

STATUTES
OF THE
TERRITORY OF WASHINGTON,
MADE AND PASSED
BY THE
LEGISLATIVE ASSEMBLY
AT THE
FIRST BIENNIAL SESSION,
BEGUN AND HELD
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STATUTES
OF THE
TERRITORY OF WASHINGTON.
1867-68.

AN ACT

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

- Sec. 1.** Exclusive jurisdiction of county roads with county commissioners.
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LAWS OF WASHINGTON.

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

SEC. 2. At any regular meeting, said board of commissioners may establish, alter or vacate any road, or cause the same to be laid out or surveyed, worked or opened, as they shall deem most for the public good ; but they shall not establish, alter or vacate any road unless they shall be satisfied that at least twenty days' public notice has been given of an intention to apply to said board, by petition, for such establishment, alteration, or to vacate

such road, with notice of the time when the application will be made, by posting at least three written or printed notices in three of the most public places in the county, one of which shall be at the county seat, and the other two in the vicinity of the road proposed to be established, altered or vacated, and at least a majority of the citizens in the road district through which said road is located are in favor of such establishment, alteration or vacation.

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

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

SEC. 5. It shall be the duty of the county commissioners, at any regular session, upon the reception of a petition praying for a road to be located or altered, to take the same under consideration, and if they become satisfied that notice of the same has been given according to law, and that said new road, or alteration of road, is for the public good, the said commissioners shall proceed to appoint three householders of the county as viewers, and shall issue an order directing them to meet on a day named in such order, to view, locate, or relocate said road according to the prayer of said petition, and after being duly

sworn to faithfully perform the duties of their office, said viewers shall proceed to locate or relocate said road according to the prayer of said petition, and shall mark said road, and shall take angles, notes and variations of said road, and shall return the same to the county auditor, and he shall enter the same upon the road book of said county. The said road viewers shall receive three dollars per day for their services as road viewers, to be paid by the county in which said road is located.

SEC. 6. County roads shall be sixty feet in width, unless the county commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in width; and their boundaries, wherever they pass over or through prairies or improved lands, shall be distinctly marked out and defined.

SEC. 7. If any person or persons, through whose lands any public highway is or may be established, shall be desirous of turning such road, such person or persons may, by petition, apply to the county commissioners to permit him or them to turn such road on good ground, without materially increasing the distance to the injury of the public, and on the receipt of such petition, accompanied by a good and sufficient bond to pay the costs and expenses thereby incurred, the commissioners shall appoint three disinterested householders as viewers, who shall proceed to view the ground and make out a report in writing, stating their opinion as to the utility of making such alteration, and if the viewers shall report to the commissioners that the prayer of the petitioners is reasonable, and that the proposed alteration will not place the road on worse ground or materially increase the distance to the injury of the public, they shall order the same to be so altered. When said road has been opened a legal width and in all respects made equal to the old road, the commissioners shall declare such new road a public highway and record the same, vacating so much of the old road as is embraced by the new. The person or persons petitioning and giving bonds shall pay all costs and expenses of the view,

survey and return of such alteration. And any person or persons signing a petition, asking the county commissioners to open any new road, to locate, relocate, or to make any alterations in any road already established, shall perform or have performed two days' labor on said road: *Provided* said petition is granted, and in case of a default in the performance of said labor, shall be liable to the amount of six dollars to be collected by the supervisor of the district in which said road is established, located or relocated.

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

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

PRIVATE ROADS.

SEC. 10. Any person, whose land shall be so situated that he has no connection with any public road, may make application in writing to the county commissioners at any regular session, for a private road leading from his premises to some convenient public road, whereupon the commissioners shall appoint three disinterested householders of the county as viewers, who shall, after being duly sworn to faithfully discharge their duties, after at least three days' notice has been given to all persons through whose land such road is to be located, proceed to locate

and mark out thirty feet in width from said premises to some certain point on the public road, so as to do the least damage to the lands through which said private road is located, and they shall at the same time assess the damages sustained by the person or persons owning such land.

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

DUTIES OF ROAD SUPERVISORS, COUNTY COMMISSIONERS, ETC.

SEC. 12. The supervisor of each road district in this Territory shall, at least ten days before the first Monday in April of each year, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district on the first Monday in April, at two o'clock in the afternoon, at some convenient place in said district, to be specified in said notice, for the purpose of electing a road supervisor for the next succeeding year, at which election the old supervisor shall act as chairman, if present; if not, a chairman shall be elected by the voters present. The meeting shall also elect a secretary, who shall record the proceedings of the meeting, and all male persons in the district, who are required to labor on the roads or who have road taxes to pay, may vote at such election, and the person receiving the highest

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

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

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

MISCELLANEOUS PROVISIONS.

SEC. 15. The county commissioners shall divide their respective counties into suitable and convenient road districts, and cause a brief description of the same to be recorded in their road book. They may alter said districts at any regular meeting in each year, by first giving twenty days' notice, by posting three written or printed notices in three of the most public places in each road district where such change is proposed.

SEC. 16. It shall be the duty of the board of county commissioners of the several counties in this Territory to levy and assess a road tax of not less than six nor more than nine dollars on every person liable to perform labor on the public roads, also to assess not less than two nor more than six mills on every dollar's worth of property as returned by the county assessor, which tax shall be assessed and collected in labor, at the rate of three dollars per day, or with the county, territorial or school tax, in the manner hereinafter described: *Provided*, That the county commissioners of Walla Walla county shall not levy and assess, as a road tax, any greater sum than one mill on every dollar's worth of property as returned by the county assessor of said county.

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

SEC. 18. Every road supervisor shall, if required, execute a bond to the county commissioners in a sum by them fixed, for the faithful performance of his duties and the proper application of all moneys coming into his hands by virtue of his office.

SEC. 19. Every male inhabitant between the ages of twenty-one and fifty years, except Indians not taxed, or persons who are a public charge, or who are too infirm to perform labor, shall be liable to perform two or more days' work in each year on the public roads; or pay a road tax as provided in this act, and all persons shall pay said tax in the road district in which they reside.

SEC. 20. The supervisor of every road district shall, between the first day of June and the first day of October, annually, give three days' notice to every person or company within his road district who are liable to perform labor or pay a road tax, stating the amount of taxes assessed against such person or

company, who shall, under the provisions of this act, appear at the place appointed by the supervisor in said notice, at the hour of seven o'clock in the forenoon, with such necessary tools as the supervisor may direct, and on failure of such person or company by their representative to appear at the time and place aforesaid, and no good cause being shown for such delinquency, or, having attended, should refuse to obey the directions of the supervisor, or should pass his time in idleness, and in inattention to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall refuse or neglect to attend, or for any of the offences above specified in this section, the sum of three dollars to be recovered in a civil action, at the suit of the supervisor, before any justice of the peace having competent jurisdiction, or if the aggregate amount be over one hundred dollars, by action in the district court; and all moneys so collected shall be appropriated to the respective districts where such labor belongs.

SEC. 21. At any time after the road supervisors have been furnished by the county auditor with an abstract or duplicate of taxes assessed, and whenever any person is about to leave his road district without having paid or worked out his road tax, the supervisor shall proceed to collect the same, and, if necessary, distrain the same as the sheriff of any county may now do in case of delinquent territorial or county taxes, and any person having men employed either for himself or a company shall pay the road tax against such men on being notified in writing by the supervisor: *Provided*, That such person or company is indebted to such men the amount of such tax, the same if not paid to be collected by said supervisor as above provided.

SEC. 22. The supervisor shall open, or cause to be opened, all public roads in his district which have been or may hereafter be established according to law, and shall keep the same open; he shall have authority to purchase, for the use of his district, plows, scrapers or other implements, timber, plank or other material necessary for making or repairing any public road in his district, and the supervisor has authority to commute any

labor due on his tax list for materials or tools necessary for his use on the public roads, to the amount of tax against any person or company, and shall give a certificate showing the transaction, and such certificate shall be received for road taxes.

SEC. 23. The supervisor shall have the right to enter upon any lands adjoining any public road in his district, and carry away stone, gravel or sand, cut down timber and use the same in building or repairing, dig ditches for the making or preservation of such road, doing as little injury as possible to such lands; and any person stopping any such work or ditches so made shall forfeit and pay the sum of twenty dollars for each offense, to be recovered by the supervisor of said district before any justice of the peace in the county.

SEC. 24. If any person shall feel aggrieved by the acts of a supervisor in cutting or carrying away timber, stones, or ditching as aforesaid, he may make complaint in writing to the county commissioners, at any regular session within six months after the cause of such complaint shall exist; whereupon the commissioners shall appoint three disinterested persons, who shall, after being duly sworn to impartially assess such damage, proceed to assess the same and make return in writing at the next regular meeting, whereupon the county commissioners shall order the same paid out of any county or road money not otherwise appropriated.

SEC. 25. If, at any time during the year, any public road shall become obstructed, or any bridge becomes dangerous, the supervisor of said district, upon being notified, shall forthwith remove such obstructions or repair such bridge, for which purpose he shall order out such number of the inhabitants of his district as he may deem necessary to remove such obstruction or repair such bridge, and if necessary for the improvement of the roads, may order any person owning the same, to furnish a team of horses or oxen and wagon, cart, scraper, or plow, to be employed or used under the direction of the supervisor, who shall allow such person a reasonable compensation for the use of such team, cart, wagon, plow or scraper, in discharge of any labor

due from such person: *Provided*, That if such obstructions or damage to any road or bridge be caused by any person or persons through neglect or malice, they shall be liable for the expense of removing and repairing said road or bridge, and the supervisor shall proceed by civil action to collect the cost of such damage and repairs, before any justice of the peace or court having jurisdiction.

SEC. 26. Every supervisor shall keep a true and just account of the number of days' work performed on public roads in his district, and the persons performing the same; an account of all moneys received or paid out during his term of office as road supervisor, and shall present his account for settlement to the county commissioners at their second regular meeting after the election of road supervisors in each year. If any supervisor shall fail to appear and make a settlement as required by this section, the board of county commissioners shall enforce such settlement by due process of law.

SEC. 27. The supervisor shall give each person, who labors on the public roads under his direction, a certificate certifying to the amount of labor performed by such person, at the rate of three dollars per day for every day's work, which certificate shall state the amount of labor such person has performed, and such certificate shall be received by the tax collector at par value, to the full amount of road tax charged against such person or persons, but such certificates shall not be assignable, nor shall they be received from any person or persons for a greater amount in any one year than sufficient to cancel or discharge the road tax or taxes against such person or company, and the supervisor of each road district shall make out and furnish to the county treasurer of his county, at least ten days before the treasurer turns over the delinquent tax list to the auditor, a list of the names of all persons who have paid their road tax, together with the amounts paid by them, and the treasurer shall note on the delinquent tax list the names of all persons who have paid their road tax and hold their receipts, and the auditor shall not add any per cent. on road taxes that have been paid, and the sheriff shall receive no pay for collecting the same.

SEC. 28. Whenever the supervisor of any district shall from any cause neglect or omit to place on his list the name of any person which of right should be on such list, it is made the duty of the supervisor to place the name of such person or persons upon such list at any time during his term of office, and assess the amount which the commissioners would have had the right to assess, which assessment shall be as valid as if made in due time and furnished by the county commissioners, and shall be paid in the same manner as set forth in section twenty of this act.

SEC. 29. It shall be the duty of each supervisor within his district to erect and keep in repair, at the expense of the county, at the forks of all territorial and county roads, a post, guide-board, or finger-board, with an inscription in legible letters upon it, setting forth the distance and way to the next town or public place or places, as the case may be; said post to be not less than six inches in diameter nor less than twelve feet high.

SEC. 30. Any person who shall alter, destroy or deface any guide-board or mile-post, put up according to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars, and be imprisoned in the county jail not less than one nor more than three months, at the discretion of the court.

SEC. 31. The commissioners shall have power to cancel or strike from the tax roll any road tax which they believe to have been improperly assessed, and they shall exonerate the treasurer, sheriff or supervisor for the non-collection of any road tax which in their opinion cannot be collected.

SEC. 32. The sheriff or collector of taxes shall pay over all moneys which he has collected, belonging to the road fund, to the county treasurer, who shall hold such road money subject to the orders of the county commissioners.

SEC. 33. If any road supervisor shall neglect or refuse to perform the duties enjoined on him by this act, give or sign any certificate for labor performed, unless such labor has

actually been so performed prior to the giving or signing such certificate, he shall forfeit and pay for each offense not less than twenty nor more than one hundred dollars, for the use and benefit of county and territorial roads, to be recovered before any justice of the peace in said county.

SEC. 34. The county commissioners shall allow the supervisors of highways what they may deem reasonable and just for all extra labor performed by them, not exceeding three dollars per day.

SEC. 35. The following form of certificate shall be observed by supervisors of road districts, as far as the same may be applicable:

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

A. B.,

Supervisor of road district No. —."

Dated at _____, this — day of _____, 18—.

SEC. 36. All acts or parts of acts in relation to roads and highways, heretofore passed, are hereby repealed: *Provided*, That this act shall not apply to the counties of Stevens, Pacific, King, Snohomish, Whatcom, Island, Jefferson, Kitsap, Pierce, Clallam and Mason.

SEC. 37. This act to take effect and be in force from and after its passage: *Provided*, That section twenty of this act, so far as it applies to the time of working on the public roads, shall not apply to the county of Cowlitz.*

[*NOTE.—An act of the Assembly, approved January 28th, 1868, provides that the time for working on the public roads in the county of Cowlitz shall commence on the first day of May, and end on the first day of November of each year.]

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO THE CONSTRUCTION OF ROADS AND HIGHWAYS IN WASHINGTON TERRITORY, AND DEFINING THE DUTIES OF ROAD SUPERVISORS, APPROVED JANUARY 30, 1867.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section six, of which this act is amendatory, be so amended by striking out of the third line of said section the words "or so much thereof as has not been worked."

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

Passed the House of Representatives January 29th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 30th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

IN RELATION TO COMMON SCHOOLS IN WASHINGTON TERRITORY.

SEC. 1. Directors in certain cases authorized to levy school tax.

Tax not to exceed two mills on the dollar on all taxable property in the district.

2. All conflicting provisions repealed.

3. Act to take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be competent for the directors in any school district, after the public money has been expended, upon a petition signed by a majority of all the parents and guardians of the scholars and resident property-holders paying taxes in such district, to levy a tax on all the taxable property in such district, for the purpose of defraying the expenses of sustaining a school: *Provided* said assessment shall not exceed two (2) mills on the dollar on all the taxable property in such district.

SEC. 2. All acts and parts of acts conflicting with this act be and the same are hereby repealed.

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

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO DEFINE THE DUTIES OF THE INSPECTOR AND JUDGES OF ELECTIONS.

- SEC. 1. Duty of inspector to number ballots.
 Number of ballot to correspond with number of voter.
2. Judges to count votes and inspector to string ballots at the time of counting.
 Ballots to be sent to county auditor in sealed envelope.
 To be used only as evidence in cases of contest.
 Auditor to burn ballots at end of six months.
3. All conflicting acts repealed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That it shall be the duty of all inspectors of elections, before depositing the ballot of any voter in the ballot box, to number each and every ballot with the number to correspond with the number of the voter as registered by the clerks of election.

SEC. 2. It shall be the duty of the judges and inspector of elections in each precinct, after the close of the polls, for the judges to count the votes; the inspector to string the ballots at time of counting, and after all the ballots have been counted and strung, it shall be the duty of the inspector to place them in a sealed envelope and write thereon ballots of — precinct. — county, Washington Territory, of election held this — day of —, 186—, and send said sealed envelope to the auditor of the county where said election is held, who shall keep said sealed envelope containing said ballots unopened for the period of six months, to be used only as evidence in case or cases of contest when called for, at the end of which time it shall be the duty of said county auditor to burn said ballots in presence of two other county officers.

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

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 30th, 1868.

H. G. STRUVE,
President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,
Governor of Washington Territory.

AN ACT

AMENDATORY TO AN ACT ENTITLED AN ACT RELATING TO ELECTIONS
AND THE MODE OF SUPPLYING VACANCIES, APPROVED JANUARY
23, 1866.

- Sec. 1. Section six, chapter seven, act of 1866, amended.
- Mode of canvassing votes.
 - Justice of the peace to administer oath to county auditor.
 - Form of oath.
 - Oath to be placed on file in the county auditor's office.
 - Failure to return total number of votes, a misdemeanor.
2. All conflicting acts repealed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section six, chapter seventh of the act to which this is amendatory, be and the same is hereby amended by striking out the first five lines of said section except the last word "the," and substituting the following: On the tenth day after the day of each election, or as soon as he shall have received the returns from each precinct of the county, if he receive them within that time, it shall be the duty of the county auditor to notify two county officers, one of whom shall be a justice of the peace, to be present at the office of said county auditor, on a day named by said county auditor, for the purpose of canvassing the votes cast at said election in the different precincts of the county, and it shall be the duty of the justice of the peace present as one of the canvassers of said votes, to administer the following oath or affirmation to the county auditor having in his possession the election returns of

said county : "I do solemnly swear (or affirm) that the returns purporting to be the election returns of the several precincts in this county have been in no wise altered by additions or erasures, and that they are the same as when I received them, so help me God;" the said oath or affirmation to be in writing, and signed by the county auditor, and certified to by the aforesaid justice of the peace, and placed on file in said auditor's office, among the papers appertaining to said election, and then the said auditor, with the assistance of the two county officers aforesaid, shall proceed to count the vote of said county or precincts, a statement of which shall be drawn up and signed by them. And it shall be deemed a misdemeanor in the county auditor if he shall neglect or refuse to return the total number of votes as counted, if such votes can be with reasonable certainty ascertained.

SEC. 2. All acts or parts of acts in conflict herewith be and the same are hereby repealed.

Passed the House of Representatives January 9th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO APPORTION THE MEMBERS OF THE COUNCIL AND THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF WASHINGTON TERRITORY.

SEC. 1. Section second act of 1867, amended.

2. Representatives apportioned.

SEC. 3. Previous apportionments repealed.

4. Act to take effect from passage.

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

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

The county of Walla Walla shall be entitled to elect six members.

The county of Stevens, one.

The counties of Yakima and Klikitat, one.

The county of Skamania, one.

The county of Clark, four.

The counties of Cowlitz and Wahkiakum, one.

The county of Pacific, one.

The county of Lewis, one.

The county of Thurston, two.

The counties of Thurston and Chehalis, one.

The county of Pierce, one.

The counties of Pierce and Mason, one.

The county of Island, one.

The county of Snohomish, one.

The county of Jefferson, one.

The counties of Jefferson and Kitsap, one.

The county of Kitsap, one.

The county of Whatcom, one.

The county of Clallam, one.

The county of King, two.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

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

Passed the House of Representatives January 15th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

FIRST BIENNIAL SESSION.

Passed the Council January 15th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

DEFINING THE SEVERAL JUDICIAL DISTRICTS OF THIS TERRITORY AND ASSIGNING THE JUDGES THERETO.

- SEC. 1. Judicial districts of the Territory defined.
2. Jurisdiction of District Courts as to the respective counties.
 3. 4. 5. Assignment of Judges.
 6. Judge of Third District to hold terms at Olympia.
 7. When Judges may hold Courts in other Districts than their own.
 8. Prosecuting attorneys to have same Districts as at the time of their election.
 9. All conflicting acts repealed.
 10. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Stevens shall compose the first judicial district.

The counties of Walla Walla, Yakima, Klikitat, Skamania, Clark, Cowlitz, Pacific, Wahkiakum. Lewis, Mason, Thurston and Chehalis, shall constitute the second judicial district.

The counties of Pierce, King, Kitsap, Jefferson, Clallam, Whatcom, Island and Snohomish shall compose the third judicial district.

SEC. 2. The jurisdiction of the district court holding terms at Fort Colville shall be in and for the county of Stevens. The jurisdiction of the district court holding terms at Walla Walla shall be in and for the counties of Walla Walla and Yakima. The jurisdiction of the district court holding terms at Vancou-

ver shall be in and for the counties of Klilkat, Skamania, Clark, Cowlitz, Pacific and Wahkiakum. The jurisdiction of the district court holding terms at Olympia shall be in and for the counties of Thurston, Lewis, Chehalis and Mason. The jurisdiction of the district court holding terms at Steilacoom shall be in and for the county of Pierce. The jurisdiction of the district court holding terms at Port Townsend shall be in and for the counties of Jefferson, Clallam, Whatcom and Island. The jurisdiction of the district court holding terms at Seattle shall be in and for the counties of King, Kitsap and Snohomish.

SEC. 3. The Hon. C. C. Hewitt, Chief Justice of Washington Territory, be and he is hereby assigned to the first judicial district, and must reside therein.

SEC. 4. The Hon. J. E. Wyche, Associate Justice of Washington Territory, be and he is hereby assigned to the second judicial district, and must reside therein.

SEC. 5. The Hon. C. B. Darwin, Associate Justice of Washington Territory, be and he is hereby assigned to the third judicial district, and he must reside therein.

SEC. 6. It is hereby made the duty of the judge assigned to the third judicial district to hold the terms of the district court at Olympia, in and for the counties of Thurston, Lewis, Mason and Chehalis.

SEC. 7. Each of the said judges may hold courts or discharge their judicial duties in any other district than the one to which they have been assigned, in case of the absence, sickness, or other disability of any of the judges assigned to such other district.

SEC. 8. The several prosecuting attorneys of this Territory shall continue to discharge their official duties within and for the several judicial districts as they were constituted at the time of the election of said prosecuting attorneys.

SEC. 9. All acts and parts of acts conflicting with any of the provisions of this act be and the same are hereby repealed.

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SEC. 10. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 11th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 25th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

SUPPLEMENTAL TO AN ACT DEFINING THE SEVERAL JUDICIAL DISTRICTS OF THIS TERRITORY AND ASSIGNING THE JUDGES THERETO.

SEC. 1. Sixth section of original act repealed.

2. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sixth section of an act passed at the present session of the Legislative Assembly, entitled "an act defining the several Judicial Districts of this Territory and assigning the Judges thereto," approved Jan. 25th, 1868, be and the same is hereby repealed.

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

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO REGULATE THE TIMES OF HOLDING THE SEVERAL UNITED STATES DISTRICT COURTS IN THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the time for holding the several Courts of this Territory shall be as follows, to wit :

SEC. 2. At Seattle, to commence on the Tuesday following the third Monday of February and August, to hold two weeks unless sooner adjourned.

SEC. 3. At Vancouver, to commence on the Tuesday following the fourth Monday of March, to hold three weeks unless sooner adjourned.

SEC. 4. At Walla Walla city, to commence on the fourth Monday of September, to hold three weeks unless sooner adjourned.

SEC. 5. At Olympia, to commence on the second Monday of April, and to hold three weeks unless sooner adjourned.

SEC. 6. That the Port Townsend terms of Court shall hold only three weeks instead of four.

SEC. 7. That all other terms shall be held in this Territory at the several times as are now prescribed by law.

SEC. 8. This act to be in force from and after its passage.

Passed the House of Representatives January 4th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REGULATE THE TIME OF HOLDING THE SEVERAL UNITED STATES DISTRICT COURTS IN THE TERRITORY OF WASHINGTON, APPROVED JAN. 21, A. D. 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the time for holding the several Courts of this Territory shall be as follows, to wit :

SEC. 2. At Seattle, to commence on the third Monday of February and August, to hold two weeks unless sooner adjourned.

SEC. 3. At Vancouver, to commence on the third Monday of April and first Monday in November, to hold three weeks unless sooner adjourned.

SEC. 4. At Walla Walla city, to commence on the first Monday of October and second Monday of May, to hold three weeks unless sooner adjourned.

SEC. 5. At Olympia, to commence on the fourth Monday of March, and to hold three weeks unless sooner adjourned.

SEC. 6. That the Port Townsend terms of Court shall hold only three weeks instead of four.

SEC. 7. That all other terms of Court shall be held in this Territory at the several times and places as are now prescribed by law.

SEC. 8. This act to be in force from and after its passage.

Passed the House of Representatives January 21st, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATING TO WRITS OF ERROR AND APPEALS TO SUPREME COURT IN CERTAIN CASES.

SEC. 1. Proceedings to obtain writs of error in certain cases.

Party desirous of suing to give notice of intention in open court.

Precipe to be filed within the term.

2. Laws now in force to conform to previous section.

3. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever a term of any district court in this Territory shall be held at such time as not to allow thirty days' notice to be given by a plaintiff in error to a defendant in error, of the suing out of a writ of error to the next coming term of the supreme court of the Territory, it shall be competent for a party desirous of suing out such writ of error to give notice in open court of his intention to take such writ, and have the same entered upon the records thereof, and the filing of the precipe within said term shall be sufficient notice to entitle the cause to be docketed and heard at the next term of said supreme court: *Provided,* That if such term of the district court shall expire without a plaintiff in error giving such notice to the defendant in error, he shall not sue out such writ subsequent to the expiration of such term of the district court, without leave of the court first obtained and satisfactory reasons presented for such delay: *And Provided, always,* That if any term of the district court shall adjourn more than thirty days before the return day of next term of the supreme court, then nothing in this act contained shall be construed as altering or affecting the length of notice now required by law for writs of error and appeal to the supreme court of the Territory.

SEC. 2. The laws now in force regulating notice of writs of error to the supreme court are hereby amended so as to conform to the foregoing section.

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

FIRST BIENNIAL SESSION.

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Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

EXEMPTING CERTAIN FIREMEN FROM JURY DUTY AND FROM PAYING
CERTAIN TAXES.

- Sac. 1. Certain firemen exempt from jury duty and payment of poll taxes.
Proviso that exemption shall extend only to *per capita* tax.
Proviso that the membership of any company shall not exceed sixty.
2. Certificates of membership issued by officers of fire organization designated by the Corporate authorities.
Certificate to state, what.
3. Any person ceasing to be an active member to surrender certificate upon demand.
4. Every person falsely claiming the benefits of this act, guilty of misdemeanor.
5. What shall constitute an exempt fireman.
Shall be entitled to all the benefits conferred by section one.
6. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the officers and members of any fire engine company or hook and ladder company organized in any incorporated city or town in this Territory by virtue of any law of this Legislative Assembly, or by virtue of any law or ordinance of the corporate authorities of such city or town, be and they are hereby exempted from serving as jurors in any

court of record in this Territory, and they shall also be exempted from paying any poll taxes and from performing labor upon the public roads, according to the provisions of any general revenue and road law of this Territory: *Provided, however,* That the provisions of this act shall not be construed to exempt said firemen from the payment of any road tax which has been assessed and levied upon the taxable property of such firemen, but shall only exempt them from paying the per capita tax: *And provided, further,* That any such fire engine company or hook and ladder company shall not exceed sixty in number.

SEC. 2. Before any person can avail himself of the benefits conferred by the provisions of the foregoing section, he shall procure a certificate from such officers of the fire organization to which he belongs, as shall be designated by the corporate authorities of such city or town, which certificate shall certify that the holder thereof is an active member of such fire engine company or hook and ladder company, and has complied with the rules and regulations prescribed for the government of the said fire department or company.

SEC. 3. Any person ceasing to be an active member of such company, or failing to comply with the rules and regulations of such fire department or company, shall forfeit his right to enjoy the privileges and benefits conferred by the provisions of this act, and it shall be his duty to surrender his certificate upon demand being made therefor by the officers who issued the same.

SEC. 4. Every person who falsely represents himself as the legal holder of the certificate provided for in the preceding sections of this act, and who falsely claims the benefits of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a justices' court or any court of competent jurisdiction, every person so offending shall be fined in any sum less than one hundred dollars.

SEC. 5. Seven years continuous service as such active fireman shall entitle him to an exempt certificate, to be issued by the same authority, which certificate shall set forth that the holder thereof has been an active member of the fire organization for seven years continuously, and has during that period conformed to the rules and regulations of the fire department to which he belongs, and the holder of such exempt certificate shall thenceforth be exempt from active duty as such fireman besides being entitled to all the benefits conferred by the first section of this act.

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

Passed the House of Representatives Jan. 14th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 14th, 1867.

H. G. STRUVE,

President of the Council.

Approved Jan. 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO CREATE AND REGULATE THE OFFICE OF INSPECTOR OF SALMON.

- SEC. 1. Salmon put up in barrels or packages to be inspected and branded.
2. County court to appoint Inspector and regulate his fees.
Fees to be collected from person selling or exporting salmon.
3. Inspector to give bonds to probate judge.
4. Duties of Inspector.
Packages marked "bad," shall be considered condemned.
5. Penalties for selling or exporting salmon before inspection.
All moneys arising from fines to go to the school fund.

SEC. 6. Penalty for making or using counterfeit brands.

7. Act to take effect from May 1st, 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That salmon (except canned or smoked) put up in casks, barrels or other packages, to be sold in this Territory, or to be exported therefrom, shall be inspected and branded as provided in the provisions of this act.

SEC. 2. The county court of each county in which salmon is put up for market or export, shall appoint an inspector of salmon, regulate his fees, to be collected from the person or persons selling or exporting such salmon, and may make such other regulations as may appear to them necessary for carrying out the provisions of this act; and they shall, whenever the same may be practicable, appoint as such inspector of salmon a person having had experience in putting up salmon for market.

SEC. 3. The inspector shall give bonds, with sufficient sureties, to the probate judge, in the sum of one thousand dollars, for the faithful discharge of his duties.

SEC. 4. It shall be the duty of the inspector to inspect all salmon put up as specified in section first of this act, and the said inspector shall provide himself with a brand or brands, and shall brand in plain, legible letters, on the head of each cask of salmon inspected by him, the initials of his christian and the whole of his surname, and the year in which the salmon were packed, designating the county in which the salmon are inspected, and also whether the same are spring or fall salmon, and whether they are a prime or bad article. The said inspector shall use said brand or brands in marking said packages of salmon. Such of said packages as may be marked bad, shall be considered as condemned.

SEC. 5. All persons who shall sell or export such packages of salmon before the same are inspected and branded, shall, upon conviction thereof, be fined at the rate of ten dollars for each such barrel, and five dollars for each such half barrel,

quarter barrel or kit so sold or exported, and every person who shall be found guilty of a repetition of the offense shall be fined in double the sum fixed in this section as a penalty. Such fine or penalty may be recovered on the complaint of any person or persons, or of the inspector of salmon, before any justice of the peace, or court of record, as in other cases provided, and all the moneys arising from the fines under this act shall be paid over to the county treasurer for the use and benefit of the common schools within said county.

SEC. 6. Every person who shall make or use a counterfeit of the brand or brands as provided for in section four of this act, for each time they use the same in branding said packages of salmon, shall, upon conviction thereof, be imprisoned in the penitentiary for a term not exceeding one year.

SEC. 7. This act shall take effect and be in force from and after the first day of May, 1868.

Passed the House of Representatives January 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

ENTITLED AN ACT TO ESTABLISH PILOTS AND PILOT REGULATIONS
FOR JUAN DE FUCA STRAITS, PUGET SOUND AND ALL
AMERICAN WATERS PERTAINING THERETO.

- SEC. 1. Appointment and qualifications of the board of pilot commissioners.
2. Shall hold their office during the pleasure of the Governor.
3. To meet at Port Townsend at least once in three months.

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- Sec. 3. First regular meeting to be held on the first Monday of May, 1868.
4. Commissioners to make by-laws and rules for their own government.
 5. Appointment and duties of the secretary of the board.
 6. Neither commissioners nor secretary to be interested in any pilot boat or its earnings.
 7. Commissioners empowered to appoint as many pilots as they may deem necessary.
 8. Qualifications and examination of persons applying for pilot license.
 9. License to continue during good behavior.
 9. All pilots to give bonds to the Territory in the sum of two thousand dollars.
 - Bond to be approved by commissioners.
 10. When commissioners may have power to suspend pilots and revoke license.
 - Proviso.
 11. Pilot refusing to exhibit license to master of vessel, liable to a penalty of fifty dollars.
 12. When license shall be considered forfeited.
 13. Pilot intoxicated while in charge of vessel to be suspended or dismissed.
 14. May be required to amend bonds whenever deemed necessary.
 15. Penalty for losing a vessel through carelessness or negligence.
 16. When responsibility of pilot in charge of vessel shall cease.
 17. Proceedings on complaint against pilot for misbehavior or neglect of duty.
 18. No persons except those licensed by commissioners to pilot vessels under certain penalty.
 - Exception in favor of masters of vessels acting as their own pilots in certain cases.
 19. Outward bound vessels to make application for pilots at office of the same.
 20. Commissioners may make all necessary regulations for the government of pilots.
 21. Pilot boats on the station to aid in taking off discharged pilots.
 22. When pilots taken to sea against their wills are entitled to pay.
 23. Pilot bringing vessel in to have preference in taking the same out.
 - Vessels refusing to take pilots liable to half pilotage.
 24. All pilots to render a quarterly account and pay over five per centum of all moneys received.
 - Penalty for making false return.
 25. Lien created on hulls and appurtenances of vessels for pilotage fees.
 26. Pilot boat at all times to be on duty in the Straits of Fuca or at sea.
 25. Rates of pilotage.
 29. All vessels under the flag of the United States sailing between home ports, exempted from the provisions of this act.
 30. Further exemption from pilotage in certain cases.
 - Proviso.
 31. Repealing clause.

Act to take effect May 1st, 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the Governor to appoint two experienced and resident ship masters, and

one resident merchant, who shall constitute a board of pilot commissioners for the different ports on Puget Sound, Juan de Fuca Straits, their branches, etc.

SEC. 2. That the persons so appointed shall take an oath for the faithful discharge of their duties, and shall hold their office during the pleasure of the Governor.

SEC. 3. That the commissioners shall meet in Port Townsend at least once in three months; a majority shall constitute a quorum for the transaction of business; and said commissioners shall hold their first regular meeting on the first Monday of May, 1868, and the chairman may call special meetings whenever necessary, but no special meeting shall be called for the purpose of granting licenses or examining pilots touching their qualifications, without the consent of all the commissioners, and then only by giving at least two weeks' public notice.

SEC. 4. That the commissioners shall make by-laws and rules for their own government not inconsistent with the provisions of the laws of this Territory or the United States.

SEC. 5. That the commissioners shall appoint a secretary, whose duty it shall be to keep correct minutes of all the proceedings of the commissioners, in books to be provided by them for that purpose, to receive all moneys and pay out the same when ordered to do so by the board, and shall register the names of all pilots with the date of their licenses and places of residence. The books and register to be always open to inspection.

SEC. 6. That neither the commissioners nor secretary shall have any interest, directly or otherwise, in any pilot [boat] or the earnings thereof.

SEC. 7. That the commissioners shall have power to appoint, in the manner prescribed in this act, such number of pilots for said ports as they may deem necessary.

SEC. 8. That persons applying for license to act as pilots shall be American citizens, and legal voters of this Territory, not under twenty-one years of age, and shall be rigidly examin-

ed by the commissioners in public, touching their qualifications and knowledge of the management of square-rigged vessels, and of the tides, soundings, bearings and distances of the different shoals, rocks, bars and points of land, and lights of the harbors and bays, and if deemed qualified, shall receive a license as pilot, which license shall continue during good behavior.

SEC. 9. That every licensed pilot, previous to entering on his duties, shall give bonds to the amount of two thousand dollars, payable to the Territory of Washington, for the faithful discharge of his duty, which bond shall be approved by the commissioners and filed in their office.

SEC. 10. That the commissioners shall have power to suspend pilots for misconduct or inattention to their duty, and on proof, shall revoke their license: *Provided* due notice shall be given the pilot and an opportunity be given him to be heard in his defense.

SEC. 11. That every pilot, on boarding a vessel, shall, at the request of the master, exhibit his license, and on refusal to do so, shall be liable to a penalty of fifty dollars.

SEC. 12. That every pilot who shall absent himself from duty for more than two months, except on leave granted by the commissioners, or by sickness, shall be considered as having forfeited his license.

SEC. 13. That if any licensed pilot shall be intoxicated while having charge of any vessel as pilot, he shall be suspended or dismissed as the commissioners shall elect.

SEC. 14. That the commissioners may require pilots to amend their bonds and securities whenever they may deem it necessary.

SEC. 15. That for carelessly or negligently losing a vessel, on conviction thereof, the pilot having charge of the vessel at the time shall be incapable of ever acting as pilot, and shall moreover be liable for damages on his bonds.

SEC. 16. That it shall be the duty of every pilot in charge of a vessel arriving in any of the ports of Puget Sound or its

branches, to have the vessel safely moored or anchored in such position as the master of the vessel may direct, when his responsibility shall cease.

SEC. 17. That when complaint is lodged with the commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing and sworn to; notice thereof must be given the pilot, and he shall be notified to appear within twenty days to answer the complaint. If the answer be not satisfactory, he may be fined not exceeding five hundred dollars, or deprived of his license, at the discretion of the commissioners.

SEC. 18. That no persons, except those licensed by the commissioners, shall pilot vessels in or out of the bays or harbors on Puget Sound, Juan de Fuca Straits, or their inlets or harbors, for hire, under the penalty of five hundred dollars, for each and every offense. This penalty is not incurred when the master of a vessel acts as his own pilot out of a harbor alone or in case of distress.

SEC. 19. That application for pilots for outward bound vessels shall be made at the office of the pilots, and the amount of pilotage shall then and there be paid.

SEC. 20. That the commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof.

SEC. 21. That the pilot boats on the station, whenever a pilot is discharged from an outward bound vessel, shall give all reasonable aid for taking off and receiving such pilot.

SEC. 22. That pilots blown off or taken to sea against their wills, when a boat is in attendance to receive them, shall be entitled to receive five dollars per day while absent, which sum shall be paid by the master or owner of the vessel by which the pilot was taken away.

SEC. 23. That if any pilot offers himself to any vessel liable to take a pilot, outside of a line drawn from the west end of

Wy-ad-dah Island due north to where said north course shall meet the shore of Vancouver Island, if inward bound, or any pilot who may offer himself to any vessel outward bound, the pilot bringing the vessel in, or one from the same boat, always to have the preference; and if the master should refuse to take such pilot on board, the master or owners of such vessel, or either of them, shall incur and be liable to one-half the amount of pilotage said vessel would pay, for the benefit of the pilot so offering himself.

SEC. 24. That every pilot shall, once in three months, render to the pilot commissioners an account of moneys received by him or any other persons for him on his account, and shall pay five per centum on the amount thereof, which shall be taken in full for their official services and all expenses of their offices; and if any pilot shall make a false return of moneys so received, he shall forfeit a sum not exceeding five hundred dollars.

SEC. 25. That the hull and appurtenances of all vessels shall be held liable for pilotage fees.

SEC. 26. That pilots shall at all times keep a boat in good condition, cruising in the Straits of Fuca or at sea, and no more than six pilots shall be in copartnership at one time.

SEC. 27. That all pilots who may be appointed shall conform to and be governed by the provisions of this act, and such quarantine laws as may hereafter be enacted.

SEC. 28. That the following shall be the rates of pilotage: Vessels under fifteen feet draught, eight dollars per foot; of fifteen feet and over, ten dollars per foot.

SEC. 29. That all vessels arriving in or leaving this Territory shall be liable for the above rates of pilotage when a pilot is actually employed; and that when a vessel is spoken, and a pilot is refused, the pilot shall be entitled to one-half the above rates: *Provided*, That all vessels sailing under the flag of the United States, from or to any port of the United States or the

Territories thereof, shall be exempt from the provisions of this act.

SEC. 30. All vessels that may put into any port or ports for repairs or supplies, or in distress, shall not be liable to any charge unless actually employing a pilot: *Provided*, That nothing in this act shall be so construed as to exempt vessels over one hundred tons burthen trading between British Columbia and Washington Territory from the provisions of this act.

SEC. 31. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act to take effect and be in force from and after May 1st, 1868.

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 29th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATING TO INJUNCTIONS AND RESTRAINING ORDERS.

- SEC. 1. Proceedings for dissolution of injunctions in certain cases.
1. Defendant to file bond.
 2. Adverse party to have reasonable notice of application before hearing. *Provido* that no notice shall be required when plaintiff is non-resident.
 3. Repealing clause.
 4. Act to take effect from pas-age.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That when any injunction or restraining order has been granted by the District Court in term time, or by any Judge of the Supreme Court in vacation, in any ac-

tion brought by the owner or assignee of any patent right against any person for using, without license or authority, any article the manufacturing, vending and using of which is secured to the plaintiff in the action under the patent laws of the United States, it shall be the duty of the Court, or of any Judge of the Supreme Court to whom application may be made, to dissolve such injunction or restraining order whenever the defendant in the action, or some one in his behalf, shall execute to the plaintiff a bond with sufficient sureties, to the satisfaction of the clerk, in any sum to be fixed by the Court or Judge, but not to exceed the actual value of the article, the using of which is sought to be enjoined, which bond shall be conditioned for the payment of plaintiff's damages and costs, which he may recover upon the trial of the action.

SEC. 2. Application for a dissolution of any injunction or restraining order under the provision of the foregoing section, shall not be heard until reasonable notice thereof has been given to the adverse party: *Provided, however*, If it appears by affidavit of the defendant that the plaintiff is a non-resident of this Territory, the application may be heard without notice.

SEC. 3. All acts and parts of acts in any manner conflicting with any of the provisions of this act, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage, any law passed at the present session of the Legislative Assembly to the contrary notwithstanding

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 16th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

ENTITLED AN ACT TO PREVENT THE BURNING OF THE PRAIRIE OR GRASS LAND IN THE COUNTIES OF WALLA WALLA, STEVENS, YAKIMA AND KLIKITAT.

- SEC. 1. No person to set prairie grass on fire in certain counties.
Any person so offending guilty of misdemeanor.
Proviso, that the court may in certain cases stop proceedings on examination and try cause.
2. Any person violating act liable for all damages.
3. Act to be in force from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person or persons shall set, or cause to be set on fire the grass on any of the unoccupied land or lands, being known as prairie or pasturage land in the counties of Walla Walla, Stevens, Yakima and Klikitat, Territory of Washington. And any person or persons so offending shall be deemed guilty of having committed a misdemeanor, and, upon conviction thereof, shall be imprisoned in the county jail for any time not exceeding twelve months, or fined in any sum not exceeding five hundred dollars, or be both fined and imprisoned at the discretion of the court: *Provided,* That if any justice of the peace or other magistrate, before whom such defendant may be brought for examination, shall be of the opinion, after hearing all the evidence in said cause, that a fine of one hundred dollars or less would be sufficient punishment for the offense charged, said justice of the peace or magistrate may stop all further proceedings upon examination, and proceed to hear, try and determine said cause according to law.

SEC. 2. Any person or persons so offending, as stated in section one of this act, shall be liable for any and all damages to any person or persons that may be damaged by the reason of the burning of the grass or any other property

or any other damages sustained by reason of such conflagration as aforesaid.

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

Passed the House of Representatives January 20th, 1868.

P. B. JOINSON,

Speaker of the House of Representatives.

Passed the Council January 22d, 1868.

H. G. STRUVE,

President of the Council.

Approved January 24th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

CONCERNING MARKS AND BRANDS IN THE COUNTIES OF KLIKITAT,
YAKIMA AND WALLA WALLA.

- SEC. 1. Owners of stock in certain counties to keep marks and brands.
2. Shall record the same with the county auditor.
3. When owners shall brand young stock.
4. Certified copy of mark and brand *prima facie* evidence of ownership.
5. Requirements of persons selling stock not intended for slaughter.
6. Requirements of persons slaughtering cattle.
7. Further provisions in regard to the same.
8. Penalty for the violation of sections six and seven of this act.
9. Act to take effect from passage.

SECTION I. *Be it enacted by the Legislative Assembly of the Territory of Washington, That any person or persons, being the owners of horses, mules, cattle, sheep, goats or hogs, in the counties of Klikitat, Yakima and Walla Walla, shall keep a mark, brand and counter brand, different from the brands of his neighbors, and, as far as practicable, different from any others in the counties herein named.*

SEC. 2. Every owner shall record with the county auditor his mark, brand and counter brand, by delivering to said auditor his mark, cut upon a piece of leather, and his brand and counter brand burnt upon the same; and the auditor shall enter in a book kept by him for that purpose a description of said mark and brands, together with the owner's name, time of recording, also describing the part or place on the animal where such mark or brand is located. The auditor, when any mark or brand is presented for record, shall satisfy himself that they are different from any then recorded in his office; and he shall be entitled to charge a fee of fifty cents for every entry made under the provisions of this act.

SEC. 3. Every owner or owners shall mark or brand his or their horses or mules before they are twelve months old, and cattle before they are six months old, and mark his or their sheep, goats and hogs before they are four months old, on the place or part of the animal designated in the auditor's office.

SEC. 4. On trial of any action involving ownership of any animal, a certified copy of the mark and brands made by the auditor, over the seal of his office, shall be considered as prima facie evidence in such trial as to the said ownership.

SEC. 5. Any person or persons selling cattle not intended for slaughter, or any horses, mules, jacks or jennies, shall be required to counter brand, or give the purchaser a full, descriptive bill of sale of the same, or the said purchaser may demand both.

SEC. 6. Any person or persons slaughtering cattle and having a definite place of slaughter, shall keep at such place a book in which shall be entered, on the day of slaughter, the age, as near as may be, and kinds of cattle or other animals slaughtered, also a full description of every mark or brand on such animal, together with the date of receipt or purchase, and the name of the person from whom the same was received or purchased, and such book shall be kept for the inspection of any person desiring so to do.

SEC. 7. The hides of all cattle slaughtered shall be kept by

the person slaughtering the same for a period of twenty days from the date of slaughtering, and they shall be exhibited to any person who may demand the same within said period.

SEC. 8. Any person violating any of the provisions of sections six and seven of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined for the first offense in any sum not exceeding fifty dollars, and for a repetition of the offense, not less than fifty dollars nor more than two hundred [dollars,] and in default of payment, imprisonment in the county jail during the will of the court. One-half of the fines collected under the provisions of this act shall go to the informant, and the residue shall be paid to the county treasurer for the school funds of the county where said offense was committed.

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

Passed the House of Representatives January 24th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE REGISTERS OF LAND OFFICES TO TAKE ACKNOWLEDGMENTS OF DEEDS WITHIN THE TERRITORY.

- SEC. 1. Registers of land offices empowered to take acknowledgments of deeds.
2. Before taking acknowledgment to provide a proper seal.
Impression of seal to be deposited in the office of Secretary of Territory.
 3. Act to take effect from passage.

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

the Territory of Washington, That the registers of land offices within the Territory be and they are hereby authorized and empowered to take acknowledgments of deeds to lands within the Territory.

SEC. 2. Before taking the acknowledgment to any deed by virtue of the preceding section, the register shall provide a suitable seal, and deposit an impression thereof, over his proper signature, in the office of the Secretary of the Territory.

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

Passed the House of Representatives January 9th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO PROTECT SHEEP AND WOOL GROWERS OF THE COUNTIES OF PIERCE, LEWIS, SNOHOMISH, THURSTON, CLARK, STEVENS AND JEFFERSON, APPROVED JANUARY 31, 1867.

SEC. 1. Act of January 31st, 1867, made to apply to the counties of Klikitat, Yakima and Walla Walla.

2. Section nine of original act amended.

3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the provisions of an act entitled an act to protect sheep and wool growers of the counties of Pierce, Lewis, Snohomish, Thurston, Clark, Stevens and Jefferson, approved January 31st, 1867, be and the same are hereby amended and extended and made to apply to the counties of Klikitat, Yakima and Walla Walla.

SEC. 2. That section nine of the act to which this is amendatory be amended by the insertion of the word "violation" between the words "any" and "of" in the first line of said section nine.

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

Passed the House of Representatives January 22d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO LEVY TAXES ON KANAKAS.

SEC. 1. Kanakas liable to same tax as Chinese.

2. Tax to be collected and disbursed in the same manner as Chinese police tax.

3. Act to take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons, natives of the Sandwich, Society or other islands in the Pacific, usually designated as Kanakas, shall be subject to the same tax as the Chinese are in this Territory.

SEC. 2. And said taxes shall be collected and disbursed in the same manner as the Chinese police tax is collected and disbursed.

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

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 25th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO FIX THE TIME FOR HOLDING THE SESSIONS OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF WASHINGTON.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the regular biennial sessions of the Legislative Assembly of the Territory of Washington shall commence at the capital of the Territory on the first Monday of October in each alternate year, and continue for sixty days unless sooner adjourned.

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

Passed the House of Representatives Jan. 15th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 23d, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 24th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO REGULATE MARRIAGES.

SEC. 1. Section second, act of January 20th, 1866, amended.

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

the Territory of Washington, That the third clause of section second of the act entitled "an act to regulate marriages, approved January 20th, 1866," be stricken out.

Passed the House of Representatives January 15th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 14th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

ENTITLED AN ACT TO PROVIDE FOR THE PAYMENT OF INTEREST ON TERRITORIAL WARRANTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That upon the presentation of any Territorial warrant or warrants to the Territorial Treasurer, it shall be his duty, if there be no funds in the Territorial Treasury, to indorse on said warrant or warrants, "not paid for want of funds," with the day and date of said presentation, and said warrant or warrants shall from said date draw legal interest till paid.

Passed the House of Representatives January 16th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 22d, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 22d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO REDUCE THE COSTS AND EXPENSES IN THE ADMINISTRATION OF ESTATES AND TO PROVIDE FOR THE EXECUTION OF THE PROVISIONS OF WILLS IN CERTAIN CASES.

SEC. 1. Administration of estates not exceeding one thousand dollars.

Costs and charges reduced one half.

Proviso.

2. When letters testamentary or of administration shall not be required.

Proviso.

3. Conflicting acts repealed.

4. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever it shall appear from the inventory, or from other satisfactory showing, that the estate of any decedent does not exceed one thousand dollars in value, the costs, fees and charges in the administration of the same shall be reduced to half the amounts now allowed by law: *Provided, however,* That nothing in this act shall be so construed as to affect section 188 of the Probate Practice Act, passed January 16th, 1863.

SEC. 2. That in all cases where it is provided in the last will and testament of the deceased, that the estate shall be settled in a manner provided in such last will and testament, and that letters testamentary or of administration shall not be required, it shall not be necessary to take out letters testamentary or of administration, except to admit to probate such will in the manner required by existing laws, and after the probate of such will, all such estates may be managed and settled without the intervention of the probate court, if the said last will and testament so provides: *Provided, however,* in all such cases, if the party named in such will as executor shall decline to execute the trust, or shall die or be otherwise disabled from any cause from acting as such executor, then letters testamentary or of administration shall issue as in other cases: *And provided, further,* If the party named in the will shall fail to execute the

trust faithfully and to take care and promote the interests of all parties taking under the will, then upon petition of any creditor of such estate, or of any of the heirs, or of any person on behalf of any minor heirs, it shall be the duty of the probate court of the county wherein such estate is situated, to cite such person having the management of such estate to appear before such court, and if, upon hearing of such petition, it shall appear that the trust in such will is not faithfully discharged, and that the parties interested or any of them have been or are about to be damaged by such acts or doings of the executor, then letters testamentary or of administration shall be had and required in such cases, and all other matters and proceedings shall be had and required as are now required in the administration of estates, and in such cases, the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in such will.

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

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

Passed the House of Representatives January 29th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

IN RELATION TO CHANGE OF VENUE IN CIVIL AND CRIMINAL
ACTIONS.

- SEC. 1. Party to an action making affidavit as to prejudice of Judge.
Duty of Judge to appoint referee.
Referee to be sworn.
To hear proofs of prejudice and report thereon.
Duty of the court to suspend proceedings or grant change of venue when affidavit is sustained.
2. Party to an action making affidavit as to prejudice of inhabitants.
Duty of court to hear proofs.
3. Act of January 31st, 1867, repealed.
District courts to order return of certain cases.
Proviso.
4. Act to take effect thirty days from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever a party to a civil or criminal action shall make and file an affidavit in the court in which such action is pending, that the judge holding such court is so prejudiced against him that he cannot obtain justice, it shall be the duty of the court to immediately refer such affidavit to some disinterested person as referee, who shall have the qualifications now required by law for referees, and whose duty it shall be, after being sworn to the proper performance of his duty, to hear the allegations and proofs of the party charging such prejudice, and report his finding thereon to the court as soon as practicable, and if the report of such referee sustains the allegations in the affidavit, it shall be the duty of the court to suspend all proceedings in such action until some other judge can attend and try said cause, or the court in its discretion may grant a change of venue to the next nearest district, and in such case, all the papers, with a transcript of all journal entries, shall be forthwith transmitted to the court to which the change is made, and the costs of such change of venue shall abide the event of the suit; but if the report of the re-

ference does not sustain the allegation of prejudice in the affidavit, the court shall overrule the application and proceed with the trial of the cause.

SEC. 2. That whenever any party to a civil or criminal action shall make and file an affidavit in the court in which the action is pending, setting forth that a fair trial cannot be had in the district or county in which such action may be brought, by reason of the prejudice of the inhabitants, it shall be the duty of the court to hear summarily such proofs as may be offered, and if the court be satisfied, after hearing such proofs, that the party making the affidavit cannot obtain a fair trial by reason of the inhabitants of the district or county in which such action may be brought, it shall be the duty of court to grant a change of venue to the next nearest district, and in such case, all the papers, with a transcript of journal entries, shall be forthwith transmitted to the court to which the change is made, and the costs of such change of venue shall abide the result of the suit.

SEC. 3. An act entitled "an act in relation to change of venue in certain cases," approved January 31, 1867, is hereby repealed, and it shall be the duty of the several district courts of this Territory to order the return of all cases in which a change of venue has been granted by reason of the provisions of said last mentioned act to the court, wherein the change of venue was originally granted: *Provided* such cases, at the time of the passage of this act, still remain untried and undetermined.

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

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,
President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,
Governor of Washington Territory.

AN ACT

TO PRESCRIBE THE TIME WHEN ALL LAWS OF A GENERAL NATURE
SHALL BE DEEMED TO BE IN FORCE.

Be it enacted by the Legislative Assembly of Washington Territory, That from and after the date of the passage of this act, all laws made and passed of a general nature shall not be deemed to have or take effect until sixty days after the sitting of the Legislative Assembly has expired, unless otherwise directed.

Passed the House of Representatives December 19th, 1867.

P. B. JOHNSON,
Speaker of the House of Representatives.

Passed the Council December 20th, 1867.

H. G. STRUVE,
President of the Council.

Approved January 16th, 1868.

MARSHALL F. MOORE,
Governor of Washington Territory.

AN ACT

SUBMITTING TO THE VOTERS OF WASHINGTON TERRITORY, AT THE NEXT GENERAL ELECTION, A PROPOSITION FOR CALLING A CONVENTION TO FRAME A STATE CONSTITUTION AND TO APPLY FOR ADMISSION OF THE STATE OF WASHINGTON INTO THE UNION.

- SEC. 1. Proposition for calling convention to be submitted at next general election.
2. Manner of voting, &c.
 3. Votes to be canvassed and returned to secretary of Territory.
 4. Duty of Legislature to call convention if majority of votes are in favor of.
 5. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election that may be held in this Territory, there shall be submitted to the voters thereof a proposition for calling a convention to frame a state constitution, and for the admission of the proposed State in the Union.

SEC. 2. The manner of voting on said proposition shall be "for convention" and "against convention," and all tickets on which shall be written or printed "for convention," shall be counted in favor of the same, and all on which shall be written or printed "against convention," shall be counted against the same.

SEC. 3. The votes so cast shall be counted, canvassed and returned to the Secretary of the Territory in the manner now required in the returns of votes in the election of delegate of the Territory.

SEC. 4. If it shall appear that at such general election a majority of the votes cast are in favor of a convention, it shall be the duty of the next Legislature that may assemble after such general election, to provide for the calling of a convention, and to do all other acts proper and necessary to give effect to the popular will.

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

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

REQUIRING JUDGES IN CERTAIN CASES TO REDUCE TO WRITING INSTRUCTIONS AND CHARGES TO JURIES.

- SEC. 1. Either party may require judge to give written charge to jury.
 May ask court to give instructions.
 Refusal of court, ground for exception.
 Request must be made before closing of testimony.
 Either party may require rulings, &c., to be reduced to writing.
 Refusal of judge regarded as error.
 Proviso that instructions must be pertinent.
2. Conflicting acts amended to conform hereto.
3. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That either party to a proceeding in the district court shall be entitled to require of the judge trying a cause that his charge to the jury shall be made in writing, and no other charge or direction shall be given except the same be contained in the said written charge, and either party may also ask the court to give instructions, and if the court refuse to give such instructions, the party asking the same may except; but such request must be made at or before the closing of the testimony. Either party shall also be entitled to require of the judge that all interlocutory orders, instructions or rulings upon the evidence made at any time during the progress of the trial

of a cause, shall be reduced to writing, together with any exceptions that may be made thereto, and the same shall be made a part of the record of the case, and any refusal on the part of the judge trying the cause or making the order to comply with all or any of the provisions of this section shall be regarded as error, and entitle the party whose request shall have been refused to a reversal of the judgment on a writ of error: *Provided always*, That the instruction or ruling so requested is pertinent and consistent with the law and evidence of the case, and that such refusal has worked an injury to the party requesting the same.

SEC. 2. Acts and parts of acts prescribing a difference of practice upon the subject matter of this act are so amended as to conform hereto.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO REGULATE THE PRACTICE
IN CIVIL ACTIONS IN THE DISTRICT COURT.

SEC. 1. Section 303 of civil practice act amended.

Officer to strike off land to the highest bidder.

Money to be returned to the clerk of the district court.

Proviso, That proceedings in certain cases shall be docketed for confirmation.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section three hundred and two

of an act entitled "an act to regulate the practice in civil actions in the district court," passed January 28th, 1863, be so amended as to read as follows:

SEC. 302. The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer, who shall return the money, with his execution and his doings thereon, to the clerk of the court from which the execution issued, according to the order thereof: *Provided, however,* That when final judgment shall have been entered in the supreme court and the execution upon which sale has been made has issued from said court, the proceedings on said execution and return shall be docketed for confirmation in the district court in which said action was originally commenced, in the same manner as though said execution originally issued from said district court.

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 17th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE PROTECTION OF SHEEP AND OTHER DOMESTIC ANIMALS.

- SEC. 1. Owners of dogs hereafter to pay an annual tax.
Rates of taxation.
2. Duty of assessor to assess and collect dog tax.
Tax to go to the benefit of county school fund.
3. Certain dogs to wear collars with owners' initials marked thereon.
Persons removing collars with evil intent, guilty of misdemeanor.

- SEC. 4. What shall be deemed evidence of ownership in certain cases.
Persons attempting to evade tax to pay double rates.
5. Owners of dogs killing any domestic animal, liable for damages.
6. Act to apply to certain counties only.
7. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every owner, claimant, or keeper of a dog or dogs, of the age of four months or over, shall hereafter pay an annual tax on all dogs owned, claimed or kept by him or her. For the first dog, one dollar; for every additional dog, two dollars.

SEC. 2. It shall be the duty of the county assessor in each county, at the time of making their annual assessments of real estate and personal property, to ascertain by diligent inquiry and examination the names of all persons owning, claiming or keeping any dog or dogs, and they shall assess all such dogs in the amounts respectively as provided in the first section of this act, to the person or persons owning, claiming or keeping the same, and shall make lists and the delivery thereof, on their annual tax lists or assessment rolls, at the same time and in the same manner as their lists and delivery of other personal property are made and delivered, and the proper officers are hereby empowered and required to collect such tax on dogs in the same mode and manner as other taxes are collected, and to pay over the same into the county school fund.

SEC. 3. And every person owning and claiming any dog or dogs shall, as soon as possible after being assessed for such dog or dogs, cause to be placed securely upon the neck of such dog a collar of some substantial material, with the initials or name of the owner of such dog legibly engraved or marked thereon. And every dog not having said collar shall be deemed to have no owner, and may be lawfully killed by any person seeing the same running at large. And any person who shall wilfully, and with evil intent, take or remove from the neck of any dog the collar thereon, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding

fifty dollars, or imprisonment in the county jail for not less than one nor more than six weeks.

SEC. 4. Every dog kept or staying at any house shall be deemed sufficient evidence of ownership to authorize the assessor to return the person inhabiting the house as the owner of the dog, and any person sending his or her dog from house to house, or from place to place for the purpose of evading the tax, shall pay double rates therefor, and every dog not returned shall be deemed to have no owner, and may be lawfully killed by any person seeing the same running at large.

SEC. 5. The owner or owners of any dog or dogs which shall kill, wound or worry any sheep or other domestic animal, shall be liable to the owner of said sheep or other domestic animal for the damages and costs of suit, to be recovered before any court having jurisdiction in the case.

SEC. 6. That the provisions of this act shall only apply to the counties of Walla Walla, Clark and Lewis.

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

Passed the House of Representatives January 20th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT DEFINING
COUNTY LINES IN THE TERRITORY OF WASHINGTON.

Enc. 1. Boundaries of Klilkitat county defined.

- SEC. 2. Boundaries of Yakima county defined.
 3. Boundaries of Walla Walla county defined.
 4. Conflicting acts repealed.
 5. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section first of said act be so amended as to read: Klikitat county shall be bounded as follows: Commencing at a point in mid channel of the Columbia river, opposite Mimeloose island, about five miles below the mouth of Klikitat river, thence northerly to the summit of the mountains and the head waters of the Atahnam, thence following said waters to the Yakima, thence following the waters of the Yakima to the waters of the Columbia, thence down the Columbia to the place of beginning.

SEC. 2. Yakima county shall be bounded as follows: Commencing at the north-west corner of Klikitat county, thence easterly along the line of said county to the Columbia river, thence up said river to the Wenatchee, thence up the Wenatchee to the summit of the mountains, thence southerly to the place of beginning.

SEC. 3. Walla Walla county shall be bounded as follows: Commencing at a point where the boundary line between Washington Territory and Oregon intersects the Columbia river, thence east along said line to where it intersects Snake river, thence down the main channel of said river to the Columbia, thence down the Columbia to the place of beginning.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

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

Passed the House of Representatives Dec. 20th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 6th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 18th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE PRESERVATION OF GAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person who shall buy or sell, or kill for the purpose of selling, any elk or deer, from the first day of February to the first day of July, or any pheasants, partridges, grouse, prairie chickens or quail, from the first day of April to the first day of August in each and every year, or who at any time shall wantonly destroy any animals heretofore mentioned, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars nor less than ten dollars; one half to be paid to the person making the complaint, the other half to the county prosecuting the offense.

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

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

Passed the House of Representatives Jan. 24th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO LEGALIZE THE ACTS OF COUNTY COMMISSIONERS IN CERTAIN CASES.

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

the Territory of Washington, That the acts of the county commissioners of the various counties in said Territory, (appointing viewers upon the granting of any petition asking for the location of a public road in their respective counties, and regulating the fees of said viewers) in the absence of any provision of law authorizing them to take such action, be and the same are hereby legalized.

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

Passed the House of Representatives Jan. 20th, 1868.

P. B. JOHNSON,
Speaker of the House of Representatives.

Passed the Council Jan. 22, 1868.

H. G. STRUVE,
President of the Council.

Approved Jan. 24th, 1868.

MARSHALL F. MOORE,
Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING OF TERRITORIAL AND COUNTY REVENUE, APPROVED JANUARY 31, A. D. 1867.

- SEC. 1. Amends section one of the Territorial revenue act of January 31, 1867.
- Poll tax two dollars on every male between the ages of twenty-one and fifty years.
 - Poll tax for county purposes.
 - Property to be valued in equal and ratable proportion.
 - County commissioners to fix rate of county tax.
 - Territorial tax four mills.
 - County tax not to exceed eight mills.
 - Proviso.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section first of an act entitled "an act to provide for the assessing and collecting Territorial revenue," approved January 31st, 1867, be and the same is hereby amended so as to read as follows:

SECTION 1. That all taxes for the support of the government of this Territory, on polls of male inhabitants between twenty-one and fifty years of age, and on property valued in equal and ratable proportion and for county expenditures, to be determined by county commissioners; and the amount of poll tax by this act shall be two dollars on every male inhabitant over twenty-one and under fifty years of age in this Territory, except as hereinafter provided, which poll tax shall be paid into the county treasury for county purposes. There shall also be levied a tax of four mills upon every dollar's worth of property in this Territory for Territorial purposes, and shall be used in the payment of Territorial warrants in the order of their number and issue, except as is otherwise specially provided by law. The county commissioners may, in their discretion, levy a county tax of not exceeding eight mills on every dollar's worth of real and personal property for county purposes; at any regular term of the county commissioners' court, the said commissioners may make a special appropriation sufficient to pay the current expenses of the county, which appropriation shall have preference in order of payment from the funds raised by the provisions of this act: *Provided*, That the amount so set apart shall in no case exceed one half the current revenue of the county: *Provided*, This act shall not interfere with the provisions of any act providing for the assessing and collecting of county revenue in the county of Clark: *And provided*, That this act shall not be so construed as to exempt Clark county from the payment of any part of the Territorial tax assessed against said county under the provisions of this act.

Passed the House of Representatives January 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 25th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR A DIGEST AND REVISION OF THE STATUTE LAWS OF
WASHINGTON TERRITORY.

- SEC. 1. Governor of the Territory authorized to appoint three code commissioners.
2. Duties of commissioners prescribed.
 3. To report to the next session of the Legislative Assembly.
Special reference to be made to all amendments to practice acts.
 4. Commissioners to be sworn.
To receive such compensation as the Assembly may hereafter determine.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington;* That the Governor of Washington Territory be and hereby is authorized to appoint three discreet persons as code commissioners, to revise, digest and codify the statute laws of said Territory:

SEC. 2. Said commissioners are hereby authorized and required to thoroughly revise the statute laws of said Territory in force at the close of the present session of the Legislature, classifying and arranging the various subjects under appropriate titles, bringing together and incorporating the various amendments into the original acts, and rejecting all repealed, inoperative and obsolete statutes. They shall also make and incorporate into the civil, criminal, probate and justices' practice acts, such amendments as they or a majority of them shall deem advisable.

SEC. 3. Said commissioners shall report the result of their labors to the next session of the Legislature, and in said report shall make special reference to each and all the amendments to the various practice acts which may be made under the provisions of section two of this act.

SEC. 4. Said commissioners, before entering upon their duties, shall be sworn to the faithful discharge thereof, and shall receive such compensation as the Legislative Assembly hereafter shall fix upon.

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 25th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE REMOVAL OF OBSTRUCTIONS TO NAVIGATION ON
THE CHEHALIS RIVER.

- Sec. 1. Appropriation made and board of commissioners constituted to expend the same.
2. Commissioners to raise by subscription an amount equal to the appropriation.
3. Commissioners to examine river and apportion funds.
Proviso, no labor to be paid for until examined and approved.
4. Provides for filling vacancy.
5. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of eight hundred dollars be and the same is hereby appropriated out of the Territorial treasury, to be expended in removing obstructions to navigation on Chehalis river, and that A. L. Davis, David Biles and S. Wiley are hereby appointed a board of commissioners to superintend the expenditure of said appropriation.

SEC. 2. The commissioners herein appointed shall, at their earliest convenience, proceed to solicit subscriptions from the citizens residing in the vicinity of said river, and as soon as they shall satisfy the Governor of the Territory that an amount in money at least equal to the amount named in the preceding

section has been subscribed and paid into their hands, he shall issue his certificate to the Territorial Auditor, who shall immediately thereon issue a warrant on the Territorial Treasurer for the amount herein appropriated.

SEC. 3. The commissioners shall, on or before the first day of October next, cause an examination to be made of said river, and designate the points where labor is required in removing obstructions, and proceed to apportion the funds to be expended, as near as may be, to the different points according to the amount of labor required at each point, and as soon as they are satisfied that a sufficient amount has been subscribed to justify them in making application for the sum herein appropriated, they shall cause the required labor to be performed either by contract or otherwise, as they may deem proper: *Provided*, That no such labor shall be paid for until it shall have been examined and approved of by said commissioners.

SEC. 4. Should a vacancy occur in the said board of commissioners, the county commissioners of Chehalis county shall have power to fill such vacancy by appointment.

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

Passed the House of Representatives January 16th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved January 24th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

APPROPRIATING CERTAIN TAXES FOR A CERTAIN ROAD, AND REGULATING THE EXPENDITURE THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial tax of the counties of Cowlitz and Lewis, for the years A. D. 1868 and 1869, together with that remaining in the hands of the several treasurers of said counties at this time and due the Territory from said counties, be and the same is hereby appropriated, to be expended under the direction and control of the county commissioners of said counties of Cowlitz and Lewis, on that portion of the Territorial road from Steilacoom to Monticello passing through said counties.

SEC. 2. The treasurers of said counties of Cowlitz and Lewis shall hold said Territorial tax for the years above specified, upon collection thereof, subject only to the order of the county commissioners of said counties, and shall keep a true and correct account of all moneys so disbursed, and said Territorial tax shall be considered and held by said treasurer as a special fund for the purpose specified in section first of this act.

SEC. 3. The Territorial auditor shall credit the counties of Cowlitz and Lewis, on the books of his office, with the amount of Territorial tax due from said counties for the year 1867 and remaining unpaid at this date, and also for the years 1868 and 1869, when the same shall become due, in the same manner as though said tax had been paid to him in the usual method prescribed by law.

SEC. 4. The county commissioners of said counties of Cowlitz and Lewis shall make a report of the manner in which they have conducted the expenditure of the appropriation hereby made, at least once a year, to the Governor of Washington Territory, who shall transmit said report or reports to the Legislative Assembly of said Territory at its next regular session.

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

Passed the House of Representatives January 29th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 30th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

DEFINING THE BOUNDARY LINES OF ISLAND COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary lines of Island county, as defined by act approved January 31st, 1867, entitled "an act defining county lines in the Territory of Washington," be extended till they meet the boundary lines of the surrounding counties on all sides, and the space so included shall hereafter constitute a part of Island county.

Passed the House of Representatives Jan. 9th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 6th, 1868.

H. G. STRUVE,

President of the Council

Approved Jan. 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO RE-LOCATE THE COUNTY SEAT OF ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of Island county be and the same is hereby located at Coveland, in said county: *Provided,* A majority of the legal votes cast at the next general election are in favor of said location.

SEC. 2. All acts or parts of acts in anywise conflicting with the provisions of this act be, and the same are hereby, repealed.

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

Passed the House of Representatives January 11th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE COUNTY SEAT OF KITSAP COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the inhabitants of Kitsap county, Washington Territory, are hereby authorized, by a ma-

majority of votes cast at their next general election, to permanently locate the county seat in said county.

Passed the House of Representatives January 15th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 14th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED AN ACT IN RELATION TO THE COUNTY SEAT IN KITSAP COUNTY, PASSED JANUARY 15, 1868.

WHEREAS, the act to which this is supplementary provides that the citizens of Kitsap county may, at the next general election, vote upon the location of a county seat for said county of Kitsap, and the place receiving the majority of votes shall be the permanent county seat of said county; Therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the place receiving the majority of legal votes cast at said general election shall be declared the permanent county seat of the county of Kitsap, and the county commissioners of said county shall meet on the second Monday following such general election, and immediately take the necessary steps to cause the records and proceedings of said county commissioners, which by law must be kept at the county seat, to be deposited or removed to the place or county seat so selected, from and after which time said place shall be the permanent county seat of said county of Kitsap.

SEC. 2. That after the location of said county seat by the county commissioners of said county, as provided in the foregoing section, no meeting of said board, nor any act of any

county officer which by law must be performed at the county seat, shall be legal, valid or binding, which may not be done and performed at such permanently selected and located county seat.

SEC. 3. All acts and parts of acts inconsistent with this act, and the act to which it is supplementary, be and the same are hereby repealed.

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATIVE TO THE FEES OF COUNTY TREASURERS.

SEC. 1. Fees of county treasurers disbursing taxes to be paid out of county funds.

2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees of the county treasurers of the several counties in this Territory, for receiving and disbursing territorial, county, road and school taxes, shall be paid out of the county fund of the several counties.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 29th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATIVE TO ESTRAYS.

- SEC. 1. Auditors of certain counties to keep a "record of estrays."
 2. Taking up and pasturing estrays.
 3. Owner claiming estray within ten days from the time of posting notice.
 4. Taker up to make statement to the nearest justice of the peace, when Justice to appraise estray and notify county auditor.
 Fees for notification and appraisal.
 5. Duty of county auditor receiving notice to record the same.
 6. Proceedings when no owner appears within three months from filing notice.
 7. Persons taking up estrays and failing to comply with the provisions of this act, liable to damages.
 8. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That it shall be the duty of the county auditors of the counties of Clark, Skamania, Klickitat, Yakima, Walla Walla, Thurston, Pierce, Lewis, Cowlitz and Stevens to keep a book of suitable dimensions to be called the "record of estrays."

SEC. 2. Any householder, about whose premises any estrays may be in the habit of running at large, may take up the same, and shall, within ten days, post notices in three public places in the county, of which one shall be in the precinct in which the estray was taken up, giving as correct description as may be of natural and artificial marks and brands, probable age, and size, etc.: *Provided*, That no estray shall be taken up from the 15th of April to the 15th of December, except breachy or vicious animals, which may be taken up in any month.

SEC. 3. If, previous to the expiration of ten days from the time of posting the said notices, the owner shall prove said estray to be his, he shall be entitled to the same by paying charges, which shall be two dollars for taking up, posting, etc., and a reasonable rate for keeping the same; and if the owner shall further

prove that the person so posting an estray knew to whom such estray belonged, and yet did not notify the owner of his intention to post said estray, the person so taking up and posting shall not recover for either posting or keeping.

SEC. 4. If, at the expiration of the ten days, no one shall have made his claims known to the taker up, it shall be his duty to make a statement to the nearest justice of the peace of the county in which said estray is taken up, under oath, of the taking up of said estray, posting, etc., according to law, whereupon said justice shall appraise the estray and immediately notify the county auditor of the same county, by letter or otherwise, that an estray has been taken up, with marks, natural and artificial, etc., and by whom, and said justice shall receive, for each appraisal and notification, one dollar, and ten cents for every mile necessarily traveled in such service: *Provided*, That there shall be no charges for appraising on more than three head at the same time and place.

SEC. 5. It shall be the duty of the county auditor, upon receiving such notice from the justice, to make record of the same in the "record of estrays."

SEC. 6. If the person entitled to the possession of any estray shall not appear and make out his title thereon within three months from the time the notice is filed with the county auditor, as provided in section five, such estray shall be sold, at the request of the finder, by any sheriff or constable of the precinct, at public auction, upon first giving public notice thereof in writing, by posting up the same in three public places in the precinct, at least ten days before such sale, and the finder may bid therefor at such sale; and, after deducting all the lawful charges of the finder as aforesaid, and the fees of the justice for appraising, and constable or sheriff, which shall be the same as a sale on execution, the remaining proceeds of such sale shall be deposited in the treasury of the county for the use of common schools: *Provided*, That if the owner of the property sold, or his legal representatives, shall, within one year after the money shall have been deposited in the county treasury, furnish satisfactory evidence to the justice of the peace who has

appraised said animal, of the ownership of said property, he or they shall be entitled to receive the amount so deposited in the county treasury: *Provided, however,* That the taker up of estrays shall forfeit all right to a consideration for subsisting the same, if he work or in any way use such estray, or take and keep the same out of the county in which the estray was taken up, more than three days at any one time.

SEC. 7. That if any person shall take up, keep, or use any estray without complying with the provisions of this act, he shall be liable to damage in double the value of such estray, to be sued for and recovered in any court having competent jurisdiction, at the suit of the county treasurer, for the use of the school fund of the said county wherein such animal or animal shall be found; and it is hereby made the duty of said county treasurer to prosecute a suit against such offender for the violation of the provisions of this act, when the same shall be within the personal knowledge of said treasurer, or when complaint in writing, under oath, be filed with said treasurer alleging the violation of this act.

SEC. 8. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Passed the House of Representatives Jan. 24th, 1868.

P. B. JOHNSON,
Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,
President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,
Governor of Washington Territory.

AN ACT

FOR THE PROTECTION OF STOCK RAISERS IN WALLA WALLA, KLIKITAT
AND YAKIMA COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of any

and all persons searching or hunting in the counties of Walla Walla, Klikitat and Yakima, Washington Territory, for stray horses, mules or cattle, to drive the band or herd in which they may find their stray horses, mules or cattle, into the nearest corral before separating their said stray animals from the balance of the herd or band; that in order to separate their said stray animals from the herd or band, the person or persons owning said stray shall drive them out of and away from the corral into which they may be driven before setting the herd or band at large.

SEC. 2. Any person violating section one of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, fined not more than twenty-five dollars and costs of prosecution; the fine to be paid into the county treasury for the benefit of the school fund.

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

Passed the House of Representatives January 22d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 25th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM ROCKLAND, IN KLIKITAT COUNTY, TO OPPOSITE WALLULA, IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Klikitat county may, at their next regular session, appoint three

citizens of said county, who shall and are hereby constituted a board of commissioners to view and locate a road from Rockland, in Klikitat county, to opposite Umatilla in Oregon, and from there to Wallula, W. T., and the said road shall follow the right bank of the Columbia river so far as the same is practicable.

SEC. 2. Said commissioners shall meet at Rockland, at the time appointed by the county commissioners, and after being duly sworn by an officer authorized to administer oaths, faithfully to perform the duties assigned them, shall proceed to view, locate and mark out a road between said points on the ground best adapted for that purpose.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and cause a certified copy thereof to be filed with the Secretary of the Territory, and also with the county auditor of said county, within sixty days from the completion of their labors.

SEC. 4. The commissioners shall be allowed three dollars per diem for the time actually employed in performing the duties assigned to them, to be paid by said county.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE SHERIFFS OF THE DIFFERENT COUNTIES OF
WASHINGTON TERRITORY.

- SEC. 1. Sheriffs keeping convicts to present bill to county treasurer for payment.
Treasurer to pay the same out of funds due the Territory.
Territorial treasurer to credit the county with the amount so paid.
2. Repealing clause.
3. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever any sheriff is required to keep any territorial convict sentenced to imprisonment in the penitentiary, said sheriff shall present his bill for keeping such convict, after the same is duly allowed and approved by the proper judge of the district court, to the county treasurer of his county, whose duty it shall be to pay the same out of any funds in his hands due from the county to the territory, and upon presentation of the proper voucher, the territorial treasurer shall credit the county with the amount so paid by said county on territorial taxes.

SEC. 2. All acts or parts of acts conflicting with this act be and the same are hereby repealed.

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

Passed the House of Representatives January 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 23d, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO APPOINT REGENTS FOR THE TERRITORIAL UNIVERSITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That A. A. Denny and W. H. Robertson be and the same are hereby appointed Regents for the Territorial University, to fill the place of David T. Denny and Harvey K. Hines, whose term of office has expired.

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

Passed the House of Representatives Jan. 21st, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT IN RELATION TO ROAD TAXES
IN SNOHOMISH COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled an act in relation to road taxes in Snohomish county, passed the House of Representatives January 19th, 1867, passed the Council January 5th, 1867, approved January 28th, 1867, be and the same is hereby repealed.

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

Passed the House of Representatives Jan. 16th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 22d, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 24th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO FIX THE TIMES OF HOLDING THE COUNTY COMMISSIONERS' COURTS
IN PACIFIC COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be but two regular sessions of the county commissioners' courts held in the county of Pacific, which shall commence on the first Mondays in May and November in each year.

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

Passed the House of Representatives Dec. 14th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 6th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 16th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF WHATCOM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Whatcom shall be and the same is hereby relieved from all responsibility for fees and costs of every nature whatsoever, hereafter to be incurred by or against individuals residing on San Juan, Orcas, Lopez, and all other Islands within the defined limits of said county, now under the joint military occupation of the governments of the United States and Great Britain.

SEC. 2. This act to be and remain in force from and after its passage until said joint military occupation mentioned in section first shall cease.

Passed the House of Representatives January 10th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 20th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF QUILLEHEUTLE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of the Territory of Washington included within the following limits be and the

same is hereby organized into a county known as the county of Quillehuyte, to wit: Commencing at the mouth of the Wyatch river, on the Pacific coast, and extending in a south-easterly direction along the summit of the Olympic range of mountains to a point where the 124th meridian of west longitude crosses the 48th parallel of latitude, thence south along said parallel of longitude to the north boundary of Chehalis county, thence west along said boundary to the Pacific ocean to low tide mark, thence along said coast north, including all islands, to the place of beginning.

SEC. 2. Gideon Brownfield is hereby appointed auditor of said county, and John C. Brown, Aurelius Colby and John Weir are appointed a board of commissioners, and Smith Troy be and is hereby appointed sheriff, and all vacancies shall be filled by the Governor of the Territory, on petition by the residents; and all officers appointed, either by this act or by the Governor, shall hold their offices until the next general election, or until their successors are elected and qualified.

SEC. 3. All laws of a general nature in regard to counties in this Territory shall be applicable to said county.

SEC. 4. The county of Quillehuyte is hereby united to the counties of Clalm and Jefferson in the election of Joint Councilman, and to the county of Clalin in the election of Joint Representative.

SEC. 5. The said county of Quillehuyte shall be united to the third judicial district for judicial purposes.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO REGULATE THE FEES OF COUNTY OFFICERS IN CLALM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act to amend an act entitled an act to regulate the fees and costs of certain officers in the counties of Kitsap, Jefferson and Stevens, approved January 23d, 1866, be repealed so far as it relates to Clalm county.

Passed the House of Representatives Jan. 22d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO ASSESS A TAX AND PROVIDE FOR THE BUILDING OF A BRIDGE OVER THE DUNGENESS RIVER, IN CLALM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the county commissioners of the county of Clalm to levy a special tax of not more than five mills on each dollar of all the taxable property of the county of Clalm, payable in legal tender notes, and that the money arising from said tax shall be applied to the building of a good substantial bridge over the Dungeness river in Clalm county.

SEC. 2. The county assessor of said county shall assess and collect the said tax at the same time and in the same manner as other taxes are assessed and collected.

SEC. 3. The county commissioners of the said county shall, at their next meeting, receive bids for the construction of said bridge, and award the same to the lowest responsible bidder.

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

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all liquor and billiard licenses levied and collected in King county shall be paid into the county treasury for county purposes.

SEC. 2. The county commissioners shall have power to grant license to any person to keep a drinking saloon upon his presenting a petition praying for such grant, signed by a majority of

the electors of the precinct wherein such drinking saloon is so located.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act be and they are hereby repealed.

Passed the House of Representatives Dec. 16th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 21st, 1867.

II. G. STRUVE,

President of the Council.

Approved January 18th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE REMOVAL OF OBSTRUCTIONS IN THE COWLITZ RIVER.

- SEC. 1. Appropriation made and board of commissioners constituted to expend the same.
2. Commissioners to raise by subscription an amount equal to the appropriation.
 3. Commissioners to examine river and apportion funds.
Proviso, no labor to be paid for until examined and approved.
 4. Provides for filling vacancy.
 5. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of five hundred dollars be and the same is hereby appropriated out of the Territorial treasury, to be expended in removing obstructions to navigation on Cowlitz river, and that C. C. Paget, W. B. Gosnell and Henry Miles are hereby appointed a board of commissioners to superintend the expenditure of said appropriation.

SEC. 2. The commissioners herein appointed shall, at their earliest convenience, proceed to solicit subscriptions from the citizens residing in the vicinity of said river, and as soon as they shall have satisfied the Governor of the Territory that an amount in money at least equal to the amount named in the preceding section has been subscribed and paid into their hands, he shall issue his certificate to the Territorial Auditor, who shall immediately thereon issue a warrant on the Territorial Treasurer for the amount appropriated.

SEC. 3. The commissioners shall, on or before the first day of October next, cause an examination to be made of said river, and designate the points where labor is required in removing obstructions, and proceed to apportion the funds to be expended, as near as may be, to the different points according to the amount of labor required at each point, and as soon as they are satisfied that a sufficient amount has been subscribed to justify them in making application for the sum herein appropriated, they shall cause the required labor to be performed either by contract or otherwise, as they may deem proper: *Provided*, That no such labor shall be paid for until it shall have been examined and approved of by said commissioners.

SEC. 4. Should a vacancy occur in the said board of commissioners, the county commissioners of Lewis county shall have power to fill such vacancy by appointment.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM ROCKLAND, IN KLIKITAT COUNTY, TO THE YAKIMA, IN YAKIMA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Klikitat county may, at their next regular session, appoint three citizens of their county, who shall constitute a board of commissioners to view and locate a road from Rockland, in Klikitat county, to the Yakima, in Yakima county, by way of the canyon.

SEC. 2. Said commissioners shall meet at Rockland, at the time appointed by the county commissioners, and after being duly sworn, by an officer authorized to administer oaths, faithfully to perform the duties assigned them, shall proceed to view, locate and mark out a road between said points on the ground best adapted for that purpose.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and cause a certified copy thereof to be filed with the Secretary of the Territory, and also with the county auditor of said county, within sixty days from the completion of their labor.

SEC. 4. The commissioners shall be allowed three dollars per diem for the time actually employed by them in performing the duties herein assigned, to be paid by said county.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

ENTITLED AN ACT EXTENDING THE TIME FOR WORKING ON THE PUBLIC ROADS IN COWLITZ COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the time for working on the public roads in the county of Cowlitz shall commence on the first day of May, and end on the first day of November, of each year.

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

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

Passed the House of Representatives January 22d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

REDUCING THE COMPENSATION OF PROSECUTING ATTORNEYS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That, from and after the passage of this act, no prosecuting attorney shall be allowed to charge any fees or per diem for the performance of any of his official duties;

but every prosecuting attorney shall be allowed and paid a salary of one thousand dollars per annum, to be paid out of the Territorial treasury, quarterly, upon the presentation to the Territorial treasurer of the proper vouchers therefor.

SEC. 2. All acts and parts of acts in any manner conflicting with any of the provisions of this act be and the same are hereby repealed.

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

Passed the House of Representatives January 16th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON, APPROVED JANUARY 31, 1867.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That chapter four of the above entitled act be and the same is hereby amended by striking out the whole of section 16 of said chapter, which provides as follows, viz :

“It shall be competent for the directors, in any district where it may be required, to assess upon the parents or guardians of the children attending the school, their portion of the

necessary expenses of sustaining the school in the way of tuition, fuel, &c., in proportion to the number of scholars sent by each, and time of attendance.”

Passed the House of Representatives Dec. 20th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 8th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 18th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATIVE TO THE SALE OF SPIRITUOUS AND MALT LIQUORS IN WALLA
WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person or persons shall be permitted to sell spirituous, malt or fermented liquors or wines, in the county of Walla Walla, in less quantities than one gallon, without first having obtained a license therefor from the county commissioners of the said county, for that purpose.

SEC. 2. Every person applying for a grocery license to sell spirituous liquors, in a less quantity than one gallon, shall pay into the county treasury the sum of not less than fifty dollars nor more than three hundred dollars per annum, the amount to be determined by the county commissioners of said county: *Provided,* That no license shall issue for a less period than six months.

SEC. 3. On the applicant producing to the county commis-

sioners of said county the receipt of the county treasurer for the sum stated in the foregoing section, they shall give him a license for the term his receipt may call for.

SEC. 4. Every person or persons applying for a license to sell spirituous liquors in a less quantity than one gallon, before receiving the same, shall execute to the county commissioners of said county a bond in the penal sum of five hundred dollars, with two good and sufficient sureties, to be approved by the county commissioners of said county of Walla Walla: *Conditioned*, That he will keep an orderly house, and that he will not permit any unlawful or riotous conduct in or about his house; and, in case of a violation of any of the conditions thereof by any person or persons giving such bond, he shall be liable to pay a fine to the Territory of Washington in any sum not less than twenty-five dollars nor more than one hundred dollars, to be recovered before any justice of the peace in and for said county.

SEC. 5. That any applicant, before making such application as hereinbefore stated, in which the said applicant wishes to sell spirituous liquors, shall post notices in three of the most public places in the precinct, city or town, stating that in ten days after the date of said notices he will apply to the county commissioners of the said county for a license to sell spirituous liquors in less quantity than one gallon.

SEC. 6. If the notice shall be given as provided herein, license shall be granted to such applicant, in case no remonstrance is presented at the time appointed for the applying for said license: *Provided*, That if any remonstrance is presented as hereinbefore stated, it shall then be the duty of such person or persons signing such remonstrance to show cause why a license should not be granted to such applicant.

SEC. 7. If, in the opinion of the county commissioners, after hearing the reasons set forth by the person or persons signing the remonstrance as provided in section six of this act, that the person or persons making such application for a license to sell spirituous liquors in less quantities than one gallon, is of

such character that he would not comply with the conditions as set forth in section four of this act, then no license shall be granted.

SEC. 8. The county auditor, on the first day of each term of the United States District Court held in said county, shall deliver to the grand jury an accurate list of all persons holding licenses under the provisions of this act, within the county, which list shall show the date and expiration of such license.

SEC. 9. That if any person or persons shall sell, give or cause to be sold or given, any intoxicating liquor to any minor under twelve years of age, without first having obtained the consent of one of such minor's parents or guardians in writing, except for medical purposes, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine in any sum not exceeding one hundred dollars.

SEC. 10. Justices of the peace shall have jurisdiction in all cases arising under this act: *Provided*, That nothing herein contained shall prevent any person or persons from appealing to the District Court.

SEC. 11. All licenses and fines arising under this act shall be paid into the county treasury for the use of common schools in Walla Walla county.

SEC. 12. This act to apply exclusively to Walla Walla county, and to be in force from and after its passage.

SEC. 13. All laws or parts of laws relating to the sale of spirituous liquors in less quantities than one gallon, so far as they relate to the county of Walla Walla, be and they are hereby repealed.

Passed the House of Representatives January 28th, 1868,

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 29th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATING TO LICENSES IN THE COUNTY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all licenses granted for the sale of liquors or the privilege of keeping ferries, by the county commissioners of Walla Walla county, shall be paid for to the county treasurer of said county, and the funds derived from such licenses shall be used for the benefit of the common schools of said county.

SEC. 2. All acts and parts of acts in anywise conflicting with this act be, and the same are hereby repealed.

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

Passed the House of Representatives January 15th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATING TO JUSTICES OF THE PEACE IN WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That justices of the peace in Walla Walla county shall be entitled to charge and collect the following fees for services, to wit:

For issuing notice.....\$1 00

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For issuing warrant in criminal cases.....	1 00
For taking recognizance of bail.....	1 00
For committing to jail.....	1 00
For every subpoena.....	25
For each name in subpoena, after first.....	10
For entering judgment on trial.....	1 00
For entering judgment of confession or default.....	75
For each folio of certified copy of proceedings or appeals, certiorari or otherwise.....	25
For every adjournment at request of either party.....	50
For swearing witnesses, jurors or arbitrators, each.....	15
For issuing writ of attachment.....	1 00
For scire facias.....	1 00
For entering discontinuance or satisfaction.....	50
For taking acknowledgment of deeds or other instruments	1 00
For venire for jury.....	1 00
For writ of restitution.....	1 00
For taking affidavits, each.....	75
For attending with clerk of county commissioners at the opening of polls, per diem.....	3 00
For each trial, a fee of.....	1 50
For issuing writ of replevin.....	1 00
For filing each paper in a cause.....	15
For approving a bond.....	25
For administering an oath.....	15
For any other services, the same fees as by law allowed to other officers for similar services	

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

Passed the House of Representatives January 6th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 4th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 14th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

REGULATING THE FEES OF THE CLERK OF THE DISTRICT COURT IN
AND FOR WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees of the clerk of the district court in and for the county of Walla Walla shall be as follows:

For filing declaration, petition, plea, demurrer, affidavit, exhibit, or any other paper, in each cause, each	\$ 25
For issuing capias, attachment, execution, certiorari, supersedeas, habeas corpus, information, mandate, writ of error, or replevin, and for any other original writ, each	1 00
For entering each writ	50
For issuing writs of venditioni exponas, or order of sale, every hundred words	25
For entering appearance of either party, personally or by attorney, charged but once	25
For entering sheriff's return on any writ, for every folio . . .	25
For docketing appeals from justices of the peace court . . .	25
For docketing each cause, to be charged but once	25
For writs of venire for jury, charged in each cause tried . .	50
For receiving panel and swearing jury	25
For swearing witnesses, each	15
For entering claim for each witness for their attendance . .	15
For giving order therefor to each witness	25
For entering judgment, recognizance, special rule, continuance, discontinuance, retraxit, rule of reference, allowance of writ of habeas corpus, confession of judgment or default, or consent, rule, or plea, notice of appeal to supreme or district court, each	50
For entering surrender of principal by bail, exonerator canceling bail bond, discharge of recognizance, issue joined, motion, non-suit, report of referees, judgment	

upon any issue of law or fact, or on report of referees, appeals from inferior courts, appeals to higher courts, and acknowledgments.	50
For taking affidavits, each	25
For taking affidavits, with seal attached, each.	1 00
For writing affidavits, per folio of one hundred words.	25
For issuing subpoenas, one or more names.	50
For entering each case.	50
For calling and swearing talesmen, each.	25
For giving order to each juror for his attendance.	50
For approving bonds.	1 00
For entry of bonds.	50
For copying papers, per folio.	25
For certificate and seal.	1 00
For each day's attendance at chambers.	3 00

SEC. 2. For any other work or service not enumerated, performed by him, he shall be entitled to receive the same fees as other officers for the similar service.

SEC. 3. The clerk of said court shall not be required to do or perform any service, without the payment to him of his fees in advance, if demanded.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

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

Passed the House of Representatives January 10th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO REGULATE THE FEES OF THE PROBATE JUDGE OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the fees of the probate judge of Walla Walla county shall be as follows:*

For granting letters of administration.....	\$1 00
For probate of will or testament.....	1 00
For granting letters testamentary.....	1 00
“ “ “ “ when the same are con- tested	3 00
Taking bonds in any case.....	1 00
Hearing complaints against spendthrifts and lunatics....	5 00
Appointing guardians.....	1 00
Decree of settlement of an estate.....	1 00
“ “ “ “ “ “ when contested.....	2 00
Order of distribution.....	1 00
Examining inventory of appraisement or bill of sale, and filing same in office, each.....	1 00
Every writ of process under seal.....	1 00
Each order of court on record.....	50
Examining accounts, each one hundred words, counting two (2) figures for a word.....	25
Warrant to appraise or divide an estate.....	1 00
Issuing commission.....	1 00
Allowing an appeal.....	25
Approving securities in bonds, each.....	25
Assigning dower in real estate.....	1 00
Assigning personal estate to widow.....	1 00
Refusing letters of administration or probate of will, to be paid by the losing party.....	2 00

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For every continuance when asked by a party.....	50
Order for partition of real estate.....	1 00
Certificate of necessity for the sale of real estate.....	1 00
Allowing reports on the accounts of executors or administrators	50
Extending letters of administration.....	50
Decree respecting the probate of will or codicil.....	1 00
A quietus	50
Filing each paper.....	15
Administering an oath	15
Recording all papers required by law to be recorded, for each one hundred words.....	25
Order of apportionment of an insolvent estate among the creditors	2 00
Acknowledgment, with seal.....	75
Entering appointment of executors, administrators, or guardians, or other appointments necessary.....	1 00
Issuing letters of guardianship.....	1 00
For hearing each contested case, to be taxed as costs against the party in default.....	5 00
Issuing citations to executors, administrators and guardians	1 00
Copies of papers and records, each one hundred words...	25

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

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

Passed the House of Representatives Jan. 6th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 4th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 14th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

REGULATING FEES AND COSTS IN THE COUNTY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees and compensation of the several officers herein named shall be as follows in the county of Walla Walla:

SHERIFF.

For service of every notice and complaint, and return thereof on each defendant, besides mileage.....	\$1 00
For levying each writ of execution on real or personal property, besides mileage..	1 00
For levying each writ of attachment on real or personal property, besides mileage.....	1 00
For service of <i>capias ad satisfaciendum</i> upon the body of each defendant named in the writ.....	1 00
For every bail bond	50
For serving writ of possession without the aid of the county, besides mileage.....	2 00
For serving writ of possession with the aid of the county, besides mileage.....	3 00
For executing writ of inquiry and returning the same with inquisition	2 00
For copy of any complaint, notice, writ or process necessary to complete a service, for each one hundred words	20
For serving and returning a notice to witness, besides mileage, for each person therein named.....	40
For summoning each grand and petit juror.....	25
Percentage on all moneys actually made and paid to sheriff on execution or order of sale of real estate under one thousand dollars, one per centum.....	
Percentage on all sums over one thousand dollars, one-half of one per centum.....	
For serving declaration in ejectment and return, besides mileage.....	1 00

For making a deed of land sold on execution, decree or order of court, to be paid by the grantee.....	\$3 00
For serving scire facias for each defendant, besides mileage	1 00
For calling jury.....	25
For calling each witness.....	10
For bringing up a person on a writ of habeas corpus, besides mileage.....	1 00
For each day's attendance on any court of record.....	3 00
For posting each notice, besides mileage.....	50
For executing a sentence of death.....	50 00
For each mile necessarily traveled in going to and returning from the county seat to the place of service.....	20

CONSTABLE.

For serving of complaint and notice on each defendant, besides mileage.....	\$1 00
For service and return of a capias or warrant, besides mileage.....	1 00
For committing to prison, besides mileage.....	1 00
For serving an execution on goods, besides mileage.....	1 00
For every day's attendance upon any court of record.....	3 00
For summoning jury before justice of the peace.....	1 50
For each mile necessarily traveled in going to or returning from the court to the place of service.....	20

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

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

Passed the House of Representatives January 5th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 9th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FIXING THE COMPENSATION OF THE TREASURER OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county treasurer of Walla Walla county shall receive as a compensation for his services three per centum on all moneys received and paid out by him, for the county, the aggregate of which does not exceed twenty thousand dollars, in any one year; and on all sums exceeding this amount, he shall be allowed not to exceed two per centum, the same to be determined by the board of county commissioners of said county.

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

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

Passed the House of Representatives January 10th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 8th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

REGULATING THE FEES OF THE COUNTY AUDITOR OF WALLA WALLA
COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees of the county auditor of Walla Walla county shall be as follows :

For making out assessment roll to county assessor, for each quire such roll may contain.....	\$10 00
For making out original tax duplicate, for each one hundred words such duplicate may contain, counting every two figures as a word.....	25
For making out exhibit of receipts and expenditures of county for past year, for each one hundred words, counting every two figures as a word.....	25
For each settlement of his accounts, or of any other officer with the county.....	1 00
For filing each paper, exhibit or necessary document connected with the duties of his office.....	20
For attending each regular and special term of board of county commissioners, per diem.....	5 00
For recording proceedings of board of county commissioners, for each one hundred words.....	25
For each order drawn on county treasurer.....	20
For copy of an order drawn upon the order of the board	50
For drawing each receipt.....	20
For each notice delivered to the sheriff for general or special election.....	50
For opening and examining election returns, and making abstract of votes and copies thereof, per diem.....	5 00
For each certificate of election to be paid by the party entitled to the same.....	1 00
For each order for view of road.....	1 00
For taking bonds of county officers and all other persons required by the board or by law to give bonds, each.	1 00

For taking oaths of county officers and other persons, and certifying the same.....	\$ 1 00
For administering an oath.....	25
For each bond executed by the commissioners to purchaser of county property, and other purposes.....	2 00
For each deed executed by county commissioners.....	3 00
For each poll book delivered to sheriff or judges of election.....	1 00
For filing each bond, oath, receipt, bill, order, appointment and petition, report, resignation, deed, affidavit and all other papers required to be put on file.....	20
For issuing each license, under seal, for grocery, tavern, ferry, or to peddlers, showmen or managers or owners of circuses, and all other business, to be paid by the party to whom granted.....	1 00
For entering license on record.....	25
For entering the approval by county commissioners of licenses granted in vacation in each case, to be paid by applicant.....	1 00
For notifying clerk of the district court of the selection of grand and petit jurors, each list.....	1 00
For all writs ordered issued by the board or required by law, the same fees as are allowed the clerk of the district court for similar service.	
For reading and entering petition for view of road, to be paid by petitioner.....	1 00
For reading and entering remonstrance against view of road, or petition for damages, each, to be paid by the person remonstrating.....	1 00
For entering appointment of road viewers.....	50
For reading and entering report of road viewers.....	50
For notifying justice of the peace or county commissioners to attend at the opening and examination of election returns, each.....	50
For certifying copy of commissioners' proceedings or parts thereof, for each one hundred words, to be paid by party requiring such copy.....	25.

For filing each deed or instrument in writing for record. 25
 For making final settlement of any account with the county, each one hundred words such account may contain..... 25
 For each certificate as recorded, of liens on record against the property of any person..... 50

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

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

Passed the House of Representatives Jan. 9th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 8th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

PROVIDING A FUND FOR EXTINGUISHING THE INDEBTEDNESS OF CLARK COUNTY, AND TO PROVIDE FOR THE PAYMENT OF CURRENT EXPENSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That, to provide a fund for the payment of the indebtedness of Clark county, and to meet the current expenses of the same, the county commissioners of said county shall, at the terms of court at which they are now required to levy a tax for revenue purposes, levy a tax of five mills on every hundred dollars' worth of taxable property, for the purpose of liquidating the indebtedness of said county, in the manner hereinafter provided, and a tax not exceeding five mills, to meet the current expenses of said county.*

SEC. 2. That the county treasurer of said county, whenever there shall be in the fund provided for liquidating the county indebtedness in the treasury of said county, as much as one thousand dollars, shall, by public notice inserted weekly for three insertions, in some newspaper published in said county, and if there be none there, by posting such notices for three weeks in three public places in said county, notify all persons who may hold county orders on said county, duly registered, that sealed proposals will be received by said treasurer, at his office, up to the time fixed in such notice, which shall not be less than three weeks nor more than thirty days from the first insertion or posting of said notice, for the redemption of any county orders heretofore issued, the holders of said orders to give in said proposals the dates, numbers and sums of money due on said orders, and the rates at which they will surrender the same to said treasurer.

SEC. 3. At the day and hour fixed in said notice, the said treasurer shall, at his office, publicly open said proposals and shall accept the lowest proposals for said county orders, and shall then and there apply such money to the payment of such orders, and if such orders are not then surrendered, all interest on the same shall stop from such date.

SEC. 4. Whenever there shall be in the county treasury any sum less than one thousand dollars, the county commissioners may direct the treasurer to give the notice and to do and perform the matters and things provided in section three.

SEC. 5. It shall be the duty of the county treasurer to report to the county commissioners, at their first meeting after any redemption of county orders, a statement of the orders redeemed, with a full description of the same, and the amounts paid thereon, together with all proposals that may have been received by said treasurer; and said county commissioners shall make all suitable and proper entries of the same on the minutes of their proceedings.

SEC. 6. No county orders shall be received in payment of any tax levied under the provisions of this act.

SEC. 7. It shall be unlawful for the board of county commissioners of Clark county to allow any greater sum on any account, claim or demand against the county, than the amount actually due thereon, dollar for dollar, according to the legal or ordinary compensation or price for services rendered, salaries or fees of officers, or materials furnished, or to issue county orders upon such accounts, claims or demands, when allowed for more than the actual amount so due, dollar for dollar; and no county order shall be issued unless an account, containing the several items thereof, verified by affidavit setting forth that the same is just and correct, and remains due and unpaid, and that the amount claimed thereon is actually due, according to the legal or ordinary price for the services rendered, or material furnished, as the case may be, shall have first been presented to the board of county commissioners and allowed as hereinbefore set forth; and the chairman of the board of county commissioners is hereby authorized to administer all oaths required to be administered by this section, and he shall not be allowed to charge for the same.

SEC. 8. That all provisions relative to road, school and other taxes, shall be and remain as now provided by law, except as they may be affected by this act, and that all acts and parts of acts only that may be inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

SPECIAL AND PRIVATE LAWS.

SPECIAL AND PRIVATE LAWS.

AN ACT

TO INCORPORATE THE CITY OF VANCOUVER.

CHAPTER I.

OF THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Vancouver shall be bounded as follows: Commencing at the southwest corner of the military reservation of Fort Vancouver, in the county of Clark; thence westerly along the meanders of the Columbia river down stream to the southwest angle of the donation land claim of Amos M. and Esther Short, deceased; thence north three-fourths of a mile; thence east to a point due north of the west line of the donation land claim of William Ryan; thence southerly along said line to the Columbia river; thence west along the meanders of said river to the place of beginning.

SEC. 2. The inhabitants of the city of Vancouver are hereby constituted and declared to be a municipal corporation by the name and style of the "City of Vancouver," and by such name

shall have perpetual succession ; sue and be sued ; plead and be impleaded in all courts of justice, and in all actions, suits or proceedings whatever ; may purchase, hold and receive property, both real and personal, within said city, for public buildings, public works and city improvements ; may lease, sell or dispose of the same for the benefit of the city ; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for burial purposes ; for the establishment and maintenance of a hospital for the reception of persons afflicted with contagious or other diseases ; for workhouses and for houses of correction ; also for the erection of water works to supply the city with water ; and they shall have and use a common seal, and may alter and break the same, or make a new one at pleasure.

CHAPTER II.

OF THE GOVERNMENT OF THE CITY.

SEC. 3. The power and authority given to the municipal corporation of the city of Vancouver by this act, is vested in a mayor and common council, and their successors in office, to be exercised in the manner hereinafter described.

SEC. 4. The common council shall consist of seven members, and they shall be elected for two years, and shall hold their office until their successors are elected and qualified.

SEC. 5. The mayor shall be elected for two years, and shall hold his office until his successor is elected and qualified.

SEC. 6. There shall be elected, as hereinafter specified, a recorder, treasurer, marshal, assessor, collector, attorney and surveyor, who shall be officers in this municipal corporation. The recorder, treasurer, marshal and assessor shall be elected for two years by the qualified voters of this corporation as hereinafter provided, and shall hold their offices until their successors are elected and qualified ; and the collector, attorney, and surveyor, shall be elected by the common council ; the votes of

a majority of all the members then constituting the council being necessary to elect, and they shall hold their offices until their successors are elected and qualified; liable, however, to be removed at any time by the council for malfeasance, inattention or incompetency.

SEC. 7. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this Territory, and who has not resided in the city of Vancouver for the three months next preceding such election or appointment.

CHAPTER III.

OF ELECTIONS.

SEC. 8. A general election for all city officers required to be elected under this act shall be held on the first Monday of November, A. D. 1869, and on the same day of November, every two years thereafter.

SEC. 9. No person is qualified to vote at any election under this act who does not possess the qualifications prescribed in section seven of this act, and all officers required to be elected by this act, except those elected by the common council, shall be elected by the qualified voters of the city.

SEC. 10. At all elections for city officers, the vote shall be by ballot, at the time and place designated by the common council.

SEC. 11. The clerk of the common council, under the direction of the council, shall give ten days' notice, by posting the same in at least five public places in said city, or by publication in some newspaper published in said city, of each general election; the officers to be elected, the place designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 12. All elections shall commence at nine o'clock A. M., and continue until five o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters then present at the polls may elect another in his place; and if any clerk of election fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 13. Judges and clerks of the election must possess the qualification of the voters, but a mistake or error in this respect, or a failure to give the notice required by section eleven of this act, shall not invalidate any election otherwise legal.

SEC. 14. On the first regular meeting of the common council, next after such election, the returns thereof shall be canvassed by said council, and a written statement of such canvass shall be made and signed by the presiding officer of the council, and attested by the clerk thereof, and immediately filed with the city recorder. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected and to what office.

SEC. 15. After such statement of the canvass is filed, the recorder shall make and sign, within two days thereafter, a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 16. A certificate of election is primary evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and of its own members, and, in case of a contest between two persons claiming to be elected thereto, must determine the same.

SEC. 17. A contested election for any other office than that of mayor or councilman must be determined according to the laws of this Territory regulating proceedings in contested elections in county offices.

SEC. 18. The term of office of every person elected to office under this act shall commence on the tenth day after the can-

vass of the election returns by the council, and terminate accordingly, except as otherwise provided in this act, and by such time, such person must qualify thereafter by taking and filing the oath of office, and give such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant.

SEC. 19. All officers elected or appointed by this act, before entering upon the duties of their office, must take and file with the recorder an oath to the following effect: "I, A. B., do solemnly swear that I will support the constitution and laws of the United States, and the laws of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office of—— during my continuance therein, so help me God."

SEC. 20. All laws of this Territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER IV.

OF VACANCIES IN OFFICE.

SEC. 21. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, treasurer, assessor, attorney, surveyor and collector, shall be deemed vacant, whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of recorder and marshal shall be deemed vacant whenever the incumbent shall be absent from the city for twenty days. The office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council first obtained.

SEC. 22. A vacancy in any office, caused by a failure of the person elected to qualify therefor, as prescribed in section eighteen of this act, or made by or consequent upon the judg-

ment of any court, or in any of the cases specified in section twenty-one, shall be filled by the council, at a regular meeting, to continue until the successor is duly elected and qualified at the next general city election.

SEC. 23. An officer appointed to fill a vacancy must, within five days after being notified of the appointment by the clerk of the common council, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER V.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 24. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened by the mayor at any time, upon a day's notice given to each of the members.

SEC. 25. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

SEC. 26. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings, and, on the call of one member, must cause the yeas and nays to be taken and entered in its journal, upon any question before it. Its proceedings and deliberations must be public.

SEC. 27. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may, by a two-thirds vote, expel a member.

SEC. 28. The mayor is ex-officio president of the council, and presides over its deliberations when in session, but he shall

not vote on any question. In the absence of the mayor, the council must appoint one of their own number as president, who shall act during the meeting, or until the mayor attends.

SEC. 29. On the tenth day next following any general election, there must be a regular meeting of the council, and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 30. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or the members thereof, within the meaning of this act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

SEC. 31. The style of every ordinance shall be: "The City of Vancouver does ordain as follows."

SEC. 32. The council has power and authority within the city of Vancouver:

1st. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal, which is taxable by law for territorial or county purposes.

2d. To license, tax and regulate auctioneers, taverns, hawkers, peddlers, brokers, pawnbrokers, and all offensive or noxious trades or occupations.

3d. To license, tax and regulate hacks, cabs, hackneys, carriages, wagons, carts, drays or other vehicles, and to fix the rates thereof.

4th. To make regulations to prevent the introduction of contagious diseases into the city, to remove persons affected with such or other diseases therefrom to suitable hospitals, provided by the city for that purpose; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the city.

5th. To prevent and remove nuisances.

6th. To provide the city with good and wholesome water, and for the erection and construction of such water-works and reservoirs, within or without the limits of the city, as may be necessary or convenient therefor.

7th. To provide for lighting the streets, and furnishing the city with gas or other lights, and for the erection or construction of such works as may be necessary or convenient therefor. •

8th. To provide for the support, restraint and employment of vagrants and paupers.

9th. To provide for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, and for the appointment or election of officers required for such purposes.

10th. To establish and maintain a day and night police, or either of them.

11th. To provide for the prevention or removal of all obstructions from the streets, cross and side-walks, and for the cleaning and repairing of the same.

12th. To assess and collect harbor dues from all vessels and steamboats or other water craft whatever, arriving at or departing from the city.

13th. To license and tax wharfingers.

14th. To provide for the establishment of market houses and places, and to regulate the location and management of market houses, places and slaughter houses.

15th. To provide for the erection of a city jail, house of correction and work-house, and the government and management of the same.

16th. To regulate the storage and sale of gunpowder, or other combustible material, and to provide, by all possible and proper means, against danger or risk of damage by fire arising from carelessness, negligence or otherwise.

17th. To restrain and punish any disturbance or any unlawful or indecent practice.

18th. To establish and regulate the fees and compensation

of all officers of this municipal corporation, except when otherwise provided.

19th. To provide for the punishment of a violation of any ordinance of the city, by fine or imprisonment, not exceeding one hundred dollars, or thirty days, or both, or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment upon the streets or public squares, during the term thereof.

20th. To levy and collect, each year, a special tax not exceeding one-half of one per centum, assessed by authority of the first subdivision of this section, for any specific object within the authority of this municipal corporation; but the ordinance providing therefor must specify the object thereof, and the estimated amount necessary therefor.

21st. To borrow money on the faith of the city, or loan the credit thereof, or both.

22d. To appropriate money to pay the debts, liabilities and expenditures of the city, or any part or item thereof, from any funds applicable thereto.

23d. To provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks or streets.

24th. To exercise such power and authority as may be given to the council elsewhere in this act.

25th. To license, tax, regulate and restrain bar-rooms, drinking shops, saloons, theatricals and other exhibitions, shows, public amusements, billiard tables and bowling alleys, and to suppress bawdy houses, gaming and gambling houses.

26th. To make regulations and pass ordinances preventing domestic or other animals from running at large in the city limits.

27th. To license, tax, regulate and restrain the keeping of dogs within the city limits.

SEC. 33. The power and authority given to the council by

section thirty-two can only be enforced or exercised by ordinance, unless otherwise expressly provided, and a majority of the council may pass any ordinance not repugnant to the laws of the United States or this Territory, necessary or convenient for carrying such power and authority, or any part thereof, into effect.

CHAPTER VI.

THE MAYOR—HIS POWER AND DUTIES.

SEC. 34. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in November, to communicate by message to the council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make special communications to the council, from time to time, as he may think proper and useful.

SEC. 35. The mayor shall take and approve all official bonds, which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor for the faithful performance of his contract, and when he approves such bond, he must immediately file such bond with the clerk of the council.

SEC. 36. He shall perform such other duties and exercise such other authority as may be prescribed by this act, any city ordinance, or any law of this Territory.

SEC. 37. Any ordinance which shall have passed the common council, shall, before it becomes a law, be presented to the mayor for his approval; if he approves, he shall sign it; if not, he shall within ten days return it with his objections in writing to the common council, who shall cause the same to be entered on their journal, and shall proceed to reconsider the same. If, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law.

SEC. 38. During any temporary absence of the mayor from the city, or if he be unwell, or for any reason be unable to act, the recorder shall be the acting mayor, and perform all the duties of such office, during such temporary absence or disability, except as otherwise provided in this act.

CHAPTER VII.

OF THE POWER AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 39. The recorder is the judicial officer of the corporation, and shall hold a court therein, which shall be known as "the recorder's court for the city of Vancouver."

SEC. 40. The recorder has jurisdiction of all crimes defined by any ordinance of the city of Vancouver, and of all actions brought to enforce or recover any forfeiture or penalty declared or given by any such ordinance.

SEC. 41. The recorder is also ex-officio a justice of the peace in and for Clark county, W. T., and has the jurisdiction and authority of said justice of the peace in both civil and criminal matters, and shall be subject to all the general laws of the Territory prescribing the duties of justices of the peace and the mode of performing them, and this act shall not be so construed as to limit or restrict in any manner any authority and power heretofore given to the recorder of the city of Vancouver by law.

SEC. 42. All civil or criminal proceedings before the recorder, or in the recorder's court, including all proceedings for the violation of any city ordinance, are governed and regulated by the general laws of the Territory applicable to justices of the peace and justice courts in like or similar cases.

SEC. 43. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of

the clerk of the common council, countersigned by the presiding officer thereof.

SEC. 44. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 45. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the months of March and September of each year, which report shall be published in any newspaper published in the city.

SEC. 46. The assessor must annually make a correct list of all the property subject to taxation in the city of Vancouver, with the valuation thereof, and certify and return the same to the clerk of the common council.

SEC. 47. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous, they must correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desire it or the council require it.

SEC. 48. The assessment of property must be made in the manner prescribed by law for assessing property for territorial and county taxes; but the form of the assessment roll and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment and the return thereof, and of applying to the council for a revision thereof, must be prescribed by ordinance.

SEC. 49. The marshal is a peace officer, and must execute all process issued by the recorder or directed to him by any magistrate of the Territory. He must attend regularly upon the

sittings of the recorder's court and the meetings of the council. He has power, by and with the approval of the council, to appoint one or more deputies, who shall possess the same power. He may make arrests for a breach of the peace or the commission of a crime within the city limits, with or without warrant, as a peace officer may do under the laws of the Territory.

SEC. 50. The marshal shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison or house of correction, unless otherwise prescribed by ordinance.

SEC. 51. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

SEC. 52. The city attorney must attend to all actions, suits or proceedings in which the city is legally interested, and attend to the prosecution of all persons charged with the violation of a city ordinance, and give his advice and opinion concerning any matter in which the city is interested, whenever required by the council.

SEC. 53. The clerk of the common council shall be elected by the council from one of the members thereof, under the direction of the council. It is his duty to keep a fair and correct journal of its proceedings, and to file and keep all papers and books connected with the business of the council.

SEC. 54. All demands and accounts against the city must be presented to him, with the necessary evidence in support thereof, and he must submit the same to the council, who shall, by a vote, direct whether the same shall be paid or any part thereof, as they may deem it just and legal.

SEC. 55. When the council orders any demand or account to be paid, if money has been appropriated for that purpose and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered to be paid, which warrant must be drawn on the special or general fund appropriated therefor, and must

be signed by the clerk and countersigned by the presiding officer of the council.

SEC. 56. The clerk must keep proper books of account, showing therein all sums appropriated, the date thereof and out of what fund, the date and amounts of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.

SEC. 57. The recorder shall issue all licenses which he is now specially authorized to issue by law, and all others authorized to be issued by ordinance, under such restrictions as are now imposed by law, and upon the delivery to him of the receipt of the treasurer for the amount of money required for such license.

SEC. 58. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors.

SEC. 59. The recorder and marshal, when acting under or enforcing the laws of the Territory, shall be entitled to the same fees and compensation as a justice of the peace and constable for like services, and such compensation for other services as may be prescribed by ordinances.

SEC. 60. The duties of the surveyor shall be provided by ordinance, and other duties not inconsistent with this act may be required of any officer mentioned in this chapter by ordinance.

SEC. 61. The official books and papers of any officer mentioned in this chapter may be inspected at any time by a committee of the council appointed for that purpose.

SEC. 62. The clerk of the common council is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 63. The recorder must keep a proper account of all fines, costs, or other moneys received by him or paid into his court, when not acting as justice of the peace, and he must pay to the treasurer monthly all moneys mentioned in this section, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 64. Any fees or costs earned or due the recorder or marshal on account of proceedings before him, or in his court when not acting as justice of the peace, must be paid by the city. The recorder and marshal must each make out a monthly account of such fees and costs, and present the same to the council, who, if found correct, shall order the same paid as other accounts and demands against the city are paid.

CHAPTER VIII.

OF STREETS, THEIR GRADE AND IMPROVEMENT.

SEC. 65. The council has power and is authorized, whenever it deems it expedient, to establish or alter the grade, and to improve any street or part thereof, now or hereafter laid out or established within the corporate limits of the city. The power and authority to improve a street includes the power and authority to improve the sidewalks and pavements, and to determine and provide for everything convenient or necessary for such improvement.

SEC. 66. No grade or improvement mentioned in the foregoing section can be undertaken or made without first posting written notices in at least five of the most public places in said city for two weeks, or publishing said notices in some paper published in said city for said period.

SEC. 67. Such notice must be given by the clerk of the common council by order of the council, and must specify with reasonable certainty the street or part thereof proposed to be

improved, or of which the grade is proposed to be established or altered, and the kind of improvement which is proposed to be made.

SEC. 68. Within ten days from the final publication or expiration of such notice, the owners of two-thirds of the assessed value of the property adjacent to such street or part thereof, as the case may be, may make and file with the clerk of the common council a written remonstrance against the proposed improvement, grade or alteration thereof, and thereupon the same shall not then be farther proceeded in or made.

SEC. 69. If no such remonstrance be so made and filed, the council at its earliest convenience thereafter, and within six months from the final publication of such notice, may establish the proposed grade or alteration thereof, or commence to make the proposed improvements as hereinafter provided.

SEC. 70. In the case of a notice to establish a grade or alteration thereof, the council, within the time limited by the first section of this chapter, may establish the same by ordinance as proposed in this section.

SEC. 71. In case the notice be for the improvement of a street or a part thereof, the council may proceed to ascertain and determine the probable cost of making such improvement, and assess upon each lot or part thereof, liable therefor, its proportionate share of such cost.

SEC. 72. When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof of each lot or part thereof has been ascertained as provided in the preceding section, the council must declare the same by ordinance, and direct its clerk to enter a statement thereof in the docket of the city liens as provided in the next section.

SEC. 73. The docket of city liens is a book in which must

be entered, in pursuance of the preceding section, the following matters in relation to assessments for the improvement of streets.

First. The number of the lot assessed and the number of the block in which it is situated, and if a separate assessment is made upon a part of a lot, a particular designation of such part.

Second. The name of the owner thereof, or that the owner is unknown.

Third. The sum assessed upon such lot or part thereof, and the date of the entry.

SEC. 74. The docket of city liens is a public record, and the original or certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof, and from the date of the entry therein of an assessment of a lot or part thereof, the same so entered is to be deemed a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon, save and excepting liens of the United States, territory or county, for delinquent taxes.

SEC. 75. For the purpose of ascertaining who is the owner of any lot or part thereof, assessed for the improvement of a street, the clerk may take the certificate of the auditor for the county of Clark, stating who is the owner thereof at the date of the ordinance making the assessment, as may appear from the record of deeds for such county, which certificate such auditor is authorized and required to give when demanded by the clerk.

SEC. 76. A sum of money assessed for the improvement of a street cannot be collected until, by order of the council, notice thereof is given by publication in a newspaper published in the city or posted as required in section sixty-six. Such notice must substantially contain the matters required to be entered in the docket of city liens, concerning such assessment.

SEC. 77. If, within five days from the final publication of the notice prescribed in section seventy-six, the sum assessed upon any lot or part thereof is not wholly paid to the city treasurer, and a duplicate receipt therefor filed with the clerk, the council may

thereafter order a warrant for the collection of the same, to be issued by the clerk, directed to the city collector, or other person authorized to collect taxes due the city.

SEC. 78. Such warrant must require the person to whom it is directed to forthwith levy upon the lot or part thereof upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the clerk, with his doings endorsed thereon, together with the receipt of the city treasurer, for the proceeds of such sale as paid to him.

SEC. 79. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this chapter otherwise specially provided.

SEC. 80. The person executing such warrant shall immediately make a deed for the property sold thereon to the purchaser, stating therein that the same is made subject to redemption, as provided in this chapter. Within three years from the date of such sale, the owner or his successor in interest, or any person having a lien by judgment, decree, or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 81. Redemption is made by the payment of the purchase money, and twenty-five per cent. addition, together with interest upon the purchase money from the date of sale to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 82. A redemption discharges the property from the effects of the sale for the assessment. If made by the owner or his successor in interest, the estate in the property is thereby restored to such owner or his successor in interest, as the case may be; but if made by a lien creditor, the amount paid for the redemption is thereafter to be deemed a part of his judgment, decree or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

SEC. 83. Whenever a purchaser, or those claiming under him, refuses to convey to a person entitled to redeem, such person may enforce a conveyance therefor by a suit, as for a specific contract to convey real property; and such suit may be maintained against absent parties, without proof of tender of the money and offer to redeem, if the plaintiff bring such money into court and offer then to redeem.

SEC. 84. Each lot or part thereof within the limits of a proposed street improvement, shall be liable for the full cost of making the same upon the half of the street in front of and abutting upon it, and also for a proportionate share of the cost of improving the intersection of two of the streets bounding the block in which said lot or part thereof is situated.

SEC. 85. The probable cost of improving such intersection is to be assessed upon the lots or part thereof situated in the quarters of the four blocks adjoining such intersection; but only upon the lots or parts thereof within the quarters nearest thereto, and in proportion to the cash value of such lots or parts thereof, irrespective of improvements thereon.

SEC. 86. A sale of real property, under the provisions of this chapter, conveys to the purchaser, subject to redemption, as herein provided, all the estate or interest therein of the owner, whether known or unknown; together with all the rights and appurtenances thereunto belonging.

SEC. 87. When an assessment upon any lot or part thereof becomes delinquent, any person having a lien thereon by judgment, decree or mortgage, may, at any time before the sale of such lot or part thereof, pay the same, and such payment discharges the property from the effect of the assessment, and the amount of such delinquent taxes and all accruing costs and charges, if any, when so paid, is thereafter to be deemed a part of such lien creditor's judgment, decree or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

SEC. 88. The council must provide by ordinance for the

time and manner of doing the work on any proposed improvement, subject only to the following restrictions:

1. After proper notice, the work must be let to the lowest bidder, but a bid by the owner or owners of two-thirds of the property in a block fronting on a street proposed to be improved must be accepted, if as low as any other bid, and the council may provide for the rejection of any or all bids, when deemed unreasonable, and that the bid of any person, who has before bid or contracted for such work and been delinquent therein, shall not be received.

SEC. 89. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof is insufficient to defray the cost thereof, the council must ascertain the deficit and declare the same by ordinance; when so declared, the auditor must enter the sum of the deficit in the docket of city liens, in a column reserved for that purpose in the original entry with the date thereof, and such deficit shall thereafter be a lien upon such lot or part thereof, in like manner, and with like effect as in case of the sum originally assessed, and shall also be payable and may be collected in like manner and with like effect as in the case of such sum so assessed.

SEC. 90. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof is more than sufficient to defray the cost thereof, the council must ascertain and declare the surplus in like manner as in the case of a deficit; when so declared, it must be entered as in case of a deficit in the docket of city liens, and thereafter the person who paid such surplus, or his legal representative, is entitled to repayment of the same by warrant on the city treasurer.

SEC. 91. All money paid or collected upon assessments for the improvement of streets shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed, including a deficit from the time of being entered in the docket of city liens, shall bear interest at the legal rate until paid or collected.

SEC. 92. The proceedings authorized by this chapter for the establishment or alteration of a grade, or the improvement of a street, or a part thereof, may be taken and had without giving the notice prescribed in section sixty-six, whenever the owner or owners of two-thirds of the adjacent property shall in writing petition the council therefor.

SEC. 93. When a street or part thereof has been once improved under and by virtue of the provisions of this chapter, thereafter such street or part thereof is not subject to be again improved, but may be repaired.

SEC. 94. The council is authorized to repair any street or part thereof, whenever it deems it expedient, and to declare by ordinance, before doing the same, whether the cost shall be assessed upon the adjacent property, or be paid out of the general fund of the city.

SEC. 95. If the council declares that a proposed repair shall be made at the cost of the adjacent property, thereafter the proposed repair is to be deemed an "improvement," and shall be made accordingly; but if it declares that the cost of the same shall be paid out of the general fund, such repairs may be made as the ordinance may require, and be paid for accordingly.

SEC. 96. The manner and cost of establishing or altering the grade of any street, or part thereof, shall be made and paid for the same as an "improvement," but nothing herein shall be so construed as to preclude the council in its discretion from paying the cost of establishing or altering the grade of any street or part thereof out of the general fund of the city.

SEC. 97. Whenever any lot or part thereof, sold under the provisions of this chapter, shall bring more than the assessment thereon, with interest and costs and charges of collection, the surplus must be paid to the treasurer, and the person executing the warrant must take a separate receipt for such surplus and file it with the clerk on the return of the warrant. At any time thereafter, the owner or his legal representative is entitled to a warrant upon the treasurer for such surplus.

SEC. 98. The deed to the purchaser must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the person executing the warrant must specify the amount for which each lot or part thereof sold, and the name of the purchaser.

CHAPTER IX.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 99. Whenever any general or special tax has been levied as provided and authorized in section thirty-two, every part thereof shall bear interest at the legal rate, from the time it becomes delinquent.

SEC. 100. The council must provide by ordinance within what time all taxes, levied as provided and authorized in section thirty-two, may be paid to the treasurer; and all taxes not paid to the treasurer within such time are thereafter delinquent taxes, and must be collected as such.

SEC. 101. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid, and those remaining unpaid.

SEC. 102. The council must thereafter order the clerk to deliver the tax roll to the collector, and issue and annex thereto a warrant directed to the collector, commanding him to proceed and forthwith to collect the delinquent taxes upon such roll, in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collection, and return the warrant with his doings thereon, and the receipt of the treasurer, for all moneys collected thereby, and paid to the treasurer, to the clerk.

SEC. 103. Such warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property, and shall have the force and effect thereof, against any person, firm or corporation, against whom such taxes are levied or

charged on the tax roll, and shall be executed and returned in like manner, except as in this chapter otherwise provided.

SEC. 104. If no personal property be found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged; or sufficient thereof to satisfy such warrant, including interest, fees of officer and all expenses of sale and executing the warrant.

SEC. 105. In case of a delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot or part thereof of such property, for the tax levied thereon, and selling it separately.

SEC. 106. All taxes heretofore levied by the municipal corporation of Vancouver, and remaining unpaid, or delinquent, may, by order of the Council, be collected from the person, firm or corporation, whether known or unknown, against whom the same were charged or levied, by warrant, in the manner and with the effect provided in this chapter for the collection of delinquent taxes.

SEC. 107. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption, as provided by law, and such sale shall have the effect prescribed in section eighty-six.

SEC. 108. Real property sold for delinquent taxes, as provided in this chapter, may be redeemed by the owner or his successor in interest, or by any person having a lien by judgment, decree or mortgage on such property, or any part thereof, separately sold, within three years from the date of the deed therefor, and upon the terms and conditions, and with the effect provided in chapter VIII of this act, in the case of sales of real property for delinquent assessments, for the improvement of streets, and such delinquent tax may be paid by such lien creditor, in the

same manner and with like effect as a delinquent assessment, as provided in section eighty-seven.

SEC. 109. Whenever any property, real or personal, sold for delinquent taxes, shall bring more than the amount of such taxes, with interest and the costs and charges of collection, the surplus must be paid to the treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the clerk on the return of the warrant. At any time thereafter, the owner of the property sold, or his legal representative, is entitled to a warrant upon the treasurer for such surplus.

SEC. 110. Section ninety-eight shall apply to the sale of real property for delinquent taxes, and in case of the sale of personal property for such taxes, the true consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant must specify such consideration, and the name of the purchaser.

SEC. 111. The council may provide by ordinance within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes, not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant, and collected as a part of the tax. The council may prescribe by ordinance the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the treasury.

SEC. 112. All property subject to levy upon execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxation, as provided in section thirty-two, whether the same be exempt from execution or not.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SEC. 113. The city of Vancouver is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance and made in writing and by order of the council, signed by the clerk or some other person in behalf of the city. But an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 114. The city of Vancouver is not liable to any one for any loss or injury to person or property, growing out of any casualty or accident happening to such person or property on account of the condition of any street or public ground therein. But this section does not exonerate any officer of the city of Vancouver, or any other person, from such liability, when such casualty or accident is caused by the wilful neglect of a duty enjoined upon such officer or person by law, or by the gross negligence or wilful misconduct of such officer or person in any other respect.

SEC. 115. No money shall be drawn from the city treasury, but in pursuance of an appropriation for that purpose made by ordinance, and an ordinance making an appropriation of money must not contain a provision upon any other subject, and if it does, such ordinance as to such provision shall be void, and not otherwise.

SEC. 116. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 117. All the present officers of the city of Vancouver shall continue in office until the next general election in A. D. 1869, and until their respective successors are duly elected and qualified.

SEC. 118. The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year, and during such year the rates of general and special taxes levied must not exceed in the aggregate one per centum.

SEC. 119. The indebtedness of the city of Vancouver must never exceed in the aggregate the sum of ten thousand dollars, and any debt or liability incurred in violation of this section, whether by borrowing money, loaning the credit of the city, or otherwise, is null and void, and of no effect.

SEC. 120. In any action, suit or proceedings in any court, concerning any assessment of property, or levy of taxes, authorized by this act, or the collection of any such tax, or proceeding, consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 121. The city council is authorized to sell and convey any lots in the city cemetery at public auction, or otherwise, and under such rules and regulations as may be adopted by the council; and it shall not be necessary to secure title to such lots to have the same conveyed by deed, but a certificate of sale issued by the clerk, under the direction of the council, and attested by the city seal, shall be sufficient to pass the title of such lots to any purchaser from the city.

SEC. 122. This act shall not be construed to repeal or interfere with any act heretofore passed by this Legislative Assembly granting to said city the proceeds of licenses collected within said city, but such acts shall continue and remain in full force, and all of the proceeds of such licenses shall constitute a part of the general fund of said city, and may be appropriated and expended in the same manner that other moneys out of said

general fund are authorized to be appropriated and expended by any of the provisions of this act.

SEC. 123. In making a deed for real property sold for delinquent taxes, or a delinquent assessment for the improvement or grade of a street, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient if it substantially appear from such deed that the property was sold by virtue of a warrant from the city of Vancouver, and the date thereof, for a delinquent assessment or tax, and the amount thereof, together with the date of the sale, and the amount bid thereat by the purchaser. The style of a warrant for the collection of delinquent assessments or taxes shall be: "In the name of the city of Vancouver."

SEC. 124. The mayor and councilmen are not entitled to and must not receive any salary or compensation for their official service.

SEC. 125. Whenever the grade of any street has been established, the council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property, according to such grade, at the expense and cost of such owner, but the authority mentioned in this section cannot be given after an assessment has been made for the improvement of the street in front of such property; and in giving such authority, the council may impose such terms and conditions thereon as may be necessary to secure the deposit of excavations upon any part of such street as may be required to be filled up.

SEC. 126. All real property within the limits of the city of Vancouver, not laid off in blocks and lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fraction thereof, as the case may be.

SEC. 127. Whenever any lot or part thereof is sold for a delinquent assessment for a street improvement, and afterwards resold for a deficit in such assessment as in this act provided, to any person other than the purchaser at the first sale, or his successor in interest, such purchaser or successor, for the pur-

pose of making redemption from the purchaser at such re-sale, is to be deemed an owner within the meaning of this act.

SEC. 128. The city council is hereby authorized to grant the exclusive right to use the streets of said city for the purpose of laying water pipes intended to furnish the inhabitants of said city with fresh and wholesome water, to any person or association of persons, for a term not exceeding twenty-five years: *Provided*, The persons enjoying such exclusive right shall furnish, free of charge to the city, all water required to fill the cisterns erected by the city to guard against the dangers of fire, and the council may adopt such rules and regulations in granting such exclusive right as they may think proper, and as shall not be inconsistent with law.

SEC. 129. All city ordinances passed in pursuance of law, and in force when this act takes effect, and not inconsistent therewith, shall be and remain in full force after this act takes effect, and thereafter until repealed by the council; and all rights vested, or liabilities incurred, under any laws heretofore passed, or under any city ordinance, when this act takes effect, shall not thereby be lost, impaired or discharged.

SEC. 130. The council, at its earliest convenience after this act takes effect, must provide for the codifying and publishing, in book or pamphlet form, all city ordinances or part thereof then in full force, and for the publishing, in like form, annually thereafter, the city ordinances for the current year.

SEC. 131. All acts and parts of acts in any manner conflicting with any of the provisions of this act be and the same are hereby repealed.

SEC. 132. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 22d, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT TO INCORPORATE THE CITY OF PORT TOWNSEND,
JEFFERSON COUNTY, W. T., PASSED JANUARY 8, 1867.

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

SEC. 9. That subdivision five in said section four be and is hereby amended so as to read as follows : The board of trustees shall have power to appoint one of their number a committing magistrate, who shall have jurisdiction to hear and determine all complaints of violation of any city ordinance, and shall be governed in his proceedings by the general law regulating the practice and proceedings of justices of the peace in this Territory, and any person considering himself aggrieved by error in any order, decision, judgment or proceedings of such committing magistrate, may have the same reviewed by the district court of the county, in certiorari, in the manner prescribed by the statute relating to justices of the peace and to their practice and jurisdiction.

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

Passed the House of Representatives January 22d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF
WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section one (1) of article four (4) of the act entitled an act to incorporate the city of Walla Walla, passed January 11th, 1862, to which this act is amendatory, be and is hereby amended to read as follows, viz:

A general election for all the officers of the corporation required to be elected by this act, or any ordinance of the city of Walla Walla, shall be held on the second Monday in July in each year.

SEC. 2. That subdivision seven (7) of section three (3) of article five (5) of said act be and is hereby amended to read as follows, to wit:

To license, tax and regulate auctioneers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers, money changers, and any and all other business or businesses, maintained or carried on within the corporate limits of said city: *Provided*, That carpenters or house joiners, wagon makers or wheelwrights, blacksmiths, boot and shoe makers, cabinet makers, barbers or milliners, shall not be required to take out any license to carry on such trade or trades within the corporate limits of the said city of Walla Walla.

SEC. 3. That section two (2) of article five (5) of the act aforesaid, to which this act is amendatory, be and is hereby amended by striking out of the third line of said section, immediately after the word "number," the words "and some suitable person as clerk."

SEC. 4. The city recorder of the city of Walla Walla shall be ex-officio city clerk of the board of common council of said city, on and after the next municipal election in and for said

city, and shall receive the sum of three hundred dollars per annum from the city of Walla Walla, as a compensation for his services as city clerk, and no other fees shall be paid to said clerk by the city of Walla Walla: *Provided*, That the said clerk, when acting in the capacity of city recorder, shall receive the same fees as a justice of the peace for services of a similar nature, but in no case shall the city of Walla Walla be liable to pay any fee or fees to said recorder or the city marshal of said city.

SEC. 5. That section six (6) of article seven (7) of the said act, to which this act is amendatory, be and is hereby amended so as to read: The fiscal year of this city shall terminate on the first Tuesday in July in each year.

SEC. 6. That twenty-five per cent. of all moneys collected for road tax within the corporate limits of the city of Walla Walla shall be paid into the city treasury of the city of Walla Walla, by the county treasurer of Walla Walla county, or whosoever may collect the road tax in Walla Walla precinct on the first Monday of January and July in each year, to be expended by the municipal authorities of said city, in the improvement of streets in said city.

SEC. 7. That subdivision ten (10) of section three (3) of article five (5) be and is hereby amended to read as follows, *viz*: To license, tax, regulate and restrain bar rooms, theatrical and other exhibitions, shows, amusements, billiard tables and tippling houses: *Provided*, That no keeper of any bar room shall be required to pay any greater sum than one hundred dollars per annum for a license to retail spirituous liquors: *Provided, further*, That no license shall issue for a shorter period than is provided for by the laws of the Territory of Washington in and for Walla Walla county.

SEC. 8. That section eleven (11) of article five (5) be so amended as to read as follows, to wit: To restrain and prohibit gambling and gaming houses, and houses of ill fame.

SEC. 9. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 10. This act to take effect and be in force from and after its passage.

Passed the House of Representatives January 24th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR MAKING CERTAIN INDEXES IN WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Walla Walla county are hereby authorized to employ some suitable person to carefully and properly put up, number and index the civil and criminal cases finally adjudicated upon in the district court in and for said county, since the establishment of said county. The civil and criminal cases to be indexed in separate books, to be furnished for that purpose by said county of Walla Walla. Said indexes to be in future kept up with the proceedings of the court, and to become a public record.

SEC. 2. The said county commissioners are hereby authorized to pay out of the general fund such sum for said service as they may deem proper.

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

Passed the House of Representatives January 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 30th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO INCORPORATE THE
COAL CREEK ROAD COMPANY, APPROVED JANUARY 31, 1867.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the said Coal Creek Road Company are hereby authorized to consolidate with the Lake Washington and Seattle Coal Road Company, upon such terms as the two companies may agree, under the name of the Coal Creek Road Company, with all the rights and privileges to the consolidated company, from Lake Washington to Seattle, on the line of road located by the said Lake Washington and Seattle Coal Road Company, that the said Coal Creek Road Company now have from Lake Washington to the east line of section 27 T. 24 N. R. 4 east.

SEC. 2. Said company may dispose of and issue certificates for fractional shares of capital stock in manner and form as prescribed in the by-laws.

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

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

Passed the House of Representatives January 8th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 15th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO CHANGE THE NAME OF PINKNEY CITY, THE COUNTY SEAT OF STEVENS COUNTY, TO FORT COLVILLE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Pinkney city, the county seat of Stevens county, be and the same is hereby changed to Fort Colville.

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

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

Passed the House of Representatives Dec. 21st, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 20th, 1867.

H. G. STRUVE,

President of the Council.

Approved Jan. 14th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO LEGALIZE THE OFFICIAL ACTS OF JOSEPH HILL, COUNTY AUDITOR
OF CHEHALIS COUNTY, AND HIS DEPUTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all the official acts performed in the county of Chehalis, by Joseph Hill, as county auditor of said county, elected at the general election in 1866, as also of James A. Karr, appointed by him as deputy county auditor, until the latter was elected at the general election in 1867 and duly qualified according to law, be and the same are hereby ordered valid and as of the same effect in law as though the said Joseph Hill, county auditor as aforesaid, had filed in the office of the clerk of the district court of the second judicial district of Washington Territory the certificate of his election, his official bond and oath of office.

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

Passed the House of Representatives January 11th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO CHANGE THE NAME OF WILLIAM SMITH, JR., TO WILLIAM HENRY DAVIS.

WHEREAS, John R. Davis, of Whatcom, now guardian of William Smith, Jr., a minor, a native of Pennsylvania, now a resident of Whatcom, Washington Territory, by power of attorney from his parents, William Smith and Harriet Smith, is desirous of adopting said William Smith, Jr., as his son; and,

WHEREAS, All of the parties desire that the name of the said William Smith, Jr., should be changed; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of William Smith, Jr., a native of the State of Pennsylvania, now a resident of Whatcom, Washington Territory, be and the same is hereby changed to William Henry Davis.

SEC. 2. The said William Henry Davis shall, for all legal intents and purposes, be hereafter known as the son of the said John R. Davis.

Passed the House of Representatives Dec. 12th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 20th, 1867.

H. G. STRUVE,

President of the Council.

Approved Jan. 17th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO APPROPRIATE MONEY TO COMPLETE A CERTAIN ROAD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of twenty-five hundred dollars be and the same is hereby appropriated out of the territorial treasury, to be expended under the direction of the county commissioners of King county, in completing the opening of a wagon road from Black river bridge, in said county of King, to the Yakima valley, in Yakima county, by the way of Squoqwa and Snoqualmie prairies, and through the Snoqualmie pass in the Cascade mountains.

SEC. 2. It shall be the duty of the territorial auditor to immediately issue to the county commissioners of King county a warrant on the territorial treasurer for the sum of twenty-five hundred dollars, to which they are entitled by the provisions of this act, and the treasurer is hereby authorized and directed to pay the same out of the first money in the treasury not otherwise appropriated.

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

Passed the House of Representatives Jan. 15th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 20th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE PAYMENT OF RICHARD LANE, CHIEF CLERK OF
THE COUNCIL.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and is hereby appropriated out of the territorial treasury the sum of one hundred and twenty dollars for the payment of Richard Lane, chief clerk of the Council, for the making up of the record and preparing the journal for the public printer.

SEC. 2. The territorial auditor shall, upon satisfactory proof that the aforesaid services have been performed, draw a warrant on the treasurer for the amount hereby appropriated for the services performed by the above-named officer, which money shall be paid out of any money in the treasury.

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

 AN ACT

FOR THE RELIEF OF EDWARD BARRINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred and fifty-seven dollars be and the same is hereby appropriated out

of any money in the county treasury of Island county not otherwise appropriated, for the payment of Edward Barrington, for furnishing materials and constructing a certain bridge across the creek on the road leading from Penn's Cove to Oak Harbor in said county.

SEC. 2. And it shall be the duty of the county auditor of said county to draw a warrant on the county treasurer for the sum of two hundred and fifty-seven dollars (\$257) in favor of said Edward Barrington, and the county treasurer is hereby authorized to pay the same.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF R. H. HEWITT, CHARLES PROSCH, AL. PETTY-GROVE AND JOHN M. MURPHY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of forty-nine dollars be and the same is hereby appropriated out of the territorial treasury for the payment of R. H. Hewitt; and the sum of thirty-five dollars be appropriated out of the territorial treasury

for the payment of Charles Prosch ; and the sum of thirty-five dollars be appropriated out of the territorial treasury for the payment of Al. Pettygrove ; and the sum of sixty dollars be appropriated out of the territorial treasury for the payment of John M. Murphy, for advertising proclamations of the Governor, etc.

SEC. 2. It shall be the duty of the territorial auditor to draw a warrant on the territorial treasurer for the sum of forty-nine dollars in favor of R. H. Hewitt, and a warrant in favor of Charles Prosch for the sum of thirty-five dollars, and a warrant in favor of Al. Pettygrove for the sum of thirty-five dollars, and a warrant in favor of John M. Murphy for the sum of sixty dollars ; and the territorial treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

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

Passed the House of Representatives January 21st, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 23d, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE SHERIFF OF CLARK COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of four hundred and fifty-one dollars and twenty cents be and the same is hereby

appropriated out of the territorial treasury, for the purpose of paying expenses incurred in conveying one Thomas Wilson, convicted of highway robbery, to the penitentiary at Steilacoom, Washington Territory.

SEC. 2. It shall be the duty of the territorial auditor to draw a warrant on the territorial treasurer for the said sum of four hundred and fifty-one dollars and twenty cents, in favor of Henry C. Morse, and the treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

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

Passed the House of Representatives Jan. 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 27th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF H. E. GRIFFIN, JOHN M. MURPHY AND LEVI SHELTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the territorial auditor be and he is hereby required to draw his warrant on the territorial treasurer in favor of H. E. Griffin, for the sum of ten dollars, the same being in payment for a step ladder now used in the

Territorial library. Also, a warrant in favor of John M. Murphy, for the sum of six dollars, the same being in payment for printing done for said library. Also, a warrant in favor of Levi Shelton for the sum of ten dollars, for stationery for the use of said library.

SEC. 2. The territorial treasurer is hereby authorized and required to pay said warrants upon presentation, out of any moneys in his hands or out of the first he may receive.

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

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

APPROPRIATING THE SUM OF ONE HUNDRED AND FIFTY DOLLARS TOWARDS DEFRAYING THE EXPENSES OF PRINTING TERRITORIAL COMMISSIONS, &C. &C.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and fifty dollars be and the same is hereby appropriated out of the territorial treasury, to be expended under the direction of the Governor of the Territory in printing blanks for commissions and such other territorial office requisites.

SEC. 2. The territorial treasurer is hereby authorized to pay to Governor Marshall F. Moore the said sum of one hundred and fifty dollars, on presentation of his order for the same.

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

Passed the House of Representatives Jan. 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 18th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan. 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE PAYMENT TO WILLIAM R. DOWNEY FOR LABOR AND SUPPLIES PERFORMED AND FURNISHED IN REPAIRING THE MILITARY ROAD LEADING FROM FORT STEILACOOM TO FORT WALLA WALLA, THROUGH THE NACHESS PASS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of eight hundred and twenty dollars and twenty-one cents be and the same is hereby appropriated from any money in the territorial treasury, to be paid to William R. Downey for labor and supplies performed and furnished on the military road described in the title to this act: *Provided,* That said sum, nor any part thereof, shall not be so paid until vouchers shall be furnished to the territorial auditor, convincing him that labor and supplies to the amount of the sum for which payment is demanded has been actually done and furnished on said road, and also that labor and supplies have been done and furnished to a like amount by subscription.

SEC. 2. It shall be the duty of the territorial auditor, upon the presentation of proofs satisfying him of the performance of labor and furnishing supplies to an amount or amounts in the aggregate not exceeding eight hundred and twenty and twenty-one one-hundredths dollars (§820 21,) to draw his warrant on the territorial treasurer for such sum so proven, in favor of the said William R. Downey.

SEC. 3. Said warrant or warrants shall be paid by the territorial treasurer, upon presentation, from any money in the treasury not otherwise appropriated.

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

Passed the House of Representatives January 16th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 9th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE PAYMENT OF L. B. ANDREWS, CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and there is hereby appropriated out of the territorial treasury the sum of one hundred and twenty dollars for the payment of L. B. Andrews, chief clerk of the House of Representatives, for the making up of the record, and preparing the journal for the public printer.

SEC. 2. The territorial auditor shall, upon satisfactory proof that the aforesaid services have been performed, draw a warrant on the treasurer for the amount hereby appropriated for the services thus performed by the above-named officer, which warrant shall be paid out of any money in the treasury.

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 24th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan 28th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE SISTERS OF CHARITY OF THE HOUSE OF PROVIDENCE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of four thousand one hundred and forty-three and eighty one-hundredths dollars (\$4,143 80) be and the same is hereby appropriated to the Sisters of Charity of the House of Providence, out of any funds in the territorial treasury not otherwise appropriated; the above amount being a balance due said sisters of charity for keeping the insane and idiotic persons of this Territory, from the years A.D. 1862 to A.D. 1866, inclusive.

SEC. 2. The territorial auditor is hereby instructed to draw a warrant in favor of the said sisters of charity on the territorial treasury for the above-named sum, together with ten per cent. per annum interest thereon since the twentieth day of Decem-

ber, A.D. 1866, and until the same shall be redeemed; the said warrant to be paid out of any funds in the territorial treasury not otherwise appropriated.

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

Passed the House of Representatives January 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 8th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 29th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

TO APPROPRIATE MONEY FOR THE PAYMENT OF FREIGHT CHARGES ON CERTAIN BOOKS BELONGING TO THE TERRITORIAL LIBRARY NOW IN POSSESSION OF J. H. MUNSON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of seventy-two dollars and eighty-seven cents be and the same is hereby appropriated out of any moneys now in the territorial treasury, for the purpose of paying J. H. Munson the freight charges on books belonging to the territorial library now in his possession; and the territorial auditor is hereby directed to draw a warrant on the territorial treasurer for the sum of seventy-two dollars and

eighty-seven cents, payable to J. H. Munson, out of the first moneys in the treasury, for the payment of the same.

Passed the House of Representatives January 11th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 15th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 23d, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

MEMORIALS.

MEMORIALS.

MEMORIAL

RELATIVE TO THE NORTHERN PACIFIC RAILROAD.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that,

WHEREAS, The General Government has fully and wisely committed itself to the policy of extending, with judicious discrimination, direct and substantial aid in the construction of great highways of trade and travel within its territorial boundaries; and,

WHEREAS, The Northern Railroad, incorporated by act of Congress approved July 2d, A.D. 1864, to be constructed near the forty-sixth parallel of latitude, connecting Puget Sound and the Columbia river with the great basin of the St. Lawrence, which, together, furnish a navigable water line, stretching half-way across the continent; and,

WHEREAS, Looking at the short distance across the Atlantic,

from commercial Europe to the mouth of the river St. Lawrence, and the great marts of trade of the East ; at the great centers of trade, American and English, that environ the St. Lawrence, the lakes and their tributaries ; at the comparative short distance of the route from the head waters of Lake Superior to Puget Sound ; at the verging sweep of the coasts of America and Asia, thereby diminishing the distance from land to land ; looking, also, at the character of the route, well timbered and watered, with abundance of coal, and capable of sustaining an almost uninterrupted broad belt of population across the continent, on either side of the road ; and,

WHEREAS, This road presents a direct, feasible and eligible route across the continent, which will open the territories of Dacotah, Montana, Idaho, Oregon and Washington to civilization, settlement and commerce, and stimulate the development of their great agricultural and mineral resources, and which will invite the foreign commerce of Japan and China to our Pacific coast and across the continent, thereby increasing the national wealth and revenue, and promoting our foreign and domestic trade and the general industry of our people ; and,

WHEREAS, Washington Territory, from her geographical position, and the character of her great and varied natural resources, is deeply and especially interested in the promotion of the prosperity and the development of the resources of the North-West ;

Therefore, in view of these facts, your memorialists would regard the construction of the North Pacific Railroad as a work of great national importance, alike demanded by the commercial necessities of the American people, and the never-ceasing wants of trade, for shorter, quicker and cheaper routes of trade and travel between Western Europe and Eastern Asia.

And your memorialists most respectfully but earnestly ask your honorable bodies to pass an act granting assistance to the Northern Pacific Railroad equal to that of the most favored route, or such assistance as will secure its early construction and completion.

And for this, your memorialists, as in duty bound, will humbly and unceasingly pray.

Passed the House of Representatives Dec. 20th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

IN RELATION TO THE NORTH PACIFIC RAILROAD.

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

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully continue to urge upon your attention the national importance of an early appropriation in aid of the speedy construction of the North Pacific Railroad ; and we would further represent to your honorable body that it is reported and currently believed, in many sections in Washington, Oregon and California, that some of the delegation from the Pacific coast have consented to compromise the interests of this great national enterprise for aid to the Oregon branch of the Pacific railroad, proposed from Portland, Oregon, to Humboldt, in Nevada. And we would respectfully represent that such a compromise is condemned by all the citizens of this Territory, by the entire public press of Oregon, with a single exception, and by nine-tenths of the people of said State. We would respectfully represent that for the entire distance from the Willamette valley, of Oregon, to the Pacific railroad, at the Hum-

Humboldt valley, something more than three hundred and fifty miles, the whole country is uninhabited and uninhabitable, being continuous mountains and deserts, destitute of valuable timber, mineral resources or agricultural land. We could not but view the adoption of the Humboldt scheme, in preference to the North Pacific road, or the Idaho and Salt Lake branch, as a ruinous and calamitous mistake, detrimental alike to the nation and its interests on the Pacific coast. We would therefore most respectfully but earnestly remonstrate against any proceeding in favor of the Humboldt branch, which might embarrass the success of either the North Pacific Railroad or the Idaho and Salt Lake Branch Railroad.

Passed the House of Representatives Jan. 4th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

ASKING CONGRESS FOR AID TO BUILD A RAILROAD FROM PUGET SOUND
TO THE COLUMBIA RIVER, IN THE TERRITORY OF WASHINGTON.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, prayeth your honorable bodies to appropriate a subsidy, in lands or money, in aid of a railroad from Puget Sound to the Columbia river, in the Territory of Washington ; said railroad to be located and built under the direction of the

Department of War, and under the supervision of General U. S. Grant.

Passed the House of Representatives Dec. 12th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO AN APPROPRIATION FOR A MILITARY ROAD FROM FORT STEILACOOM, ON PUGET SOUND, TO MONTICELLO, ON THE COLUMBIA RIVER.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies that, in the year 1853, Congress, seeing the necessity for a highway connecting Puget Sound and the Columbia river, passed an act appropriating thirty-five thousand dollars for that purpose ; the said sum not being sufficient, was all of it applied upon said road, but only extending from Fort Steilacoom to Monticello, a distance of one hundred and ten miles, and for most of that distance is a trail through forests, over rapid streams, and swamps, in many places impassable, and in others requiring the packing of both mails and passengers on animals, at the risk of life and limb. The valley through which this road passes is the only direct route between those places, and is the great natural highway between Alaska, Puget Sound, British Columbia and the Columbia river country. Sparsely settled, and with no roads, this valley presents no inducements

to the settler, and years must elapse before the timber can be felled, even for highway purposes. The emigrant from the East, seeking here a home, turns back in dismay at the impassable condition of the country, and Washington Territory is thus robbed, as it were, of both capital and labor, which would go to add to the wealth and importance of this part of our national domain, and of that which, could we but secure it, would soon give us a voice in our national councils. From its geographical situation, and the nature of its soil, the repair and placing in good condition this road through this fertile valley guarantees the rapid growth of a rich and powerful agricultural community along the country through which it passes, as well as safe, reliable and speedy transportation of men, arms and munitions of war from California and Oregon to Puget Sound.

And your memorialists would further represent that Puget Sound, with its diversified interests, should not be left, as it were, isolated, and at the mercy of any hostile fleet which, in the case of a foreign war, would blockade the Straits of Fuca.

And your memorialists would further represent, that the sum of one hundred and fifty thousand dollars would place in repair and make said road passable at all times of the year, and add greatly to the wealth and importance of this section of our country; and that, upon a granting of the following request, the development of the resources of Puget Sound, in a great measure, rest.

Your memorialists therefore pray your honorable bodies to pass an act appropriating the sum of one hundred and fifty thousand dollars for the purpose of building up and putting in good condition said road.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives Jan. 16th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 23d, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO A NAVAL ARSENAL AND DRY DOCK IN THE TERRITORY
OF WASHINGTON.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, humbly sheweth, that by the accession of Alaska, Puget Sound has become the central entrepot of the North Pacific coast. That the lands bordering on our placid waters abound with inexhaustible beds of superior coal, quarries of stone, and excellent timber for ship building.

Your memorialists therefore earnestly pray your honorable bodies to appropriate such sums of money and take such needed steps as may locate, build and maintain a naval arsenal on Puget Sound, in Washington Territory.

Your memorialists finally pray your honorable bodies also to appropriate such sums of money as may be needed to locate, build and maintain a dry dock on Puget Sound, not only for the use of the naval vessels, but also for the accommodation of our merchant vessels.

Passed the House of Representatives Dec. 11th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec 20th, 1867.

H. G. STRUVE,

President of the Council.

MEMORIAL.

RELATIVE TO AN APPROPRIATION FOR AN INSANE ASYLUM.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would most earnestly and respectfully represent that our Territory, while doing all that the limited means at its command will permit of, in endeavoring to alleviate and improve the condition of the insane within its borders, is still unable to do them that justice which their unfortunate condition requires without entirely neglecting other and very important subjects of legislation.

Their physical wants are fairly attended to, but no adequate provisions can be made with the means at command to minister to a mind diseased, and, while we can care for their bodily wants, their mental condition is a source of constant anxiety, appealing as it does to the noblest attributes of humanity, and reminding us that the preservation of the temple is, though praiseworthy, but a stepping stone to that higher and nobler duty of endeavoring to win back the divinity that once graced and ornamented it.

Nothing could be more conducive to the mental and physical condition of this unfortunate class of our people, than to provide a large and commodious building, with all the modern appliances for their comfort, located in some healthy and pleasant portion of our Territory, where the surroundings are such as are calculated to attract and interest them, relieving them from the prison-like monotony of their present condition.

Therefore, believing that no subject to which we could call your attention is more deserving of your early and careful attention, nor more certain to receive the same, we would respectfully ask that a grant of land be made by your honorable body

in our Territory, the proceeds of which shall be expended for the erection of an insane asylum and to provide a fund for the support of the insane.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives January 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 24th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO LIGHTHOUSES IN WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, humbly sheweth :

That the commerce of our territory will be greatly facilitated by the erection and maintenance of a lighthouse on the following headlands, viz :

On "Point no Point," on the western shore of Admiralty Inlet.

On "Alki Point," on the eastern shore of Admiralty Inlet; and

On "Point Defiance," at the entrance of Puget Sound.

Passed the House of Representatives Dec. 11th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

IN RELATION TO THE CONDITION OF CITIZENS OF THE UNITED STATES
RESIDING ON SAN JUAN ISLAND, WHATCOM COUNTY, WASHINGTON
TERRITORY.

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

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

1st. That, by act of Congress, passed August 14th, 1848, "all that part of the United States which lies west of the summit of the Rocky Mountains, north of the forty-second degree of north latitude, known as the Territory of Oregon, shall be organized into and constitute a temporary government by the name of the Territory of Oregon."

2d. That, by act of Congress, passed March 2d, 1853, "all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia river, from its mouth to where the forty-sixth degree of north latitude crosses said river, near Wallula city, be organized into and constituted a temporary government by the name of the Territory of Washington."

3d. That the eastern boundary line of the Territory of Oregon included, and that of Washington Territory of course includes, the Island of San Juan and various other islands lying between Vancouver Island and Washington Territory, as appears by the official plats of the United States, and by the maps of said Territory published by order of Congress.

4th. That, by various acts of the Legislative Assembly of the Territory of Washington, heretofore passed in accordance with the powers vested in this body by the organic act of said Territory, and with a strict adherence to the boundary line con-

ferred on said Territory by the above acts of Congress, the county of Whatcom^h was organized; which county, with a portion of the mainland, includes the Island of San Juan among other islands.

5th. That the Island of San Juan was settled partly by American citizens, in part by British subjects, and that there are now, and have been for many years past, a large number of citizens of the United States residing on said island.

6th. That there is now a company of United States soldiers, and one of British troops, stationed on said island, whose commanders claim to hold it by joint military occupation, and allege that the title to said island is in dispute between the governments of the United States and Great Britain.

7th. That prior to said alleged joint military occupation, the authorities of Washington Territory claimed and exercised civil and criminal jurisdiction over San Juan and other neighboring islands; that the citizens of the United States and Washington Territory residing there, voted at elections held on said island in accordance with the organic law of Washington Territory; that taxes were collected from them, and that they exercised generally all the rights and privileges appertaining to citizens of the United States resident within the boundaries of the United States; and that, ever since the foundation of said Territory up to the present time, the courts of said Territory have claimed jurisdiction, both civil and criminal, over said island, and have, in accordance with said jurisdiction, entertained such actions and prosecutions as were brought before them, and rendered judgments thereon.

8th. That, for the last few years, the commanders of the forces of the United States stationed on said Island have asserted that it was not within the jurisdiction of the courts of Washington Territory at all, and have disregarded and defied the process of said courts.

9th. That said commanders claim to exercise exclusive

jurisdiction over the citizens of the United States residing on said island; that they deny them a trial by jury, or even by court martial, for any alleged offense, but have punished many citizens of the United States, without a trial according to any known form of law, by summarily banishing them from the island; that the unfortunate persons so banished have, in many instances, had large amounts of property, both real (held by inchoate title under the laws of the United States) and personal, of both which, by said banishment, they were summarily deprived, and, in consequence, ruined, being taken over to the mainland and ejected from the boat in a state of complete penury and destitution.

10th. Your memorialists know of no law of the United States, nor of any treaty entered into in due form of law with any foreign power, permitting or justifying so anomalous a condition of affairs, or such treatment of American citizens, and claim that no such law or treaty is to be found on our statute books. They claim that they are bound only by the law, and know of none subjecting our citizens—who can in no manner forfeit their rights as citizens, except by the decision of a competent legal tribunal—to either military rule or military caprice.

Wherefore, your memorialists would most respectfully request your honorable bodies to take such action in the premises as will settle this vexed question, and restore to citizens of the United States, residing on San Juan and in the disputed district, those rights of which they have been so long and unjustly deprived.

And your memorialists will ever pray.

Passed the House of Representatives January 9th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 15th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO THE SETTLEMENT OF THE INDIAN WAR CLAIMS OF
WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your Honorable body, that great injustice has been brought upon the people of Washington Territory by the refusal of the United States government to honestly audit the claims of the citizens of the said Territory arising from the Indian war in that Territory, and would invite your attention to the following facts :

1st. That in the year 1855, an Indian war, destructive to life and property and injurious to every interest of this Territory, broke out in Oregon and Washington.

That one of the first of the numerous victims of this war was United States Indian Agent Bolen, a man, kind, humane and tender, an acknowledged friend of the Indian, and who, not believing the report that the Indians were determined upon war, boldly went into the country of the Yakimas, and was there brutally murdered by those same Yakimas, in defiance of the treaties which had been made with them by the United States Government.

That other American citizens, to the number of ten or twelve, were brutally murdered while upon their way to the mines at Colville, without any provocation.

That the war upon Puget Sound commenced by the murder of a whole settlement upon White river, where men, women and children were indiscriminately murdered, with all the horrors attending an Indian massacre.

That upon a presentation of the just claims growing out of this war, to the Congress of the United States, they, the Con-

gress, by resolution, provided for a commission to take all the testimony in the premises, and that in conformity with said commission, the said committee met at Portland, Oregon, on the 20th day of October, 1856, and after meeting, determined to report:

1st. The number and distinctive character of the volunteer troops which were actually and properly in the service of the two territories engaged in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, their terms of service and the pay due them.

2d. The amount of expenses necessarily incurred for their maintenance.

That after a laborious session, the committee found that the expenses of Washington in that war amounted to the sum of one million four hundred and eighty-one thousand four hundred and seventy-five dollars and forty-five cents.

That the Congress of the United States, after receiving in detail the report of the said committee, unjustly referred the whole matter to the third auditor of the treasury department of the United States, who cut down the claim over thirty per cent.

And now, in answer to the oft repeated assertions that this war was brought on by the whites, we must be allowed to assert that those who believe it have but little knowledge of American character upon the frontier. Is it at all probable that men bringing with them their wives and families, coming in many instances from an Indian country themselves, would be actuated by a desire for war rather than peace? And is it probable that they would imperil the lives of their wives and little ones, removed as they were from the protecting care of the strong arm of the Government? Can any sensible man, or set of men, think for a moment, that for the sake of selling crops or supplying armies, that the pioneers of this Territory would risk all the horrors of an Indian war, which in many instances they had already experienced in their former homes in the great valley of the West? Were the people of Washington Territory any dif-

ferent in their habits and characteristics from other communities who have lived and suffered upon our frontiers? We deny it; we were the same people and had the same thoughts and desires.

And now, we ask, why was not this objection raised in the settlement of the war claims of New Mexico, California or Florida? All their expenses were paid, and no third auditor in the treasury department was allowed to sit in judgment upon these cases, and empowered to cut them down thirty per cent., as has been done in the case of Washington Territory.

Instances, and those numerous, can be cited, wherein men well-to-do gave all they had in property or money for the maintenance of the volunteers, and accepted in lieu therefor the scrip of Government, and this same scrip, after being reduced by the commission, was still further reduced by the third auditor, who seems to have set as a high court upon this matter, when it was in reality a matter deserving a close examination by a committee of your honorable body.

The Government endorsed this war, its agents were here carrying it on, and now we ask, in God's name, why should not that same Government bear its share of the expenses necessarily incurred in rescuing this Territory from British perfidy and Indian aggressions?

We claim that this war was carried on economically, more so than if it had been carried on exclusively by the regular army. Seven-eighths of our citizens served four months in that war; an amount of service that we think was seldom if ever equaled by any people. It has been asserted that this war was merely amusement; that in many instances the troops never left the locality in which they enlisted. In refutation of this, we point you to the different battle grounds of our Territory, to Connell's prairie, to Grand Ronde and to Yakima. We point to the graves of our hardy pioneers and those of their wives and children who were brutally murdered, to impoverished, destroyed and ruined families, and all the inconveniences, sufferings and attendant evils that are the inevitable results of an Indian war,

But a further statement of facts is unnecessary. We invite a strict investigation, and appeal to you for such a settlement as will add to instead of diminishing our national reputation for justice and honor. We deny the justness of Congress allowing any third auditor to sit in judgment on these claims, and setting a price upon the labor of those who have gone toward the setting sun, leading the star of empire in its westward way.

And, in conclusion, we claim a settlement at your hands, one just and honest, and one granted after the examination of these claims by practical men. We claim it in the name of the Territory which now addresses you through its Legislature, and we claim it in the name of the services, patriotism and sufferings of our people. Refuse this claim, and we cannot but think you have been misled. Grant it, and we must think that you are just.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives January 24th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 25th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO THE ABOLITION OF DUTIES ON MATERIALS FOR SHIP-BUILDING.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

1st. That there has been a great diminution in the number

of vessels belonging to the mercantile marine of the United States, within the last few years, and that the shipbuilding interest is now languishing.

2d. That it only requires the fostering care of the General Government to be extended over this branch of domestic industry to enable it to regain its former importance and defy all competition.

3d. That Washington Territory contains inexhaustible forests, producing timber and spars of the very best quality for shipbuilding purposes, and that its sheltered bays and havens abound in suitable localities for ship yards.

4th. That there is an abundance of capital ready to be employed in this branch of business, but that your memorialists are now exposed to a competition with the rival shipbuilders of the neighboring Province of British Columbia, into which, owing to the enormous duties imposed by act of Congress on the various materials required for the outfit of vessels which are necessarily imported into the United States, and which enter that Province free of all duties, the shipbuilders of this Territory cannot enter on equal terms.

5th. That there is no other difference, except in our favor, between the shipbuilders of the British Province and this Territory; labor being as abundant in one place as the other, and obtained on the same terms, so that we are engaged in a contest rendered unequal only by our own laws.

6th. That your memorialists believe that the same state of affairs exists in the Eastern shipbuilding States, which, for reasons similar to those already recited, have lost or are fast losing their former proud eminence in this branch of industry so essential to our commercial greatness and maritime power.

Wherefore, your memorialists, joining in the request already made by their Eastern brethren, would respectfully pray that

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your honorable body would so amend the laws on this subject, as to permit all the materials necessarily employed in shipbuilding to be introduced into the United States free of duty.

And your memorialists, as in duty bound, will ever pray.

Passed the House of Representatives January 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO THE ANNEXATION OF THE NORTHERN PART OF IDAHO TO
WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of Washington Territory, would most respectfully beg leave to represent to your Honorable bodies, that, by the boundaries of Idaho Territory, there is a long narrow strip of the Territory lying in the northern portion of said Territory, bounded on the north by British Columbia, on the east by Montana Territory, and on the west by Washington Territory, and that the said strip of territory, at its northern extremity, is only about fifty miles wide. This portion of said Territory is divided into three counties, to-wit : Nez Perce, Shoshone and Idaho.

Your memorialists are assured, by the voice of the residents and the press of said portion of Idaho Territory, that they are desirous of being annexed to the Territory of Washington ; that

the commercial, social and political interests of the people of the said northern portion of Idaho are identical with those of the people of Washington Territory.

The great distance of these three northern counties from Boise city, the capital of Idaho—a distance of over five hundred miles—incur great expense to said Territory, and also to their Legislators.

And your memorialists would further show that the representatives from the said counties, in order to reach their capital, are compelled to travel through a large portion of Washington Territory and the State of Oregon.

The people of the northern portion of Idaho, by their representations to your memorialists, are desirous of being annexed to Washington Territory.

Your memorialists would most respectfully request that your honorable bodies be pleased to grant the request of the people of said portion of Idaho, and so change the boundaries of said Territory that the above-mentioned portion constitute a portion of Washington Territory.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives Jan. 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO OVERFLOWED LANDS.

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

Your memorialists, the Legislative Assembly of the Terri-

tory of Washington, would respectfully represent, that in the county of King, in this Territory, there is a large lake of fresh water, so situated that when White and Cedar rivers are high, they obstruct and turn the current of Black river, the outlet of said lake, causing the surplus waters of said White and Cedar rivers to run into said lake, causing a rise of about six feet therein, and the overflow of a large amount of otherwise good agricultural lands.

That by connecting lakes Union and Washington by a canal, these lands would be reclaimed, and great relief afforded to the settlers on the rivers above named in times of freshets.

And, whereas, the settlements are sparse, and the people poor, the citizens of said county are unable to incur the expense (which will be at least twenty thousand dollars) of connecting and lowering the said lakes.

Your memorialists do therefore respectfully pray your honorable bodies to pass an act authorizing the said county of King to connect and lower said lakes Washington and Union, and granting to said county the swamp and overflowed lands thereby reclaimed.

And, as in duty bound, your memorialists will ever pray.
Passed the House of Representatives January 4th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO FORTIFICATIONS IN THE TERRITORY OF WASHINGTON.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, humbly sheweth :

That much capital has been invested in the lumbering, shipping and material branches of our industry.

That, in case of a war, the lives of our people and every dollar thus invested would be at the mercy of the enemy.

That even our territorial capitol, at Olympia, containing the archives, records, and other valuables, would be unprotected.

Your memorialists earnestly implore your honorable bodies to locate, build and maintain such fortifications on Puget Sound, on such points and in such manner as the war department, in its wisdom, may deem proper and expedient.

Passed the House of Representatives Dec. 11th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

IN REFERENCE TO BUOYING OUT THE BAR AND CHANNELS IN SHOAL-WATER BAY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent to your honorable bodies that there are vessels constantly plying between San Francisco and this place, carrying oysters and produce, and that such vessels are liable at any time to ground on the sand bars adjacent to the channels, thereby rendering cargoes of a perish-

able nature (such as oysters) liable to such delay as might result in the total loss of such cargoes.

WHEREAS, By the official survey of said bar and bay, in 1855, it is shown that large vessels can enter the same; therefore

Your memorialists respectfully and earnestly pray that your honorable bodies will immediately appropriate a sufficient sum of money to buoy out the bar and channels of said bay.

And your memorialists, as in duty bound, will ever pray.

Resolved, That our delegate in Congress, the Hon. Alvan Flanders, be and he is hereby requested to urge in Congress the immediate passage of a bill making the appropriation prayed for in this memorial.

Passed the House of Representatives Jan. 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 9th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO HOMESTEAD AND PRE-EMPTION LAWS.

Your memorialists, the Legislative Assembly of the Territory of Washington, earnestly pray your honorable bodies to amend the homestead and pre-emption laws, as in their practical application in our Territory they work hardship and delay to our hardy pioneers.

Your memorialists humbly implore your honorable bodies,

1st. That the settler be relieved of the necessity of applying in person at the land office, and that an affidavit made before a justice of the peace or a notary public be sufficient.

2d. That in availing himself of the benefits of the homestead act, he should be permitted to count his residence whether before or after the survey.

Your memorialists finally implore your honorable bodies to give effect to the beneficent intentions of Congress, to the end that all and every impediment be removed, and that our hardy settlers may enjoy the precious inheritance to which they are justly entitled, and that the law be so amended that they may enjoy "their own vines and fig trees," with none to molest or make them afraid.

Passed the House of Representatives Jan. 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

ASKING FOR INCREASED COMPENSATION FOR SURVEYING LAND WEST
OF THE CASCADE MOUNTAINS IN WASHINGTON TERRITORY.

To the Commissioner of the

General Land Office of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the unsurveyed portion of Washington Territory lying west of the Cascade mountains consists principally of lands heavily timbered, covered with dense undergrowth, in many places almost impenetrable, but which, if surveyed, would be rapidly settled up, as the soil is rich and fertile, and offers many inducements for settlers.

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That the compensation now allowed by law for the survey of these lands is entirely inadequate and insufficient, and consequently these lands remain unsurveyed by reason of this inadequacy of price allowed by law.

That the following is deemed by your memorialists a sufficient compensation for surveying the lands referred to in this memorial, to wit:

For subdivisional lines, \$16 per mile.

For township lines, \$18 per mile.

For standard parallel lines, \$24 per mile.

Wherefore your memorialists pray, that you recommend to Congress the increase of compensation for surveying the lands hereinbefore mentioned to the amounts suggested in this memorial.

And, as in duty bound, your memorialists will ever pray.

Resolved, That a certified copy of this memorial be forwarded by the Secretary of this Territory to the Commissioner of the General Land Office at Washington City, D. C.

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 18th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO THE REMOVAL OF DUNCAN ROCK.

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

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

endangered by the existence of what is known as Duncan Rock : said rock lying at the mouth of the Straits of San Juan de Fuca, about two miles from the southern shore of said Straits, and in the direct pathway of vessels entering the Straits, especially during stormy weather. The rock is small, and is visible at about half tide. It would be impossible even to make use of it as a location for a light house, and hence your memorialists would earnestly ask for an appropriation of such a sum as would be deemed sufficient to remove or destroy said rock, to be expended in such a manner as your honorable body may direct.

Your memorialists would further represent that the amount necessary to destroy or remove said rock would be but small, and bear no proportion to the benefits that would accrue to the commerce of Washington Territory and the northern Pacific coast; and we therefore commend this memorial to your favorable consideration.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives Jan. 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 16th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

ASKING RELIEF FOR ISAAC E. HIGGINS.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your hon-

orable body the great injustice which has been done Isaac E. Higgins by the military authorities on the Island of San Juan, and would respectfully present the following facts in support of the prayer herein made :

1st. Mr. Higgins seems to have settled upon San Juan Island in good faith, as an American citizen, and for the purpose of making a permanent home there under the land laws of the United States.

2d. It seems that, at the time the military landed there, he was in possession of the said claim, and further, that upon the first occupancy of said Island, the military commander thereof assured Mr. Higgins that he would not be troubled, and that he could make any and all improvements he saw fit. [See accompanying paper A and general orders marked B.]

3d. It is apparent from the evidence in this case, that Capt. Grey persecuted the citizens of San Juan, and among them Mr. Higgins, and summarily banished him from his home upon the Island and took from him his property, and gave him no opportunity to be heard in his own defense.

4th. It also seems that Capt. Grey contracted with Mr. Higgins to carry the military mail, and that he has failed to pay him for that service.

5th. In farther proof of the illegal proceedings of Capt. Grey, we will state that the grand jury of the Third Judicial District indicted him as well as his lieutenant for these outrages upon the person and property of Mr. Higgins.

We would therefore present to your honorable body the petition of said Isaac E. Higgins and the accompanying papers, and ask that justice be done in the case for him ; and that

1st. He be allowed to proceed to San Juan Island and be put in possession of his original land claim as taken up by him, and that the Congress of the United States pass a bill giving Isaac E. Higgins the sum of ten thousand dollars as part recompense for the outrage he has been forced to submit to, as well as his loss of time and his false imprisonment.

2d. That the money due said Higgins for carrying the military mail from Port Townsend to San Juan be paid him as agreed by Capt. Grey.

3d. That the tyrannical authors of this persecution be brought to the bar of justice and punished as they deserve.

And, as in duty bound, your memorialists will ever pray.

Resolved, That the Secretary of the Territory be and he is hereby instructed to send a copy of this memorial and resolution, with also the accompanying papers, to Hon. Alvan Flanders, and that Mr. Flanders is hereby requested to use all honorable means to secure full justice for Mr. Higgins.

Passed the House of Representatives Jan. 27th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 21st, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO MAIL ROUTE FROM PORT ANGELES, IN CLALM COUNTY,
TO PORT TOWNSEND, IN JEFFERSON COUNTY, WASHINGTON
TERRITORY.

To the Honorable Postmaster-General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent the great inconvenience and irregularity arising from carrying the mail from Port Townsend to Port Angeles, *via* New Dungeness, by water:

First. Carrying it as at present necessitates a separate service and contract to Port Discovery, which is properly part of the same route.

Second. The contract price is so low that nothing but a small sloop will accept the contract, and, consequently, the weather often prevents the arrival and departure at the proper time.

Third. By existing arrangements, the people of Port Angeles can have but one mail in two weeks from or to Port Discovery.

Wherefore, your memorialists respectfully ask you to change the manner of carrying the mail upon said mail route, and cause it to be one continuous service from Port Townsend to Port Angeles, *via* Port Discovery and New Dungeness.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives Jan. 23d, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 20th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO MAIL FACILITIES IN THE TERRITORIES OF WASHINGTON
AND ALASKA.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, humbly sheweth, that in consequence of the recent purchase of Alaska, a healthy commerce has been inaugurated therewith, which is yearly increasing.

Your memorialists therefore humbly and earnestly pray

your honorable bodies to appropriate such sums of money as will compensate a safe and speedy steamship in transporting the mails from Olympia, *via* ports on Puget Sound, to and from Sitka, in the Territory of Alaska, for one trip for each calendar month.

Passed the House of Representatives Dec. 11th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 8th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO COMPENSATING W. B. KING FOR CERTAIN MAIL SERVICES.

To the Honorable Postmaster-General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent :

That John Mullan, who was the original contractor on mail route number fifteen thousand four hundred and twenty-three, from Walla Walla, Washington Territory, to Lewiston, Idaho Territory, in November, A.D. 1864, became insolvent, and was unable to longer carry the mail on said route ; and that W. B. King then undertook to carry the mail, and did faithfully carry the mail on said route, from November, A.D. 1864, to July, A. D. 1866, supposing that the Government would pay him the same compensation agreed to be paid the said John Mullan for the service ; and supposing that the said Mullan had abandoned his contract, and that the said W. B. King performed the service, greatly to the convenience and satisfaction of the public ; but notwithstanding all these facts, the said John Mullan now

endeavors to obtain pay for this service, and has thus far succeeded in preventing the said W. B. King from obtaining the compensation to which he is justly entitled.

Your memorialists would further represent that the said W. B. King is a poor man, and labored hard and faithfully in this matter.

Your memorialists would therefore pray that the sum of eight thousand dollars, or whatever other sum he may be entitled to receive under the contract made with the said John Mullan, be set aside and appropriated to pay the claim of the said W. B. King.

And your memorialists will ever pray.

Passed the House of Representatives January 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council December 20th, 1867.

H. G. STRUVE,

President of the Council.

REMONSTRANCE

AGAINST THE REMOVAL OF THE DEPOT OF MILITARY SUPPLIES FROM
FORT VANCOUVER, WASHINGTON TERRITORY, TO PORTLAND,
OREGON.

*To Gen. U. S. Grant, commanding the armies of the
United States, and Secretary of War ad interim:*

Your remonstrants, the Legislative Assembly of the Territory of Washington, would respectfully represent that they have been informed that active efforts are being made to secure the immediate removal of the depot of military supplies, together with all other officers connected with the headquarters of the Department of the Columbia, from Fort Vancouver, to Portland, Oregon, upon the plea of retrenchment and economy.

Your remonstrants have regarded with great satisfaction the commendable and earnest efforts of the present General commanding the armies of the United States, to curtail the expenditures required in maintaining the military establishment of the country, and therefore are confident in the belief that the facts hereinafter set forth will receive his early consideration.

For a long series of years, Fort Vancouver has been the headquarters and the principal military depot of the Northern Pacific Coast. Situated on the great highway and the main artery of commerce, the Columbia river, from whence converge in all directions the routes to the different military posts of the Department, far and near, having daily communication by telegraph, mail and express, during all seasons of the year, easily accessible to vessels of any size that can cross the bar of the Columbia river, its location unrivaled in point of beauty, the good judgment of the officers who originally selected the spot as the principal centre for military operation on the Northern Pacific coast, cannot be too highly commended.

For over eighteen years, Fort Vancouver has been thus held and occupied by the military authorities, and the names of many gallant and distinguished officers, now holding high rank in the United States army, could be mentioned, who would bear testimony to the truth of these statements. During that period, the United States Government has expended vast sums of money in improving the post and rendering the same fit for the purposes for which it was designed. Large and elegant quarters for the officers, comfortable and commodious ones for the soldiers, have been erected, all of which are now in an excellent state of preservation, and are sufficient to accommodate not only the officers and soldiers, who, engaged in active field duty, may from time to time be stationed at this post, but also the commanding general and his staff officers doing duty in the Department of the Columbia.

Substantial warehouses for holding the various military supplies and stores that may be needed in the Department are

situated on the military reserve, convenient to the bank of the Columbia river, to which is attached a large wharf where vessels can lie in safety and have their cargoes discharged. Nor is this all. Stables and granaries, all kinds of work shops, and eisterns have been lately built and are in good condition. An efficient fire company, consisting of civilian employees of the Quartermaster's Department and other citizens, has been organized and ready at all times to protect the Government property against the ravages and dangers of fire. An excellent fire engine, to which is attached all the necessary apparatus, has been procured through the energetic influence of Brevet Lieut. Col. Hodges, the efficient depot quartermaster, for the use of said Company. The grounds have been tastefully laid out and improved and properly enclosed. The Government holds an undisputed title to the premises. All the improvements have been made with a view to permanency, and are now in such a condition as to require no additional expenditures for years to come in order to keep them properly in repair.

And now, after all the enormous expenses incurred by the Government, this work of years is sought to be destroyed and rendered valueless for the ostensible purpose of retrenching and economizing the expenses of Government. Your remonstrants are not fully informed whether this desire to retrench is the actual motive prompting the parties moving in this matter, or whether the movement is projected by contractors anxious to fill their ravenous maws with sweet morsels of government patronage, or by owners of expensive houses to let for want of good paying tenants, or by steamboat monopolies, or by parties expecting a large annual appropriation from Congress to remove obstructions in the Willamette river, the same being necessary in order that vessels carrying men, government supplies and munitions of war, may be able to reach the military depot of supplies if established at Portland.

It is urged, as a reason for removal, that the additional cost of transportation of Government freight from Portland to Vancouver would be saved; but your remonstrants are credibly in-

formed that the total amount paid for transporting said freight has never exceeded in any one year the sum of thirty-five hundred dollars. On the other hand, Portland is situated on the Willamette river, some twelve miles above its junction with the Columbia river, of which it is a tributary. During the high water season only are vessels of ten or twelve feet draught able to reach Portland; while during the balance of the year, vessels must remain at anchor at the mouth of the Willamette and have their cargoes transported in lighters and small river boats, and receive their return cargoes in the same way.

It would be almost a work of supererogation to set forth the additional expenditures necessary to be incurred, if the removal be made to Portland, where the government does not own a foot of land nor a single building that can be used as quarters, warehouse or office. These facts are too well known to you, who have had such an extended and practical experience; and without entering into particular details, your remonstrants respectfully submit, whether or not the rent for warehouses for the use of the quartermaster's, commissary and medical departments, the commutation for fuel and quarters of the General commanding, Chief Quartermaster, Chief Commissary, Adjutant and Inspector General, two or more Paymasters, Medical Director and two or more aids, the rent of offices for the different staff officers at the high prices generally prevalent in the city of Portland, to say nothing of the cost of maintaining extra duty-men, rent of stables, cartage, wharfage and many other incidental expenses, whether or not all of these expenditures constitute a measure of retrenchment and economy, when they can be avoided by re-establishing the headquarters at Fort Vancouver, where it has been for a series of years.

If the headquarters and the depot are permanently removed from Fort Vancouver, there would be no necessity of retaining a military post there, and thus the vast sums already expended there by Government would have been virtually thrown away.

Your remonstrants would further reiterate "that the great bulk of military supplies and transportation passes up the Colum-

bia river east of the Cascade Mountains, and we are unable to see the economy or expediency of making a detour of thirty miles from the direct route for the benefit of private individuals in Portland, and at such an unnecessary expense to the Government."

Your remonstrants are advised that, at an early period of your military career, a portion of your time was spent at Fort Vancouver, and perhaps the remembrance of old associations yet clings to your memory, and will aid you in determining the propriety of carrying into effect the prayer of this remonstrance.

Wherefore, in view of all of the foregoing facts, your remonstrants earnestly trust that this subject may receive your early consideration, and that such action be had in the premises as, in your judgment, may seem best for the interests of the Government.

And, as in duty bound, your memorialists will ever pray.

Resolved, That our delegate in Congress, Hon. Alvan Flanders, be and he is hereby instructed to present to General Grant the subject matter of the foregoing remonstrance, and that certified copies of the same be sent by the Secretary of the Territory to General Grant and Hon. A. Flanders.

Passed the House of Representatives January 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 6th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

PRAYING FOR WEEKLY SERVICE ON MAIL ROUTE NO. 15,404.

To the Honorable Postmaster-General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent :

That at present the mail on route number fifteen thousand four hundred and four, connecting Olympia with Astoria, by the way of Baker's Bay, Shoalwater Bay, Gray's Harbor and Chehalis river, is carried semi-monthly. The principal interests along this route are agricultural and fishing; the country is continually settling up; there is now a steamboat plying on the Chehalis river for a distance of nearly one hundred miles, which will cause many people to settle along the rich bottoms of said river. There are also gold mines being opened at Gray's Harbor, with a good prospect of success; and the business of Shoalwater Bay has increased nearly one half within the last two years.

In view of these facts, your memorialists would pray that such service on mail route number fifteen thousand four hundred and four may be performed weekly.

And your memorialists, as in duty bound, will ever pray.

Passed the House of Representatives Jan. 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 13th, 1868.

H. G. STRUVE,

President of the Council.

MEMORIAL

RELATIVE TO CARRYING THE MAILS ON ROUTE NO. 15,424, BETWEEN
FORT COLVILLE AND SPOKANE BRIDGE.

To the Honorable Postmaster-General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent :

That, under an order issued by the Postoffice Department

the postmaster at Fort Colville was instructed not to pay over fifteen hundred dollars per year for carrying the mail from Fort Colville, in Stevens county, W. T., to Spokane bridge, Stevens county, W. T., on route number 15,424, and if a contract could not be let for such sum, to discontinue the said postoffice and post route.

That, through the solicitations of the residents of Stevens county, Ira L. Mathews has taken said mail contract to carry, with the understanding that the matter would be represented to the department, and increased pay for such mail service would be urged upon the said Postoffice Department.

Your memorialists further state that, from the length of the route, viz: Ninety miles; the weight of mail matter; difficult roads, attributable to the character of the country through which the route must necessarily pass; the absence of settlement in a distance of sixty miles, rendering it essential for the carrier to provide and transport necessary forage, rendering the said sum of fifteen hundred dollars entirely inadequate for the service, in fact not sufficient to meet the necessary expense of keeping open the route.

That the service cannot be performed with justice to the United States, and to the contractor, for a less sum than three thousand dollars per year.

That the mail route is important, as there are at Fort Colville the following Federal officers: Custom House, Indian Agent, Deputy Collector and Assessor of Internal Revenue, a military post and United States District Court, to say nothing of a rapidly increasing settlement; all of which require at least weekly mail service.

Your memorialists therefore respectfully pray that the compensation of the present mail carrier be increased to the sum of three thousand dollars per annum from October 1st, 1867, and that the contract at that rate be continued until its expiration on said route number 15,424, from Fort Colville, Stevens

county, to Spokane bridge, Stevens county, Washington Territory.

And your memorialists will ever pray.

Passed the House of Representatives Dec. 9th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 12th, 1867.

C. M. BRADSHAW,

President of the Council.

JOINT MEMORIAL

PRAYING MAIL SERVICE BY SEA FROM SAN FRANCISCO, CAL., TO OLYMPIA, WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully pray your honorable body to make an appropriation of the sum of one hundred thousand dollars, for the purpose of establishing a mail route by sea from San Francisco, California to Olympia, Puget Sound, in this Territory, *via* Port Townsend, Seattle and Steilacoom in said Territory.

And for reason therefor would urgently state that, during several months of the year, the overland route between Lincoln, California, and Olympia, Puget Sound, is almost impassable for weighty mail matter, and from the character of the roads, its conveyance is attended with great delay, and liable to subject much of the mail matter to damage from swollen streams and continued rains. A custom house is located at Port Townsend, a military post at Steilacoom, and the federal offices at

Olympia, rendering such service of vast utility to the United States.

And your memorialists, as in duty bound, will ever pray.

Passed the House of Representatives Dec. 12th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 12th, 1867.

C. M. BRADSHAW,

President of the Council.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

RELATIVE TO INCIDENTAL PRINTING OF THE LEGISLATIVE ASSEMBLY.

Resolved by the Legislative Assembly of the Territory of Washington, That the joint committee on printing be and they are hereby instructed to make such arrangements as may be necessary to secure the prompt execution of the incidental printing of the two Houses.

Passed the House of Representatives January 10th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 11th, 1868.

H. G. STRUVE,

President of the Council.

RESOLUTION

INSTRUCTING DELEGATE TO SECURE APPROPRIATION FOR REMOVING
OBSTRUCTIONS IN CHEHALIS RIVER, W. T.

WHEREAS, Gray's Harbor, the outlet of Chehalis river, is situated but forty miles north of the Columbia river, and some two

hundred and fifty miles nearer to San Francisco than the nearest lumber ports on Puget Sound, with a safe entrance well defined and lately buoyed out by Government, and its character as a harbor most highly commended by the officer performing that service; and,

WHEREAS, Vessels carrying two hundred thousand feet of lumber can navigate Chehalis river some thirty miles above its mouth; and,

WHEREAS, If the obstructions and drifts were removed in the channel of said river, navigation for light draught steamers could be secured to the town of Claquato, in Lewis county, a distance by river of some one hundred miles from said Gray's Harbor; and,

WHEREAS, The forests of pine and cedar along the banks of said river afford great lumbering wealth, and the valley of the Chehalis and its numerous tributaries constitutes one of the richest agricultural sections of Washington Territory, now fast filling with settlers, who would find a ready market for their produce if the Chehalis river was clear of the obstructions to its navigation by vast drifts, the accumulation of many years, and some two or three shoal places or bars; therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That Hon. Alvan Flanders, our Delegate in Congress, be instructed to use his efforts to secure an appropriation of ten thousand dollars for the removal of obstructions in the channel of said Chehalis river and in improving its navigation.

Passed the House of Representatives Jan. 11th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 15th, 1868.

H. G. STRUVE,

President of the Council.

RESOLUTION

RELATIVE TO JOINT RULES.

Resolved by the House, the Council concurring, That a joint committee of four be appointed to confer upon the subject of joint rules for the government of the two houses in joint convention.

Passed the House of Representatives Dec. 11th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 13th, 1867.

H. G. STRUVE,

President of the Council.

RESOLUTION

RELATIVE TO JOINT CONVENTION FOR THE PURPOSE OF RECEIVING THE GOVERNOR'S MESSAGE.

Be it resolved by the House, the Council concurring, That the two houses will assemble in joint convention in the Assembly Hall, for the purpose of receiving the message of his Excellency the Governor of the Territory, on Monday the 7th inst., at 12 o'clock m.

Passed the House of Representatives Dec. 7th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 7th, 1867.

H. G. STRUVE,

President of the Council.

RESOLUTIONS.

JOINT RESOLUTION

RELATIVE TO A JOINT COMMITTEE TO WAIT UPON THE GOVERNOR.

Resolved by the Council, the House concurring, That a committee of three be appointed by each House, to inform his Excellency, the Governor of Washington Territory, that the Legislative Assembly is now permanently organized and ready to receive any communication his Excellency may deem proper to make.

Passed the House of Representatives Dec. 6th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 5th, 1867.

H. G. STRUVE,

President of the Council.

JOINT RESOLUTION

RELATIVE TO ADJOURNMENT OVER THE HOLIDAYS.

Resolved by the Council, the House concurring, That the Legislative Assembly of Washington Territory adjourn on Saturday, the 21st day of December, A.D. 1867, until Wednesday, the 1st day of January, A.D. 1868.

Passed the House of Representatives Dec. 21st, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Dec. 21st, 1867.

H. G. STRUVE,

President of the Council.

JOINT RESOLUTION

RELATIVE TO PENITENTIARY BUILDINGS.

WHEREAS, The Congress of the United States, by an act dated January 22d, 1867, has set aside the net proceeds of the internal revenue of the Territory of Washington for the fiscal years severally ending on the thirtieth day of June, eighteen hundred and sixty-six, the thirtieth day of June, eighteen hundred and sixty-seven, and the thirtieth day of June, eighteen hundred and sixty-eight, the same to be appropriated to the erection of penitentiary buildings at such place as may be designated by the Legislature and approved by the Secretary of the Interior; and,

WHEREAS, It is wise and proper that the Territory should avail itself of this liberal donation on the part of Congress; therefore,

Be it resolved, That the committee on public buildings of the two Houses be instructed to ascertain from Hon. Philip D. Moore, collector of internal revenue, the amount of revenue realized for the two fiscal years last passed, as also the estimated revenue for the current year; and,

Be it further resolved, That said committee be instructed to report by bill, or otherwise, a plan for the carrying out of the design of Congress in setting aside the proceeds of the collection of internal revenue.

Passed the House of Representatives Dec. 20th, 1867.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council December 9th, 1867.

H. G. STRUVE,

President of the Council.

JOINT RESOLUTION

RELATIVE TO THE UNIVERSITY FUND.

Be it resolved by the Legislative Assembly of the Territory of Washington,

1st. That the Board of Regents be and they are hereby directed to adopt such measures as may seem to them most expedient, whether by action at law or otherwise, to recover all outstanding claims not satisfactorily secured and bearing the current rate of interest.

2d. That said Board of Regents, be and they are hereby authorized to draw from any unappropriated funds belonging to the University the sums required to meet the necessary expenses of conducting the legal proceedings indicated above.

3d. That the Regents be and they are hereby authorized to enter into such arrangements for the re-opening of the University, by lease or otherwise, for a term of years, on such conditions as they may deem most conducive to the interests of the institution.

Passed the House of Representatives January 25th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 28th, 1868.

H. G. STRUVE,

President of the Council.

 JOINT RESOLUTION

IN RELATION TO THE ERECTION OF A LIGHT HOUSE AT THE ENTRANCE OF GRAY'S HARBOR, WASHINGTON TERRITORY.

WHEREAS, By act of Congress, approved June 20, 1860, entitled an act making appropriations for light houses, beacons,

buoys and so forth, the sum of twenty thousand dollars was appropriated for a light house at Gray's harbor, and for buoying out the channel and bar at said harbor, in which act provision was made that said money was not to be expended until plans and contract were made for the completion of said light house for the sum therein appropriated; and,

WHEREAS, During the summer of 1867, said harbor has been buoyed and a safe and practicable entrance declared to exist; Capt. Bloomfield, the officer employed upon said work, further reporting, "that there is 24 feet of water on the bar at the lowest tides, and the bar one and one-half miles wide; the channel inside is well defined; that vessels carrying about 200,000 feet of lumber can run up the Chehalis river about thirty miles;" and,

WHEREAS, No efforts have as yet been commenced towards the erection of said light house; therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be instructed to make inquiry at the proper Department why said work has been delayed, and how much of said appropriation remains unexpended, and that he urge that the necessary steps be taken to secure the erection of said light house; and, further, should the said appropriation have reverted to the Treasury, or what remains unexpended be inadequate, he is hereby instructed to use his best efforts to secure an appropriation sufficient for said object.

Passed the House of Representatives January 11th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 15th, 1868.

H. G. STRUVE,

President of the Council.

JOINT RESOLUTION

RELATIVE TO PRINTING ELECTION, ROAD AND SCHOOL LAWS.

Resolved by the House, the Council concurring, That the Secretary of the Territory be and is hereby instructed to have five hundred and fifty copies each of the election, school and road laws of this Territory, printed in pamphlet form, and distribute the same as follows: One copy to each member and officer of the Legislative Assembly, and the remainder to the different county auditors throughout the Territory.

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council Jan. 29th, 1868.

H. G. STRUVE,

President of the Council.

JOINT RESOLUTION

RELATIVE TO INTRODUCTION OF NEW BUSINESS.

Resolved by the Council, the House concurring, That on new business be introduced into either branch of this Legislature from and after the twentieth day of January, A. D. 1868.

Passed the House of Representatives Jan. 14th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 11th, 1868.

H. G. STRUVE,

President of the Council.

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