Interior to permit grazing on certain portions of the forest reserves within the State of Washington ; and

WHEREAS, There is now no provision of law requiring or authorizing the said Department of the Interior to receive or charge any rental or compensation for such privilege ; and

WHEREAS, Such privilege of grazing is of great value to stockmen ; and

WHEREAS, A reasonable charge for such privilege would be fair and right ; and

WHEREAS, Said forest reserves retard settlement and remove considerable property from taxation, and by lack of roads through the same interrupt communication with other parts of the state ; and

WHEREAS, A fair rental for the privileg  of grazing could be used in the protection and improvement of said forest reserves, and in construction of roads across the same : Therefore, be it

Resolved, That a law be enacted by Congress, and the representatives in Congress from the State of Washington are hereby requested to use their influence to secure the passage of such law, as will authorize the Department of the Interior to receive and charge a reasonable rental for the privilege of grazing upon the said forest reserves, and providing that the said rental shall be used for the protection and improvement and in the construction of roads across the forest reserves from which the rental is derived ; and be it further

Resolved, That the Governor of the State of Washington is hereby requested to immediately forward

copies of these resolutions to the Speaker of the House of Representatives, and to the President of the Senate, and to the Honorable Addison G. Foster, and the Honorable George Turner, Senators from the State of Washington, and to the Honorable Francis W. Cushman, and to the Honorable Wesley L. Jones, Representatives from the State of Washington.

Passed the House March 7, 1901.

Passed the Senate March 14, 1901.

HOUSE JOINT MEMORIAL No. 13.

To the Congress of the United States :

WHEREAS, That the Pacific coast from Cape Flattery south to Grays Harbor is rock-bound and in stormy and foggy weather extremely dangerous to vessels arriving and departing from Puget Sound ; and

WHEREAS, The commerce of these waters has reached large proportions and every safeguard should be adopted to prevent disaster to the shipping along this coast ; and

WHEREAS, At the present time there exists no way or method whereby quick notice of disaster to vessels can be sent to points from where relief might be sent and thereby result in the saving of life and property ; and

WHEREAS, The light ship station at Umatilla reef, the only guide to vessels at that dangerous point, is frequently driven from her anchorage by storms : therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Washington hereby respectfully memorializes the Congress of the United States to authorize the construction of a telegraph line and necessary stations from the government telegraph line at or near Neah Bay, Clal-

lam county, Washington, to a point opposite Umatilla reef, and your petitioners will ever pray.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

HOUSE MEMORIAL No. 10.

In Memoriam.

WHEREAS, It has pleased Him who giveth and taketh away to call from the field of his earthly labors the Honorable M. W. Miles, who served as a representative of Douglas county, State of Washington, in the Legislature of 1895; and

WHEREAS, The sterling virtues of the deceased endeared him to a wide constituency both in public and private life, and the Legislature of the state which he served so well deems it fitting to record an expression of the love and esteem in which his memory is held: now, therefore

Be it resolved by the Senate and House of Representatives of the State of Washington, That in the death of Honorable M. W. Miles the state has lost a citizen who was always faithful and courageous in the discharge of his public duties; his friends a comrade who was kind, loyal and unselfish; his family, a tender and loving husband and son. It is

Further resolved, That this resolution be spread on the records of the Senate and House of Representatives and that a copy be transmitted to the family of the deceased.

HOUSE MEMORIAL No. 12.

Respectfully and earnestly petitioning the President of the United States to eliminate certain agricultural lands from the Olympic Forest Reserve.

WHEREAS, A large area of public lands situated in the counties of Clallam, Chehalis and Jefferson, State of

Washington, was withdrawn from settlement by the President of the United States under the provisions of the act of Congress, approved March 3, 1901, and made a part of the "Olympic Forest Reserve."

WHEREAS, Large bodies of land chiefly valuable for agricultural purposes were included within said withdrawal, thereby not alone causing grievous hardship to the settlers already located on the same, but otherwise preventing said agricultural lands from being acquired under the settlement laws by the hundreds of *bona fide* settlers who are seeking homes in this part of the State of Washington.

WHEREAS, This condition of affairs having been already [brought] to the attention of the Department of the Interior and said department through the efforts of the Superintendent of Forestry for the State of Washington having received a full and complete report recommending the elimination of certain areas of agricultural lands from the jurisdiction of said "Olympic Forest Reserve" said areas being more particularly described as, township twenty-one N., R. 10; T. 21 N., R. 11; T. 22 N., R. 10, W.; fractional T. 23 N., R. 9; T. 23 N., R. 10; T. 24 N., R. 11, W.; T. 24 N., R. 12, W.; and T. 24 N., R. 13; all west of the Willamette meridian, and such additional lands in Clallam county as heretofore recommended for elimination by Superintendent of Forestry of the State of Washington: therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That we most respectfully and earnestly petition the President of the United States, praying that the relief desired, namely the elimination of said land from the said "Olympic Forest Reserve" in order that the same may be acquired under the settlement laws of the United States, may be granted.

Resolved further, That a copy of this memorial be sent to the President of the United States, the Secretary of the Interior and to each member of the Senate and House of Representatives from the State of Washington.

Passed the House March 11, 1901.

Passed the Senate March 14, 1901.

SENATE CONCURRENT RESOLUTION No. 10.

WHEREAS, The district of Alaska is without representation in the Congress of the United States, and therefore unable to secure the enactment of necessary legislation without the active aid and co-operation of congressional representatives from the several states; and

WHEREAS, The State of Washington is the natural and acknowledged commercial gateway to that entire region, and many of its citizens are directly allied with the business interests of Alaska; and

WHEREAS, The city of Nome, and other cities of Alaska, have elected and sent delegations of citizens to Washington, D. C., to present to the Congress of the United States measures of vital importance to be enacted into laws for the benefit of Alaska; and

WHEREAS, Any proposed legislation that will advance Alaskan interests, is a direct benefit to the State of Washington: therefore, be it

Resolved by the Senate of the State of Washington, the House concurring, That the members of Washington's delegation in Congress are hereby respectfully requested to use their utmost endeavors to secure the enactment of such laws as may seem to be beneficial to the district of Alaska, and to co-operate with the several delegations from Alaska now in Washington, D. C., urging the needs of the territory before the national Congress.

Resolved further, That a copy of this resolution be immediately transmitted to each member of Washington's congressional delegation, at Washington, D. C.

Adopted by the Senate January 28, 1901.

Adopted by the House January 31, 1901.

SENATE CONCURRENT RESOLUTION No. 11.

WHEREAS, Under congressional act of March 3, 1891, entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," the judicial districts of the United States are divided into nine circuits; and

WHEREAS, The ninth circuit includes the district of California, Oregon, Nevada, Idaho, Washington and Montana, and the territories of Arizona and Alaska; and

WHEREAS, Under the rules of the circuit court of appeals of the ninth circuit, all causes, civil and criminal, tried before the several United States courts of Alaska are now heard on appeal before the circuit court of appeals in the city of San Francisco, State of California; and

WHEREAS, A session of said circuit court of appeals is now held in the city of Seattle, State of Washington; and

WHEREAS, The commercial importance and rapidly growing litigation involving millions of dollars, coupled with the short open season at Nome, Yukon and other Alaska districts, demand a more speedy hearing of causes on appeal than hitherto had; and

WHEREAS, The city of Seattle, by virtue of its geographical position is the nearest accessible point to this vast field of litigation, and is recommended by the bench and bar of Alaska as the proper place for the expeditious disposal of causes on appeal from the several courts of Alaska: Now therefore, be it

Resolved, That the Senate of the State of Washington, the House concurring, do, by memorial, respectfully and earnestly urge the Congress of the United States to so amend the act of March 3, 1891, establishing the circuit court of appeals, as will permit all causes on appeal from the several United States courts of Alaska, to be heard and determined in the city of Seattle, State of Washington, in such manner and form

as such causes are now heard and determined in the city of San Francisco, State of California, or that Washington's delegation in Congress pursues such other course as in its judgment will establish the city of Seattle in the State of Washington as the place of holding the terms of court of the circuit court of appeals where all appeals from the courts of Alaska can be heard and determined.

Resolved further, That a copy of this resolution be immediately transmitted to each member of Washington's congressional delegation, at Washington, D. C., and that they are hereby requested to use their influence to secure the objects herein set forth.

Adopted by the Senate January 31, 1901.

Adopted by the House January 31, 1901.

SENATE CONCURRENT RESOLUTION No. 12.

Be it resolved by the Senate of the State of Washington, the House of Representatives concurring:

That we respectfully petition the Honorable Secretary of the Navy of the United States that if it be found permissible and proper, the battleship to be constructed by Moran Bros. Company bear the name of this state.

Be it further resolved, That a copy of this resolution be forthwith transmitted by telegraph to the Honorable Secretary of the Navy.

Adopted by the Senate January 28, 1901.

Adopted by the House January 29, 1901.

Approved by the Governor, February 8, 1901.

SENATE CONCURRENT RESOLUTION No. 16.

WHEREAS, William McKinley, President of the United States of America, is contemplating a visit to the Pacific Coast in the near future; and

WHEREAS, It is desirable that the President should upon that occasion visit the "Evergreen State" to meet our people, observe our surroundings and conditions and note the resources and possibilities of this state: therefore,

Be it resolved by the Senate of the State of Washington, the House of Representatives concurring, That President William McKinley be and he is hereby invited to visit the State of Washington upon the occasion of his trip to the Pacific Coast, now in contemplation.

Resolved, That our Senators and Representatives in Congress be requested to visit the President and present this invitation.

Resolved, That a committee consisting of the Lieutenant Governor and two Senators to be named by the president of the Senate, and the speaker of the House, and four members of the House to be named by the speaker of the House, be appointed to meet the President on that occasion to show him due courtesy while he is within the state.

Resolved, That Governor John R. Rogers be invited to become one of said committee as an honorary member and chairman.

Adopted by the Senate March 2, 1901.

Adopted by the House March 4, 1901.

SENATE CONCURRENT RESOLUTION No. 17.

WHEREAS, The State of Oregon has determined to hold an oriental centennial fair in honor of the Lewis and Clark expedition, at Portland, Oregon, in the year 1905, at which time an exhibition is to be made of the arts, industries, manufactures and products of the soil, mines, and sea, and especially of the oriental countries and the Pacific northwestern states; and

WHEREAS, The citizens of the city of Portland have donated \$300,000 toward the said exhibition, and the Legislature of the State of Oregon has provided means for a donation by the state and the city of Portland; and

WHEREAS, The State of Oregon has by concurrent resolution of its Legislature, requested the Pacific north-western states to join with the State of Oregon in holding said fair and in making said exhibition: Now therefore, be it

Resolved by the Senate of the State of the Washington, the House of Representatives concurring, That the Governor of the State of Washington be and is hereby authorized to appoint a board consisting of five members to represent the State of Washington in all matters in connection with the celebration, in the preparation and presenting of the said exhibit, and to report to the next Legislature the recommendation as to what financial assistance the State of Washington shall appropriate towards having a creditable exhibit by the State of Washington at said fair.

Adopted by the Senate March 4, 1901.

Adopted by the House March 4, 1901.

SENATE CONCURRENT RESOLUTION No. 18.

Resolved by the Senate, the House concurring, That the Superintendent of Public Instruction is hereby authorized and directed to have printed at once, under the supervision of State Printing Board, 12,000 copies of the school code, as amended, including the laws of 1901, and 3,000 copies of the biennial report of the State Superintendent.

Adopted by the Senate March 12, 1901.

Adopted by the House March 14, 1901.

SENATE CONCURRENT RESOLUTION No. 19.

WHEREAS, The Washington Forest Reserve as established in Snohomish county, Washington, embraces both the north and south forks of the Stillaguamish river, and the valleys and mountains adjacent to and between said streams are more valuable for agricultural and mining purposes than for forest reserve purposes; and

WHEREAS, The Seattle & International Railway Company are building a standard gauge railway up the north fork of the Stillaguamish river from Arlington, at the junction of the north and south forks of said Stillaguamish river, to Darrington, a distance of thirty (30) miles, and design to complete said railway on or before April 15, 1901, at a cost of about five hundred thousand dollars (\$500,000); and

WHEREAS, The Everett & Monte Cristo Railway Company, now the Monte Cristo Railway Company, completed a standard gauge railway up the south fork of the Stillaguamish river to Barlow Pass, and up the south fork of the Sauk river from Barlow Pass to Monte Cristo, in 1893, at a cost of more than two million (\$2,000,000) dollars, which railway is now being operated and is carrying U. S. mail under contract with the Postoffice Department for a daily service between Everett and Monte Cristo and intermediate points; and

WHEREAS, Large sums of money have been expended in the purchase, location and development of mines in the territory along the line of both of said railways, aggregating at least two million (\$2,000,000) dollars, and the development of said mines has been and is greatly hindered and crippled by said forest reserve; and

WHEREAS, The recent U. S. census completed June 30, 1900, shows that Snohomish county had at that time a population of twenty-three thousand nine hundred and fifty (23,950), and was the sixth county in population in the State of Washington, and said population has increased at least four thousand (4,000) since

the completion of said census, and still continues to increase very rapidly, and the existence of said forest reserve does very materially hinder and retard the legitimate increase of population of said Snohomish county by restricting the area of both agricultural and mineral lands open to settlement and development to a very narrow list, viz.: A strip of land six townships in width north and south, and four townships, viz.: Fractional range 4, and ranges 5, 6 and 7, in width east and west, and four townships east of range 7, in townships 27 and 28, containing not more than 26 full townships of land, because of indentations made by the waters of Puget Sound in range four, thus depriving Snohomish county and the State of Washington of revenue from the legitimate taxation, which would result from the settlement and development of the lands included in said forest reserve now urgently needed for immediate settlement; and

WHEREAS, The establishment of said forest reserve will not materially preserve or protect any considerable body of timber in said territory, but does operate not only to the injury of settlers and of Snohomish county, and State of Washington, but also does great injury to the mining companies and individuals who have made large expenditures in the development of the mineral resources and to the railway companies by retarding the development of the territory tributary to said railways, for the development of which the Monte Cristo Railway was built, prior to the establishment of said forest reserve, by greatly crippling its business and reducing legitimate returns from the large expenditure made in its construction: Now, therefore, be it

Resolved by the Senate of the State of Washington, the House concurring, That the Secretary of the Interior be and he is hereby requested to change the limits of said forest reserve in Snohomish county, Washington, so that the western boundary shall be a prolongation of the western boundary line of said reserve in Skagit county, Washington; and shall follow the forest reserve

line between ranges 11 and 12, east of the Willamette meridian, and that there be eliminated from said forest reserve townships 29, 30, 31 and 32, north of ranges 8, 9, 10 and 11, east of the Willamette meridian: Be it further.

Resolved, That the Congresssional delegation of the State of Washington be requested to bring this matter before the Interior Department and urge upon it the importance and propriety of making the change aforesaid without delay.

Adopted by the Senate March 12, 1901.

Passed by the House March 13, 1901.

HOUSE JOINT RESOLUTION No. 3.

WHEREAS, The All Wise Ruler of the Universe has in His great wisdom removed by death the Honorable Hiram E. Allen, of Spokane county, Washington, and

WHEREAS, He was at the time of his death a respected and useful member of this body and a public spirited citizen;

Be it resolved by the House, the Senate concurring: That in his death the state has lost an honored citizen and the community a loyal and valued member.

Be it further resolved, That as an expression of respect, the clerk of each house be directed to spread these resolutions upon the minutes and to send an engrossed copy thereof to the family of the deceased.

Passed the House January 18, 1901.

Passed the Senate January 24, 1901.

HOUSE JOINT RESOLUTION No. 6.

Be it resolved by the House of Representatives, the Senate concurring:

That a committee consisting of three members of the House be appointed by the speaker of the House and

two members of the Senate be appointed by the President of the Senate, said committee to consist of three Republicans and two Democrats. The said joint committee to be appointed for the purpose of inquiring into and examining the affairs and accounts of the executive offices of the state. That they may call for persons and papers. That they may employ such help as in their judgment may be necessary in making said examination and upon completion of the said examination they make their report to this Legislature.

Passed the House January 29, 1901.

Passed the Senate January 29, 1901.

HOUSE JOINT RESOLUTION No. 23.

WHEREAS, It has been the will of a just and All Wise Providence to call to an eternal and everlasting rest the late James Urquhart; and

WHEREAS, The said James Urquhart performed valuable services for the state as a representative in the Territorial Legislature in the early days of our commonwealth; and

WHEREAS, The said James Urquhart was one of the pioneers of our state: Therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That in the death of the late James Urquhart the commonwealth has lost a useful and loyal citizen, and as a mark of humble tribute and respect, do hereby direct the clerk of each house to spread upon its minutes and send a copy of the same to the family of the deceased.

Passed the House March 8, 1901.

Passed the Senate March 9, 1901.

HOUSE CONCURRENT RESOLUTION No. 1.

WHEREAS, The All Wise Ruler of the Universe has in His infinite wisdom, since the last meeting of this body, called to his everlasting rest, the late Honorable W. Byron Daniels, of Vancouver, Clarke county, State of Washington ; and

WHEREAS, He was at the time of his death an honored, respected and useful member of this body ; a patriotic progressive and public spirited member of the community in which he lived — one who ever laid aside personal aims and wishes to serve the public and to promote the general good of his fellow men and associates ; and

WHEREAS, As a public spirited citizen, an efficient faithful officer, a kind and obliging neighbor and a loving husband and father, he did much to assist in the up-building of the state, the enforcement of the laws, the bettering of the community in which he lived and the elevation of the home : Therefore, be it

Resolved by the House, the Senate concurring, That in the death of the late Honorable W. Byron Daniels, the state has lost a loyal and true, a public spirited and useful citizen, the community a valued and efficient officer and member and his family an ideal husband and father ; and

Resolved, That as an humble expression of tribute and respect, that the clerk of each house be directed to spread these resolutions upon the minutes and to send a copy thereof to the family of the deceased.

HOUSE CONCURRENT RESOLUTION No. 7.

Resolved by the House, the Senate concurring, That whereas, since the last session of the Legislature of the State of Washington, the Almighty in His infinite

wisdom has called unto Himself the Honorable William M'Gee Colwell, a former member of this body: Therefore, be it

Resolved, That the House of Representatives and the Senate of the State of Washington, ever mindful of the debt of gratitude the state owes to his memory as a faithful servant and honorable citizen, hereby expresses its sincerest respect for the memory of the deceased, and heartfelt sympathy to his bereaved family; and be it further

Resolved, That a copy of this resolution be spread upon the journals of the House and Senate, and the chief clerk of the House is hereby instructed to forward a copy to the family of the deceased and to give the same out for publication.

HOUSE CONCURRENT RESOLUTION No. 19.

Resolved by the House, the Senate concurring, That when the Legislature adjourns on this day, February 21, 1901, it adjourns to meet Monday, February 25, 1901, at the hour of 2 o'clock P. M.

Passed the House February 21, 1901.

Passed the Senate February 21, 1901.

HOUSE CONCURRENT RESOLUTION No. 8.

Be it resolved by the House of Representatives of the State of Washington, the Senate concurring, That the printing of the biennial report of the State Fish Commissioner be ordered, and that such printing take precedence over all other printing except current bills, and that the State

Printer be hereby instructed to print forthwith 3,000 copies of said report.

Passed the House January 25, 1901.

Passed the Senate January 28, 1901.

HOUSE CONCURRENT RESOLUTION No. 10.

Be it resolved by the House of Representatives, the Senate concurring, That the act of the former insurance commissioner relative to the collection of additional taxes from insurance companies as set forth in a communication read before the House are approved and the former insurance commissioner is hereby directed to pay the moneys now in his hands amounting to \$1,140.89 into the state treasury as of December 31st, 1900, crediting the insurance department therefor.

Passed the House February 4, 1901.

Passed the Senate February 5, 1901.

HOUSE CONCURRENT RESOLUTION No. 10.

WHEREAS, A communication from the Secretary of State and *ex officio* state insurance commissioner shows that he has \$1,140.89 belonging to the state, collected by the insurance department after the taxes of 1900 had been accounted for.

WHEREAS, The said insurance department is entitled to the commendation of the Legislature for the very able and complete manner in which this matter has been conducted: Therefore,

Resolved by the House of Representatives, the Senate concurring, That in accordance with the recommendation of the ex-Secretary of State, that the said ex-Secretary of State and state insurance commissioner be and he is hereby instructed to deposit in the state treasury, the sum of eleven hundred forty and 89-100 dollars (\$1140.89) as of December 31st, 1900, for the credit of the insurance department.

Resolved further, That the commendation of the Legislature be and the same is hereby tendered to the said insurance department and his acts in the premises are hereby approved.

HOUSE CONCURRENT RESOLUTION No. 14.

On the generally recognized need for an investigation of the executive offices of this state, and in accordance with the recommendation of the joint committee previously appointed by this Legislature to conduct an investigation of this character: Be it

Resolved by the House, the Senate concurring, That a bi-partisan committee of three consisting of two members of the House to be designated by the speaker and one member of the Senate to be designated by the president of the Senate, be appointed to act in conjunction with the Attorney General in investigating the executive offices of this state, touching all matters and things pertaining thereto for the term ending January, 1901. That such committee be and it is hereby authorized and empowered to call for and receive from the incumbent executive officers, all books, papers, records and files of every kind and character whatsoever relating to said offices. That such committee be and it is hereby authorized and empowered to employ such clerical and other assistance as it may be necessary for the proper conduct for such investigation and shall prepare and submit its report to the next Legislature. Be it further

Resolved, That the Committee on Claims and Auditing be and it is hereby instructed to prepare and present to the House a bill providing for an appropriation of five thousand dollars, or so much thereof as may be necessary, to meet the expenses of the investigation herein contemplated.

HOUSE CONCURRENT RESOLUTION No. 13.

Resolved by the House of Representatives of the State of Washington, the Senate concurring, That a committee consisting of two members of the House and one member of the Senate be appointed by the speaker of the House and the president of the Senate respectively, for the purpose of visiting the Parliament of British Columbia, Canada, and meeting and conferring with a committee to be appointed by such Parliament relative to the establishment and maintenance upon Fraser river or its tributaries in the province of British Columbia of a fish hatchery for the artificial propagation of salmon.

That an engrossed copy of this resolution be transmitted by this Legislature to the United States consul at Vancouver, British Columbia, with the request that he communicate the action of this Legislature to the Parliament of British Columbia; and that such consul be requested to ascertain and communicate to this Legislature the action of such Parliament in reference thereto.

Passed the House February 27, 1901.

Passed the Senate February 27, 1901.

HOUSE CONCURRENT RESOLUTION No. 16.

WHEREAS, The dredging of the mouth of the Skagit river in the State of Washington is of the utmost importance to the commerce of the state : Therefore, be it

Resolved by the House of Representatives of the State of Washington, the Senate concurring, That the United States Senators from the State of Washington be instructed, and the members of the House of Representatives of the United States from the State of Washington be requested to use their utmost endeavors to have an item for the dredging of the Skagit river, amounting to not less than twenty-five thousand dollars (\$25,000) inserted in the river and harbor bill to be passed by the Congress of the United States.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

HOUSE CONCURRENT RESOLUTION No. 21.

WHEREAS, To-day is marked as another milestone in the history of our Nation by the inauguration of a President and Vice President; and

WHEREAS, The past four years of the administration of William McKinley has been made memorable by their unbounded prosperity, by the happiness and welfare of the people, by the high tide of patriotism, by the deeds of valor of our soldiers, sailors and marines, by the beneficent purposes of the United States, by the new promise of light to those who have heretofore walked in the darkness: Therefore, be it

Resolved by the Legislature of the State of Washington in session now assembled, That we convey by telegraph our kindest greetings and well wishes to President McKinley, praying that Providence may shower its

choicest blessings upon him, upon his succeeding administration and upon our people for all time to come.

Adopted by the House March 4, 1901.

Adopted by the Senate March 4, 1901.

HOUSE CONCURRENT RESOLUTION No. 22.

Relating to leasing of offices, removal of property and apportionment of offices in Thurston county court house.

WHEREAS, An arrangement has been made for the purchase of the Thurston county court house and the erection of an addition thereto to be used as a State Capitol; and

WHEREAS, The state will be required to make provisions for temporary quarters until such time as said court house is purchased and ready for occupancy: Therefore, be it

Resolved by the House of Representatives of the State of Washington, the Senate concurring therein, That the State Capitol Commission representing the state be and the same hereby is authorized to enter into a lease with the owner or legal representative of the property known as the "McKenny block," in Olympia, Washington, in which said offices are now located, at a rental not to exceed one thousand (\$1,000) dollars per month; the lessor being required to furnish all lights, heat, elevator and janitor services as at present, which lease shall be so drawn that it can be terminated by the state upon thirty (30) days notice without any damage or liability on the part of the state; and be it further

Resolved, That the State Capitol Commission is hereby authorized and directed upon the termination of said lease and the removal of the state offices to the Thurston county court house, to cause to be removed from said building to the Thurston county court house all of the fixtures and personal property belonging to the state and to assign quarters therein to the various state officials; and be it further

Resolved, That after the Thurston county court house shall have been occupied as a capitol, pending the erection of the addition thereto and the adaptation of the whole to the purposes of the State Capitol, the said Capitol Commission is hereby authorized and directed to enter into necessary contracts and arrangements for the purpose of furnishing said building with light, heat, water, janitor and other necessary services required in the maintenance of said building and grounds.

Passed the House March 11, 1901.

Passed the Senate March 11, 1901.

HOUSE CONCURRENT RESOLUTION No. 25.

Resolved by the House, the Senate concurring, That five hundred copies each of the Senate and House journals of the present session be printed and bound for distribution as follows, to-wit:

One copy of each to the Librarian of Congress; one copy of each to each member of the present Legislature and elective state officers; one copy of each to the Librarian of each state, territory and the District of Columbia; one copy of each to the president, secretary, assistant secretary and sergeant-at-arms, minute clerk and journal clerk of the Senate; one copy of each to the chief clerk, assistant clerks, reading clerk, journal clerk and sergeant-at-arms of the House; one copy of each to each county auditor for the use of his county. The remaining copies to the State Librarian for future distribution, who is hereby empowered to sell them to citizens of the state, not to exceed one copy to any person, at a price not to exceed the cost of the same.

Provided, That the funds received from the sale of such copies shall be turned into the general fund of the state treasury.

Passed the House March 13, 1901.

Passed the Senate March 14, 1901.

HOUSE CONCURRENT RESOLUTION No. 26.

WHEREAS, He who rules supreme through the universe, has, in His infinite wisdom, removed from our midst Honorable Benjamin Harrison, late President of the United States; and

WHEREAS, President Harrison, through a long public career, has been recognized in all lands as a statesman, soldier, jurist, and scholar of preeminent ability; and

WHEREAS, He has filled with the true American spirit of justness to all, the highest position in the gift of the people: Therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the people of the State of Washington do hereby express their deep sympathy for the death of the man, who, for many years, both as the executive of the land and as a private citizen, has been a true and appreciative friend of the far west;

Be it further resolved, That an enrolled copy of these resolutions be sent as a token of sympathy of the people of this state to the family of the late President.

Passed the House March 14, 1901.

Passed the Senate March 14, 1901.

AUTHENTICATION.

STATE OF WASHINGTON, }
OFFICE OF THE SECRETARY OF STATE. }

I, Sam H. Nichols, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the foregoing published laws, memorials and resolutions, passed by the Legislature of the State of Washington at its seventh session in 1901, with the original enrolled laws, memorials and resolutions on file in my office, and that the foregoing are full, true and correct copies of said originals, with the exception of such corrections in orthography and errors in use of words, which corrections have been indicated by brackets, thus [], in each case, as provided by law.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of [SEAL.] Washington. Done at Olympia this first day of April, A. D. 1901.

SAM H. NICHOLS,
Secretary of State.

LIST OF ACTS

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1...	An act appropriating the sum of sixty thousand dollars, or so much thereof as may be necessary, for the expenses of the Seventh Legislature.—Approved January 18, 1901	3
2...	An act making appropriation for the State Normal School at New Whatcom, Washington, for the balance of the fiscal year ending in 1901.—Approved January 18, 1901	3
3...	An act providing for an additional judge of the Superior Court of the State of Washington, in and for the county of Spokane, and declaring an emergency.—Approved January 28, 1901	4
4...	An act providing for the reappraisalment of the tide lands in front of the city of Blaine, Whatcom county, State of Washington, and declaring an emergency.—Approved February 4, 1901	5
5...	An act appropriating money to cover deficiency for future appraisalment, cruising and advertising the sale of land and timber on state land, and future contingent expenses in the office of the Commissioner of Public Lands.—Approved February 5, 1901	6
6...	An act relative to and in aid of the construction, maintenance and operation by the United States of America of a ship canal with proper locks and appurtenances to connect the waters of Lakes Union and Washington, in King county, with Puget Sound, and declaring an emergency.—Approved February 8, 1901	7
7...	An act making deficiency appropriations for the maintenance of the State Penitentiary and the Soldiers' Home.—Approved February 11, 1901	8
8...	An act to appropriate funds for the payment of mileage and per diem of the presidential electors of the State of Washington.—Approved February 13, 1901	8
9...	An act providing for the reappraisalment of the tide lands at, in front of and adjacent to the town of La Conner, in the county of Skagit, State of Washington.—Approved February 14, 1901	9
10...	An act making deficiency appropriations for sundry civil expenses of the department of public printing for the fiscal year ending March 31, 1901.—Approved February 14, 1901	10
11...	An act making a deficiency appropriation for postage and incidentals and for clerical assistance in the office of the Secretary of State.—Approved February 14, 1901	11

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13...	An act providing for the appointment and election of one additional judge of the Superior Court of the State of Washington, in and for King county, fixing the term of office, and providing for the election of four judges of said Superior Court, and declaring an emergency.—Approved February 14, 1901	12
14...	An act to amend section 1527 of Ballinger's Annotated Codes and Statutes of Washington, relating to official bonds.—Approved February 15, 1901.....	13
15...	An act making a deficiency appropriation for the office of the Superintendent of Public Instruction of the State of Washington.—Approved February 15, 1901.....	14
16...	An act ordering the State Printer to print and publish second biennial report of State Labor Commissioner, and appropriating money therefor.—Approved February 18, 1901	15
17...	An act defining the misdemeanor of tampering with a witness, and prescribing the penalty therefor.—Approved February 19, 1901..	16
18...	An act to change the name of the city of New Whatcom to the city of Whatcom.—Approved February 19, 1901.....	16
19...	An act to amend section 3242 of Ballinger's Annotated Codes and Statutes of Washington relating to prosecutions for violation of pilot regulations for the Straits of Juan de Fuca, Puget Sound and all American waters pertaining thereto, and declaring an emergency.—Approved February 25, 1901.....	17
20...	An act making a deficiency appropriation for postage and incidentals, and for clerical assistance in the office of the Attorney General.—Approved February 26, 1901.....	18
21...	An act making an appropriation for the operation of the state salmon hatcheries until such time as the regular appropriation shall become available.—Approved February 26, 1901.....	18
22...	An act to provide against the adulteration of paris green and other compounds used for spraying trees and plants.—Approved February 26, 1901.....	19
23...	An act amending section 5946 of Ballinger's Annotated Codes and Statutes of Washington relating to liens on logs and timber.—Approved February 28, 1901 . . .	20
24...	An act relating to liens upon steamers, vessels and boats, their tackle, apparel and furniture, and amending section 5953 of Ballinger's Annotated Codes and Statutes of the State of Washington.—Approved February 28, 1901	21
25 ..	An act to punish the malicious destruction or injury to any lawfully established boom.—Approved February 28, 1901.....	22
26...	An act giving the Superior Court jurisdiction to enforce the attendance of witnesses before notaries public, justices of the peace, and other officers authorized to take depositions; providing for punishment of witnesses failing to obey the order of the court.—Approved February 28, 1901	23

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28...	An act to authorize the erection of sign boards or posts or mile boards or posts, to prevent and punish the defacing or destruction of any sign board or post or mile board or post.—Approved February 28, 1901.....	25
29...	An act appropriating funds for the relief of A. C. Little, State Fish Commissioner.—Approved February 28, 1901.....	26
30...	An act requiring persons owning or operating ditches through which water is diverted from natural sources, to place and keep in repair gates and measuring boxes at the head of such ditches, and providing a penalty for non-compliance therewith.—Approved February 28, 1901.....	27
31...	An act to amend sections 6500, 6513 and 6514 of Ballinger's Annotated Codes and Statutes of Washington, relating to appeals to the Supreme Court.—Approved February 28, 1901.....	28
32...	An act to amend section 4741 of Ballinger's Annotated Codes and Statutes of Washington relating to manner of drawing and summoning jurors.—Approved February 28, 1901.....	32
33...	An act to provide for the enforcement of decrees of courts regulating the use of waters for irrigation, stock and domestic purposes, and making it the duty of the sheriffs of the several counties of this state to measure and distribute said waters in accordance therewith and repealing all acts or parts of acts in conflict therewith.—Approved February 28, 1901.....	33
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172.	An act to regulate the practice of barbering, and licensing of persons to carry on such practice, and providing punishment for its violation.—Approved March 18, 1901.	349
173.	An act granting rights-of-way to railroad companies over the lands of the State of Washington, and providing for the appraisalment and disposition of the lands included within and used for such rights-of-way, and declaring an emergency.—Approved March 18, 1901.	353
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176.	An act relating to revenue and taxation and amending section 2 of an act amending an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119½, 119¾, 119¾, 120½, 120¾, to said act, and declaring an emergency," approved the 15th day of March, 1899.—(See Note, page 369).	367
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ERRATA.

In chapter LXXVII, on page 137, the title should read as follows from end of third line from bottom: "And repealing 'an act in relation to and to prevent the introduction or spread of disease among sheep.' "

In chapter LXXVIII, on page 159, section 6 should read: "That section 1954," etc.

In chapter LXXVIII, on page 162, section 8 should read: "That section 1981," etc.

In chapter CXL, on page 295, section 1 should read: "That section 4391," etc.

In chapter XCII, on page 192, the title omitted should read "An act ceding to United States jurisdiction over Ranier National Park.

In chapter CXXXV, on page 286, fourth line from bottom of oath should read: "by reason of being convicted," etc.

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SESSION LAWS

OF THE

STATE OF WASHINGTON

PASSED AT THE

EXTRAORDINARY SESSION.

1901.

COMPILED IN CHAPTERS WITH MARGINAL NOTES,

— BY —

SAM H. NICHOLS,

Secretary of State.

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LAWS OF EXTRAORDINARY SESSION.

CHAPTER I.

[S. B. No. 1.]

REPEALING AN ACT RELATIVE TO THE DEATH WARRANT.

AN ACT repealing an act entitled "An act relating to the death warrant, the contents thereof, the return of same, and fixing place of execution and amending sections 6993 and 6995 of Ballinger's Annotated Codes and Statutes of Washington," approved March 8, 1901, and declaring an emergency.

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

SECTION 1. The act of the Legislature of the State of Washington entitled "An Act relating to the death warrant, the contents thereof, the return of same, and fixing place of execution, and amending sections 6993 and 6995 of Ballinger's Annotated Codes and Statutes of Washington," approved March 8th, 1901, is hereby repealed. Repeal.

SEC. 2. For the purpose of preventing the act hereby repealed from ever becoming operative for any purpose, an emergency is hereby declared to exist and this act shall take effect immediately. Emergency.

Passed the Senate June 11, 1901.

Passed the House June 12, 1901.

Approved by the Governor, June 12, 1901.

CHAPTER II.

[S. B. No. 229.]

AMENDING BALLINGER'S CODE RELATIVE TO REVENUE AND TAXATION.

AN ACT to amend section 1657 of Ballinger's Annotated Codes and Statutes of Washington, relating to revenue and taxation.

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

SECTION 1. That section 1657 of Ballinger's Annotated Codes and Statutes of Washington, relating to Amendment.

Personal
property—how
construed—
what is
included.

revenue and taxation be amended to read as follows :
 Sec. 1657. Personal property for the purposes of
 taxation shall be construed to embrace and include,
 without especially defining and enumerating it, all
 goods, chattels, moneys, stocks or estates ; all improve-
 ments upon lands, the fee of which is still vested in
 the United States, or in the State of Washington, or in
 any railroad company or corporation, and all and
 singular of whatsoever kind, name, nature and de-
 scription, which the law may define or the courts
 interpret, declare and hold to be personal property, for
 the purpose of taxation, and as being subject to the
 laws and under the jurisdiction of the courts of this
 state, whether the same be any marine craft, as ships
 and vessels, or other property holden under the laws
 and jurisdiction of the courts of this state, be the same
 at home or abroad: *Provided*, That the ships or vessels
 registered in any custom house of the United States
 within this state, which ships or vessels are used ex-
 clusively in trade between this state and any of the
 islands, districts, territories, states of the United States,
 or foreign countries, shall not be listed for the purpose
 of or subject to taxation in this state, such vessels not
 being deemed property within this state. All credits
 including accounts, notes, bonds, certificates of deposit,
 judgments, choses in action, and all other debts of
 whatsoever kind and nature, due or to become due
 (whether secured or not by mortgage or otherwise):
Provided, however, That in making up the amount of
 money or credits which any person is required to list
 or have listed or assessed, he will be entitled to deduct
 from the gross amount thereof all debts in good faith
 owing by him, but no acknowledgment not founded on
 actual consideration, and no such acknowledgment
 made for the purpose of being so deducted shall be
 considered a debt within the intent of this section, but
 no person will be entitled to any deduction on account
 of any obligation of any kind given to any insurance
 company for the premiums of insurance, nor on ac-
 count of any unpaid subscription to any institution,

Proviso.

Certain ves-
sels
exempt.

Credits.

Proviso.

Deductions.

society, corporation or company; and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds or other non-taxable property: *Provided*, That credits shall be assessed at their true and actual value: *Provided further*, That mortgages and all credits for the purchase of real estate shall not be considered as property for the purposes of this chapter.

Exception as to deductions.

Proviso.

Mortgages, etc., not included.

Passed the Senate March 9, 1901.

Passed the House March 13, 1901.

Vetoed by the Governor March 20, 1901.

NOTE BY THE SECRETARY OF STATE.—The above act was transmitted to the extraordinary session of the Legislature on March 11th, 1901, being returned and filed on the 12th day of June, 1901, bearing the following endorsement: Passed the Senate, notwithstanding the Governor's veto, June 12th, 1901. Passed the House, notwithstanding the Governor's veto, June 12th, 1901.

SAM H. NICHOLS,

Secretary of State.

CHAPTER III.

[S. B. No. 186.]

AMENDING ACT OF 1899 RELATIVE TO PUBLIC PRINTING AND BINDING.

AN ACT to amend sections 4 and 9 of chapter 118, Session Laws of 1899, relating to public printing and binding, approved March 13, 1899.

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

SECTION 1. That section 4, chapter 118, of the Session Laws of 1899, be amended to read as follows:

Amendment.

Sec. 4. The commissioners of printing, or any two of them, shall, at the time of the expiration of the term for receiving proposals, as aforesaid, proceed to open in public all such proposals by them received, and they shall award the contract for each class of printing to the party making the best and lowest bid therefor, and in awarding such contract they shall take into consideration the difference in cost to the contractor and the state as between hand and machine composition,

Proposals, by whom opened.

Award of contract.

Per cent. in cost in favor of hand composition.

and a differential of twenty per cent. in favor of hand composition shall be considered as equalizing the increased cost to the state of machine work. *Provided*, That nothing herein contained shall be construed to prevent the same person from becoming contractor for two or more classes of the printing if he be the party making the lowest and best bid therefor. If two or more persons bid the same, and the lowest for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as, in their opinion, will best subserve the interests of the state. If any of the aforesaid printing shall be executed without the city of Olympia, all transportation of paper, copy, proof, or printed sheets shall be at the expense of the contractor or contractors for such printing. *Provided further*, That said commissioners shall have authority to require such work as they may deem emergency work or work necessary to be done at the seat of government performed there, and they shall also require the said contractor or contractors for such printing to be obligated to pay all labor employed on public work, the regular scale of wages for skilled labor in vogue at the time of letting the contract, which requirements shall be stated in the notice to bidders.

SEC. 2. That section 9 of said act be amended to read as follows: Sec. 9. The commissioners of public printing are hereby authorized to appoint some competent person, a practical printer, thoroughly versed in all branches of the business, who shall be designated "State Printing Expert," whose duties shall be prescribed by the commissioners of printing. He shall hold his office during the pleasure of the board of which he shall be *ex officio* secretary, and shall perform such other duties in connection with the public printing, or otherwise, as may be required by the Secretary of State, being considered as a clerk in said office. He shall receive for his services the sum of twelve hundred dollars per annum, the same to be paid in monthly payments out of any appropriation for printing and binding, and in the same manner as payments are

Equality in bids—to whom award is to be made.

Contractor to pay transportation charges.

Certain work to be done at capital.

Wages.

Amendment.

Commissioners to appoint expert.

Term of office and duties of expert.

Compensation of printing expert—how paid.

made to contractors and others for work performed, and to be charged upon the books of the printing expert as an expense account for supervision of state printing and binding. He shall keep all books, accounts and records relating to the state printing and binding, which shall be a part of the records of the office of the Secretary of State, a summary of which shall be included in the biennial report of that office.

Records of printing—to be kept by expert.

Passed the Senate March 6, 1901.

Passed the House March 13, 1901.

Vetoed by the Governor, March 18, 1901.

NOTE BY THE SECRETARY OF STATE.—This act was transmitted to the extraordinary session of the Legislature on June 11th, 1901, and was returned and filed in this office on June 12th, endorsed as follows: Passed the Senate notwithstanding the Governor's veto June 12th, 1901. Passed the House notwithstanding the Governor's veto, June 12th, 1901.

SAM H. NICHOLS,

Secretary of State.

CHAPTER IV.

[S. B. No. 2.]

APPROPRIATION FOR EXPENSES OF EXTRA SESSION.

AN ACT appropriating money to defray the expenses of the extraordinary session of the Seventh Legislature of the State of Washington.

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

SECTION. 1. That there be and is hereby appropriated out of the treasury of the State of Washington the sum of seven thousand dollars, or so much thereof as may be necessary, to defray the expenses of the Extraordinary Session of the Seventh Legislature of the State of Washington, convened June 11, 1901, by proclamation of the Governor.

Appropriation for legislative expenses.

Passed the Senate June 11, 1901.

Passed the House June 11, 1901.

Approved by the Governor, June 12, 1901.

CHAPTER V.

[H. B. No. 82.]

PROVIDING FOR THE SELECTION AND USE OF SCHOOL
TEXT BOOKS.

AN ACT to provide for the selection and use of school text books and supplementary text books in the public schools of the State of Washington, for the prescribing of courses of study therein, and dividing the school districts of the state into classes, and repealing all laws and parts of laws inconsistent with the provisions of this act.

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

Districts—
now divided.

SECTION 1. That for the purpose of this act the school districts of the State of Washington shall be and they hereby are divided into and shall consist of two classes, viz.: School districts of the first class and school districts of the second class, and the school districts of the first class shall consist of all of the school districts in the state which are maintaining or which shall hereafter establish and maintain a high school of not less than a two years' course of study. Every other school district of the state shall be a school district of the second class, and the school districts of the second class of the State of Washington shall consist of all school districts which are not maintaining or which shall not hereafter establish and maintain a high school of not less than a two years' course of study.

First class
defined.

Second class
districts.

Selection of
text books—
by whom.

SEC. 2. That the text books for use in the public schools of each school district of the first class shall be selected by the text book commission of such school district. The text book commission of such school district shall consist of five persons, including the city superintendent, or, if there be none, then the principal of the high school, who shall be *ex-officio* chairman of the commission, two members of the city board of education, or board of school directors of the district, to be designated by such board, and one of whom shall be *ex-officio* secretary of the commission, and two lawfully qualified teachers engaged in teaching in such school district, to be appointed by the board of education or board of school directors of the district. Each

member of the text book commission shall take the oath to faithfully discharge the duties of his office. Oath of office of commissioners.

The term of office of the text book commissions shall be five years and until their successors are appointed and qualified. Term of office of commission.

A text book commission shall be appointed in each school district of the first class, in the month of June in the year 1901, and in every month of June every five years thereafter. Appointed when and how often.

Said text book commission shall have power to select text books for the use in the public schools of the school district for which it is appointed, and it shall be the duty of the board of directors to require the introduction and use of all text books lawfully adopted for use in their respective districts. Powers of commission.

The text books selected by the commission shall cover such branches and studies as are required to be taught in like schools, by the state course of study issued by the State Superintendent of Public Instruction, and as are required to be taught by the laws of the State of Washington. Books to cover what branches.

Any text book selected for use in the schools of the district shall continue in use until displaced or replaced by order of the text book commission, and no text book selected or introduced into the schools by the text book commission shall be displaced or replaced within three years from the date of its introduction into the schools. Use of books — until when.

But nothing in this act or any other law shall be so construed as to prevent the text book commission of any school district of the first class from using or introducing at any time, any supplementary or additional books which may from time to time be deemed necessary in order to maintain the highest standard of excellence in the schools of the district. Supplemental books may be used.

SEC. 3. The text book commission of each school district of the first class shall, between the first day of April and the first day of July of each year, when any text books are to be selected by such commission, publish an advertisement in a newspaper of general circulation published in the county, or if there be no such paper published in the county, then in any newspaper published and having a general circulation in Advertising selection of books.

Proposals for furnishing. the state, to the effect that the commission will, on a day therein named, select text books for the use of the schools in such districts, and invite proposals for the furnishing of such books, the proposals to state an exchange, a wholesale and a retail price at which the proposer will furnish books for the schools of the district during the period of their use in such schools.

Duty of principals of schools. SEC. 4. It shall be the duty of the principal of each school in all districts of the first class to prepare and issue, under the direction of the city board of education, or board of school directors of the district, a course of study for his schools, which course of study must, before going into effect, be approved by the State Superintendent of Public Instruction. Such course of study shall conform to the manual, or general outline, prescribed by the State Superintendent of Public Instruction, and all examinations and promotions under the same shall be based upon the minimum credits in each study, as prescribed by the State Superintendent of Public Instruction in his general manual or outline course of study.

County boards of education. SEC. 5. That there shall be in each county in this state containing any school district or districts of the second class, a county board of education, which shall be composed of five persons, including the county superintendent of common schools, who shall be *ex-officio* president of the board, two lawfully qualified teachers engaged in teaching in the county, and two citizen taxpayers of the county, which last mentioned four members of the county board of education shall be appointed by the board of county commissioners of each and every county in this state. Each member of the county board of education shall take an oath to faithfully and honestly discharge the duties of his office. The term of office of the members of the county board of education shall be four years, and they shall hold their office until their successors are appointed and qualified. The board of county commissioners in each county shall, in the month of March, 1901, and in the month of March every four years thereafter, appoint the

Oath of office.

Term of office.

Boards of county commissioners to appoint boards of education.

county board of education for their respective counties, and they shall have power and it shall be their duty to fill all vacancies that may occur in said board.

SEC. 6. That the county board of education in each county of this state shall, between the first day of April and the first day of July of each year when any text books are to be selected, publish an advertisement in a newspaper of general circulation in said county to the effect that said county board of education will on a day named therein select text books for the use of all the school districts of the second class in said county, and invite proposals for the furnishing of such books, the proposals to state an exchange price, a wholesale price and a retail price at which the proposer will furnish books for the schools of all districts of the second class during the period of their use in the schools of such districts. Any text books selected for use in the schools shall remain in use until the same shall be displaced or replaced by the county board of education; but no book selected and introduced into the schools shall in any event be changed within five years from the date of introduction. The county board of education or the officers of any school district of the second class, shall have power to select, introduce and use additional and supplementary books at any time, when they deem it necessary, in order to establish and maintain the highest standard of excellence in their schools. The county board of education shall hold an annual meeting at the county seat, on the second Monday in July, 1901, and on the second Monday in July in each year thereafter, for the purpose of transacting any business that may lawfully come before it, and they shall meet at such other times as may be deemed necessary by the majority of the board, and it shall be the duty of the county superintendent, as president of the board, to call a meeting at any time, upon the written request of three members of the board: *Provided*, That the Superintendent of Public Instruction shall have power and it shall be his duty to prescribe a uniform course

Advertise the selection of books.

Proposals to state prices.

Books to remain in use till displaced.

Introduction of additional books.

Annual meeting of board.

Proviso.

Publishers to deposit copies of books furnished.

of study for all schools of the second class: *Provided further*, That any publisher or publishers of school books furnishing books under the provisions of this act to any district or districts of this state shall deposit with the Superintendent of Public Instruction a copy of any and all books so furnished.

Compensation of commissioners.

SEC. 7. Each member of the text book commission in school districts of the first class shall receive as compensation for his services, the sum of three dollars for each day during which he is in attendance upon the meetings of the text book commission, and such compensation shall be paid from the funds of the school district. Each member of the county board of education shall receive ten cents for each mile traveled in attendance upon a meeting of the board, and the same shall be paid from the funds of the county.

Joint districts of second class — by whom controlled.

SEC. 8. In all joint districts of the second class, that is to say, in all school districts of the second class situated in more than one county, such joint school district shall, for the purposes of this act, be held and deemed to be a school district within the one of said counties first created, and for all purposes of this act it shall be under the control and jurisdiction of the county board of education of such oldest county.

Conflicting acts repealed.

SEC. 9. That section 105, being article I, of chapter V, of the Code of Public Instruction of the State of Washington, passed by the Legislature of the State of Washington at the session of 1897, approved March 19, 1897; and all other parts of said Code of Public Instruction in any wise in conflict with the provisions of this act, and all other acts and parts of acts in any wise conflicting with the provisions of this act, be and the same are hereby repealed.

Passed the House March 5, 1901.

Passed the Senate March 14, 1901.

Vetoed by the Governor, March 23, 1901.

NOTE BY THE SECRETARY OF STATE.—The above act was transmitted to the Legislature at its extraordinary session in June, 1901, and was returned and filed in this office on June 13th, 1901, and was returned and filed in this office on June 13th, 1901, en-

dorsed as follows: Passed the House, notwithstanding the Governor's veto, June 12th, 1901. Passed the Senate, notwithstanding the Governor's veto, June 12th, 1901.

SAM H. NICHOLS,
Secretary of State.

CHAPTER VI.

[S. B. No. 5.]

PROVIDING A GENERAL SAVINGS CLAUSE IN REPEALS OF CRIMINAL STATUTES.

AN ACT providing a general savings clause and savings provisions in case of the repeal or amendment of criminal or penal statutes and declaring an emergency.

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

SECTION 1. No offense committed and no penalty or forfeiture incurred previous to the time when any statutory provision shall be repealed, whether such repeal be express or implied, shall be affected by such repeal, unless a contrary intention is expressly declared in the repealing act, and no prosecution for any offense, or for the recovery of any penalty or forfeiture, pending at the time any statutory provision shall be repealed, whether such repeal be express or implied, shall be affected by such repeal, but the same shall proceed in all respects, as if such provision had not been repealed, unless a contrary intention is expressly declared in the repealing act. Whenever any criminal or penal statute shall be amended or repealed, all offenses committed or penalties or forfeitures incurred while it was in force shall be punished or enforced as if it were in force, notwithstanding such amendment or repeal, unless a contrary intention is expressly declared in the amendatory or repealing act, and every such amendatory or repealing statute shall be so construed as to save all criminal and penal proceedings, and proceedings to recover forfeitures, pending at the time of its enactment, unless a contrary intention is expressly declared therein.

Prior offenses not affected by repeal.

Repeal of criminal statutes.

Contrary intention.

Emergency.

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

Passed the Senate June 12, 1901.

Passed the House June 12, 1901.

Approved by the Governor June 13, 1901.

CHAPTER VII.

[H. B. No. 1.]

AMENDING ACT RELATIVE TO STATE EXHIBIT AT PAN-AMERICAN EXPOSITION.

AN ACT to amend chapter 73 of the Session Laws of 1901, the same being "An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Pan-American Exposition at Buffalo, New York, and making an appropriation therefor," and declaring an emergency.

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

Amendment.

SECTION 1. That section three of Chapter 73 of the session laws of 1901 be, and the same is, hereby amended to read as follows: Sec. 3. "The members of said Board of Commissioners shall meet subject to the call of the Governor, within ten days after this act becomes a law, at such time and place as he may designate, and select from its members a president and secretary, who shall keep a record of their proceedings. They shall select an executive commissioner who shall be a citizen of the State of Washington and fix his salary not to exceed the sum of one hundred and fifty dollars (\$150) per month for the time he shall be actually engaged in the business of the exposition, which salary and his necessary expenses shall be paid out of the money appropriated. The said executive commissioner is hereby authorized and empowered, under the direction of the Commission, to assume and exercise all powers and functions necessary to secure a complete and creditable display of the productions and interests of the state at the Pan-American Exposition of 1901. He shall have general charge of the solicitation, collection, transportation and arrangement and exhi-

Members to meet at call of Governor — when.

Executive commissioner — salary of.

Duties and powers of executive commissioner.

bition of the objects sent under authority of the state to the Pan-American Exposition of 1901, and of such other objects sent by individual citizens of the State of Washington as may be by them placed in his charge. He shall make a report to the Commissioners monthly, ^{Monthly report.} or as often as by them required, and shall hold his office at the pleasure of the Commission."

SEC. 2. An emergency is hereby declared to exist ^{Emergency.} and this act shall take effect immediately.

Passed the House June 12, 1901.

Passed the Senate June 12, 1901.

Approved by the Governor, June 13, 1901.

CHAPTER VIII.

[S. B. No. 3.]

AMENDING ACT RELATIVE TO SELECTION OF JURORS.

AN ACT amending sections 4 and 15 of an act entitled "An act providing for and regulating the selection of jurors in the superior courts of the state, and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and repealing all laws and parts of laws in conflict therewith," approved March 16th, 1901, and declaring an emergency.

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

SECTION 1. That section 4 of an act entitled "An act providing for and regulating the selection of jurors in the superior courts of the state; and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and re- ^{Amendment.} pealing all laws and parts of laws in conflict therewith," approved March 16th, 1901, be and is hereby amended to read as follows: Section 4. On the second ^{Date of drawing.} Saturday in August and on the second Saturday in each calendar month thereafter except when the court may

be in vacation, the superior court, on the opening of the court in the forenoon of such day, shall by an order made in open court and entered of record, direct to be drawn from such box such number of names as the judge of said court shall think requisite for the selection of petit jurors to serve during the ensuing calendar month, or shall think requisite for any grand jury which may have been or may be ordered for or during the ensuing three calendar months. Immediately upon the making of such order and before the transaction of any other business, the jury commissioners and the clerk of such court, or the deputy of such clerk, shall assemble in open court, and in the presence of such persons who may be or desire to be present, the clerk of such court or his deputy shall be blindfolded, and thereupon the box containing the names previously deposited therein by the jury commissioners, or such of such names as may yet remain in said box, shall be first well shaken so that the names therein shall be thoroughly mixed and said clerk or his deputy, blindfolded as above provided, shall then draw from the box, one name at a time, the number of names previously ordered by such court; and the names so drawn shall be entered upon the journal of the court by the clerk, together with the certificate of the clerk of the drawing as above provided; and the names so drawn shall constitute the persons to be summoned to serve as petit jurors, or as grand jurors, as may be in accordance with the court's order previously made; and thereup [thereupon] the clerk shall issue a venire for summoning the said persons as petit jurors, or as grand jurors as the case may be. At the end of the month's service, unless sooner discharged by the court, all persons who have served as petit jurors during the month shall be discharged as jurors: *Provided*, That if at the time fixed for such discharge any of such persons shall be then serving upon the jury in such court in any cause the trial of which shall not then be concluded, or upon which such jury may then be deliberating, the persons upon such jury shall

Manner of drawing names — by whom done.

Issuance of venire.

Discharge of jurors.

Proviso.

not be discharged until the conclusion of such trial or of the deliberation of such jury.

SEC. 2 That section 15 of said act be and is hereby Amendment. amended to read as follows: Sec. 15. All juries in any of the superior courts in this state in counties of the All juries—
how selected. first seven classes, whether grand or petit, and whether in special proceedings or otherwise, shall be selected as in this act provided, except that until the second Exception. Saturday in August, 1901, jurors may be drawn under the provisions of the law in force prior to the going into effect of this act, and any jury serving on the second Saturday of August, 1901, may continue to serve until the first day of September, 1901, and if engaged in the trial or determination of any pending case, until the determination thereof. All acts or Repeal. parts of acts inconsistent herewith are hereby repealed.

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

Passed the Senate June 12, 1901.

Passed the House June 12, 1901.

Approved by the Governor June 13, 1901.

CHAPTER IX.

[S. B. No. 4.]

RELATING TO THE DEATH WARRANT.

AN ACT relating to the issuance of the death warrant, the contents thereof, the return of same, fixing the place of executions, providing for the safe custody of the condemned, defining the duties of the superintendent of the State Penitentiary, the sheriff and the clerk in relation to said warrant, repealing all acts or parts of acts inconsistent herewith, excepting as to acts done and crimes committed prior to the taking effect of this act.

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

SECTION 1. When judgment of death is rendered following conviction and no appeal is taken, or the judgment has been affirmed on appeal, a death warrant shall be issued by the clerk of the trial court, which Death warrant
—when issued.

said warrant shall be signed by a judge of said court and attested by the clerk thereof under the seal of the court. Said warrant shall be directed to the superintendent of the State Penitentiary of the State of Washington, and shall state the conviction of the person named therein and the judgment of the court, and appoint a day in which the judgment shall be executed by the superintendent of the State Penitentiary, which shall not be less than thirty nor more than ninety days from the date of final judgment.

To whom directed.

What to contain.

Clerk's order.

SEC. 2. At the time of the issuance of said death warrant an order shall be issued by the clerk of the court, which shall be signed by the judge and attested by the clerk under the seal of the court. Said order shall direct the sheriff to hold the person condemned to death, who shall be named therein, in safe custody and forthwith deliver said person, together with the death warrant, into the hands of the superintendent of the State Penitentiary.

Duties of sheriff.

Duties of superintendent of State Penitentiary.

SEC. 3. Upon delivery to him of said death warrant and of the person therein named, the superintendent of the State Penitentiary shall take the person condemned to be executed and keep said person in safe custody within said State Penitentiary until the day appointed in the warrant for the execution, upon which appointed day he shall carry out the mandate contained in said warrant by executing said condemned person within the walls of the State Penitentiary in the manner provided by law. And between the date of receiving such condemned person and the date fixed in such warrant for his execution, such superintendent shall not suffer or permit any person to visit, converse or communicate with such condemned person excepting the attendants in the State Penitentiary, legal, spiritual and medical advisers, and the members of the immediate family of the condemned person, which visits and communications shall be under and subject to the rules and regulations of the State Penitentiary.

Execution.

Who may visit condemned person and during what period.

SEC. 4. The superintendent of the State Penitentiary

shall keep in his office as part of the public records a book in which shall be entered a copy of the death warrant and his return made thereon, together with a complete statement of his acts in pursuance of said warrant.

Superintendent's record of death warrants.

SEC. 5. Within twenty days after said execution the superintendent of the State Penitentiary shall return said death warrant to the clerk of the court from which same was issued with his return thereon showing all proceedings had by him thereunder.

Return of warrant.

SEC. 6. The sheriff to whom the above named order is issued and delivered shall immediately execute such order and return the same into court within twenty days after he has delivered the death warrant and the person named therein into the hands of the superintendent of the State Penitentiary, with his return thereon showing all proceedings had by him thereunder.

Execution of order by sheriff.

Return.

SEC. 7. The clerk of the court from which the death warrant and the order to the sheriff were issued shall, upon receipt of the returns from the superintendent of the State Penitentiary and from the sheriff hereinbefore directed, file same with the records in the case and subjoin to the record of conviction and sentence a brief abstract of such returns.

Duties of clerk on return.

SEC. 8. Pending the issuance of the death warrant, the sheriff shall hold the condemned person in safe custody.

Sheriff to hold party.

SEC. 9. All acts or parts of acts in conflict with this act are hereby repealed, except as hereinafter provided.

Repeal.

SEC. 10. The provisions of this act shall not apply to any act done or crime heretofore committed, and all acts and crimes heretofore done or committed shall be prosecuted and punished under the laws existing at the time of the commission of said acts or crimes in the same manner as if this act had not been enacted, and all such existing laws and especially sections 6993 and 6995 of Ballinger's Annotated Codes and Statutes of Washington are hereby continued in force as to all such

Exception.

acts and crimes committed prior to the taking effect of this act.

Passed the Senate June 12, 1901.

Passed the House June 12, 1901.

NOTE BY THE SECRETARY OF STATE.—The above act was received by the Governor on the 12th day of June, 1901, and not being filed within the time required by law with his objections thereto, becomes a law under the provision of the constitution of the State of Washington, the same being filed on June 24, 1901, without the signature of the Governor.

SAM H. NICHOLS,
Secretary of State.

AUTHENTICATION.

STATE OF WASHINGTON, }
OFFICE OF THE SECRETARY OF STATE. }

I, Sam H. Nichols, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the foregoing published laws, passed by the Legislature of the State of Washington at its extraordinary session of the seventh session of 1901, with the original enrolled laws on file in my office, and that the foregoing are full, true and correct copies of said originals, with the exceptions of such corrections in orthography and errors in use of words, which corrections have been indicated by brackets, thus [], in each case, as provided by law.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at Olympia this

[SEAL.]

twenty-fourth day of June, A. D. 1901.

SAM H. NICHOLS,

Secretary of State.

ADDENDUM.

Senate bill No. 4 (chapter IX, page 17) having been presented to the Governor of the State of Washington for his approval, and not having been filed, together with his objections thereto, in the office of the Secretary of State within the time prescribed by the constitution of this state, will become a law under the provisions of the constitution. This bill was presented to the Governor on the 12th day of June, A. D. 1901, and was filed in the office of the Secretary of State on the 24th day of June, A. D. 1901.

SAM H. NICHOLS,
Secretary of State.

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