

STATUTES
OF THE
TERRITORY OF WASHINGTON,

MADE AND PASSED

AT A SESSION OF THE LEGISLATIVE ASSEMBLY BEGUN AND HELD AT OLYMPIA
ON THE SECOND DAY OF OCTOBER, 1871, AND ENDED ON THE
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STATUTES

OF THE

TERRITORY OF WASHINGTON.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED DEC. 2, 1869.

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

SEC. 2. All common law forms of action are hereby abolished, but the distinction between actions at law and suits in chancery shall be preserved; and pleadings and proceedings in actions at law shall be as prescribed in this act; and pleadings and proceedings in suits in chancery, shall be as prescribed by the laws of the United States and by the rules prescribed by the supreme court of the United States for courts of equity of the United States.

SEC. 2. Sections 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 172, 173, 193 and 291 of the said act, are hereby amended so as to read as follows, viz:

“SEC. 59. Actions at law in the several district courts of this Territory, shall be commenced by the filing of a complaint with the clerk of the court in which the action is brought, and the issuing of a summons thereon: *Provided*, That after the filing of the complaint, a defendant in the action may appear, answer or demur whether the summons has been issued or not, and such appearance, answer or demurrer shall be deemed a waiver of summons.”

“SEC. 60. The clerk shall endorse on the complaint the day, month, and year the same is filed, and at any time within one year after the filing of the same, the plaintiff may have a summons issued. The summons shall run in the name of the United States of America, be signed by the clerk, tested in the name of the judge of the court from which it issues, be directed to the defendant, and be issued under the seal of the court. The summons shall state the parties to the action, the court in which it is brought, the county in which the complaint is filed, the cause and general nature of the action, and require the defendant to appear and answer the complaint within the time mentioned in this section, after the service of the summons, exclusive of the day of service, or that judgment by default will be taken against him according to the prayer of the complaint, briefly stating the sum of money or other relief demanded in the complaint, and the clerk shall also endorse on the summons the names of the plaintiff's attorneys. The time in which the summons shall require the defendant to answer the complaint, shall be as follows:

1. If the defendant is served within the county in which the action is brought, twenty days.
2. If the defendant is served out of the county but in the district in which the action is brought, thirty days.
3. In all other cases sixty days.

There shall also be inserted in the summons a notice in substance as follows:

1. In an action arising on contract for the recovery only of money or damages, that the plaintiff will take judgment for a

sum specified therein, if the defendant fail to answer the complaint.

2. In other actions, that if the defendant fail to answer the complaint, the plaintiff will apply to the court for the relief demanded therein.

In an action affecting the title to real property, the plaintiff at the time of filing the complaint and the defendant at the time of filing his answer, when affirmative relief is claimed in such answer, or at any time afterwards, may file with the auditor of the county in which the property is situated, a notice of the pendency of the action, containing the names of the parties to and the object of the action, and a description of the property in that county affected thereby; and the defendants may also in such notice state the nature and extent of the relief claimed in the answer. From the time of filing only, shall the pendency of the action be constructive notice to a purchaser or incumbrancer of the property affected thereby."

"SEC. 61. The summons shall be served by the sheriff of the county where the defendant is found, or by his deputy, or by a person specially appointed by him or appointed by a judge of the court in which the action is brought, or by any citizen of the United States over twenty-one years of age, other than the plaintiff, and who is competent to be a witness on the trial of the action. A copy of this complaint shall be served with the summons. When the summons is served by the sheriff or his deputy, it shall be returned with the certificate or affidavit of the officer, of its service, and of the service of the copy of the complaint, to the office of the clerk from which the summons issued. When the summons is served by any other person, as before provided, it shall be returned to the office of the clerk from which it issued. When the summons is served by any other person, as before provided, it shall be returned to the office of the clerk from which it issued, with the affidavit of such person of its service, and of the service of the copy of the complaint. The plaintiff shall be entitled to as many writs of summons in the same suit as may be necessary to obtain juris-

diction of the person of the defendant, and they may be issued at the same or different times."

"SEC. 62. The summons shall be served by delivering a copy thereof, as follows:

1. If the suit be against a corporation, to the president, or other head of the corporation, secretary, cashier or managing agent thereof.

2. If against any county, to the county auditor.

3. If the suit be against a foreign corporation, or a non-resident joint stock company or association doing business within this Territory, to an agent, cashier or secretary thereof.

4. If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this Territory, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

5. If against a person for whom a guardian has been appointed for any cause, to such guardian.

6. In all other cases, to the defendant personally."

"SEC. 63. When the person on whom the service is to be made, has property within this Territory but resides out of the Territory, or has departed from the Territory, or cannot, after due diligence, be found within the Territory, or conceals himself to avoid the service of summons, or the defendant is a foreign corporation and has property within the Territory, or the cause of action against such corporation arose within the Territory, and the fact shall appear by affidavit to the satisfaction of the district court, or a judge thereof, or a judge of the probate court, and it shall, in like manner, appear that a cause of action exists against the defendant in respect to whom the service is made, or that he is a necessary or proper party to the action, such court or judge may grant an order that the service be made by the publication of the summons. In no case shall a summons issue against a non-resident when the person has no property in the jurisdiction of the court, except in an action for divorce, which may be done by publication."

“SEC. 64. The order shall direct the publication to be made in a newspaper to be designated, as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, at least once a week: *Provided*, That publication against a defendant residing out of the Territory, or absent therefrom shall not be less than six weeks. In case of publication, where the residence or non-residence of an absent defendant is known, the court or judge shall also direct a copy of the summons and complaint to be forthwith deposited in the post office, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the Territory, shall be equivalent to publication and deposit in the post office. In either case the service of the summons shall be deemed complete twenty days after the last day of publication prescribed by the order for publication.”

“SEC. 66. The writ of subpoena in chancery may also be served by the sheriff or his deputy, as well as by the persons authorized by the rules in equity, and sections 63, 64 and 65 shall apply to suits in equity in so far as said sections do not conflict with the said rules.”

“SEC. 67. When the action is against two or more defendants and the summons is served on one or more, but not on all of them, the plaintiff may proceed as follows:

1. If the action be against the defendants jointly indebted upon a contract, he may proceed against the defendants served, unless the court otherwise direct, and if he recover judgment, it may be entered against all the defendants thus jointly indebted, so far only as that it may be enforced against the joint property of all, and the separate property of the defendants served.

2. If the action be against the defendants severally liable, he may proceed against the defendants served in the same manner as if they were the only defendants.”

“SEC. 68. Proof of the service of the summons and copy of complaint, shall be as follows:

1. If served by the sheriff or his deputy, the certificate of such sheriff or deputy.

2. If by any other person, his affidavit thereof.

3. If served by publication, the affidavit of the publishers, their foreman or principal clerk, showing the same, and an affidavit of the deposit of the summons and copy of complaint in the post office, as required above, if the same shall have been deposited; or,

4. The written admission of the defendant.

5. If personal services shall be made out of the Territory, proof may be made by the affidavit of the person who makes the service, taken before the clerk of a court of record having a seal, and certified by him under the seal of said court, or by evidence in open court; or if personal service is made by a person requested so to do by the plaintiff or his attorney, by the affidavit of such person taken before the clerk of a court having a seal, with his certificate thereto attached, under his hand and the seal of said court, but such affidavits must state the time, place and manner of service."

"SEC. 69. In case of service otherwise than by publication, the certificate or affidavit shall state the time and place of the service, and from the time of service of the summons and copy of complaint in an action at law, the court shall be deemed to have acquired jurisdiction and to have control of all the subsequent proceedings."

"SEC. 70. A voluntary appearance of the defendant shall be equivalent to personal service of the summons upon him."

"SEC. 71. All the forms of pleadings heretofore existing in actions at law, inconsistent with the provisions of this act, are abolished, and hereafter the forms of pleadings in such action and the rule by which the sufficiency of pleadings is to be determined, shall be as herein prescribed."

"SEC. 140. The plaintiff in an action to recover the possession of personal property, may at the time of issuing the summons, or at any time before answer, claim the immediate delivery of such property as herein provided."

“SEC. 159. All writs of injunction shall be issued by the register in chancery, and shall issue under the seal of the court, be tested in the name of the presiding judge, be directed to the defendants and may be served by the same person and in like manner as writs of summons.”

“SEC. 172. The plaintiff at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment as hereinafter provided in the following cases:

1. In an action upon a contract, expressed or implied, for the direct payment of money, which is not secured by a mortgage, lien or pledge upon real or personal property, or if so secured, that such security has been rendered nugatory by the act of the defendant.

2. In an action upon a contract, express or implied, against a defendant not residing in this Territory.”

“SEC. 173. The clerk of the court shall issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, which shall be filed, showing

1. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counter claims) upon a contract express or implied, for the direct payment of money, and that the payment of the same has not been secured by any mortgage, lien or pledge upon any real or personal property.

2. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness, as near as may be, over and above all legal set-offs or counter claims) and that the affiant verily believes that the defendant is either

1. A foreign corporation; or,

2. That he is a non-resident of the Territory, or has departed therefrom with intent to delay or defraud his creditors, or to avoid the services of process, or keep himself concealed therein with like intent; or,

3. That he has removed or is about to remove any of his

property from this Territory with intent to delay or defraud his creditors; or,

4. That he has assigned, secreted or disposed of any of his property, or is about so to do with intent to delay or defraud his creditors; or,

5. That the defendant has been guilty of a fraud in contracting a debt or incurring the obligation for which the action is brought, stating the facts constituting the alleged frauds.

6. That the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor or creditors of the defendant."

"SEC. 193. The sheriff shall return the writ of attachment with the summons, if issued at the same time, otherwise within twenty days after its receipt, with a certificate of his proceedings endorsed thereon or attached thereto."

IN WHAT CASE JUDGMENT MAY BE HAD UPON FAILURE TO
ANSWER.

"SEC. 291. Judgment may be had if the defendant fail to answer to the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damage only, if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted by the court or judge, the clerk, upon the application of the plaintiff, shall enter the default of the defendant and immediately thereafter enter judgment for the amount specified in the summons, including the costs, against the defendant, or against one or more of several defendants in the cases provided for in section 67.

2. In other actions, if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk shall enter the default of the defendant, and thereafter the plaintiff may apply at the first or any subsequent term of the court for the relief demanded in the complaint. If the taking an account or the proof of any fact be necessary to enable the court to give

judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. Where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if to determine the amount of damages, the examination of a long account be necessary, by a reference as above provided.

3. In actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time designated in the order of publication may, upon proof of the publication and that no answer has been filed, apply for judgment, and the court shall thereupon require proof to be made of the demand mentioned in the complaint, and if the defendant be not a resident of the Territory, or is a foreign corporation, shall require the plaintiff or his agent to be examined on oath respecting any payments that have been made to the plaintiff, or to any one for his use, on account of such demand, and may render judgment for the amount which he is entitled to recover. In all cases the person recovering judgment in the district court shall have the right to an execution for the satisfaction thereof, as soon as the same is rendered. But the court in which the judgment was rendered may, by order, stay the execution for a reasonable time, in order to enable the judgment debtor to apply for a new trial or to take his writ of error: *Provided*, That in all cases of appeals from decrees not provided for in this act, the supreme court may, at its next regular term, by general rule, prescribe the manner of taking appeals from decrees of the district court to the supreme court, and said supreme court shall, at the close of said term, publish such rules if any be so made.

SEC. 3. All acts or parts of acts contrary or inconsistent with the provisions of this act, are hereby repealed: *Provided*, That rights acquired in actions now pending under existing laws, shall not be affected by anything herein contained."

SEC. 4. Chapter 30, and sections 433, 447, 448, 691 and 693 of the act to which this is amendatory, are hereby repealed.

SEC. 5. The same fees shall be allowed for the services of writs of summons and subpoenas in chancery, that are now allowed for services of complaints and notice.

SEC. 6. The first paragraph of section 363, of the act to which this is amendatory, shall be amended so as to authorize, in addition to the judgment debtor or his representatives, any person who may be interested in the said property, to likewise appear and file his objections thereto and be heard thereon.

The following portion of paragraph four of said section, is hereby repealed, viz:

“An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever.”

Passed the House of Representatives November 24, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY
OF WASHINGTON.

CHAPTER I.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Legislature shall, in joint convention during its present session, and every two years

hereafter, elect a Territorial superintendent of common schools, who shall hold his office for two years and until his successor is duly elected and qualified.

SEC. 2. It shall be the duty of said Territorial superintendent to disseminate intelligence in relation to the method and value of education.

SEC. 3. He may examine all who apply to him for certificates to teach school, and his certificate shall be valid in the whole Territory, and he shall be entitled to receive the same fees for certificates as county superintendents. He may call a teachers' convention at such time and place as he shall deem conducive to the educational interests of the Territory. He shall prepare and forward to county superintendents printed blanks, designating the questions he desires answered, on or before October first of each year.

SEC. 4. It shall be the duty of all the county superintendents of schools to forward to the Territorial superintendent a copy of their annual report forthwith, and they shall also state what school books would give most general satisfaction in their respective counties.

SEC. 5. It shall be the duty of the Territorial superintendent to make out a report from the reports of the county superintendents, and any other means of information he may have, of the condition of the schools in the Territory, and shall state what school books seem to be most popular in the Territory. He shall also recommend some series of school books to be introduced throughout the Territory, and he may make any suggestions he may think best for the promotion of education. He shall publish his Territorial report in some leading newspaper of the Territory, with a request that other papers copy.

SEC. 6. He shall make a report to the Legislature at its next regular session and every regular session thereafter, within ten days after convening, embodying all the information mentioned in section 5, and any other information and recommendations he deems advisable.

SEC. 7. The Territorial superintendent shall receive as a

salary out of the Territorial treasury, three hundred dollars annually, which shall include office rent, stationery, printing and all other incidental expenses of his office; and the Territorial auditor shall issue an order for said amount, which shall be paid by the treasurer out of any funds not otherwise appropriated.

SEC. 8. The Territorial superintendent shall qualify within sixty days after notice of his election, by filing in the office of the Secretary of the Territory, an oath that he will faithfully discharge the duties of the office according to the best of his abilities. Whereupon the Governor shall issue to him a commission the same as to other Territorial officers; and in case of vacancy from any cause the Governor may appoint to fill the vacancy until the meeting of the next Legislature.

CHAPTER II.

SEC. 1. That the principal of all moneys accruing to this Territory from the sale of any lands heretofore given or which may hereafter be given by the Congress of the United States for school purposes, shall constitute an irreducible fund, the interest accruing from which shall be annually divided among all the school districts in the Territory proportionally to the number of children or youth in each, between the ages of four and twenty-one years, for the support of common schools in said district, and for no other use or purpose whatever.

SEC. 2. For the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of each county to levy an annual tax of four mills on a dollar on all taxable property of the county as shown by the assessment rolls made by the county assessor for the same year, and to include the same in their warrant to the collector, and the said collector shall proceed to collect the said tax in the same

manner as other county tax is collected, and the said money so collected shall be paid over to the county treasurer to be appropriated for the hire of school teachers in the several school districts, to be drawn in the manner hereinafter prescribed; neither shall it be lawful for any county treasurer to receive county orders in payment for county school tax nor to pay out any school money on county orders.

SEC. 3. For the further support of common schools, there shall be set apart by the county treasurer all moneys paid into the county treasury arising from all fines for a breach of any law regulating licenses for the sale of intoxicating liquors, or for the keeping of bowling alleys or billiard saloons, or from any penal laws of this Territory. Such moneys shall be paid into the county treasury and be added to the yearly fund raised by tax in each county and divided in the same manner.

SEC. 4. That it shall be the duty of the county auditor of each county to report to the county superintendent of common schools, at least twenty days before the first Friday in November of each year, the amount of school tax levied in their respective counties for that year, and that it shall be the duty of the clerk of the district court, at the close of every term thereof, to report to the superintendent the amount of fines imposed during said term of court; and that it be the duty of all justices of the peace to report to the superintendent, at least twenty days before the first Friday of November of each year, the amount of fines imposed and collected by them for the past year.

CHAPTER III.

COUNTY SUPERINTENDENTS.

SEC. 1. There shall be elected by the legal voters of the respective counties in Washington Territory, a county superintendent of common schools for each county, who shall be elected at the general election of 1872, and at the regular election held

biennially thereafter, who shall hold his office for the term of two years and until his successor is elected or appointed and qualified. And in case of a vacancy occurring in said office by removal, death or otherwise, the county commissioners of each county are authorized to appoint a county school superintendent as in all other cases of vacancies in their respective counties, who shall qualify in the same manner as the elected superintendent, and perform all the duties of the office according to this law, for the unexpired term for which he was appointed, and until his successor is elected and qualified.

SEC. 2. The superintendent shall qualify within ten days after notice of his election, by taking an oath to faithfully discharge the duties of his office, and to the best of his ability promote the interest of education within his county, which oath shall be in writing and placed on file in the county auditor's office.

SEC. 3. It shall be the duty of the superintendent to district the whole county, so that every resident of the county shall be included in some district, and to divide such portion of his county as shall be inhabited, into convenient school districts, to define the boundaries and numbers, and to keep in his office a map of the districts of the county, upon which the lines and boundaries of each district shall be clearly defined. He shall lay off new districts or divide old ones where the public good shall require it.

SEC. 4. Whenever any school district shall be formed by the superintendent, it shall be his duty to prepare a notice in writing of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district who shall have asked for the formation of the same. It shall be the duty of said inhabitant, within two weeks after the receipt of such notice, to notify the other inhabitants of the district of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted up in three public places in the district, at least ten days previous to the time of meeting. In case the inhabitants

fail to attend in sufficient numbers to do business, as hereinafter directed, notice may be renewed at such times as may be thought proper.

SEC. 5. It shall be the duty of the county superintendent to be at the county seat on the third Friday and Saturday of May and November of each year, for the purpose of examining teachers and for the transaction of other business, and he shall give ten days public notice of the same by posting up handbills or otherwise. And any person or district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, and not exceeding the sum of two dollars, and any teacher examined on a different day shall pay the superintendent the sum of two dollars.

SEC. 6. It shall be the duty of the superintendent to examine all persons who wish to become teachers in his county; he shall examine them in orthography, reading, arithmetic, defining, penmanship, English composition, English grammar and geography, history of the United States; and if he be of the opinion that the person examined is competent to teach said branches, and that he or she is of good moral character, he shall give such person a certificate certifying that he or she is qualified to teach a common school in said county; such certificate shall be for the term of one year only and may be revoked sooner by the superintendent for good cause; but in the examination of the teachers he may make a distinction according to qualification, granting a certificate of qualification to teach in any specified district if the applicant therefor be qualified for the school of such district, and not a county certificate, which certificate, so granted, shall only be for six months, and may for good cause be sooner revoked.

SEC. 7. The superintendent shall visit all the schools in his county once a year; he shall give such information and encouragement as he may think necessary, and endeavor to promote the introduction of a good and uniform system of school books throughout the county, for which service he shall receive three dollars for each school visited, and the same mileage for going

to and returning from said school that sheriffs receive in the county in which they reside, to be paid out of the county treasury of said county.

SEC. 8. It shall be the duty of the superintendent to receive the district reports hereinafter provided for, and keep them on file in his office, and he shall, on or before the first day of January of each year, make out from the district reports a statement of the number of scholars in the county, the number of school libraries, the number of school houses, the number of districts, in how many districts the school has been kept the past year, what school books are principally used, what proportion of all the scholars in the county have attended school for the past year, and the amount of money paid to teachers. This statement, together with such other information and suggestions as he may deem important to the cause of education, he shall file in his office, and may, if convenient, publish it in some newspaper in this Territory.

SEC. 9. It shall be the duty of the superintendents, on or before the first Monday of January and July of each year, to make an apportionment of the school fund in the county treasury, among the several school districts in their respective counties, in proportion to the number of persons in the district over the age of four and under twenty-one years, and certify the amount due each district, which shall be drawn as hereinafter directed, and shall forthwith notify the clerks of the school districts of the amount due their respective districts.

SEC. 10. When the district shall have complied with the law as hereinafter directed, it shall be the duty of the superintendent to issue orders on the county treasury in favor of the clerks of the districts for the amount of the school fund appropriated to each, on the presentation of which order the treasurer of the county shall pay over to the clerks of the districts all moneys due their respective districts, and the clerks shall endorse on said order a receipt for so much as shall be paid thereon, and they shall also sign a duplicate receipt which shall be deposited

with the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper district.

SEC. 11. The said superintendent shall be allowed out of the county treasury, in compensation for his services, the sum of twenty-five dollars a year. The county commissioners may, in their discretion, if they think the services rendered demand it, increase his salary to any sum not exceeding five hundred dollars a year; but in all cases where the salary exceeds the sum of twenty-five dollars, one-half of the excess shall be paid out of the school fund: *Provided, also,* That a proper allowance shall be made in addition thereto, for necessary books and stationery, and for the preparing of the map required by section 3.

SEC. 12. The school superintendent of each county shall, in all cases, be a qualified teacher of any school within the county for which he is elected.

CHAPTER IV.

SEC. 1. A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, chapter two. No number less than five legal voters shall constitute a quorum to do business in any district meeting.

SEC. 2. Such school meeting shall have power to do all necessary business the same as the regular school meeting would have.

SEC. 3. Such meeting, when assembled, shall organize by the appointment of a chairman and secretary. It shall then proceed by ballot to elect three directors; of those so elected, the person having the highest number of votes shall hold his office for the term of three years, and the person having the next highest number shall hold his office for two years, and the person next highest, one year, and each shall continue in office until his successor is elected and qualified. In case two or more persons

of those so elected receive an equal number of votes, the duration of their term of office shall be determined by lot in the presence of the chairman and secretary.

SEC. 4. The term of office of a director not elected at the regular annual meeting, shall continue for the term of one, two or three years as he may have been elected, from the next annual school meeting, unless such director shall be elected to fill a vacancy, in which case he shall continue in office for the unexpired term, so that at every annual school meeting after the first, there shall be elected one school director for the term of three years.

SEC. 5. The directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of the office to the best of their abilities, and to promote the interests of education within their district. This oath shall be in writing and filed with the clerk of the district.

SEC. 6. It shall be the duty of the directors of every school district:

1. To call special meetings of the district whenever they shall deem it necessary, and when a vacancy occurs by death, resignation or otherwise, the directors shall call a special meeting of the district to fill such vacancy.

2. To make out a tax list for their district whenever an assessment has been made, containing the names of all persons liable to pay taxes in the district, and the amount payable by each inhabitant, set opposite his or her name.

3. To annex to such tax list a warrant directed to the clerk of the district, for the collection of the sums in such list mentioned, including such per centage for fees of clerk as they may deem just, not exceeding five per cent.

4. To purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish such school house with necessary fuel and appendages, and such privies and outhouses as decency requires, out of the funds collected and paid to the clerk

for such purposes, and to have the custody and safe keeping of the district school house.

5. To contract with and employ teachers; and they shall require a teacher to get a certificate from under the hands of the Territorial or county superintendent. No engagement with a teacher shall be valid so as to entitle any district to draw their apportionment of public money, unless such examination has been previously made.

6. To give orders to the teachers on the district clerk for their wages.

7. To discharge any school teacher for neglect of duty or any cause that, in their opinion, renders his or her service unprofitable as a teacher, by first paying him or her for what time he or she may have been teaching.

SEC. 7. Any two of said directors shall constitute a quorum to do business.

SEC. 8. It shall be the duty of the directors to visit and examine the school or schools of their respective districts, at least twice in each term. They shall endeavor, in connection with the county superintendent, to procure the introduction of a good, uniform system of school books in their district.

CLERKS.

SEC. 9. The first annual school meeting shall also elect a district clerk, who shall continue in office for the term of three years. He shall qualify within ten days after his election, in the same manner as the directors, and give a bond to the district directors in such sum as they may require, that he shall well and truly perform the duties of his office, and pay over all moneys coming into his hands by virtue of his office as by law directed. If a clerk be elected to fill a vacancy he shall continue in office for the unexpired term, and if elected at the first meeting, not being the regular annual meeting, he shall continue in office three years from the next annual meeting.

SEC. 10. It shall be the duty of the clerk of the district

1. To record the proceedings of his district in a book to be provided for that purpose by the district.
2. To give notice of annual or special meetings.
3. To procure a list of all residents in the district between the ages of four and twenty-one years.
4. To give due notice, at least ten days before any tax that may be assessed shall be collected, by written or printed notices in three of the most public places in the district.
5. To collect all district taxes which shall be required by the warrant from the directors to collect, within the time limited in each warrant for its return, and he shall have the same authority as the county collector to enforce the collection of such tax, and he shall be allowed for collecting, such per centage as the directors may deem proper.
6. To retain a copy of all reports made to the county superintendent relating to the affairs of the district.

SEC. 11. It shall be the duty of the clerk to furnish the county superintendent, within ten days after the first Friday in November of each year, a report containing the number and names of persons in his district over four and under twenty-one years of age, how long a school has been kept in his district by a qualified teacher during the past year, what school books are principally used, what proportion of the scholars in the district have attended school, and the amount of money paid to teachers or otherwise expended.

SEC. 12. The clerk of each district shall, at the close of each year of his office, make out in writing a just and true account of all moneys received by him for the use of the district, and the manner in which the same shall have been expended, which account shall be read at the annual district meeting. The clerk shall pay over all moneys remaining in his hands belonging to the district to his successor, when his successor has legally qualified, and upon refusal so to do the directors shall forthwith bring suit upon his bond.

SEC. 13. District clerks shall be treasurers of their respective districts.

SEC. 14. All moneys coming into the hands of the district clerk shall remain in the hands of the clerk or clerks, subject to the order of the directors, and shall not be paid out in any other way.

TEACHERS.

SEC. 15. It shall be the duty of every teacher of a common school to procure a certificate of qualification and good moral character, before entering on the duties of a teacher. It shall be his or her duty to keep a register of the children attending school, their age and the time when they began, the time they continue and of their daily attendance, and with the same, he or she shall give a list of the text books principally used in his or her school, and said register and list of books shall be in duplicate and filed with the clerk of the district at the close of every term, properly certified to by the teacher, the one copy for the use of the clerk and the other shall, by the clerk, be furnished to the county superintendent with his annual report.

SEC. 16. No books or publication of a sectarian or denominational character shall be used in any district or public school, neither shall any sectarian or denominational doctrine be taught therein, and any school district, the officers of which shall knowingly allow any school to be taught in violation of this section, such officer or officers assenting to the same, shall be liable to a fine of one hundred dollars to be paid into the common school fund of the county.

SEC. 17. Seventy-two days of school actually taught shall constitute a quarter.

CHAPTER V.

MISCELLANEOUS PROVISIONS.

SEC. 1. The minutes of the first school meeting shall be signed by the chairman and secretary, and delivered to the clerk of the district, who shall file the same in his office.

SEC. 2. In all school meetings the director whose term of office shall first expire, shall act as chairman, and the clerk of the district shall act as secretary.

SEC. 3. Districts shall have the power to repeal, alter or modify their proceedings from time to time as occasion may require.

SEC. 4. District meetings, legally called, shall have power to levy a tax upon the property of the district for any purpose whatever, connected with and for the benefit of schools and promotion of education in the district.

SEC. 5. Any new district failing to organize and report to the county superintendent the number of children over four and under twenty-one years of age in said district, within ten days after the first Friday in November, or any district having been organized for the term of one year or more, failing to report to the county superintendent as required in section eleven of the chapter entitled "clerks" in this act, shall not be entitled to any portion of the county school fund for the year: *Provided*, That if the clerk of any school district shall fail to make such report according to law, the superintendent shall notify directors and they may make the report within twenty days after the time required by law, and the county superintendent shall receive the same as if made by the clerk.

SEC. 6. No district, except those organized less than one year, shall be allowed to draw its apportioned county school fund from the treasury until it shall satisfy the county superintendent that a school has been kept in the district by a qualified teacher for at least three months, except as hereinafter provided.

SEC. 7. When the clerk of any school district shall satisfy the county superintendent that any amount has been raised in his district for the support of teachers or building school houses, and that a school has actually been kept by a qualified teacher, as provided for in the preceding section, the superintendent shall issue an order on the county treasurer, in favor of the clerk of

such district, for its apportionment of county school funds in the treasury to the credit of such district.

SEC. 8. Any district failing to comply with the provisions of the two preceding sections for the term of one year after any apportionment, shall forfeit its apportionment, and the amount thereof shall be again added to the county school fund and divided again among all the districts.

SEC. 9. Districts having less than fifteen scholars between the ages of four and twenty-one years, and which, in the opinion of the directors are not able to support a school, shall be excepted from the requirements of the three preceding sections, and may, by organizing and reporting to the superintendent according to law, draw their proportion of the school money without being required to comply with the provisions of the school law any further than the said organization and report is concerned; and in such districts, three legal voters shall constitute a quorum to do business, and it shall be the duty of the clerk of such districts to let out all county school funds so received, at interest, for the use of the district, on good security, until such time as it may be required for school purposes in said district. The clerk of the district and his securities shall also be responsible for such money: *Provided*, That if the term of three years shall elapse before such weak district shall have at least three months school, such districts shall not be entitled to any apportionment of the county school funds after the expiration of the said three years, until they shall have complied with the law in the same manner as regularly organized districts are required to do.

SEC. 10. When a district is organized, it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school houses in their own district; and it shall be the duty of the directors to prosecute or defend any demand for or against their district, and notice shall be served upon one of the directors of any suit brought against the district.

SEC. 11. The directors of any school district may permit

scholars who are not residents, to attend school in their district with or without charge, as they may deem proper.

SEC. 12. Any persons desirous of sending any scholar or scholars out of their district to any other school, may do so by first getting a permit in writing from the directors in the district where they reside, and such scholar or scholars so sent to school out of their district, shall be entitled to their equal proportion of the public school fund belonging to their district: *Provided*, That such parent or guardian shall get a certificate from the teacher where such child or children have attended school, showing the number of days of attendance, with the price of such schooling, but in no case shall a parent or guardian draw more money than will be sufficient to pay the schooling of such scholar during their attendance out of their school district.

SEC. 13. Upon the presentation of such certificate to the clerk of the district in which such scholar or scholars reside, the clerk shall pay to such parents or guardian the apportionment due them out of the funds belonging to said district, taking their receipt for the same, which receipt shall be endorsed on said certificates, showing the amount actually received, and signed by the party receiving the money, and said certificate, so endorsed, shall be a sufficient voucher to the credit of the clerk in making his settlement with the directors or in paying over to his successor the fund belonging to said district.

SEC. 14. When the clerk of any such school district shall have failed to draw from the county treasury the apportionment for said district, either by reason of not complying with the requirements of section seven of this chapter, or otherwise, then the certificate shall be presented to the county superintendent who shall issue an order on the county treasurer in favor of the person or persons entitled to receive the same, and a receipt in due form shall be given to the treasurer for the amount paid, the duplicate of which shall be endorsed on the certificate in the hands of the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper district

in the same manner as when paid to the clerk according to section ten, chapter two.

SEC. 15. Any scholar having thus received his or her portion of school money, cannot be entitled to any further benefit out of the fund of said district in case of a school being taught therein, until after the next annual apportionment is made.

SEC. 16. In all cases when a tax is to be levied, it shall be stated in the notice given of the meeting for what purpose or purposes the tax is to be levied.

SEC. 17. If a district meeting be held and levy a tax on all the taxable property in the district, the property of non-residents shall be assessed in equal proportion with the rest by the directors of the district.

SEC. 18. The directors may add such per centum, not exceeding five, as they may deem requisite, to remunerate the clerk for his services as collector, but the amount shall be specified and added as a separate item in the schedule or account of taxes so levied or assessed, and when any person shall pay the same within ten days after the notice of such tax is made public by the clerk, in accordance with the fourth clause of section ten, of chapter three, the per centage shall be deducted, but in all other cases it shall be collected.

SEC. 19. There shall be an annual meeting held in each district upon the first Friday in November, and notice of all annual or special meetings shall be in writing, signed by the directors or the clerk of the district, and shall state the object for which the meeting is called, and shall be posted up in three public places in the district at least ten days previous to holding such meeting.

SEC. 20. Every inhabitant over the age of twenty-one years who shall have resided in any school district for three months immediately preceding any district meeting, or who shall have paid or be liable to pay any tax except road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote, and in the selection of a site for a

school house, for raising a tax, no person shall be allowed to vote except persons liable to pay a school tax.

SEC. 21. Any school meeting shall have power to adjourn from day to day as occasion may require.

SEC. 22. A school meeting, legally called, shall have power by a vote of a majority present, to levy a tax on all taxable property within the district.

SEC. 23. The tax payers may, with the consent of the directors of their district, perform by labor their portion of taxation for the erection of school houses and shall be so returned by the clerk of said district.

SEC. 24. No person shall be disqualified for the office of county supesintendent, district director or clerk, on account of holding any other office within the Territory at the same time.

SEC. 25. It shall be the duty of the directors to appoint a suitable person for librarian when the district shall have procured a library.

SEC. 26. School superintendents, directors and clerks shall be competent to administer oaths or affirmations in any case occurring under the provisions of this act.

SEC. 27. Where, in any county, any of the moneys mentioned in chapter two, section three of this act, are by existing laws set apart to any other fund or for any other purpose, this act shall not be so construed as to affect the disposition of said funds so set apart.

SEC. 28. Failure of a clerk to make out his report in proper time shall not work a forfeiture of the apportionment to his district, if the report shall reach the superintendent before he apportions the fund.

SEC. 29. No order of the superintendent shall be drawn upon the county treasurer in favor of any district which fails to have or keep up its organization, and any district having been for three years recognized as an organized district by the inhabitants of the same and by the superintendent, shall, so long as it complies with the forms of law, be to all intents, for the purposes of this act, a legal district.

SEC. 30. Any person or persons asking any action of the superintendent which shall affect the boundaries of any district, shall notify the clerk of said district, in writing, of his intention to ask for the same, stating what action is or will be asked, and the time (not less than ten days) when the same will be heard, and shall file a certified copy of the said writing with the superintendent.

SEC. 31. When satisfied such notice has been given, the superintendent shall proceed to examine the case, unless for good cause further time is asked by either party, or in the absence of either party he may consider substantial justice cannot be done, in which case he must set some future time for its consideration.

CHAPTER VI.

SEC. 1. All guardians, parents and other persons in this Territory having, or who may hereafter have, the immediate custody of any child or children between the ages of eight and sixteen years, shall send the same to school at least three months in each year said child or children may remain under their supervision: *Provided*, That if the person or persons having the custody of said child or children shall not be able to pay for its or their education as provided in this section, and shall satisfy the school directors of that fact, such child or children shall be admitted free of cost.

SEC. 2. All time lost to any child or children in consequence of a school not being taught the required length of time, or from any other good reason, shall be made up the ensuing year or so soon as such disability is removed and a school is taught a sufficient time in their district to allow of such amend.

SEC. 3. In all cases where any person or persons having the custody of any child or children, shall fail to send said child or children to school the required length of time, provided that an

opportunity has offered and no good reason can be shown for the failure, then said person or persons shall pay to the school clerk of his or their school districts, on the presentation of a warrant from the school directors, the sum of one hundred dollars, to be collected the same as any special school tax, and to be incorporated into the school fund and used for school purposes in said school district; but the county commissioners shall have power to remit fines arising by virtue of this act when in their opinion justice demands a remission.

SEC. 4. 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. 5. This act to take effect from and after the first day of January, A. D. 1872.

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ROADS, FERRIES, BRIDGES AND TRAVEL ON PUBLIC HIGHWAYS," APPROVED DECEMBER 2, 1869.

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

“SEC. 15. Any person whose land shall be so situated that it has no connection with any public road, may make application in writing to the county commissioners of his county, at a regular term, for a private road leading from his premises to some convenient public road, by first posting three notices fifteen days before said meeting, in the district where said road is to be located, and thereupon the commissioners shall appoint three disinterested householders of the county as viewers and cause an order to be issued directing them to meet on a day named in such order, to view and locate a private road according to the application and notices, and to assess the damage to be sustained thereby, and after being duly sworn or affirmed faithfully and impartially to discharge the duties of their appointment, and after at least three days notice given to all persons through whose lands such private road is to be located, such viewers shall proceed to locate and mark out a private road thirty feet wide, from some certain point on the premises of the applicant to some certain point on the public road, so as to do the least damage to the lands through which such private road is located, and they shall also, at the same time, assess damage sustained by the person or persons owning such lands.”

That section 19 of the act to which this is amendatory, be amended to read as follows:

“SEC. 19. 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 present 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 within ten days, and before entering upon the duties of said office, take an oath to faithfully discharge the duties of his office, and if required by the county commissioners, shall enter into bond to the county, with one or more sureties, in any sum not exceeding one thousand dollars, to be approved by the county commissioners, to the effect that he will faithfully account for all money coming into his hands by virtue of his office: *Provided, however,* If from any cause there is no election on the first Monday of April, 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 on the third Monday of the same month. It shall be the duty of the chairman and secretary of such meeting 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 name in full; but in case any road district shall fail to notify the county auditor in writing that they have elected a supervisor, it shall be the duty of the county auditor to report what districts have failed to elect to the county commissioners at their regular May meeting, and they shall appoint supervisors to fill all vacancies in such road districts."

That section 21 be amended to read as follows:

"Sec. 21. It shall be the duty of every supervisor of roads, on or before the first Monday in May, to obtain the names and make out in alphabetical order a list of all persons liable to perform labor on the public roads residing within his road district, and file the same with the county auditor whose duty it shall be to affix to each name the amount of taxable property and the amount of road tax assessed against each person residing or owning real and personal property therein, and issue his warrant for the collection thereof."

That section 22 be amended to read as follows:

"Sec. 22. It shall be the duty of the board of county commissioners of the several counties, at their May session, to levy

and assess a road tax of four dollars on every male person liable to perform labor on the public roads, between the ages of twenty-one and fifty years, except persons that are a public charge or too infirm to perform labor, also to assess not less than two or more than five mills on every dollar's worth of property as returned by the county assessors, which tax shall be assessed and collected in labor at the rate of two dollars per day; unless he shall elect to pay the same in money: *Provided, however,* That all road taxes assessed on the property of non-residents of the county may be paid to the treasurer of the county at any time before the first Monday of August of each year."

Section 23 of the act to which this is amendatory, shall be amended to read as follows:

"SEC. 23. It shall be the duty of the road supervisor to place on his list the names of all persons liable to perform road labor, who shall fail to produce a receipt for the payment of road work by such person for the current year, and assess the number of days work to be performed by him, which assessment shall, in all respects, be valid as if made in due time."

Section 24 of said act to which this is amendatory, shall be amended so as to read as follows:

"SEC. 24. The supervisor must notify every person within his road district, subject to road labor as aforesaid, to perform the work assessed on the public roads within his district, and if any person subject to road labor aforesaid, shall, after three days notice, either personally or by writing left at his usual place of abode by the supervisor or by any other person by his direction, neglect or refuse to attend by himself or suitable substitute, at the time and place designated by the supervisor, or having attended, shall refuse to obey the instructions of the supervisor, or shall pass his time in idleness or inattention to the labor or duties assigned him, every such delinquent shall thereby become liable to the supervisor for the amount of his road tax in money, and such supervisor shall proceed at once to collect the same by levy and sale of the property, real and personal, of such delinquent, or sufficient thereof for that purpose, and to pay the pen-

alty for such delinquency and the costs and expenses of the levy and sale. And any person having men employed, either for himself or a company, shall provide a list of the names of all such persons employed, and if said employer or agent of the employer shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then said employer or company shall be liable for the amount of the road tax of his or their employees, and shall pay the road tax due by such men, or the men so employed, on being notified in writing by the supervisor: *Provided*, All money paid to or collected by the supervisor for road taxes shall be expended on the roads of his district."

That section 27 of the act to which this is amendatory, is hereby repealed.

That section 33 be amended to read as follows:

"SEC. 33. Every supervisor shall keep an account of the days work performed on the roads in payment of road tax and by whom performed, and also an account of all moneys collected or recovered by him for road tax, and such supervisor shall each year return his accounts to the board of county commissioners for examination and settlement at the February or may term thereof, and must pay over any moneys in his possession to his successor in office."

That section 36 be amended to read as follows:

"SEC. 36. Every supervisor of roads shall receive for each day necessarily employed in the performance of any of the duties required by this act, over and above the number of day's work required by law to be performed by such supervisor, the sum of two dollars to be paid out of the road fund of his district. Every person employed under this act as surveyor, viewer or chain bearer, shall receive such compensation as the county commissioners shall allow."

That section 37 be and the same is hereby repealed.

SEC. 2. None of the preceding provisions of this act shall apply to the counties of Walla Walla and Kitsap.

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.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKÉLEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO REGULATE ELECTIONS AND PRESCRIBE THE TENURE OF OFFICE THEREIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the election of Legislative, district, county and precinct officers in this Territory, shall hereafter be biennial and shall be held at the same time as the election of delegate to Congress.

SEC. 2. That all district, county and precinct officers elected at the first general election to be held in accordance with the provisions of this act, shall qualify and be entitled to their several offices within sixty days after the first Monday in June, 1873, and shall hold their respective offices for the term of one year or until their successors are duly elected and qualified.

SEC. 3. That the official term of all district, county and precinct officers elected after the first general election after the passage of this act, shall be for the term of two years or until

their successors are duly elected and qualified: *Provided*, That if Congress shall change the time of holding elections to November, then the term of the present incumbents expire on the first Monday in January, 1873, and those elected in November, 1872, shall hold office for two years after the first Monday in January, 1873.

SEC. 4. 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.

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 22, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE ASSESSING AND COLLECTING OF COUNTY AND TERRITORIAL REVENUE.

CHAPTER I.

PROPERTY AND POLLS SUBJECT TO ASSESSMENT AND TAXATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all taxes for the support of the government of this Territory shall be assessed on polls and on property valued in equal and rateable proportion; and all property real and personal within this Territory, not expressly

exempted therefrom, shall be subject to taxation in the manner provided by law.

SEC. 2. The terms "real property" and "land," wherever used in this act, shall be held to mean and include not only the land itself, whether laid out into town lots or otherwise, with all things contained therein, but also all buildings, structures, improvements, trees and other fixtures of whatever kind thereon, and all rights and privileges belonging or in any wise appertaining thereto.

SEC. 3. The terms "personal estate" and "personal property," shall be construed to include all household furniture, goods, chattels, moneys and gold dust on hand or on deposit, either within or without this Territory; all boats and vessels, whether at home or abroad, and all capital invested therein; all debts due or to become due, over and above liabilities, whether on account, contract, note, mortgage or otherwise; all public stocks, and stocks or shares in all incorporated companies, and such portion of the capital of incorporated companies, liable to taxation on their capital, as shall not be invested in real estate.

SEC. 4. The following property shall be exempt from taxation:

1. All property, real and personal, of the United States and of this Territory.

2. All public or corporate property of the several counties, cities, villages, towns and school districts in this Territory, used or intended for corporate purposes.

3. The personal property of all literary, benevolent, charitable and scientific institutions, incorporated within this Territory, and such real estate belonging to such institutions as shall be actually occupied for the purposes for which they were incorporated.

4. All houses of public worship and the lots on which they are situated, and the pews or slips and furniture therein. All lodge buildings and furniture of any fraternity in this Territory, and grounds upon which said buildings stand shall be exempt the same as churches, and all burial grounds, tombs and rights

of burial; but any part of any building, being a house of public worship, which shall be kept or used as a store or shop, or for any other purpose, except for public worship or for schools, shall be taxed upon the cash valuation thereof the same as personal property, to the owner or occupant, or to either, and the taxes shall be collected thereon in the same manner as taxes on personal property.

5. All public libraries and the real and personal property belonging to or connected with the same.

6. The property of all Indians who are not citizens, except land held by them by purchase.

7. That household furniture to the value of one hundred and fifty dollars shall be exempt from taxation.

SEC. 5. A poll tax shall be assessed upon every male inhabitant of this Territory between the ages of twenty-one and fifty years.

CHAPTER II.

PROPERTY, WHERE AND TO WHOM ASSESSED.

SEC. 6. All lands shall be assessed in the county in which the same shall lie, and every person shall be assessed in the county where he resides, when the assessment is made for all real and personal property then owned by him within such county; but land owned by one person and occupied by another may be assessed in the name of the owner or occupant; and unoccupied land, if the owner is unknown, may be assessed as such without inserting the name of any owner.

SEC. 7. The real estate of incorporated companies liable to taxation shall be assessed in the county in which the same shall lie, in the same manner as the real estate of individuals.

SEC. 8. The undivided estate of any deceased person may be assessed to the heirs or devisees of such person, unless occupied by some other person to whom it may be assessed, without

designating them by name, until they shall have given notice to the assessor of the division of the estate, and the names of the several heirs or devisees; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs and devisees their respective portions thereof, when paid by him.

SEC. 9. Every person, except as provided in the succeeding section, shall be assessed in the county in which he resides, when the assessment is made for all taxable personal property owned by him, including all personal estate in his possession or under his control as trustee, guardian, executor or administrator; and where there are two or more persons jointly in possession, or having control of any such property in trust, the same may be assessed to either or all such persons, but it shall be assessed in the county where the same shall lie, if either of such persons reside in such county.

SEC. 10. All goods, wares and merchandise kept for sale in this Territory; all stock employed in any of the mechanic arts; and all capital and machinery employed in any branch of manufactures or other business within this Territory, owned by a corporation out of this Territory, or by any person whether residing in or out of the Territory, shall be taxable in the county where the same may be, either to the owners thereof or to the person who shall have charge of or be in possession of the same.

SEC. 11. Partners in mercantile or other business may be jointly taxed in their partnership name, or severally taxed for their individual shares, for all personal property employed in such business, and in case they are jointly taxed such partner shall be liable for the whole tax.

SEC. 12. The person and property of every private corporation is liable to assessment and taxation, unless otherwise specially provided, and shall be assessed in the name of such corporation, in the county where the principal office or place of business of such corporation is located; but if such corporation is engaged in the business of navigation or railroading, then the steamboats or other water craft of such corporation shall be

assessed in the county in this Territory where the home port or berth of such steamboat or other water craft may be, and the rolling stock of such railroad shall be assessed in the county in this Territory wherein the principal terminus or depot of such railroad may be: *Provided*, That if either termini or any depot of such road be in the county where such corporation has its principal office or place of business, then such rolling stock shall be assessed in such county. The personal property of a private corporation may be seized and sold for any tax levied upon the property of such corporation as in the case of a natural person.

SEC. 13. The owner or holder of stock in any incorporated company which is taxed on its capital, shall not be taxed as an individual for such stock.

SEC. 14. When personal property is mortgaged or pledged, it shall, for the purpose of taxation, be deemed the property of the person who has the possession.

CHAPTER III.

MANNER OF MAKING ASSESSMENTS.

SEC. 15. Between the first Monday of January and the last Monday in April in each year, the assessor in each county shall ascertain by diligent inquiry the names of all persons liable to taxation in his county, and also all the taxable personal property, and all taxable real estate therein, and make out an assessment roll of all taxable property, and appraise the same according to the provisions of the statutes relating thereto.

SEC. 16. Every assessor shall require any person liable to be taxed in his county, to furnish him a list of his real estate situated in his county, liable to taxation, and a list of all his personal property liable to taxation in this Territory, stating the same in detail, and shall require such person to make oath that, to the best of his knowledge and belief, such list contains a full

and true account of all his property liable to be taxed in such county; and if any person shall refuse to furnish such list or to swear to the same, when required so to do by the assessor, such person shall forfeit and pay to the assessor for the use of the county, the sum of fifty dollars, which sum may be recovered by action in any court having jurisdiction of matters of debt or contract, to the amount of fifty dollars and costs of suit.

SEC. 17. The assessor shall set down in an assessment roll to be prepared by himself, in separate columns, and according to the best information he can obtain:

1. The names of all the taxable persons in his county.
2. A description of each tract or parcel of land to be taxed, specifying under separate heads the township, range and section in which the land lies, or if divided into lots and blocks, then the number of the lot and block.
3. The number of acres and parts of an acre, as near as the same can be ascertained, unless the land be divided into blocks and lots.
4. The full cash value of each parcel of land taxed.
5. The full cash value of all the taxable personal property owned by or to be taxed to such person, as provided by law.
6. The total valuation of all property taxed, real and personal.

SEC. 18. When lots are situated in any city, village or town, a plat of which shall have been recorded, the city, village or town in which the same are situated, shall be specified in the assessment roll.

SEC. 19. When any person is assessed as trustee, guardian, executor or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered in a separate line from his individual assessment, and he shall be assessed for the real estate held by him in such representative character, at the full value thereof, and for all personal property held by him in such representative character.

SEC. 20. If the land assessed be less or other than a subdivision according to the United States survey, unless the same be

divided into lots and blocks, so that it can be definitely described, it shall be described by giving the boundaries thereof or in such other manner as to make the description certain.

SEC. 21. It shall be sufficient to describe lands in all proceedings relative to assessing, advertising or selling the same for taxes, by initial letters, abbreviations and figures to designate the township, range, section or part of section, and also the number of the lots and blocks.

SEC. 22. Unoccupied lands liable to taxation, when the name of the owner is unknown, shall be described and the value thereof set down in the assessment roll, in a part thereof separate from the other assessments, in the same manner that lands of residents are required to be described, and the value thereof designated.

SEC. 23. The assessment roll shall be made out in tabular form, in separate columns with appropriate heads, after the manner specified below, with such additional columns as may be deemed necessary, varying the same as circumstances may require, but as nearly as convenient, in the following form:

ASSESSMENT ROLL.

For the county of ———, and Territory of Washington, for the year 18—, containing all the taxable property, real and personal, in said county.

Names of persons taxed.	Description of land.	Section.	Township.	Range E. or W.	Number of acres.	Valuation of real estate.	Valuation of personal property.	Total valuation of all property.	Amount of taxes.	Remarks.
					*					

LOTS

In the city (town or village) of _____, described according to the map thereof in the office of the county auditor of said county.

Names of persons taxed.	No. of lots.	Dths.	Valuation of each lot.	Valuation of all the lots.	Valuation of perso'l property.	Total valuation	Am't of tax.	Remarks.

CHAPTER IV.

THE LEVY OF TAXES.

SEC. 24. The board of county commissioners of each county shall, at its term in May in each year, examine the assessment roll of its county, and shall have power to correct the same, make alterations in the description of lands or other property upon such roll, when it shall be necessary to render such description conformable to the requirements of this chapter, and may make any other alterations or corrections in such roll as it shall deem necessary to make the same conform to the requirements of this chapter.

SEC. 25. The board of county commissioners of each county shall, at its term in May in each year, estimate and determine the amount of money to be raised in such county for county purposes, and apportion such amount, together with the amount

of Territorial and school tax required by law to be raised in its county, according to the valuation of taxable property in the county for a year, and such determination shall be entered at large in its records.

SEC. 26. For the purpose of raising a revenue for county purposes, the county commissioners of each county in the Territory shall, at its term in May in each year, levy a tax on all taxable property in its county, which tax shall be sufficient in amount to defray the expenses of the county: *Provided*, The county tax shall not exceed eight mills on every dollar's worth of taxable property in the county for any one year.

SEC. 27. That the annual tax hereafter to be levied in this Territory to defray the current expenses of the Territory, shall be four mills on the dollar of all taxable property, and a poll tax of two dollars shall be assessed on and paid by each and every male inhabitant of the county over twenty-one and under fifty years of age, the same to be applied to county purposes.

SEC. 28. Within twenty days after the assessment roll of any county has been examined, corrected and approved by the county commissioners, the county auditor shall transmit to the Territorial auditor a certified copy thereof under the seal of his office.

SEC. 29. It shall be the duty of the Territorial auditor on receiving such copies of the assessment rolls, to estimate the amount of tax to be collected in each county for Territorial purposes, and make a statement thereof and carefully preserve the same in his office; and he shall also deliver a certified copy of such statement to the Territorial treasurer, who shall record the same in a book kept for that purpose, and the Territorial treasurer shall also charge the respective counties with the amount of tax so ascertained to be raised in each.

SEC. 30. The county auditor shall, within fifteen days after the adjournment of the May session of the board of county commissioners, estimate the amount of taxes due on the valuation of property in his county, and shall make out a duplicate assessment roll which shall contain in addition thereto, columns

showing the amount of the Territorial, school and county tax, and the total amount of each column of valuation, and shall deliver a copy of such roll to the county treasurer and charge such treasurer with the amount of such taxes.

SEC. 31. All persons liable to taxation may, before the first day of January in each year, pay their taxes to the county treasurer; county orders shall be received in payment of county taxes to an amount not exceeding such tax, and the treasurer, sheriff or tax collector be and he is hereby authorized to give credit upon the back of county orders, which amount shall be deducted from the original order thereafter, and said treasurer, sheriff or tax collector shall keep a correct account of all credits made and present the same to the county commissioners in his annual settlement with them. Such county treasurer shall give a receipt for the payment of taxes if required, therein describing the lands or town lots, or specifying the amount of personal property on which the sum is paid, and shall note on his roll the payment thereof, and shall be entitled to retain two per cent. upon all moneys received and two per cent. on all moneys paid out, as his fees, which shall be deducted from the gross amounts collected in kind.

SEC. 32. The county treasurer shall, within ten days after the expiration of the time allowed for the payment of taxes, make out a schedule of unpaid taxes in form of a duplicate assessment roll, verified by affidavit, and deliver the same to the county auditor, who shall add ten per cent. to the amount of such unpaid taxes, and forthwith issue a transcript of such schedule, with the ten per cent. added to such taxes, with a warrant attached thereto in the name of the United States, under his hand and seal of the board of county commissioners, to the sheriff of the county, commanding him to collect the taxes charged in such transcript, by demanding payment of the persons chargeable therein, and making sale of the goods and chattels and other personal property of such persons if necessary, and to return the same to such auditor on or before the first of May next ensuing thereafter, and such auditor shall charge such

sheriff with the amount of money to be collected in such transcript.

SEC. 33. The sheriff shall proceed to call once on each person named in the transcript, if he can be found in the county, and collect the taxes charged as provided in this act, and if not then paid or the person be not found, shall levy the same on the goods and chattels and other personal property of such person, and give six days notice of the time and place of sale and the property to be sold, by posting up advertisements in four public places in the county, and sell the same at public auction, and if such property shall sell for more than the taxes, cost and damages, the surplus shall be paid to the owner thereof, and such sheriff shall receive the ten per cent. added to the tax by the county auditor for fees of collection, and in case of sale, his usual fees for sales of property on execution: *Provided*, That any person, before sale of his property, may pay all taxes, percentage and costs, and stop such sale.

SEC. 34. The sheriff shall pay to the county treasurer the amount of money collected by him from time to time, as often as once a month, and before the return day of such transcript, and shall take his receipt therefor, and shall return to the auditor with his transcript and warrant, on or before the first Monday of May ensuing, a delinquent list of all taxes remaining unpaid, setting down such as are due and unpaid on lands or city or town lots, with a proper description thereof, and such as are due and unpaid by any person on personal property, verified by affidavit, and shall, on settlement with such auditor, be allowed the amount of receipts given to him by the county treasurer and the amount of taxes returned by him delinquent to such auditor. and the ten per cent. allowed him by law for collection.

SEC. 35. From the date of the sheriff's return, all taxes unpaid are delinquent and shall draw interest at the rate of twenty-five per cent. per annum, and taxes on lands, city or town lots, steamboats and other vessels are hereby made a perpetual lien thereupon against all persons.

SEC. 36. The county auditor shall, within twenty days, make

out two lists of such lands, city and town lots returned as delinquent, with the amount of taxes due thereon, and deliver one list to the county sheriff, who shall advertise such list in some newspaper in the county, or if there be no such newspaper in the county, then in some newspaper of general circulation in the Territory, for three weeks successively before the fourth Monday in July, and shall also post such list in six public places in his county, for three weeks before said fourth Monday in July, and shall proceed to sell at public auction to the highest bidder, on the fourth Monday in July, between the hours of ten o'clock A. M. and five o'clock P. M., at the county seat, all delinquent lands and city and town lots on which the unpaid tax and accruing interest and costs shall not have been paid before such time, and shall continue such sale from day to day until all such lands and town lots shall be sold, or shall have been twice offered for sale, and the sheriff shall receive five per cent. of all such sales as his fees therefor.

SEC. 37. When any lands or town lots cannot be sold for the amount of taxes, interest and charges thereon, such lands and town lots shall be passed over and reoffered for sale before the close of such sale, and if the same cannot be then sold for the amount, such lands and town lots shall be purchased by the county treasurer for the amount due thereon as county property.

SEC. 38. The county treasurer shall, on the payment to him within forty-eight hours of the amount bid on any land, city or town lots, make out a certificate of purchase of such land or lot, in the name of the Territory of Washington, signed by such treasurer in his official name, to such purchaser, which shall be held to convey all right, title and interest of the person in whose name such land or town lots shall have been taxed, except as hereinafter provided; and when such payment shall not be made within forty-eight hours, such lands and town lots shall be considered as sold to the county. The county treasurer shall be entitled to a fee of two dollars for every such certificate of purchase, and any number of tracts of land or lots may be included

in such certificate if required by the purchaser, and a fee of ten cents for each additional tract or lot so included, shall be allowed such treasurer.

SEC. 39. The county treasurer shall, within ten days after such fourth Monday in July, make out a list of all lands and town lots sold to the county, verified by affidavit, and the county auditor shall enter the same as county lands, city and town lots, in a book to be kept for that purpose, and taxes shall be regularly assessed thereon, and such lands and city and town lots shall be included in the delinquent list furnished every year, and with the amount of such year's tax added to the delinquent tax and interest and charges thereon, be offered for sale as other delinquent lands, until sold for the amount of such delinquent taxes, interest, all charges and accrued taxes.

SEC. 40. All lands, city and town lots sold to actual purchasers shall be subject to redemption by the former owner thereof, within two years thereafter, on the payment of the delinquent taxes with 25 per cent. per annum interest, cost, charges and the accruing tax, to the purchaser, who shall receipt therefor, or to the county treasurer for the use of such purchaser, and if no receipt of such purchaser shall be filed with such treasurer, or no such payment be made to him, the holder of the certificate of purchase shall be entitled to receive a deed from the county treasurer of the land, city or town lots described in such certificate of purchase, which deed shall run in the name of the Territory of Washington, and be signed by such treasurer in his official capacity, and shall be presumptive evidence of the regularity of all former proceedings, and the treasurer shall be entitled to receive a fee of three dollars for every such deed.

SEC. 41. Lands and city and town lots sold to the county may be redeemed by the former owner thereof, by such owner obtaining from the county auditor a certified statement of the amount of all taxes, interest, costs and accrued taxes charged to such land or lots, and paying such amount to the county treasurer, who shall give him a receipt therefor, and the county auditor, on filing such receipt, shall give to such owner a certificate

of redemption of such land, city or town lots, signed by him in his official capacity, and sealed with the seal of the board of county commissioners, and shall charge such treasurer with the amount of such receipt, and shall omit such land, city or town lots so redeemed from his list of county lands.

SEC. 42. Any person whose tax on personal property shall have been returned delinquent, may pay the same at any time by taking from the county auditor a certified statement of the amount of such taxes, interest and costs, and paying such amount to the county treasurer, who shall give him two receipts therefor, one of which he shall file with the county auditor, who shall charge such treasurer with the amount thereof, and if such taxes, interest and costs shall not be paid before the time of making out the duplicate assessment roll, the county auditor shall add to the tax assessed and charged against such person on such roll, the amount of delinquent tax, interest and costs, to be collected as other taxes.

SEC. 43. If on the assessment rolls or tax lists, schedule or transcripts, there shall be any error in the name of a person taxed, the name may be changed and the tax collected from the person intended, if he be taxable and can be identified by the assessor, treasurer or sheriff, and whenever the treasurer, after the duplicate certificate is delivered to him, shall ascertain that any land or other property is omitted, he shall assess and estimate the tax thereon, and enter the same upon his duplicate assessment roll and inform the county auditor thereof, who shall charge him with the amount of such tax. If the sheriff, after he has received the transcript of the schedule of unpaid taxes, shall ascertain such omission, he shall assess and estimate such tax and enter the same upon his transcript, and proceed to collect it, and inform the county auditor thereof, who shall charge him with the amount of such tax.

SEC. 44. The treasurer shall hold all the moneys collected as Territorial tax, on the first day of February, July and November, subject to the orders of the Territorial treasurer, who, on receiving such moneys, shall file a receipt therefor with the

Territorial auditor and send or give a receipt to the county treasurer, and such county treasurer on his settlement with the Territorial auditor, shall be allowed the amount shown by such receipts to have been paid by him to the Territorial treasurer, and the amount of Territorial tax shown to be unpaid by the certified statement of the county auditor, signed by him and sealed with the seal of the board of county commissioners.

SEC. 45. The county treasurer at the May term of the board of county commissioners, shall attend with his books and vouchers and settle his accounts before such board, and shall be allowed in such settlement the amount of the orders of the Territorial treasurer, all county orders and interest paid thereon, receipts of county auditor and amount of the delinquent tax returned by the sheriff on personal property, and the amount of taxes due on lands and city and town lots sold to the county at the annual sale thereof, with the percentage allowed to be retained by him by law.

SEC. 46. If any county treasurer or sheriff shall neglect to pay over any money at the time required by law, the amount of money then due and unpaid shall draw twenty-five per cent. interest per annum therefrom, and it shall be the duty of the officer to whom such payment should have been made, to cause the bond of such county treasurer or sheriff to be put in suit, and to inform the prosecuting attorney of the district in which such defaulting treasurer or sheriff may reside, of his failure to pay over such money.

SEC. 47. In addition to the fees allowed by this act, the board of county commissioners shall allow a reasonable sum for the preparing of rolls, schedules and lists to officers required by law to prepare the same, and shall also allow the cost of publication of lands, city and town lots sold to the county.

SEC. 48. The entries made in the county treasurer's books, the assessment rolls, the duplicate assessment rolls, schedules, transcripts or warrants attached thereto, delinquent lists, books and records of the county auditor required to be kept by him

by this act, shall be *prima facie* evidence in all judicial proceedings.

SEC. 49. The county fund shall not make up any deficiency in the Territorial or school fund by reason of taxes becoming delinquent and uncollectable.

SEC. 50. Nothing in this act shall be so construed as to interfere with the provisions of any act allowing the levy of a special tax in any county in this Territory, but the manner of collecting such special taxes shall be as hereinbefore provided.

SEC. 51. All acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 52. This act to take effect and be in force from and after the first day of January, A. D. 1872.

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE INCORPORATION OF TOWNS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* Whenever a majority of the inhabitants of any town or village within this Territory not included within the limits of any incorporated city or town, who shall be qualified electors under the laws of this Territory, and

shall have resided in such town or village thirty days next preceding, shall present a petition to the court of county commissioners of the county, setting forth the metes and bounds of the town, with a plat of the same, and praying to be incorporated and a police established for their local government; and the court of county commissioners shall be satisfied that the population of such town exceeds one hundred and fifty in number, and that a majority of the inhabitants have signed the petition, the said court shall declare such town incorporated, designating in such order the metes and bounds of the town which shall in no case include an area of more than three miles square, which area, together with the petition and town plat, shall be entered on the records of said court, and thenceforth the inhabitants within such bounds shall be a body politic and corporated by name and style of "The inhabitants of the town of (naming it)" and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all courts, grant, purchase, hold and receive property, real and personal, within such town and no other, (burial grounds and cemeteries excepted) and may lease, sell and dispose of the same for the benefit of the town, and may have a common seal and alter it at pleasure.

SEC. 2. The corporate powers and duties of every town incorporated under this act shall be vested in a board of trustees to consist of five members, who shall be elected by the qualified electors of the town on the first Monday in May in each year, and shall hold their offices for the term of one year and until their successors are chosen and qualified: *Provided*, That the first board of trustees and other town officers hereinafter mentioned, shall be chosen in like manner at some time and place to be designated by the court of county commissioners in the order incorporating said town, which time shall not exceed twenty days from date of such order, and the trustees so chosen shall hold their offices until the first Monday of May next ensuing and until their successors are elected and qualified.

SEC. 3. The board of trustees shall assemble within ten days after their election and choose a president from their number,

and some person as clerk. They shall, by ordinance, fix the time and place of holding their stated meetings and may be convened by the president at any time.

SEC. 4. At the meetings of the board a majority of the trustees shall constitute a quorum to do business, a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board, previously, by ordinance, may have prescribed.

SEC. 5. The board of trustees shall judge of the qualifications, election and returns of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence, and with the concurrence of four of the trustees, expel a member, but not a second time for the same cause. They shall keep a journal of their proceedings, and at the desire of any member shall cause the ayes and nays to be taken on any question and entered on the journal, and their proceedings shall be public.

SEC. 6. The board of trustees shall have power to make such by-laws and ordinances, not inconsistent with the constitution of the United States and the laws of this Territory, as they may deem necessary to carry out the purposes of this act. They shall have power to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows and lawful games, to regulate and establish markets; to construct pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water; to lay out, name, alter, keep open and repair the streets and alleys of the town; to provide such means as they deem necessary to protect the town from injuries by fire; to levy and collect a tax annually for municipal purposes, not exceeding one per cent., upon all taxable property as is shown by the assessment made for Territorial and county purposes, and to impose penalties upon delinquent tax payers, and to regulate the time of assessing and collecting municipal taxes; to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years and

upwards, to impose and collect a tax on dogs of not exceeding six dollars per annum on every dog found at large within the limits of the town. The roads, streets and alleys within said town limits shall be under the exclusive control of said board of trustees, who shall make all needful rules in regard to the improvement, repairs and cleaning thereof, and for the purpose of this act, said town shall not be included in any road district, but the road tax due by law within said town, shall be collected by the town marshal at such time as may be directed by ordinance, and be expended under his direction as prescribed by ordinance. To license, tax and regulate auctioneers, taverns, hawkers, peddlers, brokers, pawnbrokers, and all offensive and noxious trades or occupations; to license, tax and regulate hacks, cabs, hackneys, carriages, wagons, carts, drays or other vehicles, and to fix the rates thereof; to make regulations to prevent the introduction of contagious diseases into the town, and to remove persons affected with such or other diseases therefrom to suitable hospitals provided for the town for that purpose; to secure the protection of persons and property therein; to provide for the health, cleanliness, ornament, peace and good order of the town; to provide for lighting the streets and furnishing the town with gas or other light, and for the erection or construction of such works as may be necessary or convenient therefor; to provide for the support and employment of vagrants and paupers.

SEC. 7. The board of trustees may impose fines for the breach of their ordinances, but no fine shall be inflicted on any one person for any one breach of any ordinance, of more than one hundred dollars, which fine may be recovered before any justice of the peace having his office within the incorporated limits of the town, or before the town recorder by suit in the name of the inhabitants of the town, (naming it) and collected by execution or in such other manner as fines imposed by the laws of this Territory are collected, and persons living in the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected in pursuance of this act shall, by the officer collecting the same, be paid over to the treasury of the

corporation, and for any omission so to do, such officer may be proceeded against upon his bond, in the name of the corporation, in the manner authorized by law in the case of the failure of such officer to pay over money collected.

SEC. 8. The board of trustees shall have power to appoint a clerk, who shall be *ex officio* assessor and shall take his assessment from the county assessment of the same year, and neither the clerk or the board of trustees shall have power to raise any assessment above the county assessment of that year. They shall also appoint a treasurer and marshal, who shall also be the collector of taxes levied by the board of trustees, and said board shall, by ordinance, prescribe their duties and the mode in which they may be performed, and fix their compensation. The board of trustees may also appoint a recorder, if they shall deem any such officer necessary, who shall receive for his services the same fees as are or may be allowed justices of the peace for the like services, but no salary or other compensation from the town. Neither the president of the board of trustees or any member thereof shall receive any compensation for their services. All officers appointed by the board of trustees may be removed at the pleasure said board, who shall have power to fill all vacancies.

SEC. 9. The recorder, as to offences committed within the town, shall have like jurisdiction as now is or may hereafter be conferred upon justices of the peace, and he shall also have jurisdiction over all violations of the town ordinances, and may, according to the provisions of such ordinances, hold to bail, fine or commit to prison any person found guilty of any violation thereof.

SEC. 10. Any person shall be qualified to hold any town office or vote for any town officer who may be a qualified elector under the laws of this Territory, and who shall have resided in the town thirty days next before the election. At the first election ordered by the court of county commissioners, said court shall appoint three inspectors and a clerk of election who shall hold and conduct the same. All subsequent elections shall be

held at such times and places and in such manner as may be designated by ordinances. All elections shall be by ballot, and it shall be the duty of the board of trustees to give at least ten days notice thereof and to appoint inspectors of election and clerks. The election shall be conducted in the same manner that general elections are conducted in the Territory. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the board of trustees at their next meeting after the election, which meeting shall be held on the second Monday in May, when the vote shall be publicly examined and the trustees shall declare the result. The city clerk shall thereupon give certificates of election to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be determined by the trustees by lot.

SEC. 11. All officers of the corporation, before entering upon the duties of their office, shall take the oaths prescribed by law, and the treasurer, assessor and marshal shall give bonds for the faithful performance of the duties of their respective offices, payable to the corporation by its corporate name, to be approved by the board of trustees, in such penalties as said board shall have prescribed by ordinance, and a like bond may be required from any other officer which may be established by the board. If from any cause, such bond shall have become insufficient in the opinion of the board, they may require of any officer such additional bond as they may deem necessary.

SEC. 12. If any person fail to pay any tax levied upon his real or personal property, the tax collector may recover the same by suit in the name of the corporation, before any court of competent jurisdiction, together with all the costs of suit.

SEC. 13. The president of the board of trustees shall, on the first days of March and September of each year, make out a full and correct statement of all moneys received and expended, from whom and for what purpose expended, during the six months next preceding, and shall cause such statement, within ten days

thereafter, to be published in some newspaper printed in the town or county, if there be any, and if not, then he shall, within said time, cause such statement to be put up in three of the most public places in said town.

SEC. 14. If the president of the board of trustees of any town shall at any time neglect to make and cause such statement to be published, as required by this act, he shall forfeit for every such neglect the sum of five hundred dollars, to be recovered by suit in any court of competent jurisdiction, one-half whereof shall be to the use of the town and the other half to the use of any person who may bring suit for the collection of the said forfeit.

SEC. 15. The president of the board of trustees shall cause to be printed or published all the by-laws and ordinances of the board for the information of the inhabitants, and cause the same to be carried into effect. In case of the absence of the president at any meeting of the board, the board may appoint a president *pro tem*. Should any of the trustees or any other town officers remove from the town, absent himself therefrom for more than thirty days without leave of the board, or refuse or neglect to qualify within ten days after his election, or if bond is required of him, neglect or refuse for the said time to give bond, his office shall be thereby vacated.

SEC. 16. All moneys arising from the collection of taxes, fines, penalties and forfeitures, shall be appropriated by the board of trustees towards the carrying out of their objects, which by this act are placed under their control and jurisdiction, and to none others.

SEC. 17. The board of trustees of any town incorporated under this act, shall have no power to contract liabilities, either by borrowing money, loaning the credit of the town, or contracting any debt or debts which singly, or in the aggregate, shall exceed the sum of three thousand dollars.

SEC. 18. That this act shall take effect and be in force from

and after its approval by the Governor, and all acts or laws inconsistent herewith are hereby repealed.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO LICENSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners in each and every county shall have power to prohibit all persons from selling goods, wares or merchandise of any kind at auction or public outcry, or from trading boats, wagons, carts or vehicles of any kind, without first obtaining a license therefor.

SEC. 2. Nothing in this act shall be so construed as to apply to any sea going craft or boat loading goods from the same.

SEC. 3. If any person shall sell or barter any goods, wares or merchandise by auction, from boats, wagons, carts or vehicles of any kind, as described in section one of this act, without having obtained a license therefor from the board of county commissioners of the county in which such goods, wares or merchandise are sold or bartered as aforesaid, he shall forfeit and pay to such county for the first offense not less than ten nor

more than fifty dollars, and for each subsequent offense not less than twenty-five nor more than one hundred dollars.

SEC. 4. The said commissioners, in their respective counties, shall have power to license suitable persons to keep drinking saloons or houses therein. Said commissioners shall in no case grant any such license until the applicant therefor shall have presented to them a petition praying that such license be granted, and signed by a majority of all the adult inhabitants of the precinct wherein such drinking saloon or house is to be kept; and any person obtaining a license to keep a drinking saloon to sell wines and spirituous liquors in less quantities than one gallon, shall pay into the county treasury the sum of three hundred dollars a year, to be called a retail dealers license; and any person selling in greater quantities than one gallon, shall pay into the county treasury the sum of one hundred dollars a year, to be called a wholesale dealers license; and every person selling lager beer shall apply for a grocery license to sell the same, to be called a lager beer license, and shall pay into the county treasury one hundred dollars per annum: *Provided*, The county commissioners may grant license to drinking saloons or houses in the county, where there is but little business doing, for less than three hundred dollars, at the discretion of the county commissioners, but in no case less than one hundred dollars per annum.

SEC. 5. If any person shall sell or dispose of any spirituous, malt or fermented liquors or wines, in any quantity less than one gallon, without first obtaining a license therefor from the county commissioners of the county in which such wine or liquor shall be sold or disposed of, such person shall, for each and every such offense, be liable to a fine of not less than fifty nor more than five hundred dollars, with costs of prosecution, and imprisonment for not less than ten nor more than ninety days: *Provided*, That justices of the peace may have jurisdiction in their respective counties of any and all offenses arising under the provisions of this act for which the fine or forfeiture shall not exceed one hundred dollars, and for which the imprisonment shall not exceed

thirty days, and in all such cases like complaint shall be made and like proceedings had as in other cases of misdemeanor cognizable by justices of the peace.

SEC. 6. Said commissioners shall not grant such license as is provided for in section four of this act, unless they believe the applicant therefor to be a man of good moral character, and unless such applicant shall enter into a bond to said commissioners, with one or more good and sufficient sureties, in the sum of five hundred dollars, to be approved by said commissioners or the county auditor of the county in which such license shall be granted, conditioned that he will keep such drinking saloon or house in a quiet, peaceable and orderly manner, and conditioned that he will pay all fines and costs that may be adjudged against him under the provisions of the fourth and fifth sections of this act.

SEC. 7. No person shall be permitted to keep a billiard table or bowling alley to let for hire, without obtaining a license therefor from the commissioners of the proper county for such purpose.

SEC. 8. Any person wishing to keep one or more bowling alleys, provided they are kept in the same room, shall pay into the county treasury the sum of not less than fifty nor more than one hundred and fifty dollars per annum, and at the same rate for any shorter period: *Provided*, That no license shall be granted for a shorter period than six months. Upon the production of the receipt of the county treasurer by the applicant for the required sum, said commissioners may grant said applicant a license for the term to which his said receipt may entitle him.

SEC. 9. Any person wishing to keep a billiard table or billiard tables, provided all such tables are kept in the same room, shall pay into the county treasury the sum of not less than fifty nor more than one hundred and fifty dollars per annum, and at the same rate for a shorter period: *Provided*, That no license shall be granted for a shorter period than six months. Upon the applicant producing to the county commissioners the receipt

for the required sum, the said commissioners shall grant to said applicant a license for the term to which such receipt may entitle him.

SEC. 10. Any person keeping a billiard table or tables, or bowling alley, for the purpose of receiving income therefrom, without first obtaining a license therefor as herein provided, shall be liable to a fine of one hundred dollars for each and every offense, with costs.

SEC. 11. All fines and forfeitures collected under this act, and all moneys paid into the treasury of any county for licenses as aforesaid, shall be applied to school or county purposes as the local laws of such county may direct: *Provided*, That all money paid into the treasury of the county of Thurston for licenses, within the corporate limits of the town of Olympia, shall be paid into the town treasury of said town as a municipal fund for the use of said town: *Provided*, That this act shall not affect or apply to any private or local laws upon the subject of license in any county.

SEC. 12. This act shall not apply to Walla Walla, Pierce, Clarke, Clallam and King counties.

Passed the House of Representatives Nov. 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council Nov. 29, 1871.

H. A. SMITH,

President of the Council.

Approved Nov. 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO ALLOW BOUNTY FOR KILLING CERTAIN ANIMALS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a bounty of two dollars and fifty cents shall be allowed for the killing within the Territory of Washington of a cougar, panther, gray or black wolf, and fifty cents for cayote or wild cat.

SEC. 2. Any person having killed either of the aforementioned animals within this Territory, shall be entitled to the said bounty on producing the scalp with the ears attached thereto, of the animal killed, before the auditor of the county in which such animal may have been killed, and making affidavit before the auditor of the time and place of such killing.

SEC. 3. If the auditor shall be satisfied that a bounty is due under the provisions of this act, he shall issue a certificate for the amount due to such person for killing said animals, and on presentation of the same to the auditor of the Territory, he shall draw his warrant for the amount thereof, on the treasurer of the Territory, and the said treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

SEC. 4. It shall be the duty of the county auditor, in presence of the person producing such scalp, to destroy the same immediately after allowing bounty therefor.

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

Passed the House of Representatives November 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO ENCOURAGE SHIP BUILDING IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That hereafter all ships, vessels and boats in actual course of construction, and all materials especially designed and set apart for the construction of any such ship, vessel or boat in process of building or that may hereafter be built within the limits of this Territory, shall be exempt from taxation: *Provided however,* That the provisions of this bill shall not extend to any vessel launched, equipped and ready for service.

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

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

CONCERNING FENCES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following shall be considered lawful fences in this Territory: Post and rail or plank fences, four and one-half feet high, made of sound posts five inches in diameter, set substantially in the ground, not more

than ten feet apart, with six planks not less than one inch thick and six inches wide, securely fastened by nails or otherwise, said planks not more than five inches apart below two feet in height, and no space above two feet in height over nine inches. Post and rail fences, with posts not more than ten feet apart and rails not less than four inches wide (six of them) made in all other respects the same as the first described in this section. Worm fences made in the usual way, of substantial rails or poles, five feet high, including riders with stakes firmly set in the ground and spaces no greater than in post and plank or rail fences, except the top spaces between riders, which shall not exceed sixteen inches.

SEC. 2. All other fences, which by reliable evidence shall be declared as strong and as well calculated to protect inclosures as either of those described in the preceding section of this act, shall be lawful fences.

SEC. 3. Any person making and maintaining in good repair around his or her inclosures, any fence such as is described in sections one and two of this act, may recover in a suit for trespass, before the nearest court having competent jurisdiction, from the owner or owners of any animal or animals which shall break through such fence, in full for all damages sustained on account of such trespass, together with the costs of suits; and the animal or animals so trespassing, may be taken and held as security for the payment of such damages and cost: *Provided*, That such persons shall have such fence examined and the damages assessed by three reliable disinterested persons and practical farmers, within five days next after the trespass has been committed: *And provided further*, That if before trial, the owner of such trespassing animal or animals, shall have tendered the person injured any costs which may have accrued, and also the amount in lieu of damages which shall equal or exceed the amount of damages afterwards awarded by the court or jury, and the person injured shall refuse the same and cause the trial to proceed, such person shall pay all costs and receive only the damages awarded.

SEC. 4. When any fence has been or shall hereafter be erected by any person on the boundary line of his land, and the person owning the land adjoining thereto shall make or cause to be made an inclosure, so that such fence may also answer the purpose of inclosing his ground, he shall pay the owner of such fence already erected, one-half the value of so much thereof as serves for a partition fence between them.

SEC. 5. When two or more persons own land adjoining which is inclosed by one fence, and it becomes necessary for the protection of the interest of one party said partition fence should be made between them, the other or others, when notified thereof, shall erect or cause to be erected one-half of such partition fence, said fence to be erected on, or as near as practicable, the line of said land.

SEC. 6. If, after notice has been given by either party and a reasonable length of time has elapsed, the other party neglect or refuse to erect or cause to be erected, the one-half of such fence, the party giving notice may proceed to erect or cause to be erected the entire partition fence, and collect by law one-half of the cost thereof from the other party.

SEC. 7. The respective owners of adjoining inclosures shall keep up and maintain in good repair, all partition fences between such enclosures, in equal shares, so long as they shall continue to occupy or improve the same.

SEC. 8. When any person shall unwillingly or by mistake, erect any fence on the land of another, and when by a line legally determined, that fact shall be ascertained, such person may enter upon the premises and remove such fence at any time within three months after such line has been run as aforesaid: *Provided*, That when the fence to be removed forms any part of a fence inclosing a field of the other party having a crop thereon, said person shall not remove such fence until such crop might, with reasonable diligence, have been gathered and secured, although more than three months may have elapsed since such division line was run.

SEC. 9. When any party shall wish to lay open his inclosure,

he shall notify any person owning adjoining inclosure, and if such person shall not pay to the party giving notice one-half the value of any partition fence between such inclosures, within three months after receiving such notice, the party giving notice may proceed to remove one-half of such fence, provided as provided in section eight of this act.

SEC. 10. In assessing the value of any partition fence, the parties shall proceed as provided for the assessment of damages in section four of this act.

SEC. 11. Upon the trial of any cause occurring under the provisions of this act, the defendant may impeach any such assessment, and in that case the court or the jury shall determine the damages.

SEC. 12. The owner of any animal that is unruly and in the habit of breaking through or throwing down fences, if, after being notified that such animal is unruly and in the habit of breaking through or throwing down fences as aforesaid, he shall allow such animal to run at large, he shall be liable for all damages caused by such animal, and any and all other animals that may be in company with such animal.

SEC. 13. In case of action for damages under this act, it shall be sufficient to prove that the fence was lawful when the break was made.

SEC. 14. None of the provisions of this act shall apply to the counties of Walla Walla, Stevens Yakima and Klikitat.

SEC. 15. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives November 14, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

DEFINING THE RIGHTS OF PERSONS AND PROPERTY AS AFFECTED
BY MARRIAGE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all property owned by the husband or wife at the time of the marriage, and all property acquired by either of them during the marriage by gift, devise, descent, bequest or inheritance, and all property purchased or credited with the separate funds of either during the marriage and designated as separate property, as per deed or inventory in accordance with the provisions of this act, shall be the separate property of each respectively, the same as though no marriage existed.

SEC. 2. All property acquired during the marriage by the joint labors of the husband and wife, or by their individual labors, together with all rents, profits, interest or proceeds of the separate property of both accruing during the marriage, shall be common property: *Provided,* That the rents, profits, interest and proceeds of the wife's separate property, which shall accrue during the marriage, together with her personal earnings, shall be her separate property when the same shall be necessary for the support of herself or children on account of the disability or failure of the husband to provide such support.

SEC. 3. The separate property of the wife shall be exempt from seizure or execution for any debts of the husband, unless she shall join him in writing in the incurrence of the same, or shall become responsible for the same in writing, after the incurrence of the debt.

SEC. 4. The deed of any real estate which shall be purchased by the wife during the marriage for her own benefit, and with her own separate funds, and which shall not be intended by her to become common property, shall be in her own name; and she shall make out an inventory or inventories of all personal property purchased or created with her separate funds during the

marriage, and the inventory or inventories shall be signed by herself and shall be witnessed by the husband, and shall be placed on record in the office of the auditor of the county in which she shall reside, and whenever she shall gain a residence in any other county of this Territory, she shall, within six months after gaining such residence, file for record, an inventory of her separate personal property in the office of the auditor of said county, and all property thus recorded, shall be the wife's separate property; and all property acquired by her during the marriage, the deed or inventory of which shall not be recorded or filed for record in the county auditor's office, in her name, shall, for the purposes of this act, be common property, except only her wardrobe and personal ornaments, and money in specie and in paper currency: *Provided*, That sixty days shall be allowed her for filing a deed or inventory of her separate property for record, during which time the property to be so recorded, shall not be considered common property.

SEC. 5. For the purpose of distinguishing all of her separate personal property owned by her before the marriage, and all acquired by gift, devise, descent, bequest or inheritance, from common property, the wife may file an inventory or inventories of all such property, in the county auditor's office for record, and the inventory or inventories shall be signed by herself, and shall be witnessed by the husband, and such record shall be proof that the property is hers without requiring additional evidence, when the filing shall be just, and she may file, in like manner, an inventory or inventories of common property in which she shall own more than a half interest, and she shall clearly set forth, in connection therewith, the proportion the value her share of said property bears to the entire value of the property so recorded.

SEC. 6. When the husband shall desire to preserve as separate property, any real or personal estate acquired by him during the marriage, otherwise than by gift, devise, descent, bequest or inheritance, he shall specify it in an inventory or inventories, which shall be signed by himself, and shall be witnessed by the wife, and shall be recorded in the office of the auditor of the

county in which he shall have his residence, and when he shall gain a residence in any other county in this Territory, he shall, within six months after gaining such residence, record an inventory of said property in the auditor's office of said county, in like manner, and all such property shall be his separate property, but all such property not so recorded, shall be common property; and for the purpose of distinguishing all of his separate personal property from common property, he may proceed as the wife is required to proceed in section five of this act, for a like purpose, and any such record of his separate personal property shall be proof of his ownership of said property, without additional evidence, when the filing shall be just; and he may, in like manner, record an inventory or inventories of common property in which he shall have more than a half interest, and he shall clearly set forth, in connection therewith, the value which his share bears to the entire value of said property, and he shall in all cases be allowed the same time for filing any deed or inventory for record, that is allowed the wife, during which time, the property to be recorded shall not be considered common property.

SEC. 7. When, on account of refusal, or of absence, or physical or mental disability of the husband, he shall not witness any inventory made out by the wife of her separate property, or of her interest in common property, she may procure two disinterested witnesses who shall know the property to be her separate property, in place of the husband, or she may be allowed to attest, under oath, to the correctness of the inventory; and the husband shall be entitled to like privileges when, on account of refusal or any like disabilities of the wife, she shall not be able to witness any inventory of property which shall be made out by him for record. On ceasing to own any property recorded in the county auditor's office, the filor shall order its erasure from the inventory as soon as practicable thereafter.

SEC. 8. A gift of real estate from the husband to the wife shall be valid and binding, except as against existing creditors, when the deed therefor shall clearly set forth the fact that the property so conveyed shall be the wife's and her heirs forever;

but a deed of property from the husband to the wife, to be held by the wife in trust for the husband, shall not be binding for any purpose whatever; and a gift of personal property from the husband to the wife, shall be valid when an inventory of said property shall be on record in the auditor's office as the wife's separate property in accordance with the provisions of this act, and all of said property thus recorded in the wife's name, shall go to her heirs at her death if no different disposition be made by will.

SEC. 9. All personal and real estate which shall be transferred from the wife to the husband, or from the husband to the wife, by gift or sale, shall continue liable for all indebtedness for which it shall be liable at the time of the transfer thereof, notwithstanding its registry in the auditor's office as the separate property of the transferee.

SEC. 10. The separate property of the wife and her share of the common property, shall be liable for all valid indebtedness of the wife contracted before the marriage, but the separate property of the husband shall not be liable for such indebtedness.

SEC. 11. The separate property of the husband shall not be liable for any indebtedness of the wife which shall be contracted during the marriage, unless he shall join her in the incurrence of the same in writing, or shall become responsible for the same in writing after its incurrence, except such indebtedness shall be incurred for the necessary comforts or welfare of the family, and when so incurred, the separate property of both husband and wife shall be liable when there shall not be sufficient available common property to satisfy such indebtedness and cover costs.

SEC. 12. The husband shall have the management of all the common property, but shall have no right to sell or encumber real estate except he shall be joined in the sale or encumbrance by the wife; but he may sell or encumber any personal common property without being joined by the wife.

SEC. 13. When the common property shall have been wasted, squandered or mismanaged, or when there shall be danger that

it will be wasted, squandered or mismanaged by the husband, the wife may at any time file a complaint with the judge of the district court, alleging such waste, squandering or mismanagement, and the judge shall, on becoming satisfied of the justness of the complaint, order a hearing of the case at chambers, by citing the husband and wife to appear before him at as early an hour as practicable, and shall, if he thinks it necessary, require the husband to give good and sufficient security for a proper management of the wife's share of the common property; and when the husband shall fail to give good and sufficient security, the judge may arrest, by a restraining order, any sale or waste of the common property until the husband shall give the required security, or until the court shall become satisfied that a necessity for such security no longer exists, and when the husband shall fail to give the requisite security within six months after being required so to do, the court shall order and decree so much of the common property to be the wife's separate property as shall be just and equitable, and the remainder shall be decreed by the court to be the husband's separate property. In case the court shall be satisfied that the husband has wasted or squandered or mismanaged any portion of the common property, he may order and decree such portion of the remaining common property to be the separate property of the wife as may be just and equitable, and in case there shall not be an amount of common property, the court may order and decree such portions of the separate property of the husband to be the separate property of the wife, as may be just and equitable, and such order and decree shall be duly entered on record in the court.

SEC. 14. The husband shall have the sole control and management of his own separate property, and need not be joined by the wife in any sale, transfer or encumbrance thereof.

SEC. 15. The wife shall have the sole control and management of her own separate property, and need not be joined by the husband in any sale, transfer or encumbrance thereof: *Provided*, That when any of the wife's separate property shall have been obtained by the wife from the husband as a gift, in whole

or in part, it shall be necessary for the husband to join the wife in any sale, transfer or encumbrance of the property thus conferred upon her as a gift, as well as in the execution of any power of attorney for such purposes, otherwise the transaction shall be void; and evidence of the gift shall appear in the deed or recorded inventory of the property so obtained.

SEC. 16. The common property shall not be liable for any indebtedness which shall be created by the wife during the marriage, the aggregate of which shall exceed her share of the common property, unless the husband shall join her in writing, as per order, note of hand, due bill, &c., in the incurrence of such indebtedness, except the indebtedness shall have been contracted for ordinary family supplies or comforts of life, or to meet unavoidable emergencies.

SEC. 17. When the wife shall incur indebtedness without the knowledge or assent of the husband, or against his special remonstrance with the person or firm who shall give her credit, and when the indebtedness shall be for any other purpose than to procure ordinary supplies or advantages necessary for the comfort or welfare of the family, and when to satisfy any such indebtedness, common property shall be sold upon execution, the amount of all such indebtedness, together with the amount of all actual costs which shall accrue in the collection of the same, shall constitute a debt against the wife's share of the common property, unless the husband shall by will, or by an instrument in writing, signed by two disinterested witnesses, signify that he has waived said debt against her common property.

SEC. 18. The record of the court ordering the sale of common property for the wife's extraordinary indebtedness, or a certified copy of the record, shall be had in proof of the debt at the time the deduction shall be made; and when the husband shall die before the wife, the amount of the debt shall be taken from the widow's half of the common property, and shall go to the husband's heirs; and when the wife shall die before the husband, the amount of the debt shall be deducted from the wife's half of the common property, and shall go to the husband, but

the separate property of the wife shall be first liable for all that class of indebtedness specified in section 17 of this act.

SEC. 19. When real estate, common property, shall be sold for indebtedness of the wife or the husband only, no more shall be sold than shall be necessary to satisfy the indebtedness and cover costs, except the other owner shall consent to the sale of a greater portion or of the whole thereof.

SEC. 20. When any sale shall be made by the wife of her separate property for the benefit of the husband, or when she shall have used the proceeds of any sale for his benefit, with her consent in writing, it shall be deemed a gift, and neither she nor those claiming under her shall have any right to recover the same; but the wife shall have no power to convey to the husband by deed, any real estate, without having first received a full and satisfactory equivalent for the same in money or property, or by mortgage deed on real estate, and she shall clearly state this fact to the notary public before whom the deed shall be acknowledged, and she shall be questioned by him concerning this matter separate and apart from the husband.

SEC. 21. The husband may act for the wife in the capacity of agent, trustee or attorney, on being duly appointed, with all the responsibilities and liabilities attending his trust that would attach to any other person acting in the same capacity.

SEC. 22. The common property being partnership property, the wife's share shall be one-half thereof and shall be hers and her heirs forever; and her share of the common property may be increased so as to be more than one-half, by the wife's compliance with the provisions of section five of this act.

SEC. 23. Neither dower or courtesy shall hereafter accrue.

SEC. 24. For the purposes of this act a plural noun or pronoun shall be deemed singular when the sense shall justify such a rendering.

SEC. 25. The rights of all married persons now living in this Territory, and of all who shall hereafter live in this Territory, shall be governed by this act.

SEC. 26. The husband shall not by will, deprive the widow

of any rights under this act, and when provision is made by will for the widow, she shall be entitled to elect to receive the same or claim her rights according to the provisions of this act.

SEC. 27. All acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 28. This act to take effect and be in force from and after its passage.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

REGULATING TAXES UPON RAILROADS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all railroads and parts of railroads, and materials to be used in the construction or equipment of such, shall be exempt from taxation while said railroads are in process of construction, and until they are completed or in use for transportation of freight or passengers: *Provided,* That when any railroad or part thereof shall be engaged in transportation of freight or passengers for hire, then that road, or so much thereof, and such property as shall be used in operating the same, shall not be exempt from taxation.

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 Council November 23, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF CERTAIN LAWS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the secretary of Washington Territory shall cause eight hundred copies of the school law, eight hundred copies of the road law, and eight hundred copies of the election law, passed at this session, to be printed and distributed as hereafter provided.

SEC. 2. That said secretary shall let the contract for the printing of the laws named in section one, to the lowest responsible bidder for the same.

SEC. 3. That said secretary shall publish for such bids in some newspaper of general circulation in this Territory, for two consecutive weeks, which bids shall be sealed in an envelope before they are sent to said secretary, who, at the time specified in the published notice, shall open the same in the presence of wit-

nesses, and shall award the contract to the lowest bidder, taking security for the performance of the contract.

SEC. 4. The Territorial auditor is hereby required, on the presentation of the certificate of said secretary that said laws have been printed as per contract and received by him, to draw a warrant on the Territorial treasury for the amount of the contract price for said printing, as shown in said certificate of the secretary, in favor of such contractor, and the Territorial treasurer shall, on the presentation of such warrant, pay out any money in the treasury not otherwise appropriated.

SEC. 5. The secretary shall distribute said laws when received, and the county auditors of the several counties shall receive said laws from said secretary and shall distribute the same.

SEC. 6. The said laws shall be published in three separate pamphlets.

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO TERRITORIAL TREASURER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial treasurer shall reside and keep his office at the seat of Government, and before entering upon his duties shall execute and deliver to the Gover-

nor, a bond to the Territory in the sum of twenty thousand dollars, to be approved by him, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace within the Territory, to be endorsed on his commission, and file a copy thereof, together with his bond, in the office of the Secretary of the Territory.

SEC. 2. It shall be the duty of the Territorial treasurer

1. To receive and keep all moneys of the Territory not expressly required by law to be received and kept by some other person.

2. To disburse the public moneys only upon warrants drawn upon the treasurer, in the order of their number, date and issue, salaries of Territorial auditor and treasurer excepted.

3. To keep a just, true and comprehensive account of all moneys received and disbursed.

4. To keep a just and true account of each head of appropriations made by law, and the disbursements under the same.

5. To render his accounts to the Territorial auditor for settlement quarterly, on the first Monday of March, June, September and December of each year, or oftener if required.

6. To endorse on each warrant the date of payment, the amount of the principal and the interest due on said date.

7. To report to each house of the Legislative Assembly, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding years.

8. To give information in writing, to either house of the Legislative Assembly, whenever required, upon any subject connected with the treasury or touching any duty of his office.

9. He shall account for and pay over all moneys on hand as such treasurer, to his successor in office, and deliver all books, vouchers and effects of office to him, and such successor shall receipt therefor.

SEC. 3. All the books, papers, letters and transactions per-

taining to the office of treasurer, shall be open to the inspection of a committee of the Legislative Assembly, or either branch thereof, to examine and settle all accounts, and to count all money; they shall also be open to the inspection of the public generally during office hours; and when the successor of any such treasurer shall be elected and qualified, the Territorial auditor shall examine and settle all the accounts of such treasurer remaining unsettled, and give to him a certified statement showing the balance of moneys, securities and effects for which he is accountable, which have been delivered to his successor, and report the same to the Legislative Assembly.

SEC. 4. The treasurer shall give duplicate receipts, under the seal of his office, for all sums of money which shall be paid into the treasury; he shall deposit one of them with the Territorial auditor, who shall credit such person or county accordingly, and charge the treasurer with the amount, and one to the person paying in the money.

SEC. 5. The treasurer shall have power to administer all oaths required by law, in matters pertaining to the duties of his office.

SEC. 6. The treasurer shall keep a seal of office for the authentication of all papers, writings and documents required by law to be certified by him, and copies so authenticated of all documents lawfully deposited in his office, shall be received in evidence as the originals.

SEC. 7. It shall be the duty of the Territorial treasurer, each year, when settling with the treasurers of the several counties, to credit said counties with the amount of delinquent Territorial tax duly certified to by the county auditors.

SEC. 8. If the Territorial treasurer shall willfully refuse to pay any warrant lawfully drawn upon the treasurer, or shall knowingly pay any warrant out of the order of its number, date and issue, he shall forfeit and pay fourfold the amount to any person injured thereby, to be recovered by action against the treasurer and his sureties on his official bond.

SEC. 9. The Territorial treasurer shall, when he has money on hand to pay warrants, exceeding one thousand dollars, and said warrants are not presented for payment, advertise in some weekly newspaper at the seat of government having the largest circulation in the Territory, for two weeks, stating the amount of money on hand and the number of the warrants he is prepared to pay, and if such warrants are not presented for payment within twenty days after the publication of such notice, such warrants shall not draw interest after said date.

SEC. 10. The Territorial treasurer shall receive in lieu of the per centage now allowed by law, the sum of one thousand dollars per annum, which shall include office rent, stationery and other incidental expenses of his office, to be allowed said treasurer in his quarterly settlement with the Territorial auditor.

SEC. 11. 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. 12. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 25, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN, RELATION TO TERRITORIAL CONVICTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That until a penitentiary shall be erected or provided for the confinement of persons now under sentence or hereafter to be sentenced to the penitentiary, it shall be competent, and it is hereby made the duty of the judge of the district trying such person or persons, to designate in the sentence of said convict the most proper, convenient and secure jail or place of confinement within said Territory: *Provided,* That if there be a suitable county jail within the respective judicial district in which the offense was committed, said convict shall be confined therein.

SEC. 2. The sheriff, jailer or other officer to whose custody, care or control said convict shall be committed, is hereby required to keep such convicts safely and according to law; and said sheriff, jailer or other officer entrusted with the custody of any such convicts, is authorized to secure each and every such convict by means of chains, rings and balls, shackles or handcuffs or any combination thereof, if the use thereof be deemed necessary.

SEC. 3. The daily sustenance of convicts shall consist of healthy, coarse food, with such proportion of meat and vegetables as said keepers shall deem best for the health of said convicts. No tobacco, spirituous liquors or other article of indulgence shall be allowed any convict, without the same be essential for health of the prisoner and be furnished upon the written permission of the sheriff or jailer of the county in which such prisoner may be confined.

SEC. 4. That hereafter all Territorial convicts confined and kept in any of the county jails of this Territory shall constantly be kept at hard labor; and it is hereby made the duty of the sheriff or officer having them in charge, to find and cause them to perform such labor in the vicinity of the several places of confinement as he may be able to obtain for them, and for such sums

or price as such officer and the person for whom such labor is performed may agree upon; and such money so earned by Territorial convicts shall be accounted for to the Territorial auditor, and go towards paying the expenses of maintaining them, so far as the same may be necessary.

SEC. 5. Said sheriff or officer is also further authorized to contract with any road supervisor or town marshal for the performance of labor by such convicts on the public highways or otherwise, upon the best terms for the interests of the Territory; or if he is unable to obtain labor for them as above provided, then he may place them at labor in the cultivation of land in the vicinity of the place of their confinement, and the products of the same shall be accounted for to the Territorial auditor and go towards paying the expenses of keeping such convicts; it being the express intent of this act that the labor of such convicts shall be so applied as to secure a fund by which said convicts shall be kept and maintained.

SEC. 6. Any Territorial convict who shall refuse to perform such reasonable amount of labor as may be requested of him, shall be placed in solitary confinement and kept upon an allowance of bread and water until he perform such labor.

SEC. 7. For boarding, keeping and paying all guards necessary, the sheriff or keeper shall receive the sum of one dollar per day when such convict shall not work; two dollars per day for each convict when at work, and an additional sum not to exceed the sum of fifty dollars for clothing and bedding per annum.

SEC. 8. Each sheriff, jailer or keeper of Territorial convicts shall keep a correct account of all funds received from the proceeds of convict labor, and make return thereof under oath, specifying amount received, the number of days labor, for whom performed, the expenses of keeping, and that for the period covered by said return, he has kept said convicts employed to the best interest of the Territory, to the Territorial auditor quarterly, on the first days of June, September, December and March of each year.

SEC. 9. It shall be the duty of the Territorial auditor when the sheriffs return has been made strictly in accordance with the

provisions of this act, if said return shows balance due said sheriff or keeper, to draw a warrant on the Territorial treasurer for said balance; and said sheriff or keeper shall pay to the Territorial treasurer said balance; and said sheriff or keeper shall pay to the Territorial treasurer, when making the return above required, any proceeds in his hands from convict labor in excess of expenses for keeping during the period for which said return is made: *Provided*, That nothing contained in this act shall be in conflict with an act approved December 2, 1869.

SEC. 10. Claims for keeping Territorial convicts under the provisions of this act shall be sworn to before an officer authorized to administer oaths and be approved by the judge of the district where such convicts are kept.

SEC. 11. 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. 12. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives October 24, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 18, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO PRIVATE SEALS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any instrument to which the person making the same shall affix any device by way of seal, shall be adjudged and held to be of the same force and obligation as if it were actually sealed.

SEC. 2. All deeds, conveyances and other sealed instruments heretofore executed in this Territory with a scroll or device other than a common law seal, and intended by the use of such scroll or device to seal, such deed, conveyance or other instrument shall have the same force and effect, and be as valid as though a common law seal had been made or used: *Provided, however,* That the curative provision shall in nowise interfere with the vested rights of innocent third parties.

SEC. 3. Section three of the act entitled an act in relation to official seals, approved January 19, 1863, be and the same is hereby repealed.

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

Passed the Council November 20, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO SUB-DIVIDE THE JUDICIAL DISTRICTS OF THE TERRITORY OF WASHINGTON AND PROVIDING PLACES FOR HOLDING COURTS THEREIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the several judicial districts of the Territory shall be subdivided as follows, to-wit: The first judicial district shall be divided into two sub-districts, as follows: The county of Walla Walla shall be the first sub-district, and Walla Walla city the place for holding the court therein.

SEC. 2. The counties of Stevens and Yakima shall be the second sub-district, and Fort Colville, in Stevens county, and Yakima city, in Yakima county, shall be alternately the places for holding said district courts, at the times prescribed in "an act to fix the times for holding the supreme and district courts:" *Provided,* That all civil suits or actions pending in said courts shall continue until final determination in the court holding its term at the place where suit is commenced, except by consent of parties, any civil action or suit in equity may be transferred, heard and determined at the next term in such sub-district, and the law governing the change of venue in civil actions shall govern in said transfers, the costs however, of such transfer to abide the event of the action. Criminal prosecution, except where the defendant may be at liberty on good and sufficient bail, instituted at either of the places for holding court in such sub-district and not finally determined, shall, without good and sufficient cause be shown, be transferred to the next term of the court in course, whether the same be held at Yakima city or Fort Colville, and commitments to answer at the district court shall in all cases be made returnable to the next term of the court to be held in said sub-district: *Provided further,* That it shall be lawful to summon the panels of grand and petit jurors exclusively from the particular county in which the term of the said district court shall be held, and it is hereby made the duty of the clerk or clerks of said court or courts, to issue venirens to the sheriff of

the county in which the court is held, in accordance with the statutes now in force or hereafter to be passed regulating the empanneling of grand and petit jurors.

SEC. 3. The second judicial district shall be divided into three sub-districts, as follows: The county of Pacific shall be the first sub-district, and Oysterville the place for holding courts therein.

SEC. 4. The counties of Wahkiakum, Cowlitz, Clarke, Skamania and Klikitat, shall be the second sub-district and the city of Vancouver the place for holding the courts therein.

SEC. 5. The counties of Thurston, Lewis, Chehalis and Mason shall be the third sub-district, and the city of Olympia the place for holding courts therein.

SEC. 6. The third judicial district shall be divided into sub-districts as follows, to-wit: The counties of Whatcom, Island, Jefferson and Clalm, shall be the first sub-district, and Port Townsend the place for holding court therein.

SEC. 7. The counties of King, Kitsap and Snohomish shall be the second sub-district, and the city of Seattle the place for holding court therein.

SEC. 8. The county of Pierce shall be the third sub-district, and the city of Steilacoom the place for holding courts therein.

SEC. 9. 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. 10. This act to take effect and be in force from and after its passage.

Passed the House of Representatives November 18, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 20, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

CREATING A BOARD OF PILOT COMMISSIONERS AND PILOTS ON
THE COLUMBIA RIVER AND BAR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That A. S. Abernethy, J. B. Knapp and Geo. Johnson, shall constitute a board of commissioners for the purpose of examining candidates for the pilotage of the Columbia river and bar, and may appoint one or more suitable persons, if they deem it necessary, to be pilots on the Columbia river and bar, giving each of such pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant: *Provided,* Each pilot shall report his said deputies for the approbation of the said board of commissioners: *Provided, also,* That whenever there shall occur a vacancy in said board of commissioners, such vacancy shall be filled by an appointment made by a majority of their own body. Said commissioners before entering upon the duties of their office, shall qualify by oath or affirmation for the faithful discharge of their duties.

SEC. 2. Every such branch pilot is authorized and directed, by himself or his deputy, to take charge of any vessel requiring his services, bound into or out of the Columbia river, but shall first show the master his warrant; but no vessel under one hundred tons burthen engaged in the coasting trade, shall be compelled to pay pilotage, unless the services of a pilot are required, and in all cases when the services of a pilot are required by the master of any vessel, said vessel shall be liable to pay the pilot his fees as specified in this act.

SEC. 3. The fee for piloting a ship or vessel from the open sea beyond the bar, to Astoria or Knappton, shall be eight dollars per foot draft for the first twelve feet, and ten dollars per foot for any excess above twelve feet; and for piloting a ship or

vessel from Astoria or Knappton to the open sea beyond the bar, eight dollars per foot draft for the first twelve feet, and ten dollars per foot draft for the excess above twelve feet. If a pilot shall board a ship or vessel bound in, while she is either on or within the bar, and not above Sand island, he shall be entitled to only half fees from thence to Astoria, and if, at the time of boarding, she shall be above Sand island, he shall be entitled to quarter fees only; but no ship or vessel bound in shall be required to pay pilotage which refuses to take a pilot after arriving on the bar. The fees of pilots on the river above Astoria shall be fixed from time to time by the pilot commissioners.

SEC. 4. Every bar pilot to whom a branch or warrant shall be granted by said board, shall, before entering upon the duties of his or their office, give bonds with sufficient surety, to the said board of pilot commissioners, in the sum of five thousand dollars; and every river pilot to whom a branch or warrant shall be granted by said board, shall, before entering upon the duties of his or their office, give bonds with sufficient security, to the said board of pilot commissioners, in the sum of three thousand dollars, for the faithful performance of his or their duties while in office.

SEC. 5. It shall be the duty of the board of pilot commissioners to make semi-annual visits to the bar of the Columbia river, examine into the conduct of the pilots, the condition of the boats employed on said bar, as is hereafter specified.

SEC. 6. The pilots shall always keep a seaworthy boat or boats, of not less than forty tons burthen, full decked, to cruise outside the bar of the Columbia river, and in failing to do so, shall be deprived of their branches or warrants by a decision of the board of pilot commissioners.

SEC. 7. That said pilot boat or boats shall at all times carry a sufficient supply of provisions and water as may be necessary for the relief of vessels in distress, and it shall be the duty of the pilots at all times to offer such aid to vessels in stress of weather or in case of disaster.

SEC. 8. If any vessel while under the charge of a branch or warrant pilot, shall be lost or run aground, or sustain any damage through the negligence or unskilfulness of such pilot, such pilot shall be liable to pay all damages sustained by any person interested in such vessel or her cargo, and may, moreover, be removed from his office.

SEC. 9. Any master of a vessel who may choose to pilot his own vessel from outside of the Columbia river bar into said river, shall be permitted to do so, but he shall, notwithstanding, when bound into the river, pay to such pilot as shall first offer his services off the bar, one-half pilotage according to the fees specified in said warrant; and if bound out, one-half pilotage.

SEC. 10. The said board of commissioners are authorized to hear and determine all complaints exhibited against the pilots appointed by them as aforesaid, and to suspend or remove them, and appoint others in their place.

SEC. 11. Should any shipmaster omit or refuse to pay the pilotage fees in any instance, when by this act he has become liable, then his consignees shall become liable for the same.

SEC. 12. That if a pilot acting under the provisions of this act shall have boarded any vessel outward bound, and shall be detained on board said vessel and carried to sea, or to any foreign port, the officers of such vessel so detaining said pilot shall be liable to pay to the pilot so detained, a compensation equal to the pay of the highest officer on board of said vessel, for all the time he shall be necessarily detained from his proper port.

SEC. 13. The board of commissioners created by this act shall be entitled to receive for the execution of a branch or warrant, the sum of twenty dollars, to be paid by the person applying for the branch or warrant, also five dollars per day for adjusting difficulties that may arise between such pilots and ship masters or owners, the said fees to be paid by the parties in fault.

SEC. 14. That all forfeitures, liabilities and penalties incurred under this act, shall be tried and determined in any court of record having cognizance of the same.

SEC. 15. This act to take effect and be in force from and after its passage.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PREVENT STUD HORSES, STUD MULES, JACKASSES, RIDGLINGS
OR STAGS FROM RUNNING AT LARGE.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person owning or keeping any stud horse, stud mule, jackass, ridgling or stag, to suffer the same to run at large after they are of the age of eighteen months and upwards, under a penalty of not less than five or more than fifty dollars fine and costs of suit for each offense, to be recovered before any justice of the peace having jurisdiction.

SEC. 2. It shall be lawful for any person finding any of the animals named in the first section of this act, to notify the owner to take such animal up from running at large, if he is known to the finder. If said owner neglect or refuse to take care of said animal, he shall be liable to be prosecuted for such neglect, and shall forfeit and pay the sum of ten dollars for every such neglect, which may be recovered before any justice of the peace in the

county in which the animal was found, or before any justice of the peace of the county in which the owner resides.

SEC. 3. If any animal be running at large where the owner is not known, it shall be lawful for any person to take up and impound said animal in a sufficient field or pasture, and forthwith make a statement to the nearest justice of the peace of the county in which said animal is taken up, under oath, of the taking up of said animal, whereupon the said justice shall appraise the animal and immediately notify the county auditor of the same county, by letter or otherwise, that an animal has been taken up, with marks, natural and artificial, &c., and also order the person taking up said animal to post notices describing said animal, in three public places in the county; and if after the expiration of thirty days no owner appears, he shall be sold, upon satisfactory proof being furnished any justice of the peace that the animal has been taken up in accordance with the provisions of this act, who shall thereupon issue an order to any constable to sell the animal at public auction, and pay the expenses of the party taking up said animal out of the proceeds of the sale, and the remainder, if any, shall be paid to the county treasurer for the use of the owner. If no owner appears within one year, the money so paid shall be applied to the use of common schools: *Provided*, That if at any time previous to the sale, the owner of said animal should appear and prove said animal to be his, he shall be entitled to the same by paying charges, which shall be two dollars for taking up, posting notices, &c., and a reasonable rate for keeping the same.

SEC. 4. It shall not be lawful for any person or persons to geld an animal, knowing such animal is kept or intended to be kept for covering mares, and any person so offending shall be liable to the owner for all damages, to be recovered in any court having proper jurisdiction thereof; but if any owner or keeper of the covering animal shall willfully and negligently suffer the said animal to run at large out of the inclosed grounds of said owner or keeper, any person may take the said animal and convey him to his owner or keeper, for which he shall receive three dollars

per day, recoverable before any justice of the peace of the county; for a second offense, double the sum, and for a third offense, said animal may be taken up and gelded.

SEC. 5. If any stud horse, stud mule, jackass, ridgling or stag, while running at large out of the inclosed grounds of the owner or keeper, shall damage any other animal by biting or kicking him, or shall do any damage to person or property of any kind whatever, the owner of said stud horse, stud mule, jackass, ridgling or stag, shall be liable for all damages done by him.

SEC. 6. All fines and forfeitures arising under this act shall be paid into the school fund.

SEC. 7. 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. 8. This act to take effect and be in force from and after its passage.

Passed the House of Representatives November 14, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF DEEDS," PASSED JANUARY 19, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of an act enti-

tled "an act to provide for the appointment of commissioners of deeds," passed Jan. 19, 1863, be so amended as to strike out the words "during the pleasure of the Governor," and insert instead "for the term of four years, provided it shall so long be the pleasure of the Governor."

SEC. 2. All commissions heretofore issued to persons in other States and Territories, as commissioners of deeds, if issued four years previous to the passage of this act, are declared to have expired on the first day of January, 1872, and all other commissions issued heretofore, shall expire four years from the date of the issue of said commissions. And it is hereby made the duty of the Secretary of the Territory to give notice to all parties who have qualified under such appointment, of the passage and provisions of this act.

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

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO DOGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That all dogs in this Territory are hereby declared to be personal property, and shall be as much*

the subject of larceny as any other kind of personal property, and every person stealing and taking away such dog, shall be liable to prosecution and indictment as in other cases of larceny. The owners of such dogs shall be liable for all damages done by dogs claimed or owned by them, and shall pay taxes thereon as for other personal property.

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Approved November 30, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PREVENT THE DESTRUCTION OF FISH IN ANY FRESH WATER STREAMS, CREEKS OR LAKES IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person or persons to build or cause to be built, or to place or cause to be placed any fish trap, weir, seine or net in any fresh water stream or creek in Washington Territory that will reach more than two-thirds across such stream or creek, or that will wholly prevent the passage of any fish either up or down such stream or creek.

SEC. 2. It shall not be lawful for any person or persons to use or cause to be used any fish trap, weir, seine or net in any of the lakes of said Territory for the purpose of catching fish.

SEC. 3. Nor shall it be lawful for any person or persons to

use or cause to be used, any minerals, drugs, fish berries or poisons of any kind for the purpose of catching fish.

SEC. 4. Nor shall it be lawful for any person or persons to build or cause to be built, any dam or other obstructions that shall reach wholly across any stream or creek in said Territory, unless a chute or passage shall be provided sufficient to allow fish to pass either up or down such stream or creek.

SEC. 5. Any person or persons who shall violate any of the provisions of this act, shall, on conviction thereof before a justice of the peace of the proper county, be fined in the sum of twenty-five dollars for each offense; and it shall be lawful for any person to remove or destroy any trap, seine, or net that may be found in use in any stream, creek or lake in said Territory of Washington, in violation of the provisions of this act.

SEC. 6. 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. 7. This act to take effect and be in force from and after its passage.

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 15, 1871.

H. A. SMITH,

President of the Council.

Approved November 22, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO FIX THE TIME OF HOLDING THE SUPREME AND THE DISTRICT COURTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the district courts in the several judicial districts shall be held at the following times and places, to-wit:

1. At Steilacoom on the third Monday of January and July in each year, and shall continue for two weeks unless sooner adjourned.

2. At Seattle on the first Monday in February and August in each year, and shall continue for three weeks unless sooner adjourned.

3. At Port Townsend on the fourth Monday of February and November in each year, and to continue for three weeks unless sooner adjourned.

4. At Olympia on the third Monday of March and the second Monday of November in each year, and to continue for three weeks unless sooner adjourned.

5. At Vancouver on the second Monday of April and the third Monday of October in each year, to continue for three weeks unless sooner adjourned.

6. At Walla Walla on the second Monday of May and the fourth Monday in September in each year, and to continue for three weeks unless sooner adjourned.

7. At Oysterville on the second Monday of July in each year, and to continue for two weeks unless sooner adjourned.

8. At Yakima city on the fourth Monday of October in each year, and to continue for two weeks unless sooner adjourned.

9. At Fort Colville on the second Monday of June in each year, and to continue for two weeks unless sooner adjourned.

SEC. 2. *And be it further enacted,* That the supreme court shall be held at Olympia, the seat of government, on the second Monday of December of each year, and shall continue till all the business thereof shall be disposed of.

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 the first day of January, A. D. 1872.

Passed the House of Representatives October 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 21, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor shall reside and keep his office at the seat of government, and before entering upon his duties shall execute and deliver to the Governor a bond to the Territory in the sum of ten thousand dollars, to be approved by him, conditioned for the faithful performance of all duties required, or which may be required of him by law, and take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the Governor of the Territory.

SEC. 2. It shall be the duty of the Territorial auditor to publish once in some weekly newspaper at the seat of government having the largest circulation in the Territory, on the third week of March, June, September and December of each year,

the quarterly settlement of the Territorial treasurer, showing the total amount of money received by said treasurer, the number and dates of the warrants paid, to whom paid, and the amount on hand at the date of said settlement. He shall also publish in the same notice the amount of warrants drawn on the Territorial treasury since the last notice, the amount of each warrant, to whom drawn, and for what particular service.

SEC. 3. The Territorial auditor shall in no case issue any Territorial warrant unless there is a law authorizing the issue of the same, which warrant shall state the act under which it is drawn and the date of the passage of said act, and if any Territorial auditor shall issue any Territorial warrant not authorized by law he shall forfeit and pay fourfold the amount to the Territory, to be recovered by action against the auditor and his sureties on his official bond.

SEC. 4. All the books, papers, letters and transactions pertaining to the office of Territorial auditor shall be open to the inspection of the public generally during office hours.

SEC. 5. The Territorial auditor shall, once in each year, publish notices for proposals to furnish the material and to print the necessary blanks required for Territorial purposes, for two weeks in some weekly newspaper published at the seat of government, and it shall be his duty to contract for the said material and printing with the person or persons offering to do the same at lowest rates, and he shall take from such person or persons a bond in the sum of five hundred dollars, conditioned to furnish good material and to do the printing in a workmanlike manner.

SEC. 6. For all printing done for the Territory, the auditor is authorized to draw a warrant on the Territorial treasury in favor of such person or persons doing such printing, and the auditor shall take his or their receipt therefor, which voucher he shall keep on file in his office, and the Territorial treasurer shall pay said warrants as provided by law.

SEC. 7. The Territorial auditor shall receive an annual salary of one thousand dollars, which shall include office rent, stationery, stamps and all other incidental expenses of his office, to be

audited by the Territorial treasurer and paid by him quarterly on the first Monday of November, February, May and August of each year.

SEC. 8. 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. 9. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives November 18, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

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.

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 into 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 return 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. The Governor of the Territory shall give notice in his proclamation for the next general election, that the legal voters of the Territory are required to vote for or against a State convention.

SEC. 6. 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. 7. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 20, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS AND DEFINING THEIR DUTIES," APPROVED DEC. 1, 1869.

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

"SEC. 17. The board of county commissioners at their session in May in each year, shall receive, examine and inspect the assessment roll returned by the assessors. They shall also, at said term, sit as a board of equalization, and shall continue in session from time to time until said business of equalization is disposed of: *Provided, however,* They shall not sit after the first Monday in June. The said board of equalization shall have power to determine all complaints made in regard to the assessed valuation of any property, and may change or correct any valuation, either by adding thereto or deducting therefrom. After the final equalization and correction of the assessment roll, it shall be accepted by the board, signed by the chairman, attested by the clerk and filed in the office of the county auditor, where it shall remain as a matter of record, and shall be a guide to future assessors so far as the same shall remain correct."

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

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO FOREIGN CORPORATIONS HOLDING PROPERTY
OR DOING BUSINESS IN THIS TERRITORY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all corporations now existing or hereafter formed under the laws of the States or other Territories of the United States, shall have full power and authority to sue and be sued, hold, purchase and acquire, sell, lease and dispose of real and personal property, and generally to do and perform any and every act, and transact business within this Territory, in the same manner and to the same extent as though said corporation had been organized under the laws of this Territory: *Provided,* That any such corporation hereafter acquiring property or commencing to transact business in the Territory, shall first comply with the provisions of section two of this act: *And provided further,* That all the real estate of such corporation within this Territory, and all the personal property of such corporation in this Territory, including steamboats, all other vessels navigating the waters of said Territory, and all other personal property used in prosecuting the business of said corporation within this Territory, shall be liable to taxation in this Territory, any provisions in this act incorporating said company to the contrary notwithstanding.

SEC. 2. That said corporation shall file or cause to be filed in the office of the secretary of the Territory, an authenticated copy of its act or articles of incorporation, and shall constitute and appoint an agent, who shall reside at the place in the Territory where the principal place of business of said corporation in the Territory shall be carried on, duly authorized to accept service of process, and upon whom service of process may be made in any action or suit pertaining to the property, business or transactions of said corporation within this Territory, in which said corporation may be a party, and shall file in the office of the

secretary of the Territory a duly executed appointment of such agent, naming his place of residence, and shall continually have and keep some resident agent so as aforesaid empowered; and service upon such agent shall be taken and held as due service on said corporation: *Provided further*, That said agent, or his place of residence, may from time to time be changed upon filing a new appointment or notice of the change in the place of residence.

SEC. 3. That nothing in this act shall be so construed as to render void anything heretofore done by any corporation of any other Territory or a State of the United States, not inconsistent with the organic law of this Territory, but such acts and things shall remain valid as if the same had been done by corporations formed under the laws of this Territory.

SEC. 4. This act shall take effect and be in force from and after its approval by the Governor.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

RELATING TO STOCK MARKS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat or hog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum less than twenty dollars.

SEC. 2. That this act shall not apply to Walla Walla county.

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

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

CONFERRING UPON BOARDS OF COUNTY COMMISSIONERS CERTAIN POWERS IN REGARD TO HIGHWAYS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever any inhabitant of this Territory shall have his fences removed by floods or de-

stroyed by fire, the county commissioners of the county in which he resides shall have power to grant a license or permit for him or her to put a convenient gate or gates across any highway for a limited period of time, to be named in their order, in order to secure him from depredations upon his crops until he can repair his fences, and they shall grant such license or permit for no longer period than they may think absolutely necessary.

SEC. 2. It shall be lawful for the auditor of any county to grant such permit in vacation, but his license shall not extend past the next meeting of the commissioners court.

SEC. 3. Any person retaining a gate across the highway after his license shall expire, shall be subject to a fine of one dollar for the first day and fifty cents for each subsequent day he shall retain the same, and it may be removed by the road supervisor, as an obstruction, at the cost of the person placing or keeping it upon the highway.

SEC. 4. The fees of the auditor under this act shall be paid by the applicant.

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

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 18, 1871.

H. A. SMITH,

President of the Council.

Approved November 30, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE PERSONS ACCUSED OF CRIME TO BE WITNESSES
IN HIS OR HER OWN BEHALF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person accused of any crime in this Territory, by indictment or otherwise, may in the examination or trial of the cause, offer himself or herself as a witness in his or her own behalf, and shall be allowed to testify as other witnesses in such case.

SEC. 2. That when such accused shall testify as provided in section one of this act, he or she shall be subject to all the rules of law relating to cross examinations of other witnesses: *Provided,* That nothing in this act shall be construed to compel such accused persons to offer himself or herself as a witness in such case: *And provided further,* That it shall be the duty of the court to instruct the jury, that no inference of guilt shall arise against the accused if the accused shall fail or refuse to testify as a witness in his or her own behalf.

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 to take effect and be in force from and after its passage.

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO DIVIDE THE TERRITORY INTO JUDICIAL DISTRICTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the judicial districts of this Territory shall be as follows, to-wit: The first district shall be composed of the counties of Walla Walla, Stevens and Yakima.

SEC. 2. The second district shall be composed of the counties of Thurston, Mason, Chehalis, Lewis, Pacific, Cowlitz, Wahkiakum, Clarke, Skamania and Klikitat.

SEC. 3. The third district shall be composed of the counties of Whatcom, Island, Snohomish, King, Kitsap, Pierce, Jefferson and Clalm.

SEC. 4. 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. 5. This act to take effect and be in force from and after its passage.

Passed the House of Representatives October 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 25, 1871.

H. A. SMITH,

President of the Council.

Approved November 21, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT RELATING TO COUNTY ASSESSORS.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three of an act relating to county assessors, that passed the House of Representatives Nov. 24, 1869, and passed the Council Nov. 24, 1869, be amended as follows: "That hereafter the census shall only be taken biennially, commencing in the year A.D. 1873."

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

Passed the House of Representatives November 18, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO ENABLE TOWNS AND CITIES TO APPROPRIATE LANDS FOR STREETS, ROADS AND ALLEYS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the corporate authorities of any city or town, duly incorporated, be and are hereby authorized and empowered to purchase, enter upon and hold any lands or premises that may be necessary and proper for the construction of streets, roads and alleys.

SEC. 2. That the powers and authority herein granted shall be exercised as prescribed in chapter 4 of the act to provide for the formation of corporations, approved Dec. 2, 1869.

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

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 24, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR A NEW SEAL FOR WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial secretary is hereby ordered to procure, with the least possible delay, a new seal for the Territory, which seal shall be an exact copy of the present one.

SEC. 2. After said new seal has been procured, the secretary shall destroy the one now in use. The Territorial auditor shall draw his warrant upon the treasurer, upon the presentation of the bill for said new seal, properly certified by the secretary, and the Territorial treasurer is hereby directed to pay said warrant upon presentation out of any 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 November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO BALLAST.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That line five, in section one hundred and six of said act, be and the same is hereby amended by striking out the word "ten" where it appears, and insert in lieu thereof the word "fifteen."

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 October 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 14, 1871.

H. A. SMITH,

President of the Council.

Approved November 30, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED DECEMBER 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 459, chapter 44, of the act to which this amendatory, be and the same is hereby amended so as to read as follows, viz: "The plaintiff shall not be entitled to costs in any action within the jurisdiction of a justice of the peace, which shall be commenced in the district court, when the recovery is for a less amount than one hundred dollars, except when the service is made by publication as provided by law."

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

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 20, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE AND REGULATE THE OFFICE OF SHERIEF," PASSED JAN. 19, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two of said act be so amended that said act shall read as follows: "Each sheriff

may appoint as many deputies as he may think proper, for whose official acts he shall be responsible to the amount of his bond, and may revoke such appointment at his pleasure; and persons may also be deputed by any sheriff, in writing, to do particular acts. The sheriff shall be the custodian of the county jail, and may appoint or remove the jailer whenever he shall think the public good requires it, and the sheriff shall be responsible on his official bonds for the default or misconduct in office of his deputies."

Passed the House of Representatives October 13, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 17, 1871.

H. A. SMITH,

President of the Council.

Approved October 31, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

LOCAL AND PRIVATE LAWS.

LOCAL AND PRIVATE LAWS.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT AMENDATORY OF AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF OLYMPIA."

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the town of Olympia shall be bounded as follows, to-wit: Commencing at the N. E. corner of section 25, T. 19, N. of R. 2 W., thence S. along the section line 6 miles to S. E. corner of section 24, T. 18, N. of R. 2 W.; thence west along section lines 4 miles to S. W. corner of section 21, T. 18, N. of R. 2 W.; thence north along section line to the point on Eld Inlet where said section line intersects the meander line of eastern shore of said inlet; thence along the said meander line to the point where it intersects the N. section line of section 28, T. 19, N. of R. 2 W.; thence east across Budd's Inlet to the place of beginning.

SEC. 2. The inhabitants of said town of Olympia shall be and are hereby constituted a body politic and corporate, by the

name and style of the "Town of Olympia," and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded in all courts whatsoever, and receive property, personal and real, within said town for public buildings, public works and town improvements, and may dispose of the same in any manner for the benefit of the town; may purchase property beyond the limits of the town to be used for burial purposes, and for the establishment of a hospital for the reception of persons infected with contagious diseases.

ARTICLE II.

SEC. 1. The town shall be and is hereby divided into three wards, as follows: All that part of the town lying and being west of the middle of the inlet of the Sound separating Swantown from the main town, and north of Fifth street, shall constitute ward number one. All that part of the town lying west of the line of the middle of said inlet, and of the middle of stream running into said inlet, and south of Fifth street, shall constitute ward number two; and all that part of the town lying east of the middle of the channel of said inlet and stream of the Sound, dividing Swantown from the main town, shall constitute ward number three.

ARTICLE III.

SEC. 1. For the government of the said town of Olympia, there shall be annually elected, in the manner hereinafter provided, a mayor and six trustees, who shall hold their offices for one year or until their successors shall be duly elected and qualified.

SEC. 2. The mayor shall be elected by the whole town, and each ward shall elect two trustees.

SEC. 3. The present board of trustees, and their successors

in office, shall appoint judges of election and provide all things necessary to hold a separate election in each ward, and if, for any cause, they fail to do so, any three legal voters of the ward may organize a board of election judges and hold an election according to law.

SEC. 4. Trustees eligible to office in any ward, must be residents and legal voters in the ward in which they are elected.

SEC. 5. The present clerk of the board of trustees and his successors in office, shall keep a book in his office in which all voters in the town shall register their names and the number of the ward in which they reside, at least thirty days before the annual election. And the said clerk shall provide the judges of election in each ward with a list of the registered voters in such ward, and none but voters thus registered shall be allowed to vote.

ARTICLE IV.

SEC. 1. That a general election for two trustees in each ward shall be held on the first Monday in April of each year. Each ward shall also vote for a mayor for the whole town, and the mayor must be a citizen and voter in the town.

SEC. 2. No person shall be entitled to vote at any election who shall not be an elector for Territorial officers, and who shall not have resided in the town thirty days next preceding the day of election; and no person shall be eligible to any office under this charter who is not a qualified voter of said town.

SEC. 3. At all elections for trustees and a mayor, the vote shall be by ballot at the time and place in each ward designated by the board of trustees.

SEC. 4. That all elections shall continue for one day, during which time the polls shall be kept open from 10 o'clock A. M., to four o'clock P. M.

SEC. 5. The person who shall receive a plurality of votes for trustee or mayor shall be declared elected, and the clerk shall

issue to him a certificate of election, and on presentation of the same to the board of trustees, shall be sworn into office.

SEC. 6. The judges of election in each ward shall designate one of the clerks of the election to make return of the vote in said ward to the clerk of the town, within twenty-four hours after the polls close; and the clerk of the town, in presence of and with the assistance of the said clerks of election from each ward, shall add up the vote of the three wards for mayor and shall issue a certificate of election to the candidate having the highest number of votes; and also to the two trustees in each ward having the highest number of votes, and in case of tie, it shall be decided by lot.

SEC. 7. All vacancies may be filled by the board until the next annual election.

SEC. 8. The mayor and trustees shall receive no compensation for their services.

SEC. 9. The mayor shall preside at the meetings of the trustees; may give the casting vote in case of a tie; shall have the veto power, but laws may be passed and business done by a two-third vote, notwithstanding the veto of the mayor.

SEC. 10. The office of town assessor is hereby abolished, and the clerk of the town board shall be *ex-officio* assessor, and shall take his assessment from the county assessment of the same year, and neither the clerk nor the board of trustees shall have power to raise any assessment above the county assessment of that year.

SEC. 11. The board of trustees shall appoint a marshal, a clerk, and a treasurer, who shall hold their offices at the pleasure of the board.

SEC. 12. The members of the board of trustees shall fix the time and place for holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

SEC. 13. Any ordinance which shall have been passed by the

board of trustees shall, before it becomes a law, be signed by the mayor.

SEC. 14. Said board of trustees shall have full power and authority:

1. To make all needful by-laws, ordinances and town regulations not repugnant to the constitution or laws of the United States and the laws of this Territory.

2. To levy taxes for municipal purposes not to exceed five mills per annum upon all taxable property as is shown by the assessment made for Territorial and county purposes. But this shall not be construed as prohibiting said board from the addition of ten per centum penalty on delinquent tax payers, or such other penalty as may be prescribed by the laws of the Territory to secure the collection of taxes. Said board shall also regulate by ordinance the time of assessing and collecting said municipal taxes: *Provided*, That an additional tax of two and one-half mills may be levied in any one year, if such tax is voted by a two-third vote of the tax payers of the town, and the board of trustees shall have power to call a special election for that purpose.

3. To prevent and restrain any disturbance or disorderly conduct, riot, drunkenness, or any indecent and immoral practices within the limits of said town.

4. To appoint one of the justices of the peace residing within said town as committing magistrate, whose duty it shall be to hear all complaints of the violation of the said ordinances, and to examine all parties arrested by the town marshal.

5. The roads, streets and alleys within said town limits shall be under the exclusive control of said board of trustees, who shall make all needful rules in regard to the improvement, repair, grading, cleaning, etc., etc., thereof, and for the purposes of this act, said town shall not be included in any road district, but the road tax due by law within said town shall be collected by the town marshal at such times as may be directed by ordinance, and expended under his direction as prescribed by ordinance.

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

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

8. 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 for 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.

9. To prevent and remove nuisances.

10. 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.

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

12. 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.

13. To establish and maintain a day and night police or either of them.

14. To provide for the prevention or removal of all obstructions from the streets, cross and sidewalks, and for the cleaning and repairing of the same.

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

16. To establish and regulate the fees and compensation of all officers of this municipal corporation, except when otherwise provided.

17. 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.

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

19. 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, and to establish the grades of such streets.

20. To license, tax, regulate and restrain theatrical and other exhibitions, shows, public amusements, billiard tables and bowling alleys, and to suppress bawdy houses, gaming and gambling houses.

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

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

ARTICLE V.

SEC. 1. The town clerk shall receive such compensation for his services as may be allowed him by ordinance.

SEC. 2. The marshal shall receive the same fees for his services as constables are entitled to for services of a similar nature, and for other services such compensation as may be provided for by ordinance.

ARTICLE VI.

OF THE POWERS AND DUTIES OF OFFICERS OF THE CORPORATION.

SEC. 1. The committing magistrate is the judicial officer of the corporation, and shall have jurisdiction of all crimes defined by any ordinance of the town of Olympia, and of all actions

brought to enforce or recover any forfeiture or penalty declared or given by any such ordinance.

SEC. 2. All civil or criminal proceedings before such committing magistrate, including all proceedings for the violation of any ordinance, shall be governed and regulated by the general laws of the Territory applicable to justices of the peace and justice courts in similar cases.

SEC. 3. 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 mayor.

SEC. 4. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any special object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

SEC. 5. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper published in the town of Olympia.

SEC. 6. The marshal is a peace officer and must execute all process issued by the committing magistrate, or directed to him by any magistrate of the Territory; he must attend regularly upon the sessions of the magistrate's court and the meetings of the trustees; he has power, by and with the approval of the council, to appoint one or more deputies, who shall possess the same power; he shall make arrests for a breach of the peace or the commission of a crime within the city limits, with or without a warrant, as a peace officer may do under the laws of the Territory.

SEC. 7. 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 ordinances.

SEC. 8. As collector of taxes the marshal shall collect all

delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

SEC. 9. The clerk of the board shall be elected by the trustees. It will be 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 trustees.

SEC. 10. All demands and accounts against the town must be presented to the clerk, with the necessary evidence in support thereof, and he must submit the same to the trustees, 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. 11. When the board of trustees 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 mayor.

SEC. 12. The clerk must keep proper books of account, showing therein all sums appropriated, the date thereof, and out of what fund; the date and amount 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 finances.

SEC. 13. The official books and papers of all town officers are town property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors.

SEC. 14. The official books and papers of any officer mentioned in this chapter, may be inspected at any time by a committee of trustees appointed for that purpose.

SEC. 15. The clerk of the board of trustees is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 16. The committing magistrate 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. 17. The marshal must keep a correct record of all arrests made by him or his deputy, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the board of trustees.

ARTICLE VII.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 1. Whenever any municipal tax has been levied as provided and authorized, every part thereof shall bear interest at the legal rate from the time it becomes delinquent.

SEC. 2. The board of trustees must provide by ordinance within what time all taxes 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. 3. Within five days from the expiration of the time limited for paying taxes to treasurer, the treasurer must return the tax roll to the board, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 4. The board 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 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. 5. 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. 6. 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. 7. 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. 8. 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 same effect to convey to the purchaser, subject to redemption as hereinafter provided, all the estate or interest therein of the owner or owners, whether known or unknown, together with all the rights and appurtenances thereunto belonging.

SEC. 9. 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, 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 the legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 10. Whenever any property, real or personal, sold for delinquent taxes, shall bring more than the amount of such taxes, 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 the same with the clerk on the return of the warrant. At any time thereafter, the owner of the property sold, or his legal representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 11. The board of trustees 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 board of trustees 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.

ARTICLE VIII.

SEC. 1. All officers required to be elected under this act shall, before entering upon the duties of their office, take an oath or affirmation of office before any person competent to administer oaths.

SEC. 2. All resolutions and ordinances calling for an appropriation for any sum exceeding one hundred dollars, shall lie over two meetings.

ARTICLE IX.

SEC. 1. The town trustees shall not be the school directors of the common schools of the town, but the common schools of the town shall be governed by the Territorial school law.

SEC. 2. The town shall be and is hereby divided into two school districts. All that part of the town lying and being west of the middle of the channel of the inlet, and of the stream emptying into said inlet, separating Swantown from the main town, shall be Olympia school district number one, and all east of said middle of said inlet shall be Olympia school district

number two; and the superintendent of schools of Thurston county may join other contiguous territory to school district number two.

SEC. 3. The superintendent of schools for Thurston county shall issue a notice to some voter in Olympia school district number one, and also in school district number two, of the formation of said school district and its boundaries, respectively, and said voter shall put up notices and call a school meeting, and school officers shall be elected the same as in case of organizing a new district.

SEC. 4. Any parent or guardian residing in school district number two, shall be permitted to send to school in school district number one, and he may draw the school money he is entitled to in district number two and apply it in school district number one, if he notify the clerk of district number two of his desire to do so before said money has been expended in school district number two, and the scholars residing in school district number one shall have the same privileges in district number two; but the two districts shall be separate districts in all other respects.

SEC. 5. 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. 6. This act to take effect and be in force from and after its passage.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF SEATTLE," APPROVED DEC. 2, 1869.

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

"That the city of Seattle shall include within its limits all of section three, four, five, six, eight, nine and ten, in township twenty-four, north of range four east, and all of that part of section twenty-five in township twenty-five, north range three east, and sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four, in township twenty-four, north of range four east, lying south of the following described line, viz: Bell street, in Wm. N. Bell's town plat, as far as where said street intersects the north line of Arthur A. Denny's donation claim; thence running east with said line to where it intersects the line that runs between sections thirty-two and thirty-three, in township twenty-five, north of range four east; thence south to the quarter section corner between said sections thirty-two and thirty-three, and thence east on the quarter section line to Lake Washington, including the water fronting the same to the middle of Elliott's bay, all in the county of King, and Territory of Washington."

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

Passed the House of Representatives November 11, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 15, 1871.

H. A. SMITH,

President of the Council.

Approved November 22, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO LICENSES IN CLALM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all licenses granted by the county commissioners of Clalm county shall be paid in United States currency, and that all moneys received for said licenses shall be paid into and form part of the general school fund of the county.

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 November 13, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 14, 1871.

H. A. SMITH,

President of the Council.

Approved November 22, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO CHANGE THE NAME OF LOUISA VICTORIA ASH TO THAT OF LOUISA VICTORIA FOSS, AND MAKE HER AN HEIR-AT-LAW OF JOHN FOSS, OF SNOHOMISH COUNTY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Louisa Victoria Ash, step child of John Foss, of Snohomish county, Washington Territory, be changed to that of Louisa Victoria Foss.

SEC. 2. That the said Louisa Victoria Foss shall be and is hereby made an heir-at-law of the said John Foss, on equal footing with the children of said Foss.

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

Passed the House of Representatives November 14, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Approved November 22, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO ROAD TAX IN KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons residing in the county of Kitsap who are liable to pay road tax, shall pay the same into the county treasury, or to some suitable person whom the county commissioners may appoint to receive the same, and they shall immediately pay the same into the county treasury for the use of the several road districts in which the said amount of road tax was collected.

SEC. 2. The county commissioners may allow a reasonable amount for the collection of said road tax, and all moneys collected for road purposes on the property of non-residents shall be likewise paid into the county treasury.

SEC. 3. The county commissioners shall, at their May term in each year, contract with some suitable person in each road

district to perform the labor on the public roads to the extent and manner prescribed by them.

SEC. 4. It shall be the duty of the clerk of the board of county commissioners, when informed by the person or persons who contracted to perform the labor on the public roads, that the amount of labor contracted for has been performed by him or them, to immediately examine and ascertain if the work has been faithfully performed according to contract, and if so, he shall immediately issue an order on the county treasury in favor of the contractor for the amount set forth in the contract, and the county treasurer shall, on presentation of said order, immediately pay the same out of the moneys collected for road purposes in the district where said contract labor was performed.

SEC. 5. If it shall appear upon examination that the labor was not performed according to contract, then the clerk shall not issue such order but shall refer the whole matter to the county commissioners who shall settle the matter at their next term or at a special meeting called for the purpose of settling the same.

SEC. 6. The amount of road tax to be two dollars in currency, or if worked out by persons taxed, shall be two days labor and fifteen cents on every one hundred dollars of valuation of property.

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

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY HERETOFORE EXISTING
BETWEEN WILLIAM P. SMITH AND ELIZA, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Wm. P. Smith and Eliza, his wife, be and the same are hereby dissolved.

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

Passed the House of Representatives November 13, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 14, 1871.

H. A. SMITH,

President of the Council.

Approved November 23, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF I. V. MOSSMAN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and hereby is appropriated, from any money in the Territorial treasury not otherwise appropriated, the sum of seventeen dollars and fifty cents to pay I. V. Mossman, Territorial librarian, for money expended by him for stationery, printing library notices, stamps, repairing globe frame and other incidental expenses of Territorial library.

SEC. 2. The Territorial auditor is hereby authorized and directed to draw his warrant on the Territorial treasurer, in favor of I. V. Mossman, for the sum of seventeen dollars and fifty cents, and the Territorial treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Passed the House of Representatives November 14, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Approved November 22, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO CHANGE THE NAME OF MRS. MARY E. FOWLER TO THAT OF
MRS. MARY E. PHELAN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Mrs. Mary E. Fowler, of Snohomish county, Washington Territory, be and the same is hereby changed to that of Mary E. Phelan.

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

Passed the House of Representatives November 15, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Approved November 22, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO ORGANIZE THE COUNTY OF WHITMAN.

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 Whitman, viz: Commencing at a point on Snake river where the line dividing Idaho and Washington Territories strikes said river, thence down mid-channel of said river to its mouth; thence up mid-channel of the Columbia river to White Bluffs; thence in a northeasterly course to where the fifth standard parallel crosses Lougenbeal creek; thence east along said parallel to the dividing line between Idaho and Washington Territories; thence south along said line to place of beginning: *Provided,* That until the fifth standard parallel is established, the line from White Bluffs shall be in a northeasterly course to the south end of Big lake; thence in an easterly course to Stone house near Rock lake; thence east to the dividing line between Idaho and Washington Territories; thence south along said line to the place of beginning.

SEC. 2. That G. D. Wilber, Wm. R. Rexford and Henry S. Burlingame, are hereby appointed a board of county commissioners; Charles D. Porter is hereby appointed sheriff and assessor; James Ewart is hereby appointed auditor; W. A. Belcher is hereby appointed treasurer; John Denny is hereby appointed probate judge; C. E. White is hereby appointed superintendent of schools; John Fincher is hereby appointed Coroner, and all vacancies shall be filled by the county commissioners; and all officers appointed by this act or by the board of county commissioners, shall hold their offices until the next general election or until their successors are elected and qualified.

SEC. 3. That Wm. Lucas, Jesse Logsdon and J. A. Perkins be appointed commissioners to locate a county seat until the next general election.

SEC. 4. That at the next general election the location of a county seat shall be voted upon and the place receiving a majority of all the votes cast at such election shall be declared by the board of county commissioners to be the county seat of said county.

SEC. 5. That all taxes assessed for the year A. D. 1871, shall be collected by the officers of and paid to the county treasurer of Stevens county.

SEC. 6. It shall be the duty of the county auditor of Whitman county, to transmit to the county commissioners of Stevens county, at their May term, A. D. 1872, a certified statement of the amount of taxable property in said county as shown by the assessment of A. D. 1872. It shall be the duty of the county auditor of Stevens county to ascertain the exact indebtedness of said county on and up to the first day of January, A.D. 1872, also the amount of taxable property as shown by the assessment of A. D. 1872, and make a certified statement of the same to the county commissioners of Stevens and Whitman counties at their May term, A. D. 1872, and whatever that indebtedness may be it shall be shared pro rata by each county in proportion to the taxable property returned by the respective assessors of said counties; and it shall be the duty of the county commissioners of Stevens and Whitman counties, on the receipt of the certified statements of their county auditors, to ascertain what amount each county shall cancel of the indebtedness of Stevens county, and the amount that shall fall to Whitman county to pay of the indebtedness of Stevens county, the said Whitman county shall issue county orders in favor of Stevens county for that amount, which shall have priority of payment over any county orders that she may issue, and the county auditor of Whitman county shall transmit to the county auditor of Stevens county, before the first day of July, A. D. 1872, the amount of county orders that shall fall to Whitman county to issue in favor of Stevens county: *Provided*, That the county of Whitman shall not be held or be liable for any indebtedness or portion of

indebtedness incurred by the said county of Stevens after the first day of January, A. D. 1872.

SEC. 7. The county of Whitman is hereby united to the counties of Walla Walla and Stevens in the election of joint councilman, and to the county of Stevens in the election of joint representatives.

SEC. 8. The said county of Whitman shall be united to Walla Walla county for judicial purposes.

SEC. 9. All laws of a general nature in regard to the counties of Walla Walla and Stevens, in this Territory, shall be applicable to said county.

SEC. 10. This act shall take effect and be in force from and after the first day of January, A. D. 1872.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO REGULATE THE RAISING OF REVENUE FOR ROAD PURPOSES
IN WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the board of county commissioners of Walla Walla county, at the session now required by law to levy Territorial, school and county

taxes in each year, to levy on all the taxable property of said county one-half of one mill on the assessed value of said property, for road purposes.

SEC. 2. That the tax provided for in the foregoing section is in lieu of the three mills now required by law for road purposes as aforesaid, and shall be collected each year by the tax collector of said county, at the same time and in the same manner that other taxes are collected by law.

SEC. 3. That the tax for road purposes, when collected, shall be paid immediately into the county treasury of said county and shall remain there subject to the order of said board of county commissioners, for the purchase of material in building and repair of bridges on county and Territorial roads in said county, and for the purchase of material for any other purpose connected with highways in said county, but said funds shall not be used for any other purposes whatever.

SEC. 4. It shall be the duty of the supervisor of each road district in Walla Walla county, to require of every male person over twenty-one and under fifty years old, residing in his road district, to perform two full days work on some highway in his road district, in each year: *Provided*, That such person may pay to such supervisor in lieu thereof, the sum of one dollar and fifty cents for each day's work, which money when paid, shall be applied to the improvement of the highways in said district.

SEC. 5. If any person, as provided, shall fail or refuse to perform the two days services required by this act, after five days notice shall be given by the supervisor of said district of time and place when such work will be required, or to pay therefor one dollar and fifty cents for each day's work unperformed, then such person shall be liable to such supervisor for said sum and for all costs and necessary expenses in collecting the same by action at law, and such supervisor shall bring an action for the collection of the same.

SEC. 6. This act to take effect and be in force from and after the first day of January, A. D. 1872: *Provided*, That this act

shall not be construed to affect in any way the collection of taxes already levied in said county by existing laws.

Passed the House of Representatives October 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 13, 1871.

H. A. SMITH,

President of the Council.

Approved November 25, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

CONFERRING CERTAIN POWERS ON THE BOARD OF COUNTY COMMISSIONERS OF CHEHALIS COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of the county of Chehalis, Washington Territory, are hereby authorized to apply, at their discretion, any moneys in the county treasury not otherwise appropriated, towards defraying the expenses of the building and repairing of a ferry at or near either or all of the crossings of the county roads on the Satsop, Wynucha and Chehalis rivers in said county.

SEC. 2. The board of commissioners of said county may appoint some suitable person to superintend the letting, building and repairing, and receiving the ferry when done. When a ferry is to be constructed, said superintendent shall put up at least three notices in the county, at least twenty days prior to the time of letting such ferry, one of which shall be posted in the neighborhood where the ferry is to be erected or repaired, which notice shall state the general plan of said ferry, or statements of

the proposed repairs, also the time and place of letting the same, which shall be let to the lowest responsible bidder at public auction. And when said ferry is completed or repaired, the superintendent shall give the contractor a certificate for the same, if in his judgment the ferry has been constructed or repaired according to contract, and make due report thereof to the board of county commissioners, which certificate shall be a voucher to said board to pay the money: *Provided, however,* That whenever in the discretion of said board, an emergency may require it, they may authorize repairs without such notice.

SEC. 3. The board of commissioners may enter into a contract with any responsible person to keep such ferry or ferries, on the best terms possible, for a time not exceeding two years, and shall require such contractor to enter into a bond, with two sufficient sureties to the county, for any sum in their discretion not less than one thousand dollars, conditioned that such contractor shall safely keep and return such ferry or ferries in as good condition as he received the same, making all proper allowance for the usual wear and tear thereof.

SEC. 4. All the provisions of "an act in relation to roads, ferries, bridges, and travel on public highways," passed Dec. 2, 1869, not inconsistent with the provisions of this act, shall be in full force in regard to all the ferries authorized by this act.

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 20, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PROTECT THE TERRITORIAL CAPITOL FROM FIRE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred dollars be and is hereby appropriated out of the Territorial treasury, to be applied and used in clearing away the brush and rubbish around the Territorial capitol.

SEC. 2. That I. V. Mossman, of Thurston county, be and is hereby elected a commissioner to expend said appropriation according to the provisions of this act.

SEC. 3. Upon the presentation, by the said I. V. Mossman, to the Territorial auditor, of the proper voucher, verified by affidavit, that a space four hundred feet square (the southern and western boundaries of which shall be two hundred and fifty feet from the south side and the west side of the capitol building) has been cleared of all brush, trash and combustible material, the Territorial auditor shall issue a warrant upon the Territorial treasury in favor of said I. V. Mossman, for the sum of one hundred dollars, and the Territorial treasurer shall pay the same out of any funds not otherwise appropriated.

SEC. 4. In case of a failure for any cause, of the said I. V. Mossman to carry out the object of this appropriation, the Territorial auditor shall and is hereby authorized to appoint some person to fill said vacancy.

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

Passed the House of Representatives November 24, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 25, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

AUTHORIZING A. H. CURTIS AND OTHERS, OF KLIKITAT COUNTY,
W. T., TO ERECT GATES ON CERTAIN PUBLIC ROADS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be lawful for the county commissioners of Klikitat county to allow A. H. Curtis and others, to place gates upon the county road which is located up and down the Columbia river, between the Klikitat river and the town of Rockland, W. T., said road crossing the flat which lies to the south and east of the river range of mountains, and no other roads.

SEC. 2. All gates so erected in accordance with the provisions of this act, shall be ten feet wide and shall be so hung and supported as to open and shut with ease, and be provided with proper fastenings to the acceptance of the road supervisor of the road district in which such gates may be placed.

SEC. 3. Any person who shall open or pass a gate or gates so erected and allowed, and fail or refuse, or neglect to close and properly fasten said gate or gates, shall be liable for any and all damage which may be sustained by parties for whose benefit such gates are allowed, and suit for the recovery of such damages and cost may be brought and sustained before any justice of the peace in said county, and any judgment so obtained may be enforced by the laws of this Territory regulating proceedings in justice courts.

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

Passed the House of Representatives November 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO INCORPORATE THE CITY OF KALAMA.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Kalama shall be bounded as follows, to-wit: That portion of land known and designated upon the surveys of the United States in the Territory of Washington as sections five six, seven, eight, seventeen and eighteen, in township six north, range one west, and fractional sections one and twelve in township six north, range two west of the Willamette meridian, excepting, in said section eighteen, Sand island in the Columbia river.

SEC. 2. The inhabitants of the city of Kalama within the limits above described, shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name and style of the city of Kalama, and by that name and style they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all suits and actions whatsoever; may purchase, acquire, receive and hold property, real, personal and mixed, for the use of said city; may lease, sell and dispose of the same for the benefit of the city; may purchase, acquire, receive and hold real property beyond the limits of the city to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also for workhouses or houses of correction; also for the erection of water works to supply the city with water; and may sell, lease or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter and amend the same, and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

SEC. 1. The government of said city shall be vested in a mayor, a common council consisting of five members, who shall be elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. There shall also be a city recorder, city marshal, city assessor, city treasurer, city clerk, to be appointed by the council with the approval of the mayor, who shall hold their offices during the pleasure of the council; and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, That there shall be no officer appointed under this section, except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SEC. 1. It shall be the duty of the mayor to communicate to the council at least once a year, and oftener if he shall deem it advisable, a general statement of the condition of the city as to its finances, government and property, and to recommend the adoption of such means as he may think advisable to promote its interests and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints which may be made or preferred upon the oaths of a respectable party against any of them for a violation or neglect of duty, and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true and the cause sufficient, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as is hereinafter

provided; and the mayor shall generally perform all such duties as may be prescribed to him by the charter and city ordinances, and the laws of the United States and this Territory.

SEC. 2. The recorder shall within the limits of the city have all the powers of a justice of the peace; he shall also have jurisdiction over all violations of city ordinances, hold to bail, fine or commit persons found guilty of any violation thereof.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the recorder's court and execute and return all mesne and final process issuing from the recorder. He shall arrest all persons guilty of a breach of the peace or of a violation of any city ordinance, and bring them before the recorder for trial, and shall exercise control over the peace and quiet of the city. He shall also discharge such other duties as may be by ordinance prescribed; he shall collect city taxes; he may appoint as many deputies as he shall see fit, each appointment to be approved by the mayor.

SEC. 4. The assessor shall, within such time as shall by ordinance be provided, make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof and the names of the persons liable to be taxed therefor. The mode of making out said list, ascertaining the value of the property and collecting the taxes shall, as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting Territorial and county taxes. The assessor shall also discharge such other duties as may by ordinance be prescribed.

SEC. 5. The city treasurer shall receive and carefully keep all moneys belonging to the city, and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements, showing the source from which the moneys came and the person to whom it was paid, with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council or a committee

thereof, who may also examine his books and vouchers and money. He shall, at the end of each fiscal year and as much oftener as the council shall require, make out and present to the council a full and correct statement of the receipts and expenditures of the preceding year, or of the time since the last preceding account or statement was made. He shall also perform such other duties as may by ordinance be prescribed.

SEC. 6. The clerk shall be the custodian of the records and seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council and keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be provided.

SEC. 7. If any person elected to or holding any city office shall, without leave of the common council, absent himself from the city for more than thirty days, or if he shall remove from the city or fail to qualify within ten days after he shall have been elected, his office shall be deemed vacant and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 8. The common council shall by ordinance define the duties of all officers not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SEC. 1. A general election for all the officers of this corporation required by this act to be elected, shall be held on the first Monday in April in each year.

SEC. 2. All elections shall be by ballot at such places as may be designated by ordinance.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least ten days notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the Territory. If any inspector or clerk shall fail to

attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk who shall present them to the common council at its next meeting after the election, which meeting shall be held on the second Monday in May, when the vote shall be publicly examined and the board of trustees shall declare the result; the city clerk shall thereupon give certificates of election to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be determined by the council by lot.

SEC. 4. All vacancies shall be filled by the common council by appointment. In case of a vacancy, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Elections for city officers shall continue but one day, and the polls shall be open from nine o'clock in the morning until four o'clock in the evening. The polls may be closed from 12 until 1 o'clock, at the option of the judges.

ARTICLE V.

OF QUALIFICATION OF MAYOR AND COUNCILMEN, AND ORGANIZATION OF COUNCIL.

SEC. 1. The mayor and common councilmen, and all other officers elected or appointed under this act, shall be qualified within ten days after their election and appointment and shall enter upon the discharge of their duties; the term of office of the mayor and councilmen to commence ten days after the election.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election and choose one of their number as presiding officer. In case of the absence of the president they may elect a president *pro tempore*, who shall have the power and perform all the duties of president. They shall fix the time and place of holding their stated meetings and may be convened by the mayor at any time. A

majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as the council may have previously prescribed. They shall judge of the qualifications, elections and returns of their own members, and of the other officers elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member or other person for disorderly conduct in their presence at any meeting of the council, and with the concurrence of two-thirds of all the members elect may, for good cause, expel a member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SEC. 1. The mayor and common council shall have power within the city:

1. To make by-laws and ordinances not repugnant to the laws of the United States or of this Territory.

2. To levy and collect taxes not exceeding one per cent. per annum upon all property made taxable by law for county and Territorial purposes: *Provided*, That if any person at any time after the annual assessment, shall commence the sale or barter of goods, wares or merchandise within said city, such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year after he shall so commence, proportioned to the amount levied or assessed for city purposes for the year: *And provided further*, That no tax shall be levied on the value of articles, the growth and produce of the Territory, which are brought into said city and sold.

3. To make regulations and restrictions to prevent the introduction of contagious or other diseases into the city.

4. To establish hospitals and make regulations for the government of the same, and to secure the general health of the inhabitants.

5. To prevent and remove nuisances.

6. To erect water works either within or beyond the limits of the city, and provide the city with water for the extinguishment of fires and the use of the inhabitants.

7. To license, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawnbrokers, saloons, or places for the retailing of spirituous, malt or fermented liquors, bar-rooms, billiard tables, theatrical and other exhibitions, shows and amusements, runners for hotels or vessels, porters, and fix the rate of portage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rates to be charged for the carriage of persons and property.

8. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

9. To provide for the prevention and extinguishment of fires, and to organize and establish a fire department.

10. To appoint fire wardens and prescribe their duties, and to compel any person or persons present to aid in extinguishing fires or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine, forfeiture and penalty for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed sixty days: *Provided further*, That in case of inability or refusal to pay a fine, ten days imprisonment may be imposed for each two dollars of the fine and costs: *And provided further*, That prisoners may be required to labor under such regulations and restrictions as may by ordinance be prescribed.

13. To erect a workhouse or home of correction, and provide for the government and regulation thereof.

14. To remove all obstructions from streets, alleys, side and cross walks, and to provide for the construction, cleaning and repair of the same, as well as all sewers, gutters, water courses and under-ground drainage, and to require parties owning or occupying premises to clean and remove obstructions from streets, alleys, cross and sidewalks adjoining their property or the premises occupied by them, and to levy a discriminating tax on persons and property particularly benefitted by the construction and repair of streets, side and cross walks, sewers, gutters and drains, either with or without a general tax for general benefit of such works.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a night watch and patrol, and to provide a city jail.

17. To appropriate and provide for any item of city expenditure and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of five thousand dollars, no further debt shall be created except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

18. To regulate the storage of gunpowder, saltpetre, pitch, tar, resin, petroleum, kerosine and all other combustible materials; and the use of candles, lamps, fire, or other lights in shops, stables and other dangerous places; to prevent, remove or secure any fire place, stove pipe, chimney, oven, boiler or other apparatus which may be dangerous in causing fire.

19. To prescribe the manner of building party walls and fences.

20. To prevent or restrain any riot, disturbance or disorderly assemblage, or any indecent conduct in any street, house or place in the city.

21. To provide for the collection and receiving by the city of all moneys authorized by law or which may be authorized to be

assessed and collected for school purposes within the city, which when collected, shall be under the control of the mayor and council, and be by them laid out in establishing and supporting schools in said city, in such manner as they shall deem most expedient.

22. To provide for the collection and receiving by said city of all poll taxes, all road taxes and road labor, and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

23. All moneys received for licenses, fines and taxes shall be paid into the city and constitute its general funds: *Provided*, That this shall not include money collected for road or school purposes.

SEC. 2. Any ordinance which shall have been passed by the common council shall, before it becomes valid, be presented to the mayor for his approbation; if he approves it he shall sign it, if not, he shall return it with his objections in writing, to the council, who shall cause the same to be entered in their journal. They shall then reconsider the same. If, on such reconsideration, three members of the council shall vote for the same, it shall become an ordinance. In all such cases the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance within seven days, Sundays excepted, after it shall have been presented to him for his approval, it shall become effective as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council and shall be paid by the treasurer on the warrant of the president of the council, countersigned by the mayor.

SEC. 4. The president of the council shall exercise the duties of mayor whenever said office shall be vacant or the mayor be absent from the city, or from any cause unable to attend to the duties of his office.

SEC. 5. The style of city ordinances shall be as follows: "The people of the city of Kalama do ordain as follows."

ARTICLE VII.

OF SALARIES OF OFFICERS.

SEC. 1. Neither the mayor nor members of the council shall receive any salary for their services. The recorder shall receive the same fees for his services as justices of the peace are entitled to by law for similar services, but no part of the same shall be paid by the city.

SEC. 2. All other officers provided for in this act or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SEC. 1. Upon the passage of all ordinances the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions or ordinances calling for appropriations of any money shall lie over for seven days.

SEC. 3. The mayor may at any time call a special session of the common council by proclamation or special notice to the councilmen, and he shall state to them when assembled, the cause for which they have been convened.

SEC. 4. No member of the council shall, during the period for which he shall have been elected, be interested in any contract the expenses of which are paid out of the city treasury.

SEC. 5. The fiscal year of the city shall terminate on the last day of February in each year, and the city council shall, at least one week before the annual election, cause to be published a complete and full detailed statement of all moneys received and expended by the corporation during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

SEC. 6. The city council may, when in their judgment the same is not incompatible with the public interests, appoint a single person to hold and discharge the duties of two or more offices.

SEC. 7. This act may be amended or repealed at the pleasure of the Legislature.

ARTICLE IX.

SEC. 1. To carry into effect the provisions of this act, until officers can be duly elected at the first election day herein above provided for, the following named persons are hereby appointed to the several city offices, namely:

James Tilton, *Mayor*; H. H. Holt, *Clerk*;
 Wm. A. Townsend, *Marshal*; Byron W. Daniels, *Recorder*;
 W. B. Blackwell, John Young, J. M. Bloomfield, S. W. Beall,
 E. G. Ingalls, *Common Councilmen*, who shall hold their offices until said election and their successors are elected and qualified.

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 approval by the Governor.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO CHANGE THE BOUNDARIES OF COWLITZ AND CLARKE COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundaries of Cowlitz county be so changed as to commence at the Columbia river opposite the mouth of Lewis river, thence up Lewis river to the section line between sections two and eleven of township four north, one west; thence on said line to the Willamette meridian; thence north on said meridian to Lewis river; thence up said river to its forks, and up north fork of Lewis river to the intersection of section line between sections nineteen and thirty, in township five north, one east; thence east on said section line to the township line between township line between townships four and five east; thence north to the line between townships ten and eleven north; thence west to the first section line east of the township line between townships four and five west; thence south on said line to the Columbia river, and up Columbia river to the place of beginning.

SEC. 2. That the proportion of the indebtedness of Clarke county for which the portion of Clarke county so annexed to Cowlitz county shall be liable, shall be determined in accordance with provisions of sections three, four, five and six of "an act entitled an act in relation to counties," passed Jan. 17, 1868.

SEC. 3. The county commissioners of Cowlitz county at their regular session in May, 1872, shall ascertain the amount of indebtedness of the county at the time of the passage of this act, and if the amount of taxes collected from the assessment of the year 1871 is not sufficient to pay all such debt, they shall be required to levy a special tax on the property assessed for 1872 within the boundary of the county before the passage of this act, to pay such indebtedness, in addition to the amount estimated for the expenses of the county for that year, and they shall, at the same session, be authorized and required to levy a special tax on the property of all that portion of the county

taken by this act from Clarke county, sufficient to pay the amount which shall be determined upon as aforesaid, in addition to the amount estimated for the expenses of the county for the year 1872: *Provided*, That if said special tax shall exceed five mills on the dollar on the property assessed for that year, then the commissioners shall be required to assess a tax not exceeding five mills on the dollar in each year thereafter until it is paid.

SEC. 4. At the next general election the county of Cowlitz shall be entitled to elect one member of the House of Representatives now elected by the county of Clarke, in addition to their present representation, and all the county officers of Cowlitz county at that time elected, shall qualify within fifteen days after receiving their certificates of election, and shall be entitled to perform the duties of their offices at that time, and until the next general election and their successors are elected and qualified, and all precinct officers in that portion of Clarke county attached to Cowlitz county by this act, shall continue in office until the next general election.

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

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

MAKING SHERIFFS OF YAKIMA, KLIKITAT, JEFFERSON AND KITSAP COUNTIES, EX-OFFICIO ASSESSORS OF SAID COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sheriffs of Yakima, Klikitat, Jefferson and Kitsap counties, Washington Territory, shall be *ex-officio* assessors of said counties, and shall fulfil all the duties required by law to be fulfilled by the assessors of said counties, and they shall be governed by all the laws relating to the same.

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

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO EXTEND AND DEFINE THE CORPORATE LIMITS OF THE CITY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the city of Walla Walla shall be bounded as follows, to-wit: Commencing at the north-west corner of the south half of the northeast quarter of section nineteen, township seven north, range thirty-six east; thence

east one and one-half miles to section line between sections twenty and twenty-one; thence south along section line between twenty and twenty-one, and twenty-eight and twenty-nine, one and one-half miles to quarter post between sections twenty-eight and twenty-nine; thence west one and one-fourth miles to U. S. military reservation to its intersection with the west line of lot four, section thirty, township seven, north of range thirty-six east; thence north to the place of beginning; including the south half of the northeast quarter and southeast quarter of section nineteen, township seven north, range thirty-six east, and south half of the northwest quarter and south half of the northeast quarter, and southwest quarter and southeast quarter of section twenty, and northeast quarter and northwest quarter of section twenty-nine, and northeast quarter of the northeast quarter, and lots three and four, of section thirty, township seven north, range thirty-six east.

SEC. 2. Parts of acts defining other and different boundaries of said city, and inconsistent herewith, are hereby made conformable with the first section of this act.

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

Passed the Council October 18, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 11, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF KING COUNTY
TO BORROW MONEY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of King county be and they are hereby authorized and empowered, in the name of the county, to borrow a sum or sums of money, which said sum or sums shall not exceed in the aggregate twelve thousand dollars, and which sum or sums shall bear a rate of interest not to exceed one and one-half per cent. per month.

SEC. 2. That the said board of county commissioners shall apply the said sum or sums to the redemption of bonds issued by King county to borrow money to open and construct a wagon road leading across the Cascade mountains through the Snoqualmie pass.

SEC. 3. That the county commissioners shall, at their regular spring term of each year, set aside not less than ten nor more than twenty-five per cent. of all moneys arising from licenses and fines paid into the treasury of said county, for the purpose of securing the payment of said debt and interest created in accordance with this act.

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

Passed the House of Representatives November 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PAY THE EXPENSES OF JOINT COMMITTEE VISITING TERRITORIAL UNIVERSITY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of seventy-five dollars be and the same is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for money expended in visiting the Territorial university by joint committee of the Legislative Assembly.

SEC. 2. The Territorial auditor is hereby authorized and directed to draw his warrant on the Territorial treasury in favor of Capt. E. A. Starr, for the sum of seventy-five dollars, and the Territorial treasurer is hereby authorized 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 November 22, 1871.

J. J. H. VAN BOKKELEN,
Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,
President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,
Governor of Washington Territory.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF KITSAP COUNTY TO TRANSCRIBE THE RECORDS OF SAID 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 Kitsap county, and they are hereby

authorized at the May session, A. D. 1872, to employ some suitable person to transcribe the records of said county so far as they may deem it necessary, in suitable books properly indexed, furnished by them out of the funds of said county for that purpose. And it shall be the duty of the county auditor to certify under the seal of said county, that the transcribed records are true and correct copies of the original records so transcribed.

SEC. 2. The original records shall be preserved so that at any time they may be inspected.

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

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 18, 1871.

H. A. SMITH,

President of the Council.

Approved November 30, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

MODIFYING THE LAW RELATING TO ESTRAYS IN THE COUNTY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so far as applies to the county of Walla Walla, the second section of an act relating to estrays, approved Jan. 30, 1868, be amended by striking out the proviso to said section and inserting in lieu thereof the following: "*Provided,* That no stray or estrays shall be taken up until

the same shall have been in the habit of running at large on the premises where taken up, for at least one year previous to such taking up, and if such animal or animals have any marks or brands thereupon, it shall be the duty of the person or persons to ascertain by an examination of the recorded book of marks or brands in the county auditor's office, who is the owner of such animal. The persons taking up such estray shall thereupon give notice to the person or persons recorded as owning the brand or mark upon such animal, and if said animal should not be removed by the owner thereof within ten days, the party taking up such estray or estrays, may then proceed as though such owner were unknown or the said estray had no recorded mark or brand: *Provided*, That no estray shall be taken up from the fifteenth of April till the fifteenth of December, except breachy or vicious animals, which may be taken up in any month."

SEC. 2. The provisions of section one of this act shall only apply to the county of Walla Walla.

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

Passed the House of Representatives November 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF PORT TOWNSEND, JEFFERSON COUNTY, WASHINGTON TERRITORY," PASSED JAN. 16, 1860, AND ALL SUBSEQUENT ACTS AMENDATORY THERETO.

ARTICLE I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the town of Port Townsend shall be bounded as follows, to-wit: Commencing at half tide mark at Point Hudson, at the southeast corner of A. A. Plummer's donation claim, thence along the meanderings of Port Townsend bay south 59° west, to the centre of what is known on the plat of the town of Port Townsend as Van Buren street; thence along center of said street north 31 west, to center of Lawrence street; thence along center of Lawrence street to half-tide mark on Admiralty Inlet; thence south following meanderings of the beach, at half-tide mark, to the place of beginning.

SEC. 2. The inhabitants of said town of Port Townsend shall be and are hereby constituted a body politic and corporate by the name and style of the town of Port Townsend, and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded in all courts whatsoever, and receive property, personal and real, within said city for public buildings, public works and city improvements, and may dispose of the same in any way for the benefit of the city, and have power to grant privileges to erect wharves and piers at the termination of any street on the water front, and to regulate the rate of wharfage to be collected on said wharves, and the manner in which said wharves are to be built; may purchase property beyond the limits of the city to be used for burial purposes, and for the establishment of a hospital for the reception of persons infected with contagious diseases.

ARTICLE II.

SEC. 3. For the government of the said city of Port Townsend, there shall be annually elected, in the manner hereinafter provided, the following officers: A board of trustees consisting of three members, who shall hold their offices for one year or until their successors shall be duly elected and qualified; and there shall be appointed annually by the board of trustees, a city clerk who shall act as road supervisor.

ARTICLE III.

SEC. 4. That a general election for all city officers of the corporation required under this act shall be held on the first Monday in April of each year.

SEC. 5. No person shall be entitled to vote at any city election who shall not be an elector for Territorial officers, and who shall not have resided in this city ten days next preceding the day of election, and no person shall be eligible to any office under this charter who is not a qualified voter of said city.

SEC. 6. At all elections for city officers the vote shall be by ballot at the time and place designated by the board of trustees.

SEC. 7. That all vacancies happening before the annual election shall be filled by the board of trustees.

SEC. 8. That all elections for city officers shall continue for one day, during which time the polls shall be kept open from 10 o'clock A. M. to 4 o'clock P. M.

SEC. 9. The person who shall receive a plurality of votes for any office shall be declared duly elected, and the clerk shall issue to him a certificate of election, and on presentation of the same to the board of trustees he shall be sworn into office.

ARTICLE IV.

SEC. 10. The members of the board of trustees shall annually elect one of their number president of the board of trustees, who shall hold his office for one year or until his successor shall be elected and qualified.

SEC. 11. The members of the board of trustees shall fix the time and place for holding their stated meetings, and may be convened by the president of the board of trustees at any time. A majority of the members shall constitute a quorum.

SEC. 12. Said board of trustees shall have full power and authority first, to make all needful by-laws, ordinances and town regulations relating to roads, streets, alleys, by-ways, wharves and piers, not repugnant to the constitution or the laws of the United States and the laws of the Territory.

SEC. 13. To prohibit and prevent the introduction of contagious diseases into said town limits, and to make such regulations as shall promote the security of health, peace, cleanliness and good order in said town.

SEC. 14. The roads, streets, alleys and wharves within said town limits shall be under the exclusive control of said board of trustees, who shall make all needful rules in regard to the improvements, repairs, grading, cleaning, &c., &c., thereof; and for the purposes of this act said town shall not be included in any road district but shall be a road district of itself, and all road tax due by law within said town or hereafter becoming due, shall be collected by the town clerk and laid out and expended by him as may be directed by the board of trustees.

ARTICLE V.

SEC. 15. The trustees shall receive no compensation.

SEC. 16. The town clerk and supervisor shall receive such compensation for his services as is allowed county road supervi-

sors on roads and highways, and for other services such compensation as may be allowed by the board of trustees.

ARTICLE VI.

SEC. 17. The board of trustees shall have power to prevent and remove obstructions from the streets and sidewalks, and to prevent and remove nuisances within the city limits.

SEC. 18. To levy a tax to pay all expenses in procuring a suitable place to keep persons infected with any contagious disease and the expense of keeping them.

ARTICLE VII.

SEC. 19. The present board of trustees of the city of Port Townsend is hereby empowered and authorized to appoint two judges and one clerk to hold the election on the first Monday in April, 1872, for the board of trustees provided for in this act, who shall qualify as other judges and clerks of election.

SEC. 20. For all future elections after April, 1872, the board of trustees shall appoint the judges and clerks of election.

SEC. 21. That all laws and parts of laws heretofore passed, in any manner relating to the incorporation of the city of Port Townsend, be and the same are hereby repealed.

SEC. 22. This act shall take effect and be in force from and after the first Monday of April, A. D. 1872.

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 25, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF SNOHOMISH COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor be and he is hereby authorized to audit to the credit of Snohomish county, the sum of five hundred and ninety-seven dollars and twenty-five cents, said sum being the amount of costs incurred by said county in the trial of one Henry Logan, convicted of manslaughter at the August term of the district court held at Seattle, in and for the third judicial district, A. D. 1868, Judge Darwin presiding, and which costs have not been credited to said county on account of Judge Darwin's omission to sign said bill of costs.

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

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO HOGS IN LA CONNER PRECINCT, WHATCOM
COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election to be held in this Territory for county and Territorial officers,

the question of allowing hogs to run at large in said precinct, in said county of Whatcom, shall be submitted to the qualified voters thereof.

SEC. 2. Each qualified elector is authorized to vote for or against the proposition, and should a majority of all the votes cast be against the proposition of allowing hogs to run at large, then in that event, at the expiration of thirty days after said election, the following shall be the law in and for La Conner precinct, viz: Any resident of La Conner precinct may take up any hog or hogs found running at large in said precinct and may safely keep the same at the expense of the owner of said hog or hogs.

SEC. 3. Any person taking up any hog or hogs trespassing upon said precinct, shall immediately thereafter post notices in three public places, containing a description of the hog or hogs, together with mention of any ear or other marks of the animals whereby their owner may identify them.

SEC. 4. Sections 3, 4, 5, 6, 7, 8 and 9, of an act approved Dec. 2, 1869, entitled "an act to prevent hogs trespassing in certain counties," shall apply to and be in force in La Conner precinct.

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

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF HILL HARMON.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and hereby is appropriated, from any money in the Territorial treasury, the sum of three thousand six hundred and six dollars and twenty-nine cents, to pay Hill Harmon for money expended by him in repairing the buildings and grounds of the insane asylum, and paying the expenses of transportation of insane from Monticello to the insane asylum in Pierce county.

SEC. 2. The Territorial auditor is hereby directed to draw his warrant on the Territorial treasurer, in favor of Hill Harmon, for said sum of three thousand six hundred and six dollars and twenty-nine cents, and the Territorial treasurer is hereby directed to pay the same out of any money in the treasury: *Provided,* The auditor shall not draw the above warrant, unless Hill Harmon, late Territorial treasurer, shall first pay into the Territorial treasury the sum of three thousand, six hundred and thirty-eight dollars and seventy-two cents, the amount due this Territory by said Hill Harmon as is shown by the Territorial treasurer's report for the year 1871.

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE JAMES HUNTINGTON TO SETTLE WITH COWLITZ COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That James Huntington is hereby authorized to settle with Cowlitz county.

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

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN, •

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF AL. PETTYGROVE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of twenty-eight dollars be and the same is hereby appropriated out of the Territorial treasury for the payment of Al. Pettygrove for advertising proclamation of the Governor for special election for Kitsap and Jefferson counties.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasury for the sum of twenty-eight dollars, in favor of Al. Pettygrove, 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 November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF MRS. GILES FORD AND OTHERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor be and he is hereby directed to draw warrants on the Territorial treasurer for the following sums of money, to the following named persons:

To Mrs. Giles Ford for one hundred and ninety dollars, for services rendered by her husband in taking care of insane buildings at Steilacoom, nine and one-half months, at twenty dollars a month.

To Stacy Hemenway in payment of services as resident physician of the insane asylum up to December 1st, two hundred and fifty dollars.

To E. T. Gunn for publishing election proclamations, thanksgiving proclamations, &c., ninety dollars.

To John M. Murphy for publishing proclamations and advertisement for proposals to keep insane, sixty-eight dollars.

To J. H. Munson for publishing proclamations, forty-three dollars.

To Henry L. Sutton for publishing proclamations, forty-three dollars.

To Chas. Prosch & Son, for publishing proclamations, fifty dollars.

To R. H. Hewitt for publishing proclamations, &c., seventy-nine dollars and fifty cents.

To T. F. McElroy for full set bound statutes of Washington Territory, for Territorial library, fifty-five dollars.

To Territorial treasurer sixty dollars to purchase desk for Territorial treasurer's office.

To E. S. Salomon, fifty-four dollars and ten cents for express charges paid Crosby & Lowe on books for Territorial library.

To E. G. Adams for publishing advertisement for proposals for keeping insane, one insertion, five dollars.

SEC. 2. The Territorial auditor is hereby authorized to draw warrants on the Territorial treasurer for the above named sums, out of any money in the treasury not otherwise appropriated, and the Territorial treasurer is instructed to pay the same out of any 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 November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 28, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO REGULATE FEES AND COSTS OF SHERIFFS IN THE COUNTIES
OF KITSAP AND JEFFERSON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees and compensation of the sheriffs of Kitsap and Jefferson counties shall be as follows:

For services of notice and complaint, and return thereof, on each defendant, besides mileage at twenty cents per mile, one dollar and fifty cents.

For levying each writ of execution on real or personal property, besides mileage at twenty cents per mile, one dollar and fifty cents.

For service of *capias ad satisfaciendum* upon the body of each defendant named, besides mileage at twenty cents per mile, three dollars.

For every bail bond, two dollars.

For serving writ of possession without the aid of the county, besides mileage at twenty cents per mile, four dollars.

For serving writ of possession with the aid of the county, besides mileage at twenty cents per mile, six dollars and twenty-five cents.

For executing a writ of inquiry and returning the same with inquisition, besides mileage at twenty cents per mile, four dollars.

For copy of any complaint, notice, writ or process necessary to complete a service, for each hundred words, twenty cents.

For serving and returning a notice to witnesses, besides mileage at twenty cents per mile for each person therein named, one dollar and fifty cents.

For summoning each grand and petit juror, to be paid out of the county treasury, besides mileage at twenty cents per mile, one dollar.

For summoning juries in other cases, besides mileage at twenty cents per mile, six dollars.

Per centage on all money actually made and paid to the sheriff on execution, decree or sale of real estate, under one thousand dollars, three per centum; per centage on all sums over one thousand dollars, two per centum.

For every declaration in ejectment and return, besides mileage at twenty cents per mile, two dollars.

For making deed of land sold on execution, decree or order of court, to be paid by the grantee, five dollars.

For serving *seire facias*, for each defendant, besides mileage at twenty cents per mile, two dollars.

For calling jury, one dollar.

For calling each witness, twenty-five cents.

For bringing up a person on a writ of *habeas corpus*, besides mileage at twenty cents per mile, three dollars.

For each days attendance on any court of record, four dollars.

For posting each notice of election, besides mileage at twenty cents per mile, one dollar.

For executing any sentence of death, seventy-five dollars.

For each mile traveled in going and returning from the place of service, twenty cents.

SEC. 2. That in all cases in which the Territory is liable for cost bill incurred by criminal prosecution in either county, the cost bill against the Territory shall be adjusted by the general fee bill of the Territory.

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

Passed the House of Representatives November 24, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

MAKING THE SHERIFF OF MASON COUNTY ASSESSOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That from and after the passage of this act the sheriff of Mason county shall be *ex-officio* assessor of said county.

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.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO CHANGE THE NAME OF ALMANSON MORY TO ALMANSON LOVELACE AND MAKE HIM HEIR-AT-LAW OF JOHN T. LOVELACE OF CLARKE CO., W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the minor son of Mrs. Mary Lovelace, now residing with his step-father John T. Lovelace, named Almanson Mory, be and the same is hereby changed to Almanson Lovelace.

SEC. 2. Said Almanson Lovelace shall be and hereby is made

an heir-at-law of the said J. T. Lovelace, and shall inherit the property of said Lovelace as one of his own children.

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

Passed the House of Representatives November 17, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE WILLIAM M. SIMMONS TO TAKE AND HOLD THE OFFICE OF ASSESSOR IN CLARKE COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. M. Simmons, of Clarke county, be hereby authorized to qualify and take possession of the office of assessor in said county, and hold the same until his successor is elected and qualified.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

MAKING THE SHERIFFS OF PIERCE AND THURSTON COUNTIES
EX-OFFICIO ASSESSORS OF SAID COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sheriffs of Pierce and Thurston counties, Washington Territory, shall be *ex-officio* assessors of said counties and shall fulfill all the duties required by law to be fulfilled by the assessors of said counties, and they shall be governed by all the laws relating to the same.

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

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO FEMALE SUFFRAGE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That hereafter no female shall have the right of ballot or vote at any poll or election precinct in this Territory, until the Congress of the United States of America shall, by direct legislation upon the same, declare the same to be the supreme law of the land.

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

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE PRESERVATION OF SHEEP IN ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every person who shall keep or harbor a dog or bitch above the age of six months, shall be taxed yearly the sum of two dollars for each and every dog or bitch, which tax shall be assessed and collected by the assessors and collectors appointed for assessing and collecting the county tax, in the same manner as other annual taxes raised for the use of the county, and the same fees shall be allowed for assessing and collecting the same as are allowed for assessing and collecting the said county tax; and the assessors and collectors shall be subject to the same penalties for neglect of duty in assessing and collecting taxes for the use of said county.

SEC. 2. That every inhabitant who shall refuse or wilfully neglect to deliver into the said assessor, when by him required, a true account of the number of dogs or bitches made taxable by this act, he or she shall, for every such refusal and neglect, forfeit and pay the sum of two dollars, to be recovered with costs

by the collector of the county and for the benefit of the same.

SEC. 3. That it shall be lawful for any person to kill any dog or bitch which may be found chasing, worrying or wounding any sheep or lamb.

SEC. 4. That the taxes collected by virtue of this act shall be appropriated to make good any losses which may be sustained by any person or persons, by the destruction or wounding of his or hers or their sheep within the county wherein said tax shall be collected, and shall be kept as a fund by the county treasurer, who shall pay all such damages so sustained within the year, in case the money so raised by said tax shall be sufficient to pay the same, and if not, then in such equitable proportions to the individuals injured, according to their respective losses, and in case there shall remain in the hands of the treasurer a surplus after paying all the damages sustained as aforesaid, it shall be in the power of the inhabitants of such county, by public vote at their regular election, to appropriate such surplus to any other purpose or to let the same remain in the hands of the treasurer to answer any damage as aforesaid, which may be sustained in the next ensuing year, and so on from year to year at the discretion of said inhabitants.

SEC. 5. That if any dog or bitch shall be found killing, worrying or wounding any sheep or lamb, and the owner or person harboring any such dog or bitch, being informed thereof, shall refuse or neglect to kill such dog or bitch for the space of twenty-four hours from the time of receiving such information, such owner or person shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars to be recovered with costs by action of debt before any justice of the peace of the county, and moreover, shall pay triple damages for any injury done by said dog or bitch to sheep or lambs after receiving such information, to the owner or owners thereof.

SEC. 6. That when any person shall sustain damages or injury by reason of his or her sheep or lambs being killed or wounded by a dog or dogs, it shall be lawful for such person to take two respectable freeholders of the county wherein such damage was

done, who are in nowise of kin to the party so calling them, to view the sheep or lambs so killed or wounded, and if it shall appear to their satisfaction that the said sheep or lambs were killed or wounded by a dog or dogs, then the said freeholders shall make a return or certificate thereof in writing, stating the amount of damages such person may have sustained, which shall in no case exceed five dollars for one sheep or lamb so killed or wounded, which said certificate shall entitle the person so injured to the sum stated therein as the damage sustained, to be paid by the treasurer in conformity to the provisions made therefor in the fourth section of this act.

SEC. 7. This act shall only apply to Island county.

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

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO CONFIRM TITLES TO REAL ESTATE IN THE CITY OF WALLA WALLA, IN WALLA WALLA COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all conveyances by deed, which have been or which shall hereafter be made by the city of Walla Walla, in the county of Walla Walla, in the Territory

of Washington, to lots or fractional parts of lots or land held in trust by said city from the United States for the several occupants thereof, under and by virtue of a patent to the same now held by said city, and under and by virtue of the laws of Congress of the United States, also under and by virtue of an act of the Legislative Assembly of the Territory of Washington entitled "An act conferring certain powers on the city of Walla Walla," approved Dec. 11, 1866, and the ordinances of said city relating thereto, be and the same are hereby declared to be good and sufficient deeds for the conveyance of the title thereto in fee simple to the several conveyees therein named, and to their heirs and assigns forever.

SEC. 2. That all such deeds as are mentioned in section one of this act, whether made since or before the aforesaid patent was issued by the United States to said conveyees, and now on record, or which may be hereafter recorded in the office and records of the county auditor of said county, whether the same has been acknowledged according to law or not, shall be and the same are hereby declared to be good and valid deeds at law, and the record so made shall be and remain notice of such conveyance to all the world, and the legal title so conveyed shall enure to the said conveyees and to their assigns forever.

SEC. 3. That said act entitled "An act conferring certain powers on the city of Walla Walla," approved Dec. 11, 1866, be and the same is hereby declared to be in full force and effect, and all ordinances heretofore made in pursuance of said act are hereby declared to be valid for the purposes therein expressed.

Passed the House of Representatives November 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM THE MOUTH OF MILL CREEK, ON THE WILLOPA RIVER, PACIFIC COUNTY, TO INTERSECT WITH THE MILITARY ROAD RUNNING FROM MONTICELLO TO OLYMPIA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Joseph W. Ingalls, of Lewis county, Henry Whitcomb and Job Ballard, of Pacific county, be and are hereby appointed viewers to view out and locate a Territorial road from tide water on the Willopa river, at or near the mouth of Mill creek, in Pacific county, on the nearest and best route until they strike Lincoln creek, in Lewis county, and thence follow the county road through the valley of Lincoln creek, to the said military road running from Monticello to Olympia.

SEC. 2. The said viewers shall meet at Giesy prairie on the Willopa river, on the first Monday in June, 1872, or within ten days thereafter, and having taken an oath before some person qualified to administer the same, to faithfully discharge their duties under this act, they shall proceed to view and plainly mark out a road from the Willopa river to intersect the military road in Lewis county, according to the provisions of this act, and to make a report thereof to the county commissioners of Pacific and Lewis counties, on or before the first Monday in January, 1873, and if such report is favorable, the county commissioners of the said counties of Pacific and Lewis shall declare the same a Territorial road.

SEC. 3. The county commissioners of the above named counties shall cause the said report, together with their action thereon, to be recorded in the road book of their respective counties.

SEC. 4. The said viewers shall receive two dollars per day for all necessary time employed in the viewing and marking out the said road, to be paid out of the county treasury of the counties of Pacific and Lewis, in proportion to the time employed in

either county. If either of the viewers refuse to act, the others may choose some person in his stead.

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

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF L. L. MOORE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of university regents are hereby empowered and instructed to make a conveyance in fee simple, to Luther L. Moore or his assigns, on the payment of a certain note and interest, for two hundred and forty dollars in coin, said note being dated July 3, 1863, for the following described land, to-wit: All that piece or parcel of university land to which said L. L. Moore is entitled by right of bargain and sale made between the said Moore and university regents, and more particularly described on university records, and for which said Moore gave aforesaid note of hand of date July 3, 1863, for two hundred and forty dollars, and for which said L. L. Moore has not received his deed.

SEC. 2. This act shall take effect and be in force from and after its approval by the Governor.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT HOGS TRESPASSING IN CERTAIN COUNTIES," APPROVED DECEMBER 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section ten of the act to which this is amendatory, be amended by inserting the word "King" after the word "Mason."

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

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO TRANSFER CERTAIN FUNDS INTO THE COUNTY TREASURY
OF STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all moneys collected by law in Stevens county for Territorial purposes, now in the hands of the county treasurer, in excess of what is due the Territory from said county, shall be placed into the county fund by the county treasurer of Stevens county, and be paid out by him for the redemption of county orders according to priority of date.

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

Passed the House of Representatives November 18, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Approved November 28, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM WALLA WALLA CITY,
IN WALLA WALLA COUNTY, TO FORT COLVILLE, IN STEVENS
COUNTY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Walla Walla, Whitman and Stevens counties, at their February session, 1872, shall each appoint one citizen of their respec-

tive counties, who shall be and are hereby constituted a board of commissioners to view and locate a Territorial road from Walla Walla city via Waitsburg, in Walla Walla county, on the most direct practical route to Bellville, in Whitman county, crossing Snake river at the mouth of the Pinawawa, thence by the most direct practical route to Fort Colville, Stevens county.

SEC. 2. Said commissioners shall meet in Walla Walla city on the first Monday in June, 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 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 auditors of the respective counties through which the road will pass, within sixty days from the completion of their labors.

SEC. 4. The said commissioners shall receive a compensation of four dollars per day for the time actually employed in performing the duties assigned them, each to be paid out of the treasuries of the counties appointing them.

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

Passed the House of Representatives November 21, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO MAKE VALID THE SURVEY AND LOCATION OF THE TERRITORIAL ROAD FROM BOISFORT PRAIRIE, IN LEWIS COUNTY, INTERSECTING THE MILITARY ROAD AT A POINT ABOVE H. JACKSON'S, IN COWLITZ COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial road leading from Boisfort prairie, in Lewis county, to a point above Henry Jackson's, in Cowlitz county, and intersecting the military road at the last named place, as surveyed and located by T. W. Newland and others, be and the same is hereby declared to be a Territorial road to all intents and purposes.

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

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE COUNTY SEAT OF COWLITZ COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the qualified voters of Cowlitz county are hereby authorized to vote at the next general election for the relocation of the county seat of that county: A.

SEC. 2. It shall be the duty of the proper officers in Cowlitz county, at the next general election to provide for taking the vote by a separate ballot for the location of the county seat, and each voter at that election shall be allowed to cast his vote for any place where he desires the county seat to be located, and the judges and clerks of election in each election precinct shall count the votes so cast and make a return of the same to the county auditor, at the same time and in the same manner that other votes are returned.

SEC. 3. The county commissioners at their first regular session after the next general election, shall proceed to canvass said votes, and the place receiving the majority of the votes cast shall be declared by them the county seat of Cowlitz county, and if a change is made from the present county seat they shall immediately take the necessary steps to cause the records and proceedings of the county commissioners court, and all other papers and things which by law must be kept at the county seat, to be removed and deposited at the place so selected and designated as the county seat, from and after which time that shall be the legal county seat of Cowlitz county.

SEC. 4. 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.

Passed the House of Representatives November 25, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING A SPECIAL TAX FOR THE COUNTY OF CLARKE, TO PAY THE INDEBTEDNESS OF SAID COUNTY," APPROVED OCTOBER 30, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three of said act shall read as follows:

"SEC. 3. It shall be the duty of said board of county commissioners, each year at their May term, for the period of four years succeeding the passage of this act, unless said indebtedness shall be sooner extinguished, to levy a special tax of three-quarters of one per centum on every dollar's worth of taxable property in said county, which special tax shall be exclusively applied to the payment of the outstanding indebtedness of said county, according to priority of date."

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 November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT HOGS TRESPASSING IN CERTAIN COUNTIES," APPROVED DECEMBER 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "an act to prevent hogs trespassing in certain counties," approved Dec. 2, 1869, be and the same is hereby amended by inserting into each section of said act, immediately after the word "hogs" wherever it appears, the words "or sheep," so that wherever the word "hogs" now appears in said act, it shall read "hogs or sheep."

SEC. 2. This act shall not apply to Mason, Island and Pacific counties.

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

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF H. R. HATCH.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and thirty-six dollars and sixty-six cents, be and the same is

hereby appropriated out of the Territorial treasury for the payment of H. R. Hatch for services rendered under appointment of the Governor of the Territory, as keeper of the garrison buildings at Steilacoom from November 20, 1870, to June 15, 1871.

SEC. 2. It shall be the duty of the Territorial auditor to draw his warrant on the Territorial treasurer, for the sum of one hundred and thirty-six dollars and sixty-six cents, in favor of H. R. Hatch, 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 shall take effect and be in force from and after its passage.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF JAMES HUNTINGTON AND SON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of nine hundred and seventy-four dollars and three cents, be and the same is hereby appropriated for the payment of James Huntington and Son, for keeping insane and idiotic persons from July 15 to August 16, 1871.

SEC. 2. The Territorial auditor is hereby authorized to draw

a Territorial warrant in favor of James Huntington and Son, for the sum of nine hundred and seventy-four dollars and three cents, and the Territorial treasurer is hereby authorized to pay the same out of any money 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 Council November 16, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO CURE THE DEFECTS IN CERTAIN CONVEYANCES AND TO DECLARE THEM GOOD AND LAWFUL DEEDS TO THE LANDS DESCRIBED THEREIN.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all the conveyances to lands belonging to the estate of Esther Short, deceased, late of Clarke county, W. T., and lying in said county, made by A. J. Lawrence as the executor of the estate of said decedent, for a valuable consideration to him paid by the purchaser, under an order of the probate court of said county, are hereby made and declared valid and lawful deeds to the lands therein described, and sufficient to convey to the purchaser or purchasers therein named,

and his or their heirs and assigns, all the title of said decedent then had or has since been acquired to said land.

SEC. 2. That all conveyances to lands lying in Clarke county, W. T., belonging in any manner whatever to Hannah E. Short of said county of Clarke, made by A. J. Lawrence, guardian of Hannah E. Short, under any order of the probate court of said county, for a valuable consideration paid to him by the purchaser, are hereby made and declared valid and lawful deeds of conveyance to the lands therein described, and sufficient to convey to the purchaser or purchasers therein named, and to his or their heirs and assigns, all the title the said Hannah E. Short had then or has since acquired to said lands.

SEC. 3. That said conveyances named in sections one and two of this act shall, when offered, be received and have the same force and effect as evidence in all the courts of this Territory, in actions at law and suits in chancery, that deeds duly signed, witnessed, acknowledged, delivered and recorded have.

SEC. 4. 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. 5. This act to take effect and be in force from and after its passage.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 27, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT TO PROVIDE COMPENSATION FOR QUARTERMASTER GENERAL OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to provide for compensation for the quartermaster general of Washington Territory, approved Dec. 2, 1869, be and the same is hereby repealed.

SEC. 2. The Territorial librarian is hereby declared the custodian of the papers and books relating to the Indian war of 1855 and 1856, and the quartermaster general is required to turn over said books and papers to the librarian who shall take charge thereof.

SEC. 3. This act shall take effect and be in force from and after its approval by the Governor.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE CHIEF CLERKS AND ASSISTANT CLERKS OF THE HOUSE OF REPRESENTATIVES AND COUNCIL.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the clerks of the House of Representatives and Council be allowed fifty dollars each for

extra service, and the assistant clerks be allowed twenty-five dollars each.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant for said sums as named in section one of this act, in favor of said officers, and the Territorial treasurer is hereby authorized and directed to pay the amount of said warrants out of any money in the treasury.

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

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE LOCATION OF THE COUNTY SEAT OF
KLIKITAT 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 Klikitat county to submit the question of the removal and relocation of the county seat of said county, to the voters of said county at the next regular election.

SEC. 2. Any legal voter may at such regular election, designate on his ballot, by either printing or writing, the name of the place he prefers as the county seat. And it shall be the duty of the county commissioners, at its first next regular meeting to

declare the place which has received the largest number of votes to be the county seat of said county, and it shall be the duty of the county commissioners forthwith to remove the offices and county records thereto.

SEC. 3. The votes under this act shall be canvassed and returned in the same manner as is required by law for canvassing and returning votes for the county officers.

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

Passed the Council November 18, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO PROVIDE FOR BUILDING A COURT HOUSE AND JAIL IN CLARKE COUNTY.

SECTION I. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all moneys collected in the county of Clarke from the sale of spirituous, malt or fermented liquors and wines, are hereby set apart for the purpose of building a court house and jail in the city of Vancouver, to be jointly occupied by the county and city of Vancouver: *Provided,* That it shall be submitted to a vote of the people of the county; if a majority vote in favor of the same, then it shall take effect, otherwise it shall be void.

SEC. 2. Two of the board of county commissioners, the county treasurer, and two of the common council and the city recorder, are hereby made a board of directors to superintend the building and management of said fund and buildings; and said board shall proceed to the erection of such buildings as soon as they may deem it proper: *Provided*, That the moneys so collected shall not extend beyond the period of five years.

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 to take effect and be in force from and after its passage.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO MAKE PERFECT TITLES TO LANDS IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That whenever any person or persons having sold and conveyed by deed any lands in this Territory, and who, at the time of such conveyance, had no title to such land, and any person or persons who may hereafter sell and convey by deed any lands in this Territory, and who shall not at

the time of such sale and conveyance have the title to such land, shall acquire a title to such lands so sold and conveyed, such title shall enure to the benefit of the purchasers or conveyee or conveyees of such lands to whom such deed was executed and delivered, and to his and their heirs and assigns forever. And the title to such land so sold and conveyed shall pass to and vest in the conveyee or conveyees of such lands and to his or their heirs and assigns, and shall thereafter run with such land.

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

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

IN RELATION TO SHERIFFS OF PACIFIC, YAKIMA, KITSAP, SKAMANIA, WHATCOM, SNOHOMISH, CLALM AND STEVENS COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sheriffs of the counties of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens, in the Territory of Washington, shall be *ex-officio* assessors of said counties and shall perform all the duties required by law to be performed by assessors, and they shall be governed by all the laws in relation thereto.

SEC. 2. *And be it further enacted*, That the sheriffs of the said counties of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens shall be entitled to the rate of fifteen cents per mile in going to and returning from the county seat of said counties, in all cases where sheriffs are entitled to mileage by law.

SEC. 3. This act to take effect and be in force from and after the first day of January, A. D. 1872.

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

AUTHORIZING THE RESIDENT PHYSICIAN OF THE INSANE ASYLUM
TO RENT THE BUILDINGS AT FORT STEILACOOM, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the resident physician of the insane asylum is hereby authorized to rent all the buildings at Fort Steilacoom not occupied by the contractor and physician, for any sum not less than six dollars per month for each building, which he shall collect monthly in advance, and pay the same to the Territorial treasurer quarterly and take a duplicate receipt for the amount, one of which he shall file with the Ter-

ritorial auditor, who shall charge the amount to the Territorial treasurer.

SEC. 2. The physician of the insane asylum is hereby authorized to eject all persons that fail or refuse to pay the rent as required by him, and he shall in no case allow any person or persons to occupy any of said buildings unless they pay rent for the same as required by this act.

SEC. 3. This act shall take effect and be in force from and after its approval by the Governor.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM FORT COLVILLE IN STEVENS COUNTY, TO WALLULA IN WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That G. W. Jacobs, R. M. Bacon and Guy Haines, of Stevens county, are hereby constituted a board of commissioners to view and locate a Territorial road from Fort Colville, in Stevens county, thence by the most direct practical route to Wallula, in Walla Walla county.

SEC. 2. Said commissioners shall meet in Fort Colville on the first Monday in April, or as soon thereafter as a majority of

the said commissioners shall agree upon, 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 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 auditors of the respective counties through which the road will pass, within sixty days from the completion of their labors.

SEC. 4. The said commissioners shall receive a compensation of four dollars per day for the time actually employed in performing the duties assigned them, each to be paid out of the county treasury.

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

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

RELATING TO THE COUNTY AUDITORS OF ISLAND AND SNOHOMISH COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county auditors of the counties of Island and Snohomish shall at least once a year

make out a full and complete exhibit of the finances of the county, immediately after the May term of the commissioners court, posting the same in a conspicuous place in his office and in three public places in the county, and publishing the same two weeks in any paper having the most circulation in the county, printed in this Territory.

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

Passed the House of Representatives November 14, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 18, 1871.

H. A. SMITH,

President of the Council.

Approved November 30, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE PRESERVATION OF DEER AND OTHER GAME, AND TO PREVENT TRESPASSING WITH GUNS OR DOGS IN ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That if any person shall hunt or watch for deer with a gun, or set on any dog or dogs to drive deer or any other game on any lands not his own, and for which the owner or possessor pays taxes, or is in his lawful possession, unless he has license or permission in writing from such owner or owners or legal possessor, every such person so offending and being convicted thereof, in manner aforesaid, shall for every such

offense forfeit and pay to the owner of the soil or tenant in possession, the sum of five dollars with costs of suit: *Provided*, That nothing herein contained shall be construed to prevent any person carrying a gun upon the highways in this Territory.

SEC. 2. That if the person or persons offending against this act be non-residents of this Territory, he or they shall forfeit and pay for every such offense fifteen dollars, and shall forfeit his or their gun or guns, dog or dogs, to any person or persons who shall inform and prosecute the same to effect before any justice of the peace in any county of this Territory wherein the offender or offenders may be taken or apprehended.

SEC. 3. This act shall only apply to Island county.

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

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

AUTHORIZING THE TERRITORIAL AUDITOR TO CANCEL CERTAIN
DELINQUENT TAX CHARGED AGAINST MASON COUNTY.

WHEREAS, There stands charged against Mason county Territorial tax prior to January 1, 1867, which has never been collected nor ever will be, to the amount of two hundred and ninety-two dollars; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor be and the same is hereby instructed to cancel said charge, (\$292) incurred prior to January 1, 1867.

SEC. 2. This act shall take effect and be in force from and after its approval by the Governor.

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 27, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT "ENTITLED AN ACT TO INCORPORATE THE TOWN OF TUMWATER."

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That article third, section one, of said act be amended as follows: "The municipal election of all town officers of the corporation shall be on the first Monday in December in each year, and the polls at said election shall be kept open from six o'clock P. M. until 9 o'clock P. M., and in case of a vacancy in the board of trustees, a majority of the remaining board shall have power to fill such vacancy until the next municipal election."

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

Passed the House of Representatives October 21, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 25, 1871.

H. A. SMITH,

President of the Council.

Approved November 21, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

MAKING AN APPROPRIATION TO MEET THE EXPENSES INCURRED BY THE COMMISSIONERS TO LOCATE THE PENITENTIARY OF THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of six hundred dollars be and the same is hereby appropriated out of any money in the Territorial treasury, to meet the expenses incurred by the commissioners in locating the penitentiary of the Territory of Washington.

SEC. 2. The Territorial auditor is hereby authorized and instructed to draw a warrant on the Territorial treasury in favor of John McReavy, Fred. A. Clarke and L. F. Thompson, for the above sum, (\$600) and the Territorial treasurer is instructed to pay the same out of any 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 Council November 27, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Approved November 29, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

TO AMEND "AN ACT TO PREVENT HOGS TRESPASSING IN CERTAIN COUNTIES," APPROVED DEC. 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section ten of an act entitled "an act to prevent hogs trespassing in certain counties," approved Dec. 2, 1869, be amended by striking out the word "Clalm."

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 to take effect and be in force from and after the first day of January, A. D. 1872.

Passed the House of Representatives October 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 25, 1871.

H. A. SMITH,

President of the Council.

Approved November 21, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF THE SHERIFF OF THURSTON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred dollars be and the same is hereby appropriated out of any money in the treasury, for payment of money expended by Wm. Billings, sheriff of Thurston county, in pursuing and retaking G. T. Ohse, a Territorial convict who escaped his place of confinement.

SEC. 2. Upon demand, it shall be the duty of the Territorial auditor to draw his warrant on the Territorial treasurer in favor of Wm. Billings, for the sum of two hundred dollars, which shall be paid out of any money in the treasury not otherwise appropriated.

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 23, 1871.

H. A. SMITH,

President of the Council.

Approved November 27, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

MEMORIALS.

MEMORIALS.

MEMORIAL

PRAYING FOR THE RETENTION OF THE GARRISON AT FORT
COLVILLE, STEVENS COUNTY.

To the Honorable Secretary of War of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the county of Stevens embraces within its boundaries nearly one-half of Washington Territory, being two hundred miles in length and one hundred and fifty in breadth, and containing thirty thousand square miles; that it is inhabited by the Spokane, Cour d'Alene, Isle d'Pierre, San Poel, Okanagan, Lake, Colville, and Callispel tribes of Indians, in all numbering about forty-five hundred; that Colville valley contains one hundred and twenty-seven white settlers, with thirty women, and one hundred and seventeen children, and that there are scattered in various settlements here and there, in other parts of the county, one hundred and thirty-seven white settlers, with forty women and one hundred and fourteen children; that no treaty has ever been made by the United States with the Indians of Stevens county, or have they ever been placed on reservations; that Fort Colville is a military post of the United States garrisoned by a single company of infantry, and situated at a distance of two hundred miles from

the settled portions of Washington Territory east of the Cascade mountains; that the Indians inhabiting Stevens county have heretofore been kept in check, owing to the presence of this small body of troops (since their defeat by the late General George Wright) but that when lately it was rumored the troops would be removed, they became emboldened and openly announced their intention of driving out the white settlers and taking possession of their property as soon as the removal of the troops was accomplished; that the settlers of Colville valley would be unable to protect themselves, and would be compelled to abandon their farms on which they have expended many years of toil, were the troops removed; that the settlers in other parts of the county, except possibly those living near the county of Walla Walla, would likewise be driven from their homes by the Indians, and that hostilities between the whites and Indians would almost necessarily follow the removal of the troops; that in anticipation of the Northern Pacific railroad passing across Stevens county, settlers are immigrating to it very rapidly, and that in the opinion of your memorialists, the military post already established by the government, with its garrison, should be continued until the settlers are numerous enough to protect themselves and to convince the Indian tribes living in that county that any resistance to immigration or hostilities to the white population would be futile.

Wherefore, your memorialists would respectfully and earnestly ask that the post at Fort Colville remain garrisoned as at present, till the increase of the population of the county may render the same no longer necessary to the safety of the inhabitants.

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

Passed the House of Representatives November 13, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 17, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

RELATIVE TO THE FREE NAVIGATION OF THE SKAGIT 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 that the Skagit river, in this Territory, could be made navigable for river steamers for a distance of sixty to seventy miles at all seasons of the year; that said river at and near its mouth is obstructed with one drift or jam to the great exclusion of navigating the same, thereby retarding the settlement of the Skagit valley, which contains an area of three hundred thousand acres of our finest lumber and farming lands; that the Skagit river passes through the Cascade range of mountains, affording an easy and accessible pass from the Yakima valley to the Sound country, while the mountains through which its head waters pass abound in rich mineral wealth; that learning from the engineer of the North Pacific railroad company, who has examined said section of the country, that the obstruction can be removed for the sum of ten thousand dollars and thereby open a channel for immigration to a tract of land capable of sustaining over one thousand families.

Your memorialists would therefore respectfully pray your honorable bodies to pass an act appropriating ten thousand dollars for the removal of said drift or jam, and the making of said river free of obstructions and navigable.

Passed the House of Representatives October 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 31, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

PRAYING FOR MAIL SERVICE FROM PORT TOWNSEND TO
COUPEVILLE.

To the Honorable Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that under contract No. 15,412, from Seattle to Whatcom, it takes one week for a letter to go from Port Gamble, Port Ludlow and Port Townsend, to Coupeville.

Your memorialists would therefore respectfully pray that a semi-weekly mail from Port Townsend to Coupeville, *via* Ebey's landing, be established, connecting with the mail between Olympia and Port Townsend, for the following reasons:

First. There is a daily communication between Port Townsend, Port Ludlow, Port Gamble and Seabeck.

Second. The distance between Port Townsend and Ebey's landing is seven miles by water, from Ebey's landing to Coupeville, two and one-half miles by land, making the distance nine and one-half miles.

Your memorialists would further state that by the route asked for, some five hundred persons would be accommodated with more speedy and certain mail facilities. We would therefore respectfully pray that a mail be established between the above mentioned places, and that proposals for carrying the mail be advertised for said service, to commence on the first day of July, 1872.

And*as in duty bound, we will ever pray.

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 17, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

RELATIVE TO MAIL SERVICE FROM SEATTLE TO BELLINGHAM BAY.

To the Honorable Postmaster General of the United States:

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully represent that the mail facilities now afforded from Seattle to Bellingham Bay and intermediate ports, is inadequate to the business interests of the population along said mail line.

Since the letting of the contract at the last letting for said route, the population has at least doubled its proportions and is still increasing at a rapid rate, and large accessions have also been made to the population of Whatcom county. At Semiahmo and Birch Bay there is at present no mail facilities, the nearest post office being at Sehome, a distance of over twenty-five miles from said settlements.

We would respectfully pray your honor to increase the mail facilities from Seattle to Bellingham Bay to semi-weekly service, and authorize weekly service to Semiahmo Bay by steamer.

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

RELATIVE TO THE TIDE FLATS ON ELLIOT BAY, ADJACENT TO
TOWN OF SEATTLE, W. T.

*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 fronting the

town of Seattle, on its southern side and partly within the corporate limits, are situate a series of tide flats, outside the meander lines of the United States land surveys; said flats being intersected by the channels of Duwamish river where it enters Elliot Bay; said tide flats are chiefly bare at low tide, as is more fully shown by the United States coast surveys, and are wholly in township 24 north, ranges three and four east of Willamette meridian.

These overflowed flats are a serious impediment to navigation, both of the Duwamish river and Elliot bay, they are of no value to the government, not being saleable as agricultural lands, the tides covering the whole twice in 24 hours to a depth of 10 feet or more.

Your memorialists therefore pray your honorable body to pass an act granting to the corporate authorities of the town of Seattle, and their successors in office, the said tide flats in township 24 north, ranges three and four east, or as much thereof as lies outside the limits of town plat of Seattle filed of record by D. S. Maynard, donation claimant, King county, W. T., and from meander line upon Elliot bay and the mouth of Duwamish river as far into Elliot bay as the authorities of the town of Seattle may require for purposes of commerce, conditioned upon the main channel of the Duwamish river being kept open for at least one hundred yards in width, for purposes of navigation.

Passed the House of Representatives November 21, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 22, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

ASKING FOR THE REDUCTION OF THE YAKIMA INDIAN RESER-
VATION.

*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 the present Indian reservation for the Yakima and other tribes of Indians at present upon the Yakima reserved lands, is manifestly too large for the rapidly decreasing numbers of those aborigines, as the extent of land is 921,600 acres or 1440 sections, and the number of Indians occupying this vast range are thereby encouraged in their nomadic habits as hunters, and the large extent of range prevents their being made farmers as was the policy of the government. It is also clearly too large an area for the concentration of communities into villages and farms, and also its vast extent prevents the otherwise rapid development which would take place were there a contraction of reduction of the limits of said reservation. The scope of country lying east of the Cascade range of mountains, of arable land, is limited to the valleys, and already the white settlers there feel their interests seriously affected by the withdrawal of so large an area of the best land between the Yakima river and the Cascade mountains.

Therefore, your memorialists respectfully request your honorable body to reduce the above named reservation, or pass a law instructing the department of Indian affairs to take steps looking to a new treaty reducing the limits of said Yakima reservation to ——— acres.

And your memorialists will ever pray.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

PRAYING CONGRESS TO APPROPRIATE SIXTY THOUSAND DOLLARS
FOR REMOVING OBSTRUCTIONS FROM THE UPPER COLUMBIA
RIVER BETWEEN CELILO AND WALLULA.

*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 owing to natural obstructions in the Columbia river between Celilo and Wallula, it is navigable during the fall of the year, and after the crops are ready for market, only to boats of a small class; and that there being insufficient for their transportation to market, the productions of the country necessarily remain in store from harvest time to the high water of the following spring; that it is estimated upon actual surveys by competent persons, that an expenditure of \$60,000 would remove all obstructions to navigation throughout the season, by boats of sufficient capacity to supply the wants of the country.

The importance of the country to be affected by this improvement may be judged from the fact that the single county of Walla Walla is estimated at this time to contain between eight and ten thousand population, and has produced the past season some 400,000 bushels of wheat, 250,000 bushels of oats and barley, 300 tons of potatoes, and 300 tons of grapes and peaches.

Your memorialists believing that this improvement would insure the rapid settlement of the entire country lying east of the Cascade range of mountains, and materially contribute to the wealth of the nation within a very few years, respectfully pray that an appropriation of said amount (sixty thousand dollars) may be made by your honorable bodies, for removing rocks and obstructions from the upper Columbia river between Celilo and Wallula.

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

Passed the Council November 16, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 20, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

MEMORIAL.

PRAYING FOR AN APPROPRIATION FOR THE CONSTRUCTION OF A
MILITARY ROAD FROM SEATTLE, PUGET SOUND, TO BELLING-
HAM BAY, 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 that at the present time there is no means of communication between Seattle, on Puget Sound, and Bellingham Bay, except by water; that the travel by water between the above mentioned points is at all times attended with much difficulty and delay, especially in the winter season; that a road, by land, can be made over a much shorter route and through a large extent of valuable farming land, by which means said land would be easy of access for immigration and cause a rapid settlement of the same, as the road passes through a portion of the Territory well adapted to agriculture; that the present mode of conveyance by water, is too expensive for the immigrant to incur in the transportation of teams, stock, &c.

Your memorialists would further state that some years since there was a military road laid out between Fort Steilacoom and Fort Bellingham, and labor performed on the same on the end near Steilacoom.

Wherefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating the sum of twenty thousand dollars to be applied in the construction of that portion of the military road between Seattle and Bellingham Bay.

Passed the House of Representatives October 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 1, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

RELATIVE TO LIGHT HOUSES 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 this Territory will be greatly facilitated by the erection and maintenance of a light house on the following headlands, viz:

On Foul Weather Bluff and Point-no-Point, on the western shore of Admiralty Inlet.

On Alki Point, on the eastern shore of Admiralty Inlet.

On Point Defiance, at the entrance of Puget Sound.

On south end of Cyprus Island, Bellingham Bay passage.

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

Passed the House of Representatives November 22, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 24, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

PRAYING FOR THE RE-ESTABLISHMENT OF THIRTEENTH LIGHT
HOUSE DISTRICT AND LOCATING THE SAME AT PORT TOWN-
SEND, W. T.

To the Honorable Light House Board of the United States:

Whereas, there still exists the thirteenth light house district, and it at present being governed by the twelfth district (California) owing to circumstances over which we have no control, and

said management working detrimental to the interests of this section of the Pacific coast for the following reasons:

The thirteenth light house district being of such extent and growing importance as to require the personal and constant observation and attention of a local inspector.

Said district covering an extent of coast equal or more extensive than any other district, and it having been created for the necessities and benefit of this portion of this northern coast, and having been once established with the office of inspector located in Oregon, and having been merged into the twelfth district from reasons best known to the honorable light house board, we, feeling the importance of its re-establishment, would most respectfully request your honorable body to reinstate the office of the thirteenth district and establish the same at the port of Port Townsend, W. T., the present port of entry for Puget Sound district.

There are eight lights in Washington Territory, out of the ten in the district, seven of which can be reached from Port Townsend in one day, while from Columbia river it would take three days, and ten days from San Francisco.

The district has a steam revenue cutter attached which could be used to attend on the lights.

At the time of the creation of thirteenth district, it was for the benefit of this northwest coast, (Oregon and Washington Territory) whilst at present California is deriving all the benefit from the same, and as the existence of the district and duties are a necessity, and the same belonging to this Territory, we respectfully ask of your honorable board to take the matter under consideration and grant the prayer herein contained.

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

Passed the House of Representatives November 11, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 14, 1871.

H. A. SMITH,

President of the Council.

MEMORIAL

RELATIVE TO THE TIDE LANDS OF OLYMPIA.

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

The memorial of the board of trustees of the town of Olympia, Washington Territory, respectfully represents that said town of Olympia is situated on Budd's Inlet of Puget Sound, in township No. 18, north of range two west, and is a body corporate under the laws of Washington Territory, with all the rights, privileges and duties usually pertaining to town organizations; that fronting the said town of Olympia, but within the corporate limits thereof, and beyond the meander line of the United States land survey, are situate a series of tide flats or overflowed lands, intersected by a narrow, shoal and tortuous channel formed by Deschute river, at low tide; that said tide flats are completely bare at low water; that they extend from the extreme southernmost point of Budd's Inlet to about one mile north of the extreme point of the mean line of the town plat of the town of Olympia, and contain between one thousand three hundred and one thousand four hundred acres; and the average rise and fall of tides on said flats is nine feet two inches, (Coast pilot, 1869, page 243.) That said tide flats are an impediment to navigation, (ships at low tide not being able to get within one mile of the nearest wharf) and are of no value to the Government, not being saleable as agricultural lands, the tides covering the whole of said flats twice in twenty-four hours.

Your memorialists therefore pray your honorable body to pass an act granting to the said town of Olympia, through its board of trustees and their successors in office, the tide flats in township No. 18, north of range No. two west, comprising the southern extremity of Budd's Inlet, designated within the following described limits, as exhibited by the government surveys, that is to say: Beginning at a point on the eastern shore of Budd's Inlet, where the section line between sections two and eleven

intersect the meander shore line of said Inlet; thence southerly, following the meander of said Inlet to near the mouth of Deschute river; thence northerly following the meander of the western shore of said Inlet to the section line dividing sections three and ten; thence east to the place of beginning, containing thirteen hundred and thirty-seven acres; with the express condition, however, that a direct and navigable channel, at least one hundred yards in width, shall be kept free and open forever, to and from the mouth of Deschute's river to the said section line constituting the northern boundary of the grant; that the proceeds of the sale of the said flats shall be applied by the board of trustees or their legal successors, to the improvement of the navigation of the harbor of Olympia, to the building of a railroad, or to the payment of the indebtedness of said town of Olympia, as may be deemed most expedient.

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

Passed the House of Representatives November 16, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 21, 1871.

H. A. SMITH,

President of the Council.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

RELATIVE TO THE PAYMENT OF REV. J. F. DEVORE AS CHAPLAIN OF THIRD SESSION OF LEGISLATIVE ASSEMBLY.

WHEREAS, The House of Representatives of Washington Territory, did on the fourth day of December, 1855, elect Rev. John F. Devore, chaplain, and as he served in that capacity during the whole session of sixty days, and has never been paid for said services; therefore,

Be it resolved by the House, the Council concurring, That the Secretary of the Territory of Washington be requested to pay said claim, if not incompatible with his duty and instructions, and in the event of his inability to pay said claim out of moneys in his hands, that he refer the matter to the secretary of the treasury of the United States, and urge the payment of the said claim at the same rate that chaplains have since been paid.

Passed the House of Representatives October 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 1, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

PROVIDING FOR THE PUBLICATION AND DISTRIBUTION OF CERTAIN LAWS IN PAMPHLET FORM.

Resolved by the House, the Council concurring, That there shall be printed by the public printers, immediately after the close of the present session, five hundred copies each of the following laws in pamphlet form, to-wit: School law, revenue law, election law and road law; and the said laws, as soon as published, shall be distributed by the secretary among the various counties of the Territory.

Passed the House of Representatives November 23, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 25, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

RELATIVE TO PORT TOWNSEND.

Resolved by the House of Representatives, the Council concurring, That the town of Port Townsend, Jefferson county, W. T., may form a town organization under the general law for the incorporation of towns, passed November 28, 1871, if the majority of citizens so desire, at any time on or before October 1st, 1873.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

RELATIVE TO THE CONDITION OF THE INSANE ASYLUM AND THE
TERRITORIAL PENITENTIARY.

Resolved by the Council, the House concurring, That there be appointed a joint committee, consisting of two members of the Council and three from the House, whose duty it shall be to visit the insane asylum at Steilacoom, make a thorough examination of the condition and management of the same, and report the result of their labors as soon as practicable.

Resolved further, That said committee be further instructed to examine the condition of the building used as a Territorial penitentiary and the management of the prisoners confined therein.

Passed the House of Representatives October 6, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 6, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

RELATIVE TO FRAUDS OF CERTAIN TERRITORIAL OFFICERS.

WAEREAS, The examination of the joint committee appointed to investigate the accounts of the Territorial auditor and treasurer, discloses the fact that gross frauds have been perpetrated upon the Territorial treasury by fraudulent cost bills and other divers ways; therefore,

Be it resolved by the Council, the House concurring, That the prosecuting attorneys of the several districts are hereby instructed to commence actions, civil or criminal, or both, against

any and all persons who may have thus fraudulently or unlawfully obtained Territorial funds.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

AS TO WAITING UPON THE GOVERNOR.

Resolved by the Council, the House concurring, That a joint committee, consisting of three members from the House and two from the Council, be appointed to wait upon his Excellency the Governor, and inform him that the Legislative Assembly is now organized and ready to receive any communication he may be pleased to make.

Passed the House of Representatives October 5, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council October 5, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

RELATIVE TO TERRITORIAL OFFICERS.

Resolved by the House, the Council concurring, That all Territorial officers shall file bonds as required by law, within twenty days after the passage of this resolution, and any officer failing to do so shall be removed by the Governor.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

RELATIVE TO VISIT OF UNIVERSITY BY JOINT COMMITTEE OF
LEGISLATIVE ASSEMBLY.

Resolved by the Council, the House concurring, That there be appointed a committee, consisting of three members of the Council and five of the House, whose duty it shall be to visit Seattle for the purpose of inquiring into the condition of the Territorial university at that place, and make report to their respective Houses.

Passed the Council October 31, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

RESOLUTION

AS TO ADOPTION OF JOINT RULES AND ORDERS.

Resolved by the Council, the House concurring, That the standing committee on rules and orders of the Council, together with a like committee from the House, be and the same are hereby instructed to report to their respective Houses at as early a day as practicable, joint rules for the government of both Houses.

Passed the Council October 5, 1871.

H. A. SMITH,

President of the Council.

Passed the House of Representatives October 11, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

RESOLUTION

RELATIVE TO JOINT CONVENTION TO ELECT TERRITORIAL SCHOOL SUPERINTENDENT.

Resolved by the House, the Council concurring, That the two Houses meet in joint convention in the House of Representatives, at 9 o'clock P. M. of November 29, 1871, to elect a Territorial school superintendent.

Passed the House of Representatives November 29, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

CONCERNING THE INCORPORATION OF THE TOWN OF KALAMA.

Resolved by the House, the Council concurring, That the town of Kalama may form a town organization under the general law for the incorporation of towns, passed Nov. 28, 1871, if the majority of the citizens so desire.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

RESOLUTION

THANKING OFFICERS.

Resolved, That the thanks of this Council are due and are hereby tendered to the officers of the Council for the efficient manner in which they have performed their respective duties.

ERRATUM-

Page eighty-two, line three, omit the words "and said sheriff or keeper shall pay to the Territorial treasurer said balance."

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