

L A W S

OF THE

TERRITORY OF WASHINGTON,

ENACTED BY THE

LEGISLATIVE ASSEMBLY

IN THE YEAR A. D. 1873,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

Published by Authority.

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1875.

TERRITORY OF WASHINGTON, }
OFFICE OF THE SECRETARY. } ss.

I, Henry G. Struve, Secretary of the said Territory, do hereby certify, that the Laws, Joint Resolutions, and Memorials published in this volume, have been compared with the originals deposited and of record in this office and that they appear to be correctly printed.

In testimony whereof I have hereto set my hand and affixed the great seal of said Territory, at Olympia this 31st day of December, A. D. 1875.

HENRY G. STRUVE,
Secretary of the Territory.

[SEAL.]

NOTE BY THE SECRETARY. —When a word has been found necessary to retain the sense of the context, or when one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus]. Obvious errors in orthography and punctuation have been also corrected in this office, when discovered.

PUBLIC ACTS
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF WASHINGTON,

Enacted at the Fifth Biennial Session, which was begun and held at the City of Olympia, the capital of said Territory, on Monday, the fourth day of October, A. D. 1875, and was adjourned without day on Friday, the 12th day of November, A. D. 1875.

ELISHA P. FERRY, GOVERNOR. B. F. SHAW, President of the Council. ELWOOD EVANS, Speaker of the House of Representatives.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED NOV. 13, 1873.

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

"SEC. 4. Every action shall be prosecuted in the name of the real party in interest except as is otherwise provided in section five of the said act to which this is an amendment."

And the remainder of said section shall constitute a separate and independent section, which shall be amended to read as follows, that is to say:

"SEC. In the case of an assignment of a thing in action, the action by the assignee is without prejudice to any set-off or other defense existing at the time of, or before notice of the assignment, but this section does not apply to a negotiable promissory note or bill of exchange, transferred in good faith, and upon good consideration before maturity."

SEC. 2. That section six of the act to which this is amendatory be so amended as to read as follows:

"SEC. 6. When a married woman is a party her husband must be joined with her, except

1. When the action concerns her separate property, or her right or claim to the homestead property, she may sue alone.

2. When the action is between herself and her husband, she may sue or be sued alone.

3. When she is living separate and apart from her husband, she may sue or be sued alone."

SEC. 3. That section seven of the act to which this is amendatory be so amended as to read as follows:

"SEC. 7. If a husband and wife be sued together, the wife may defend for her own right, and if the husband neglect to defend, she may defend for his right also."

SEC. 4. The following additional section shall follow section eight as a new section in the chapter of said act to which this is amendatory relating to parties to actions, that is to say:

"SEC. When the death of a person is caused by the wrongful act or neglect of another, his heirs or personal representatives may maintain an action for damages against the person causing the death; or when the death of a person is caused by an injury received in falling through any opening or defective place in any sidewalk, street, alley, square, or wharf, his

heirs or personal representatives may maintain an action for damages against the person whose duty it was, at the time of the injury, to have kept in repair such sidewalk or other place. In every such action the jury may give such damages, pecuniary or exemplary, as, under all the circumstances of the case, may to them seem just.

SEC. 5. The following additional section shall be added to said chapter one of the act to which this is amendatory, that is to say:

“SEC. When two or more persons, associated in any business, transact such business under a common name, whether it comprises the names of such persons or not, the associates may be sued by such common name, the summons, in such cases, being served on one or more of the associates, and the judgment in the action shall bind the joint property of all the associates in the same manner as if all had been named defendants and had been sued upon their joint liability.”

SEC. 6. That section 51 of the act to which this is amendatory be so amended as to read as follows, that is to say:

“SEC. 51. In all other cases the action must be tried in the county in which the defendants, or some of them, reside at the commencement of the action, or may be served with process, or, if none of the defendants reside in this Territory, or if residing in the Territory, the county in which they reside is unknown to the plaintiff, the same may be tried in any county which the plaintiff may designate in his complaint; and if the defendant is about to depart from the Territory, such action may be tried in any county where either of the parties resides, or service is had, subject, however, to the power of the court to change the place of trial as provided in this act.”

SEC. 7. The following additional section shall follow said section 51, Chapter III, of the said act to which this is amendatory, that is to say:

“SEC. If the county in which the action is commenced is not the proper county for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant, at the

time he appears and answers or demurs, files an affidavit of merits, and demands in writing that the trial be had in the proper county.

SEC. 8. Section 52 of said Chapter III, of the act to which this is amendatory, shall be so amended as to read as follows, that is to say:

SEC. 52. The court may, on motion, when it appears by affidavit and other satisfactory proof, change the place of trial in the following cases:

1. When the county designated in the complaint is not the proper county.

2. When there is reason to believe that an impartial trial cannot be had therein.

3. When the convenience of witnesses and the ends of justice would be forwarded by the change.

4. When, from any cause, the judge is disqualified from acting, which disqualification exists in either of the following cases: in an action or proceeding to which he is a party, or in which he is interested; when he is related to either party by consanguinity or affinity within the third degree, computed according to the rules of law; when he has been attorney or counsellor for either party in the action or proceeding.

SEC. 9. Section 53 of Chapter III of the act to which this is an amendment, shall be so amended as to read as follows, that is to say:

SEC. 53. If an action or proceeding is commenced or pending in a court, and the judge or justice thereof is disqualified from acting as such, or if for any cause, the court orders the place of trial to be changed, it must be transferred for trial to a court the parties may agree upon by stipulation in writing, or made in open court and entered in the minutes; or if they do not so agree, then to the nearest court, when the like objection or cause for making the order does not exist, as follows:

1. If in the district court, to another district court;
2. If in the probate court, to some other probate court;

3. If in a justice's court, to another justice's court in the same county.

SEC. 11. Sections 55 and 56 of chapter III, of the act to which this is amendatory, are hereby blended into one section, and in lieu of said sections, the following shall be said section, that is to say:

1. SEC. When an order is made transferring an action or proceeding for trial, the clerk of the court, or justice of the peace must transmit the pleadings and papers therein to the court or justice of the court to which it is transferred. The costs and fees thereof and of filing the papers anew, must be paid by the party at whose instance the order was made, except in the cases mentioned in sub-division one, section 52, in which case the plaintiff shall pay costs of transfer. The court to which an action or proceeding is transferred has and exercises over the same, the like jurisdiction as if it had been originally commenced therein.

SEC. 11. Section 58 of said chapter III, of said act to which this is amendatory, be and the same is hereby repealed.

SEC. 12. Section 62 of chapter IV, of the act to which this is amendatory, shall be amended to read as follows, that is to say:

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

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

2. If the suit is against a foreign corporation, or a non-resident joint stock company or association doing business and having a managing or business agent, superintendent, cashier or secretary within this Territory; to such agent, superintendent, cashier, or secretary.

3. If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother or guardian; or if there be none within the Territory, then to any per-

son having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person judicially declared to be of unsound mind or incapable of conducting his own affairs, and for whom a guardian has been appointed, to such guardian.

5. If against a county, upon the county auditor; if against a city or town, to the mayor or president of the council or board of trustees, or other head of the legislative department thereof.

6. In all other cases, to the defendant personally, or if he be not found, to some suitable person at the dwelling house or usual place of abode of the defendant."

SEC. 13. Section 63 of Chapter IV of the act to which this is amendatory be so amended as to read as follows, that is to say:

"SEC. 63. Service may be made by publication, when an affidavit is filed that personal service cannot be made on the defendant within this Territory, in either of the following cases:

1. In actions brought for the recovery of real property situated within the Territory, or an estate or interest therein.

2. In an action for the sale of real property situate within the Territory.

3. In an action for the sale of real property situate within the Territory under a mortgage, lien, or other incumbrance or charge.

4. In actions to compel the specific performance of a contract of sale of real estate, or in actions to establish or set aside a will where, in such cases any or all of the defendants reside out of this Territory and the real property is within this Territory.

5. In actions brought against a non-resident of this Territory, or a foreign corporation, having in this Territory property or debts owing to such defendant sought to be taken by any of the provisional remedies, or to be appropriated in any way.

6. In actions which relate to, or the subject of which is real for personal property in this Territory, when any defendant has or claims, a lien or interest, actual or contingent therein, or the

relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of this Territory, or a foreign corporation.

7. In all actions where the defendant being a resident of the Territory has departed therefrom, or from the county of his residence with intent to delay or defraud his creditors, or to avoid the service of process, or keeps himself concealed therein with like intent.

8. When the action is for a divorce, if the defendant is a non-resident of the Territory, or his residence is unknown."

SEC. 14. Section 64 of chapter IV, of the act to which this is amendatory shall be so amended as to read as follows, that is to say:

"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, and not less than six weeks. In case of publication, where the 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 postoffice, directed to the person to be served, at his place of residence. When the foregoing provisions have been complied with, the defendant so notified, shall be required to appear, as if personally served within the county in which the complaint is filed, on the day of the last publication, proof thereof being made by the affidavit of the publisher or his foreman, and filed before default is taken. Actual personal service of the summons, either within or without the Territory, supersedes the necessity of publication."

SEC. 15. Section 67, of chapter IV, of the act to which this is amendatory, shall be so amended as to read as follows, that is to say:

"SEC. 67. Proof of the service of summons and complaint, must be as follows:

1. If served by the sheriff, his certificate thereof,
2. If by any other person, his affidavit thereof; or,

3. In case of publication, the affidavit of the printer or his foreman or principal clerk, showing the same; and an affidavit of a deposit of a copy of the summons in the post office, if the same has been deposited; or,

4. The written admission of the defendant, in case of service otherwise than by publication, the certificate or affidavit must state the time and place of service.

SEC. 16. Section 68 of chapter IV, of the act to which this is amendatory, be and the same is hereby amended so as to read as follows:

SEC. 68. From the time of the service of the summons and copy of complaint in a civil action, the court is deemed to have acquired jurisdiction, and to have control of all the subsequent proceedings. The voluntary appearance of a defendant is equivalent to personal service of the summons upon him.

SEC. 17. Section 69 of chapter IV, of the act to which this is amendatory, be so amended to read as follows:

SEC. 69. A defendant appears in an action when he answers, demurs or gives the plaintiff written notice of his appearance, or when an attorney gives notice of appearance for him. After appearance, a defendant or his attorney is entitled to notice of all subsequent proceedings, of which notice is required to be given. But where a defendant has not appeared, service of notice or papers need not be made upon him unless he is imprisoned for want of bail.

SEC. 18. Insert in chapter VII, title "general rules of pleading," the following additional sections to follow section 95 of said act, to which this is amendatory, to wit:

SEC. In pleading the statute of limitations, it is not necessary to state the facts showing the defense, but it may be stated generally, that the cause of action is barred by the provisions of section —(giving the number of the section and subdivision thereof if it is so divided, relied upon) of chapter II, entitled "limitations of actions;" and if such allegation be controverted, the party pleading must establish on the trial, the facts showing that the cause of action is so barred."

“SEC. The plaintiff and defendant respectively, may be allowed, on motion, to make a supplemental complaint or answer, alleging facts material to the case occurring after the former complaint or answer.”

“SEC. All pleadings subsequent to the complaint must be filed with the clerk and served upon the adverse party or his attorney.”

SEC. 19. Insert as additional section in chapter VIII, of the act to which this is amendatory, title “Mistakes in pleadings, amendments” the following additional section to follow section 105, and said new section shall read as follows, that is to say:

“SEC. Any pleading may be amended once by the party of course, and without costs, any time before answer or demurrer filed, or after demurrer and before the trial of the issue of law thereon, by filing the same as amended and serving a copy on the adverse party, who may have ten days thereafter in which to answer or demur to the amended pleading. A demurrer is not waived by filing an answer at the same time; and when the demurrer to a complaint is overruled, and there is no answer filed, the court must allow an answer to be filed. If a demurrer to the answer is overruled, the facts alleged in the answer must be considered as denied, to the extent mentioned in section one hundred.”

SEC. 20. Amend section 106 of chapter VIII, of the act to which this is amendatory, title, “Mistakes in pleading, amendments,” so as to read as follows, that is to say:

“SEC. 106. The court may, in furtherance of justice, and on such terms as may be proper, amend any pleadings or proceedings, by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect; and may, upon like terms, enlarge the time for answer or demurrer. The court may likewise, upon affidavit showing good cause therefor, after notice to the adverse party, allow, upon such terms as may be just, an amendment to any pleading or proceeding in other particulars; and may upon like

terms, allow an answer to be made after the time limited by this code; and may upon such terms as may be just, and upon payment of costs, relieve a party, or his legal representatives from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect; and when for any cause satisfactory to the court, or the judge at chambers, the party aggrieved has been unable to apply for the relief sought during the term at which such judgment, order or proceeding complained of was taken, the court, or the judge at chambers, in vacation, may grant the relief upon application made within a reasonable time, not exceeding five months after the adjournment of the term."

SEC. 21. Section 180 of the act to which this is an amendment, shall be amended to read as follows, that is to say:

"SEC. 180. The sheriff shall make a full inventory of the property attached, and return the same together with the appraised value thereof with the writ. To enable him to make such return as to debts and credits attached, he shall request, at the time of service, the party owing the debt, or having the credit, to give him a memorandum, stating the amount and description of each; and if such memorandum be refused, he shall return the fact of the refusal with the writ. The party refusing to give the memorandum may be required to pay the cost of any proceedings taken for the purpose of obtaining information respecting the amount and description of such debt or credit. For the purposes of this act the sheriff is authorized to appraise the value of the property attached by him undersaid writ of attachment."

SEC. 22. That sections 187 and 188 of the act to which this is an amendment be and the same are hereby repealed, and in lieu thereof the following sections shall govern the practices in releasing the attached property by giving bonds for the return thereof to satisfy any judgment recovered by plaintiff in the action, that is to say:

"SEC. The defendant or other person having possession of property attached, may have the same or any part thereof delivered to him by executing and delivering to the sheriff a bond

with surety approved by the sheriff, payable to the plaintiff to the effect that such property shall be properly kept and taken care of, and shall be delivered upon demand, or so much thereof as may be required to be held on execution, to satisfy any judgment which may be received against defendant in the action, or that he will pay the appraised value of the property, not exceeding the amount of the judgment and costs; said bond shall not be for less than the appraised value of the property, nor to a larger amount than the bond required of plaintiff in applying for the issue of the attachment. No sureties shall be required to justify, and the property shall not be released without such justification."

SEC. 23. Section 189 of the act to which this is amendatory be amended to read as follows:

"SEC. 189. The defendant may, at any time before the time for answering expires, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought, or to the judge thereof, that the attachment be discharged on the ground that the writ was improperly improvidently issued."

SEC. 24. Section 195 of chapter XIII, of the act to which this is amendatory, title of "Receivers and deposits in Court," be so amended as to read as follows, that is to say:

"SEC. 195. A receiver may be appointed by the court in which an action is pending, or by the judge thereof.

"1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to his claim, or between partners or others, jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund or the proceeds thereof is probable, and when it is shown that the property or fund is in danger of being lost, removed, or materially injured.

"2. In an action by a mortgagee for the foreclosure of his mortgage and sale of the mortgaged property, when it appears that the mortgaged property is in danger of being lost, removed or materially injured, or that the condition of the mortgage has

not been performed, and that the property is probably insufficient to discharge the mortgaged debt.

“3. After judgment, to carry the judgment into effect.

“4. After judgment to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply his property in satisfaction of the judgment.

“5. In the cases when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

“6. In all other cases where receivers have heretofore been appointed by the usages of courts of equity.”

SEC. 25. Chapter XXXIII, title “Sales of property under execution,” shall be amended to read as follows:

“SEC. 361. Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause on which the execution issued by its title in the docket of the term next after such return, and mark opposite the same, “sale of land for confirmation,” and the following proceedings shall be had:

“1. The plaintiff shall be entitled, on motion therefor, to have an order confirming the sale at the term next following the return of execution, or if it be returned in term time, then at such term, unless the judgment debtor, or in case of his death, his representatives, shall file with the clerk ten days before such term, or if the writ be returned in term time, then five days after the return thereof, his objections thereto.

“2. If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case the court shall disallow the motion and direct that the property be resold in whole or in part, as the case may be, as upon an execution received of that date. If the motion to confirm be not heard and decided at the term at which it was made, it

may be continued and heard and determined before the judge at chambers, or at any subsequent term.

“3. Upon the return of the execution, the sheriff shall pay the proceeds of the sale to the clerk, who shall then apply the same or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale.

“4. Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken except for a greater amount.

“5. If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor or his representative as the case may be, at any time before the order is made upon the motion to confirm the sale, provided such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale, but if the sale be confirmed, such proceeds shall be paid to such party of course, otherwise they shall remain in custody of the clerk until the sale of the property has been disposed of.”

SEC. 22. That all of chapter XXXV, of said act to which this is amendatory, under title “Of witnesses and evidence” be repealed, and in lieu thereof the following be inserted as the chapter XXXV, and said chapter XXXV shall be amended so as to read as follows:

“CHAPTER XXXV.

“OF WITNESSES, DEFINITION AND COMPETENCY OF.

“SEC. 381. A witness is a person whose declaration under oath or affirmation is received as evidence for any purpose.

whether such declaration be made upon oral examination, or by deposition or affidavit.

“SEC. 382. All persons, without exception, except as otherwise provided in this chapter, who having organs of sense can perceive and perceiving can make known their perceptions to others, may be witnesses. Therefore neither parties, nor other persons who have an interest in the event of an action, suit or proceeding, are excluded; nor those who have been convicted of crime, nor persons on account of their opinions, or matters of religious belief although in every case, except the latter, the credibility may be drawn in question as provided in the following section:

“SEC. 383. A witness is presumed to speak the truth. This presumption, however, may be overcome by the manner in which he testifies, by the character of his testimony, or by evidence affecting his character or motives, or by contradictory evidence; and where the trial is by jury, they are the exclusive judges of his credibility.

“SEC. 384. The following persons are not admissible:

“1. Those who are of unsound mind, intoxicated at the time of their production for examination; and,

“2. Children of tender years, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly; while the credibility of such child-witness is exclusively with the jury; the court may determine whether such child so offered as a witness is competent to testify.

“SEC. 385. There are particular relations, in which it is the policy of the law to encourage confidence, and to preserve it inviolate; therefore a person cannot be examined as a witness in the following cases:

“1. A husband shall not be examined, for or against his wife, without her consent, nor a wife, for or against her husband, without his consent; nor can either, during the marriage or afterwards without the consent of the other, be examined, as to any communication made by one to the other during the marriage. But this exception does not apply in a civil action, suit

or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other;

“2. An attorney shall not, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon, in the course of professional employment.

“3. A priest or clergyman shall not without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

“4. A regular physician or surgeon shall not without the consent of his patient be examined in a civil action, suit or proceeding, as to any information acquired in attending the patient, which was necessary to enable him to prescribe for the patient.

“5. A public officer shall not be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure; *Provided always*, That if a party to the action, suit or proceeding offer himself as a witness that is to be deemed a consent to the examination also of a wife, husband, attorney, clergyman, physician or surgeon on the same subject or subject matter by him testified to, and not further, within the meaning of sub-divisions 1, 2, 3 and 4, of this section.”

SEC. 23. Section 425 of chapter XLI of the act to which this is amendatory shall be amended so as to read as follows, that is to say:

“SEC. 425. Whenever any deed, conveyance, bond, mortgage or other writing shall have been recorded or filed in pursuance of law, copies of such deed, conveyance, bond, or other writing, duly certified by the officer having the lawful custody thereof, with the seal of the office annexed, if there be such seal, if there be no such seal, then with the official certificate of such officer, shall be received in evidence to all intents and purposes as the original itself in all such cases where the original cannot be produced, or is not in the possession or custody of the party offering such copy, the fact of which inability to produce

such original, together with due diligence having been used, shall first be made satisfactory to the court or referee trying the issue."

SEC. 24. Section 426 of the act to which this is amendatory, shall be amended to read as follows:

"SEC. 426. Copies of all papers on file in the office of the surveyor general of Oregon and Washington, register and receivers of the various land offices in this Territory, secretary of Washington Territory, Territorial treasurer, Territorial auditor, Territorial superintendent of common schools and county treasurer, or any matter recorded in either of said offices duly certified by the respective officers with the respective seals of office annexed, where such officers have an official seal, shall be admitted [in] evidence in all the courts of the Territory."

SEC. 25. Section 427 of chapter XLI of the act to which this is amendatory, be so amended to read as follows, that is to say:

"SEC. 427. Any certificate of residence and cultivation of the public lands issued by the surveyor general of Oregon or Washington Territory, or by the register and receiver of either of the land offices therein, or any certificate, receipt or exemplification of the records of either of said offices issued to any settler upon, or purchaser of said lands, or in any way affecting the rights of parties to lands in said Territory issued or given in pursuance of law, or as evidence of any matter recorded in either of said offices, or any copies of maps, plats or diagrams of land claims of every nature or kind or plats of the public surveys, certified by either of said officers, shall be admitted as evidence in all the courts of this Territory."

SEC. 25. Section 463 of chapter XLIV of the act to which this is amendatory, shall be amended so as to read as follows, that is to say:

"SEC. 463. The prevailing party, in addition to allowance for costs as provided in the last section, shall also be allowed for all necessary disbursements, including the fees of officers allowed by law, the fees of witnesses, the necessary ex-

penses of taking depositions, by commission or otherwise, and the compensation of referees. No disbursements shall be allowed any party, unless he shall file with the clerk, within five days from the entry of judgment or decree, a statement of the same, which statement must be verified except as to fees of officers. A statement of disbursements may be filed with the clerk at any time after five days, but in such case a copy thereof must be served upon the adverse party. A disbursement which a party is entitled to recover must be taxed, whether the same has been paid or not by such party. The statement of disbursements thus filed and costs, shall be allowed of course, unless the adverse party, within two days from the time allowed to file the same, shall file his objections thereto, stating the particulars of such objection. When objections are made to the claim for costs and disbursements, the clerk shall forthwith pass upon the same and endorse the statement or append thereto the charges allowed or disallowed. Any party aggrieved by the decision of the clerk in the allowance of costs or disbursements, may appeal from such decision to the court within five days from the date of such decision, by serving a notice of appeal on the adverse party, or his attorney, which notice shall specify the particulars excepted to, which appeal shall be heard and determined by the court or judge thereof as soon thereafter as convenient. Such appeal shall stay proceedings as to costs or disbursements, to which the appeal is taken or relates, unless the respondent files with the clerk a bond with sufficient surety to the effect that such restitution will be made as the court or judge may direct, if the decision of the clerk be reversed or modified. The appellant may except to the sufficiency of the sureties, and they may be required to qualify in like manner and with like effect as in ordinary appeal bonds."

SEC. 27. That sections 689 and 691 of chapter LXII, entitled "Miscellaneous provisions" in the act to which this is amendatory, be and the same are hereby repealed.

SEC. 28. Said act to which this act is amendatory in the matters and things herein provided shall be made to conform

to the foregoing amendments, and sections of said act and parts of said act herein and hereby amended shall be as herein recited, anything in said act to which this is amendatory, to the contrary thereof notwithstanding.

SEC. 29. This act to take effect and be in force from and after its passage.

APPROVED November 12th, 1875.

AN ACT.

PRESCRIBING THE MODE OF PROCEEDING TO VACATE, REVERSE OR MODIFY JUDGMENTS.

CHAPTER I.

TO REVERSE, VACATE, OR MODIFY JUDGMENTS IN THE COURTS IN WHICH RENDERED.

Section 1. Be it enacted by the Legislative Assembly of the Territory of Washington, That the district court in which a judgment has been rendered, or by which, or the judge of which, a final order has been made, shall have power after the term at which such judgment or order was made, to vacate or modify such judgment or order:

1. By granting a new trial for the cause within the time and in the manner, and for any of the causes prescribed by the sections relating to new trials.

2. By a new trial granted in proceedings against defendants served by publication only as prescribed in section sixty-five, chapter IV, of civil practice act.

3. For mistakes, neglect or omission of the clerk, or irregularity in obtaining a judgment or order;

4. For fraud practiced by the successful party in obtaining the judgment or order.

5. For erroneous proceedings against a minor person of unsound mind, when the condition of such defendant does not appear in the record, nor the errors in the proceedings.

6. For the death of one of the parties before the judgment in the action.

7. For unavoidable casualty, or misfortune preventing the party from prosecuting or defending;

8. For error in a judgment shown by a minor within twelve months after arriving at full age.

SEC. 2. When the grounds for a new trial could not with reasonable diligence have been discovered before, but are discovered after the term at which the verdict, report of referee, or decision was rendered or made, the application may be made by petition filed as in other cases, not later than the second term after the discovery, on which notice shall be served and returned, and the defendant held to appear as in an original action. The facts stated in the petition shall be considered as denied without answer. The case shall be tried as other cases by ordinary proceedings, but no motion shall be filed more than one year after the final judgment was rendered.

SEC. 3. The proceedings to correct mistakes or omissions of the clerk or irregularity in obtaining a judgment or order, shall be by motion served on the adverse party, or on his attorney in the action, and within one year; and when made to vacate a judgment because of irregularity in obtaining it, must be made on the second day of the succeeding term.

SEC. 4. The proceedings to obtain the benefit of subdivisions four, five, six, seven and eight of section one of this chapter, shall be by petition, verified by affidavit, setting forth the judgment or order. The facts or errors constituting a cause to vacate or modify it, and the facts constituting a defence to the action if the party applying was a defendant, and such proceedings must be commenced within one year after the judgment or order was made, unless the party entitled thereto be a minor or

person of unsound mind, and then within one year from the removal of such disability.

SEC. 5. In such proceedings the party shall be brought into court in the same way, on the same notice as to time, mode of service, and mode of return, and the pleadings shall be governed by the principles, and issues be made up by the same form, and all the proceedings conducted in the same way, as near as can be, as in original action by ordinary proceedings, except that defendant shall introduce no new cause, and the cause of the petition shall alone be tried.

SEC. 6. The judgment shall not be vacated on motion or petition until it is adjudged that there is a valid defense to the action in which the judgment is rendered; or, if the plaintiff seeks its vacation, that there is a valid cause of action; and when judgment is modified, all liens and securities obtained under it shall be preserved to the modified judgment.

SEC. 7. The court may first try and decide upon the grounds to vacate or modify a judgment or order before trying or deciding upon the validity of the defense or cause of action.

SEC. 8. The party seeking to vacate or modify a judgment or order, may obtain an injunction suspending proceedings on the whole or part thereof, which injunction may be granted by the court or the judge upon its being rendered probable, by affidavit or petition sworn to, or by exhibition of the record, that the party is entitled to have such judgment or order vacated or modified.

SEC. 9. In all cases of affirmance of the judgment or order, when the proceedings have been suspended, judgment shall be rendered against the plaintiff in error for the amount of the former judgment, interest and costs, together with damages at the discretion of the court, not exceeding ten per cent. on the amount of the judgment.

CHAPTER II.

OF APPELLATE PROCEEDINGS IN THE SUPREME COURT, AND
HEARING OF WRITS OF ERROR AND APPEALS.

SEC. 10. The supreme court has appellate jurisdiction over all judgments and decisions of all other courts of record, as well in case of civil actions as in proceedings of a special or independent character. For the exercise of such appellate jurisdiction, section nine of the Organic Act of the Territory, providing for the allowance of writs of error, bills of exception and appeals, and for the exercise of chancery as well as common law jurisdiction, it is hereby provided that in all actions at law, as the same are known and recognized, the proceedings shall be by writ of error. In all such cases the supreme court shall hear and determine the cause upon the errors assigned in the notice of the plaintiff in error, and the party suing out such writ of error shall be called the plaintiff in error, and the adverse party shall be called the defendant in error. In all actions of an equitable character or where equitable relief is sought, or where chancery jurisdiction shall have been exercised by the district court or judge thereof, the proceeding shall be by appeal. In all such equitable causes, the party taking or prosecuting the appeal shall be known as the appellant; the adverse party the appellee. When both parties appeal the cause shall be docketed as it was in the court below. In suits of error and appeals, subject always to the distinction herein recognized, the practice shall be as hereinafter prescribed.

SEC. 11. An appeal or writ of error may also be taken to the supreme court from the following orders:

1. An order made affecting a substantial right in an action, when such order, in effect, determines the action and prevents a judgment from which an appeal might be taken.
2. A final order made in special proceedings affecting a sub-

stantial right therein, or made on a summary application in an action after judgment.

3. When an order grants or refuses, continues, or modifies a provisional remedy; or grants, refuses, dissolves, or refuses to dissolve an injunction or attachment; when it grants or refuses a new trial, or when it sustains or overrules a demurrer.

4. An intermediate order involving the merits and materially affecting the final decision.

5. An order or judgment on habeas corpus. If any of the above orders are made by a judge, the same is recorded in the same way as if made by a court.

SEC. 12. The court may also, in its discretion, prescribe rules for allowing appeals or writs of error on such other intermediate orders or decisions as is deemed expedient, and for permitting the same to be taken and tried during the progress of the trial in the court below; but such intermediate appeals or writs must not retard proceedings in the court from which the appeal is taken.

SEC. 13. A mistake of the clerk shall not be ground for an appeal or writ of error until the same has been presented and acted upon by the court below.

SEC. 14. A judgment or order shall not be reserved for an error which can be corrected on motion in an inferior court until such motion has been made then [there] and overruled.

SEC. 15. The Supreme court may review and reverse on appeal or writ of error any judgment or order of the district or circuit court, although no motion for a new trial was made in such courts.

SEC. 16. Where a cause is tried by the court, it shall not be necessary in order to secure a review of the same in the supreme court, that there should have been any finding of facts or conclusions of law stated in the record, but the supreme court shall hear and determine the same whenever it shall appear from a certificate of the judge, agreement of parties or their attorneys, or, in case the evidence consists wholly of writ-

ten testimony, from the certificate of the clerk, that the transcript contains all the evidence introduced by the parties on the trial in the court below.

SEC. 17. The court may issue all writs and process necessary for the exercise and enforcement of its appellate jurisdiction.

SEC. 18. Appeals and writs of error from the district court may be taken to the supreme court at any time within six months from the rendition of the judgment or order appealed from or complained of, and not afterward. But nothing herein contained shall prevent the district judge who tried the cause to make certificate that the cause involves the determination of a question of law upon which it is desirable to have the opinion of the supreme court. In such cases said judge may direct a special verdict to be found, and in all cases the parties may make an agreed statement of facts, signed by themselves or their attorneys, which shall be entered of record which shall have the effect of a special verdict, and may under the direction of the judge of the district court, be taken to the supreme court, and for that purpose the district court shall render a judgment in form only, which shall not be executed until the final decision of the cause. The supreme court, on hearing such cases, may give judgment or remand the cause for further proceedings in the district court.

SEC. 19. A part of several co-parties may appeal or prosecute a writ of error; but in such case they must serve notice thereof upon all the other co-parties and file the proof thereof with the clerk of the supreme court.

SEC. 20. If the other co-parties refuse to join, they cannot, nor can any of them, take an appeal or writ of error afterwards; nor shall they derive any benefit from the appeal, or suit in error unless from the necessity of the case.

SEC. 21. Unless they appear and decline to join, they shall be deemed to have joined and shall be liable for their due proportion of costs.

SEC. 22. An appeal or writ of error from cast [part] of an order, or from one of the judgments of a final adjudication, or from part of a judgment, shall not disturb or delay the rights of any party to any judgment or part of any judgment, or order not appealed from, but the same shall proceed as if no such appeal had been made.

CHAPTER III.

NOTICE, ASSIGNMENTS OF ERROR, TRANSCRIPTS.

SEC. 23. An appeal or writ of error is taken, by the service of a notice in writing on the adverse party, his agent, or any attorney who appeared for him in the court below, and also upon the clerk of the court wherein the proceedings were had, stating the appeal from the same, or from some specific part thereof, defining such part, where appeal is resorted to. In suits in error, said notice shall contain a particular description of the judgment or order or decision by which the plaintiff in error claims he has been aggrieved, together with a particular description of the errors assigned.

SEC. 24. An appeal shall not be perfected until the notice thereof has been served upon both the party and the clerk, and the clerk paid or secured his fees for a transcript; whereupon the clerk shall forthwith transmit by mail, express or messenger, not a party nor the attorney of a party, a transcript of the record in the cause, or so much thereof as the appellant or plaintiff in error, in writing in the notice has directed, to which shall be appended copies of the notices of appeal, or suit in error, and of the supersedeas bond if any.

SEC. 25. The notice of appeal or suit in error must be served at least thirty days, and the cause filed and docketed at least fifteen days before the first day of the next term of the

supreme court, or the same shall not then be tried unless by consent of parties. If the appeal or writ of error is taken less than thirty days before the term, it must be so filed and docketed, before the next succeeding term.

SEC. 26. If the appellant fails to file a transcript and have the cause docketed as provided in the preceding section, or fails to file at the time the transcript should be filed, the certificate of the clerk of the inferior court, stating when he was served with notice, and that he has not had sufficient time to prepare the transcript, the appellee or defendant in error may file a certified copy of the judgment or order appealed from, and of the notice served on such clerk, and, on motion, have the appeal or suit in error dismissed, or the judgment or order appealed from affirmed.

SEC. 27. If the transcript has been sent up, but the appellant or plaintiff in error does not file the same when the same should be filed as herein provided, the appellee or defendant in error may file the same, and may, on motion, have the appeal dismissed or judgment affirmed, as the court from the circumstances of the case shall determine.

SEC. 28. If the transcript has been sent up, and errors have not been assigned in the notice as hereinbefore required, the appellee or defendant in error may have the appeal or writ of error dismissed or the judgment or order affirmed, unless good cause for the failure be shown by affidavit.

SEC. 29. In an action by ordinary proceedings, and in an action by equitable proceedings, tried in whole or in part on oral testimony, all proper entries made by the clerk, and all papers pertaining to the cause and filed therein, except subpoenas, depositions, and other papers which are used as mere evidence, are to be deemed part of the record. But in an action by equitable proceedings, tried upon written testimony, the depositions and all papers which were used as evidence, are to be certified up to the supreme court, and shall be so certified, not by transcript, but in the original form. But a transcript of a motion, affidavit or other paper, when it relates to a collateral matter,

shall not be certified unless by direction of the appellant. If so certified when not material to the determination of the appeal or writ of error, the court may direct the person blameable therefor to pay the costs thereof.

SEC. 30. The appellant or plaintiff in error shall file a perfect transcript, and to that end the clerk of the court below must, at any time on his suggestion of the diminution of the record and on the payment of fees, certify upon any omitted part of the record, according to the truth, as the same appears in his office of record; and such applicant shall not be entitled to any continuance in order to correct the record, unless it shall clearly appear to the court that he is not in fault. Subject to which requirement, either party may, on motion before trial day, obtain an order on the clerk below, commanding him to transmit at once to the supreme court a true copy of such imperfect or omitted part of the record as shall be in general terms described in the affidavit or order. Such motion must be supported by affidavit, unless the diminution be apparent or admitted by the adverse party, and must not be granted unless the court is satisfied that it is not made for delay.

SEC. 31. An appeal or writ of error shall not be dismissed for any informality or defect in the notice or the service thereof, if from the transcript it can be reasonably understood that the adverse party has had sufficient notice of the pendency of the suit in error or appeal, and the notice recites the errors alleged or the order or judgment complained of with such certainty, that his substantial right would not be prejudiced by the hearing of the cause. And the supreme court shall, upon reasonable terms, allow all amendments in matters of form, curative of such defects, to the end that substantial justice be secured to the parties.

CHAPTER IV.

STAY OF PROCEEDINGS.

SEC. 32. An appeal or writ of error shall not stay proceedings on the judgment or order or any part thereof, unless the appellant shall cause to be executed before the clerk of the court which rendered the judgment or order, by one or more sufficient sureties to be approved by such clerk, a bond to the effect that the appellant or plaintiff in error shall pay to the appellee or defendant in error all costs and damages that shall be adjudged against the appellant on the appeal; also that he will satisfy and perform the judgment or order appealed from, in case it shall be affirmed, and any judgment or order which the supreme court may render, or order to be rendered by the inferior court, not exceeding in amount or value the original judgment or order, and all rents or damages to property during the pendency of the appeal, out of the possession of which the appellee is kept by reason of the appeal. If the bond is intended to stay proceedings on only a part of the judgment or order, it shall be varied so as to secure the part stayed, alone. When such bond has been approved by the clerk, and filed, he shall issue a written order commanding the appellee and all others to stay proceedings on such judgment or order, or on such part as is superseded as the case may be. No appeal or stay shall vacate or affect the judgment appealed from.

SEC. 33. In cases wherein the appellant or plaintiff in error has perfected his appeal or writ of error to the supreme court, and the clerk of the district or circuit court has unjustly refused to approve the appeal bond offered, or makes the penalty therein too large, or the conditions thereof unjust, the appellant may move the supreme court if in session, or in its vacation, on such written notice to the appellee as the judge may prescribe, may move any judge thereof to determine the conditions, fix the

penalty, and approve the appeal bond. The motion, verified by the affidavit of the appellant or plaintiff in error or his attorney, shall contain a brief statement of the nature of the action in which the appeal or writ of error was taken, of the judgment or order appealed from, of the steps taken by the appellant or plaintiff in error with reference to his appeal, and of his giving, or offering to give, an appeal bond, of the action of the clerk of the court below with reference to such bond, and wherein he has acted wrongfully; and if the supreme court, or any judge thereof, considers that the clerk has made unjust conditions in the bond, or the penalty thereof too high, or has wrongfully refused to approve the same, such court or judge shall issue an order prescribing the conditions of the appeal bond, fixing the penalty thereof and either approve it or direct the clerk of the supreme court so to do, which bond shall be filed with the officer last named. The supreme court or judge thereof, may order that all or any part of the papers and records in the cause appealed, or certified copies thereof, be produced on the hearing of such motion, and pending the disposition thereof may make an order staying the enforcement of the judgment or order appealed from, and on such terms as are just. The order, if made by the judge, shall be in writing and signed by him, and upon the service thereof, or of a certified copy, when made in court, upon the clerk of the court below, all proceedings in the court appealed from shall be stayed, and all orders, all processes, executions, or other papers issued therefrom shall be recalled, and the appellant or plaintiff in error be placed in the same condition that he was when the judgment or order appealed from was made or rendered.

SEC. 34. If the appellee or defendant in error believe the bond defective, or the sureties insufficient, he may move the supreme court if in session, or in its vacation, on ten days' written notice to the appellant, may move any judge of said court to discharge the bond, and if the court or such judge shall consider the sureties insufficient, or the bond substantially defective in securing the rights of the appellee, the court or such judge shall issue an order discharging such bond, unless a good

bond with sufficient sureties, be executed by a day by him fixed. The order, if made by a judge, shall be in writing and signed by him; and upon his filing, or the filing of a certified copy of the order when made in court, in the office of the clerk of the inferior court, execution and other proceedings for enforcing the judgment or order may be taken if a new and good bond is not filed and approved by the day as aforesaid.

SEC. 35. But another order staying proceedings may be issued by the clerk, upon execution before him of a new and lawful bond with sufficient sureties as hereinbefore provided.

SEC. 36. If the judgment or order is for the payment of money the penalty shall be in at least twice the amount of the judgment and costs. If not for the payment of money the penalty shall be sufficient to save the appellee or defendant in error harmless from the consequences of taking the appeal or writ of error. But it shall in no case be less than one hundred dollars.

SEC. 37. The taking of the appeal from a part of a judgment or order, and the filing of a bond as above directed, does not cause a stay of execution as to any part of the judgment or order not appealed from.

SEC. 38. If execution has issued prior to the filing of the bond above contemplated, the clerk shall countermand the same.

SEC. 39. Property levied upon and not sold at the time such countermand is received by the sheriff, shall forthwith be delivered up to the judgment debtor.

CHAPTER V.

TRIAL—JUDGMENT.

SEC. 40. The supreme court may reverse or affirm the judgment or order below, or the part of either appealed from, or

may render such judgment or order as the inferior court or judge should have done, according as it may think it proper.

SEC. 41. The Supreme court, when it affirms the judgment, shall also, if the appellee or defendant in error moves therefor, render judgment against the appellant or plaintiff in error and his sureties on the bond above mentioned, for the amount of the judgment, damages and costs referred to therein in case such damages can be accurately known to the court without an issue and trial.

SEC. 42. Upon the affirmance of any judgment or order for the payment of money, the collection of which, in whole or part, has been superseded by bond as above contemplated, the court shall award to the appellee, or defendant in error, damages upon the amount superseded; and, if satisfied by the record that the appeal or writ of error was taken for delay only, must award such sum as damages, not exceeding fifteen per cent. thereon, as shall effectually tend to prevent the taking of appeals or writs of error for delay only.

SEC. 43. If the supreme court affirm the judgment or order, it may send the cause to the court below to have the same carried into effect, or it may itself issue the necessary process for this purpose, and direct such process to the sheriff of the proper county as the party may require.

SEC. 44. If, by the decision of the supreme court, the appellant or plaintiff in error becomes entitled to a restoration of any part of the money or property that was taken from him by means of such judgment or order, either the supreme court, or the court below, may direct execution or writ of restitution to issue for the purpose of restoring to such appellant or plaintiff in error, his property or the value thereof.

SEC. 45. Property acquired by a purchaser in good faith under a judgment subsequently reversed, shall not be affected by such reversal.

SEC. 46. The supreme court shall have power to enforce its mandates upon inferior courts and officers by fine and im-

prisonment, which imprisonment may be continued until obeyed.

SEC. 47. If a petition for rehearing be filed, the same shall suspend the decisions of the court on its presentation, or one of the judges, if in vacation, shall so order, in either of which case such decision shall be suspended until the next term.

SEC. 48. The petition for rehearing shall be the argument of the applicant therefor, and if the court think that such argument requires a reply, it shall so indicate to the other party and he may make reply within such time as said court shall allow, and with a view to a rehearing the court may extend the suspension of proceeding yet farther, if need be.

CHAPTER VI.

GENERAL PROVISIONS.

SEC. 49. The clerk shall docket the causes as the same are filed in his office, and shall arrange and set a proper number for trial each day of the term, placing together those from the same judicial district, and shall cause notice of the manner he has set such causes to be published and distributed in such manner as the court may direct.

SEC. 50. The court shall hear all the causes docketed, when not continued by consent, or for cause shown by the party, and the party may be heard orally or otherwise, in his discretion.

SEC. 51. No cause is decided until the opinion in writing is filed with the clerk.

SEC. 52. If remanded to the inferior court to be carried into effect, such decision and the order of the court thereon, being certified thereto and entered on the records of the court, shall have the same force and effect as if made and entered during the session of the court in that district.

SEC. 53. An assignment of error need follow no stated form, but must, in a way as specific as the case will allow, point out the very error objected to, among several points in a demurrer, or in a motion, or instructions, or rulings in an exception, it must designate which is relied on as an error, and the court will only regard errors which are assigned with the required exactness; but the court must decide on each error assigned.

SEC. 54. All motions must be entered in the motion book, and shall stand over till the next morning after the morning on which entered, and till after having been publicly called by the court, unless the parties otherwise agree, and the adverse party shall be deemed to have notice of such motion.

SEC. 55. When a review of an original paper in the action may be important to a correct decision of the appeal, or writ of error, the court may order the clerk of the court below to transmit the same, which he shall do in some safe mode to the clerk of the supreme court, who shall hold the same subject to the control of the court.

SEC. 56. The death of one or all of the parties shall not cause the proceedings to abate, but the names of the proper persons shall be substituted, as is provided in such cases in the district court, and the case may proceed. The court may also, in such case, grant a continuance when such a course will be calculated to promote the ends of justice.

SEC. 57. When appellant, or plaintiff in error has no right, or no further right to prosecute the appeal or writs of error the appellee or defendants in error may move to dismiss, and if the grounds of the motion do not appear in the record, or by a writing purporting to have been signed by the appellant or plaintiff in error and filed, they must be verified by affidavit.

SEC. 58. The appellee or defendant in error may, by answer filed and verified by himself, agent or attorney, plead any facts which, under the taking of the appeal or writ of error improper, or destroy the right of appellant or plaintiff in error further prosecuting the same, to which answer the appellant or plaintiff in error may file a reply, likewise verified by himself.

his agent or attorney, and the questions of law or fact therein, shall be determined by the court.

SEC. 59. The service of all notices of appeal or writs of error, or in any way growing out of such rights, or connected therewith, and all notices in the supreme court, shall be in the way provided for the services of like notices in the district court, and they may be served by the same person and returned in the same manner, and the original notice of the appeal or writ of error, must be returned immediately after service to the office of the clerk of the district court where the suit is pending.

SEC. 60. Executions issued from the supreme court shall be the same as those from the district court and attended with the same consequences, and shall be returnable in the same time.

SEC. 61. Whenever, in the foregoing act the words appeal, appellant or appellee, are used, they shall be construed when so required and applicable to law proceedings as contradistinguished from equitable actions, as suit in error, plaintiff in error or defendant in error.

REPEALING CLAUSE.

SEC. 62. Chapter XLI of an act entitled "an act to regulate the practice and proceedings in civil actions," approved Nov. 13, 1873, which chapter provides for writs of error and appeals to the supreme court, and embraces sections 430 to 445, is hereby repealed.

SEC. 63. This act to take effect and be in force from and after its passage.

APPROVED November 12, 1875.

AN ACT

PRESCRIBING THE POWER AND DUTIES OF JUDGES AT CHAMBERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the justices of the supreme court, and each of them may, at chambers, grant all orders and writs which are usually granted in the first instance, upon an *ex parte* application, except writs of review, mandate and prohibition, and may, in their discretion hear application to discharge such order and writs.

SEC. 2. The district judges in their respective districts may, at chambers in vacation, hear and determine all matters whatever, which do not require the intervention of a jury, and all orders, judgments and decrees, determining such matters, and made or rendered by the judges at their chambers, may be entered of record in vacation and shall have the like force and effect from the date of such entry, as if made and rendered by the court, and entered in term time; *Provided,* That when neither party is in default, no final hearing or final determination of any action, upon its merits, shall be had by any judge at chambers, unless the parties, plaintiff and defendant, by stipulation in writing, consent that the judge so hear and determine the same.

SEC. 3. Whenever the judge of any district court within their [this] Territory, shall deem it necessary to hold a special term of court at any place within his district, he shall make an order therefor in writing, fixing the time and place of holding such terms, which order shall be entered of record in the journal of said court, and shall also be published for at least two consecutive weeks in some newspaper published within said district, prior to the time fixed for holding said special term, which paper shall be designated in said order; *Provided,* That in case any paper is published at the place where such term is held, such order shall be published in said paper.

SEC. 4. No more than two special terms shall be held at any place, in one year.

SEC. 5. The judges of the probate court may, at chambers, appoint appraisers, receive inventories and accounts, to be filed in the probate court, suspend the powers of executors, administrators (*or executors*) or guardians, in the cases allowed by law, grant letters of administration, or guardianship, approve claims and bonds, and direct the issuance from the probate court, of all writs and process necessary in the exercise of their powers.

SEC. 6. The supreme, district and probate courts, respectively, may make rules in their discretion to regulate the transaction of business in accordance with the foregoing sections, before the judges of said courts respectively.

SEC. 7. The first, second, third and fourth sections of the act entitled "an act the better to provide for the prompt and convenient dispatch of business in the district courts of this Territory," approved, Nov. 13, 1873, are hereby repealed.

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

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES," APPROVED NOVEMBER 10, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Section 51 be amended so as to read:

"Every person who shall feloniously steal, take and carry, lead or drive away the personal goods or property of another, under

the value of thirty dollars, shall be deemed guilty of petit larceny, and upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars; or be imprisoned in the county jail not more than one month or by both fine and imprisonment in the discretion of the court."

SEC. 2. That section one hundred and twenty-seven (127) of the act to which this is amendatory be so amended as to read as follows, that is to say: "All persons being within the degrees of consanguinity, in which marriages are prohibited or declared by law to be incestuous and void, who, knowing such consanguinity shall, [or shall] commit adultery or fornication with each other, intermarry with each other, or shall commit adultery or fornication with each other, they shall be deemed guilty of incest and upon conviction thereof, shall be punished by imprisonment in the penitentiary for a term not exceeding ten years and not less than two years."

SEC. 3. That section seventy-eight of said act to which this is amendatory be so amended as to read as follows, that is to say:

"SEC. 78. If any person on oath or affirmation, lawfully administered, wilfully and corruptly swear or affirm falsely to any material matter in any proceeding in any court of justice, or before any officer thereof, or before any tribunal or officer created by law, or in any proceeding in regard to any matter or thing in or respecting which an oath or affirmation is or may be required or authorized by law, he is guilty of perjury, and shall be punished if the perjury was committed on the trial of a capital crime, by imprisonment in the penitentiary not less than five or more than twenty years; and if committed in any other case by imprisonment in the penitentiary not less than two years nor more than ten years."

SEC. 4. Section eight [seventy-nine?] of said act to which this is amendatory, being incorporated into and forming part of the preceding section be and the same is hereby repealed.

SEC. 5. Section 236 of the act to which this is an amendment, shall be amended to read as follows, that is to say:

“ No change of venue from the district shall be allowed on account of the prejudice of the inhabitants of any particular county, but where a party or his attorney shall make his affidavit and prove to the satisfaction of the court or judge that the inhabitants of any particular county are so prejudiced or excited, or so particularly interested in the cause or question that he believes the party cannot have justice done by a jury of that county, then no juror for that particular case shall be taken from that county, unless by consent of the party making the objection, but the case shall be tried by the jurors from the other counties who may be in attendance as grand and petit jurors, and if, from challenges or any other cause, there shall not remain twelve competent jurors, then the case may be tried by a number less than twelve: *Provided*; That the defendant and prosecuting attorney consent to so try the case.”

In Chapter XXVI, under title of “ Writs of Error and Appeals” add as a new section to follow section 305, the following new and independant section providing for a stay of proceedings in cases of conviction for misdemeanor taken or appealed to the supreme court, which section shall read as follows, that is to say:

“ When an appeal or writ of error is taken by the defendant convicted of a misdemeanor, bail may be fixed by the trial judge, and when given by the defendant, it is the duty of the clerk to give forthwith to said defendant, his agent or attorney, a certificate under his hand and the seal of the court, stating that an appeal or writ of error has been taken and bail entered, and the sheriff or other officer having the defendant in custody, must, upon the delivery of such certificate to him, discharge the defendant from custody where imprisonment forms any part of the judgment, and cease all further proceedings in execution of the judgment, and return forthwith to the clerk of the court who issued it, the execution or certified copy of the entry of judgment under which he added [acted,] with his return the error [thereon,] if such execution or certified copy has been issued, and if such execution or certified copy has not been issued, it shall not be issued, but shall await the judgment of the supreme court.”

SEC. 6. *Be it also enacted*, That said chapter XXVI, of said bill to which this is amendatory, be further amended by the addition, after the preceding section, of the following:

“ Appeals or writs of error in criminal cases shall be docketed in the supreme court for trial at the commencement of that portion of the term which has been assigned for trying cases from the judicial district from which the appeal or suit in error comes. They shall take precedence of all other business, and shall be tried at the term at which the transcript is filed, unless continued for cause, or by consent of the parties, and shall be received by [decided, if] practicable, at the same term.”

SEC. 7. The personal appearance of the defendant in the supreme court on the trial of an appeal the [or] suit in error, is in no case necessary. The defendant in all appeals and suits of error shall be entitled to close the argument.

SEC. 8. Section 311 of said chapter XXVI, of the act to which this is amendatory is stricken out and repealed, and in lieu thereof the following section is inserted as section 311 that is to say:

“ SEC. 311. If a defendant, who has been imprisoned during the pending of an appeal or suit in error, when [upon] a new trial ordered by the supreme court, shall be again convicted, the period of his former imprisonment shall be decided by the district court from the period of imprisonment to be fixed on the last verdict of conviction.”

SEC. 9. The foregoing amendments shall be a part of the act to which this is amendatory, and shall be inserted [included] therein with a like effect as though originally a part thereof, and those sections and parts of chapters which are by this amendatory act, altered as herein before provided, are hereby repealed.

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

APPROVED November 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES," APPROVED NOVEMBER 10, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 78 of an act approved November 10th, 1873, entitled, "an act relative to crimes and punishments and proceedings in criminal cases," be, and the same is hereby amended, so as to read as follows:

"SEC. 78. If any person on oath or affirmation, lawfully administered, willfully, and corruptly swear or affirm falsely to any material matter, in any proceeding in any court of justice, or before any officer thereof, or before any tribunal or officer created by law, or in any proceeding in regard to any material matter or thing, in or respecting, which an oath or affirmation is or may be required or authorized by law, he is guilty of perjury, and if any person shall procure another to commit the crime of perjury, such person shall be deemed guilty of subornation of perjury.

SEC. 2. All acts and parts of acts, heretofore enacted, conflicting in any manner 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.

APPROVED November 12, 1875.

AN ACT

TO REGULATE PROCEEDINGS AGAINST JOINT DEBTORS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That when a judgment is re-

corded against one or more of several persons jointly indebted upon an obligation, by proceeding as provided in the sixty-sixth section of the civil practice act of 1873, such defendants who were not originally served with the summons, and did not appear to the action, may be summoned to show cause why they should not be bound by the judgment, in the same manner as though they had been originally served with the summons.

SEC. 2. The summons, as provided in the last section, must describe the judgment, and require the person summoned to show cause why he should not be bound by it, and must be served in the same manner, and returnable within the same time, as the original summons. It is not necessary to file a new complaint.

SEC. 3. The summons must be accompanied by an affidavit of the plaintiff, his agent, representative, or attorney, that the judgment, or some part thereof, remains unsatisfied, and must specify the amount due thereon.

SEC. 4. Upon such summons, the defendant may answer within the time specified therein denying the judgment, or setting up any defense which may have arisen subsequently, or he may deny his liability on the obligation upon which the judgment was rendered, except a discharge from such liability by the statute of limitations.

SEC. 5. If the defendant, in his answer, deny the judgment, or set up any defense which may have arisen subsequently, the summons, with the affidavit annexed, and the answer, constitute the written allegations in the case; if he deny his liability on the obligation upon which the judgment was recorded, a copy of the original complaint and judgment, the summons with the affidavit annexed, and the answer constitute such written allegations.

SEC. 6. The issue found [formed] may be tried as in other cases, but when the defendant denies in his answer any liability on the obligation upon which the judgment was rendered, if a verdict be found against him, it must be for not ex-

ceeding the amount remaining unsatisfied on such original judgment, with interest thereon.

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

APPROVED November 12, 1875.

AN ACT

RELATING TO MORTGAGES ON PERSONAL PROPERTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That mortgages may be made upon:

1. Locomotives, engines and the other rolling stock of a railroad.
2. Steam machinery, and machinery used by machinists, foundrymen and mechanics.
3. Steamboats, engines and boilers.
4. Mining machinery.
5. Printing presses and material.
6. Professional libraries.
7. Instruments of a surgeon, physician or dentist.
8. Upholstery and furniture used in hotels or boarding houses, when mortgaged to secure the purchase money of the articles mortgaged.
9. Growing crops.
10. Vessels of more than five tons burden.

Sec. 2. A mortgage of personal property may be made in substantially the following form: This mortgage, made the day of, in the year, by A. B., of

by occupation a, mortgagor, to C. D., of, by occupation a, mortgagee, witnesses: That the mortgagor mortgages to the mortgagee (here describe the property) as security for the payment to him of dollars, on [or before] the day of, in the year, with interest thereon (or as security for the payment of a note or obligation, describing it, 7 etc.)

A. B.

SEC. 3. A mortgage of personal property is void as against creditors of the mortgagor, and subsequent purchasers and incumbrances of the property in good faith and for value, unless:

1. It is accompanied by the affidavit of all the parties thereto that it is made in good faith and without any design to hinder, delay, or defraud creditors.

2. It is acknowledged or proved, certified, and recorded in like manner as grants of real property.

SEC. 4. A mortgage of any vessel, or part of any vessel, under the flag of the United States, is void, as against any person, (other than the mortgagor, his heirs, and devisee, and persons having actual notice thereof) unless the mortgage is recorded in the office of the collector of customs when such vessel is registered or enrolled.

SEC. 5. A mortgage of personal property must be recorded in the office of the county auditor of the county in which the mortgagor resides, and also of the county in which the property mortgaged is situated, or to which it may be removed.

SEC. 6. For the purposes of this act property in transit from the possession of the mortgagee to the county of the residence of the mortgagor, or to a location for use, is, during a reasonable time for such transportation, to be taken as situated in the county in which the mortgagor resides, or where it is intended to be used.

SEC. 7. For a like purpose personal property used in conducting the business of a common carrier, is to be taken as sit-

uated in the county in which the principal office or place of business of the carrier is located.

SEC. 8. A single mortgage of personal property embracing several things of such character or so situated that by the provisions of this act separate mortgages upon them would be required to be recorded in different places, is only valid in respect to the things as to which it is duly recorded.

SEC. 9. Except as it is otherwise in this act provided, mortgages of personal property may be acknowledged or proved and certified, recorded in like manner and with like effect as grants of real property, but they must be recorded in books kept for personal mortgages exclusively.

SEC. 10. A certified copy of a mortgage of personal property once recorded may be recorded in any other county, and when so recorded the record thereof has the same force and effect as though it was of the original mortgage.

SEC. 11. When personal property mortgaged is thereafter by the mortgagor removed from the county in which it is situated it is, as except between the parties to the mortgage, exempted from the operation thereof, unless either:

1. The mortgagee, within thirty days after such removal causes the mortgage to be recorded in the county to which the property has been removed; or

2. The mortgagee, within thirty days after such removal, takes possession of the property, as prescribed in the next section.

SEC. 12. If the mortgagor voluntarily removes or permits the removal of the mortgaged property from the county in which it was situated at the time it was mortgaged, the mortgagee may take possession and dispose of the property as a pledge for the payment of the debt, though the debt is not due.

SEC. 13. A mortgagee of personal property, when the debt, to secure which the mortgage was executed becomes due, may purchase the mortgagor's right of redemption by a sale of

the property, made in the manner and upon the notice prescribed in chapter two of this act, or by proceedings in an action in a court having jurisdiction of the amount sought to be recovered as due upon said mortgage.

SEC. 14. Personal property mortgaged, may be taken under attachment or execution, issued at the suit of a creditor of the mortgagor.

SEC. 15. Before the property is so taken, the officer must pay or tender to the mortgagee, the amount of the mortgage debt and interest, or must deposit the amount thereof with the clerk of the court or justice of the peace, who issued the writ payable to the order of the mortgagee.

SEC. 16. When the property thus taken is sold under process, the officer must apply the proceeds of the sale as follows:

1. To the re-payment of the sum paid to the mortgagee, with interest from the date of such payment; and,
2. The balance, if any, in like manner as the proceeds of sales under execution, are applied in other cases.

SEC. 17. Sections three, five, six, seven, eight, nine, ten, eleven and twelve do not apply to any mortgage of a ship or part of a ship under the flag of the United States.

CHAPTER II.

FORECLOSURE AND SALE OF MORTGAGE PERSONAL PROPERTY.

SEC. 18. Any mortgage of personal property to secure the payment of money only, and when the time of payment is therein fixed, may be foreclosed by notice, and sale as herein-after provided, unless a stipulation to the contrary has been agreed upon by the parties, or may be foreclosed by action in the proper court.

SEC. 19. The notice must contain a full description of the property mortgaged, together with the time, place and terms of sale.

SEC. 20. Such notice must be served on the mortgagor, and upon all purchasers from him subsequent to the execution of the mortgage, and all persons having recorded liens upon the same property which are junior to the mortgage, or they will not be bound by the proceedings.

SEC. 21. The service and return must be made in the same manner as in the case of the original notice by which civil actions are commenced, except that no publication in the newspapers is necessary for this purpose, the general publication directed in the next section being a sufficient service upon all the parties in cases where service is to be made by publication.

SEC. 22. After notice has been served upon the parties, it must be published in the same manner, and for the same length of time as is required in cases of the sale of like property on execution, and the sale shall be conducted in the same manner.

SEC. 23. The purchaser shall take all the title and interest on which the mortgage operated.

SEC. 24. The sheriff conducting the sale shall execute to the purchaser a bill of sale of the personal property, which shall be effectual to carry the whole title and interest purchased.

SEC. 25. Evidence of the service and publication of the notice aforesaid, and of the sale made in accordance therewith, together with any postponement or other material matter, may be perpetuated by proper affidavits thereof.

SEC. 26. Such affidavits shall be attached to the bill of sale, and shall then be receivable in evidence to prove the facts they state.

SEC. 27. Sales made in accordance with the above requirements are valid in the hands of a purchaser in good faith, whatever may be the equities between the mortgagor and mortgagee.

SEC. 28. The right of the mortgagee to foreclose, as well as the amount claimed to be due, may be contested by any one interested in so doing, and the proceeding may be transferred to the district or circuit court, for which purpose an injunction may issue if necessary.

SEC. 29. Deeds of trust of real or personal property may be executed as securities for the performance of contracts, and shall be considered as, and foreclosed like mortgages.

SEC. 30. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 31. This act shall take effect and be in force from and after its passage.

APPROVED November 12, 1875.

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first judicial district shall be divided into three sub-districts as follows:

The counties of Walla Walla [and Ping] shall be one sub-district, and Walla Walla City shall be the place of holding the courts therein.

The county of Yakima shall be one sub-district and Yakima City shall be the place of holding courts therein.

The counties of Stevens and Whitman shall be one sub-district and Colfax in Whitman county, shall be the place of holding the courts therein.

SEC. 2. The second district shall be divided into three sub-districts, as follows:

The counties of Klickitat, Skamania and Clark shall be one sub-district and Vancouver in Clark shall be the place for holding the courts therein.

The counties of Cowlitz, Wahkiakum and Pacific shall be one sub-district and Kalama in Cowlitz county, shall be the place for holding the courts therein.

The counties of Thurston, Lewis, Chehalis and Mason shall be one sub-district and Olympia in Thurston county, shall be the place for holding the courts therein.

SEC. 3. The third judicial district shall be divided into three sub-districts, as follows:

The county of Pierce shall be one sub-district and Steilacoom in said Pierce county, shall be the place of holding the court therein.

The counties of King, Kitsap and Snohomish shall be one sub-district and Seattle in King county, shall be the place of holding the courts therein; *Provided*, Snohomish county shall be a sub-district of the third judicial district for the trial of all cases arising in said county, wherein the United States is not a party thereto.

The counties of Jefferson, Island, Whatcom, San Juan and Clalm shall be one sub-district and Port Townsend in Jefferson county, shall be the place for holding the courts therein.

APPROVED Nov. 11, 1875.

AN ACT

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

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

At Steilacoom, on the second Monday of January and the first Monday of August, in each year, and hold two weeks, unless sooner adjourned.

At Seattle, on the fourth Monday of January, and the third Monday of August in each year, and hold four weeks, unless sooner adjourned.

At Port Townsend, on the fourth Monday of February and the second Monday of September in each year, and hold three weeks, unless sooner adjourned.

At Vancouver, on the third Monday of March and the third Monday of November in each year, and to hold three weeks, unless sooner adjourned.

At Olympia, on the first Monday of April and the first Monday of December in each year, and to hold three week, unless sooner adjourned.

At Walla Walla, on the first Monday of May and the third Monday of October, and to hold four weeks, unless sooner adjourned.

At Colfax, on the first Monday of June in each year, and to hold two weeks, unless sooner adjourned.

At Kalama, on the fourth Monday of June and the first Monday of January in each year, and to hold two weeks, unless sooner adjourned.

At Yakima City, on the first Monday in October in each year, and to hold two weeks, unless sooner adjourned.

SEC. 2. The Supreme Court of Washington Territory shall be held at Olympia on the second Monday of July in each year.

SEC. 3. All acts and parts of acts in any manner conflicting with 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 Monday of January, A. D. 1876.

APPROVED Nov. 5, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO JUSTICES OF THE PEACE AND TO THEIR PRACTICE AND JURISDICTION," APPROVED NOVEMBER 13, 1873."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 184 of an act entitled "an act relating to justices of the peace, and to their practice and jurisdiction," approved November 13, 1873, be amended so as to read: "The jurisdiction of justices of the peace in criminal prosecutions shall be co-extensive with their respective counties, and they shall have concurrent jurisdiction with the district courts in affrays, assault and battery, violation of estray laws, obstructions of highways and bridges, charging extra tolls at ferries and bridges, neglect of roads by supervisors, public indecency, having obscene books, pamphlets for exhibition or otherwise, forcible entry and detainer, malicious trespass, and in case of petit larceny, in all misdemeanors where the offense charged is not punishable by imprisonment, or by a fine greater than one hundred dollars, and public nuisance, and they shall also have jurisdiction over all criminal cases, coming under any city or town ordinance, and on conviction, shall have power to fine the person so offending in any sum not exceeding one hundred dollars.

SEC. 2. That section 188 of this act, be so amended as to read as follows:

"SEC. 188. In all trials for offenses within the jurisdiction of a justice of the peace, the prisoner or the Territory may demand a jury, which shall consist of six, or a lesser number, agreed upon by the Territory and accused to be empannelled and sworn as in civil cases, or the trial may be by the justice.

When the complaint is for a crime or misdemeanor in the jurisdiction of the district court, the justice hears the case as a committing magistrate, and no jury shall be allowed."

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

APPROVED November 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS, AND PROCEEDINGS IN CRIMINAL CASES," APPROVED NOVEMBER 10, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Section 137 of the above entitled act, be and the same is hereby amended by striking out of the second line, the words, "or persons under the age of eighteen years," and said section will read as amended as follows:

"SEC. 137. Every person who shall sell or give to a minor intoxicating or spirituous liquor, without the written permission of the parent or guardian of such minor, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and shall be imprisoned in the county jail for any time not exceeding six months; and in case such person has license to sell liquor, such license shall be revoked."

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

APPROVED November 12, 1875.

AN ACT

IN RELATION TO THE DUTIES OF PROBATE JUDGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the probate judges of the various counties of Washington Territory, to file and record in the records of the probate courts, all original petitions for the sale of real estate, or personal property, in the administration of any estate, and to enter at length all orders or decrees made upon such petitions, or regarding the distribution of any estate, admitted to probate, and all other original petitions concerning any estate during the course of its administration.

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

APPROVED NOV. 12, 1875.

AN ACT

TO REGULATE THE DESCENT OF REAL ESTATE AND THE DISTRIBUTION OF PERSONAL PROPERTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* When any person shall die seized of any lands, tenements or hereditaments, or any right thereto, or entitled to any interest therein, in fee simple, or for the life of another, not having devised the same, they shall descend subject to the debts as follows:

1st. If the decedent leaves a surviving husband or wife and only one child, or the lawful issue of one child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leaves a surviving husband or wife, and more than one child living or one child living, and the lawful issue of one or more deceased children, one-third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child by right of representation. If there be no child of the decedent living at his death, the remainder goes to all of his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation.

2nd. If the decedent leaves no issue, the estate goes in equal shares to the surviving husband or wife, and to the decedent's father and mother, if both survive. If there be no father nor mother, then one-half goes in equal shares to the brothers and sisters of the decedent and to the children of any deceased brothers or sisters, by right of representation. If decedent leaves no issue, nor husband, nor wife, the estate must go to his father and mother.

3d. If there be no issue, nor husband, nor wife, nor father and mother, nor either, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation.

4th. If the decedent leaves a surviving husband or wife and no issue, and no father nor mother, nor brother, nor sister, the whole estate goes to the surviving husband or wife.

5th. If the decedent leaves no issue, nor husband, nor wife, and no father nor mother, nor brother, nor sister, the estate must go to the next of kin, in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claimed through the nearest ancestor must be preferred to those claiming through an ancestor more remote, however.

6th. If the decedent leaves several children or one child and the issue of one or more other children, and any such surviving child

dies under age, and not having been married, all the estate that comes to the deceased child by inheritance from such decedent, descends in equal shares to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

7th. If at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them have left issue, the estate that came to such child by inheritance from his parent, descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

8th. If the decedent leaves no husband, wife or kindred, the estate escheats to the Territory, for the support of common schools, in the county in which the decedent resided during lifetime, or where the estate may be situated.

SEC. 2. Upon the death of husband or wife, the whole of the community property, subject to the community debts, shall go to the survivor, but nothing herein contained shall be construed to conflict with laws exempting property from attachment and execution, and specially the provision securing the homestead to the survivor, and all property except as an allowance for support of the family.

SEC. 3. The provisions of section one, as to the inheritance of the husband and wife from each other, apply only to the separate property of the decedants; and taken the place of tenancy in dower and tenancy by the curtesy, which are hereby abolished.

SEC. 4. Every illegitimate child shall be considered as an heir to the person who shall in writing, signed in the presence of a competent witness, have acknowledged himself to be the father of such child, and shall in all cases be considered as heir of his mother, and shall inherit his or her estate in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he shall not be allowed to

claim as representing his father or mother, any part of the estate of his or her kindred, either lineal or collateral, unless before his death his parents shall have intermarried, and his father, after such marriage, shall have acknowledged him as aforesaid, and adopted him into his family, in which case such child and all the legitimate children shall be considered as brothers and sisters, and on the death of either of them intestate, and without issue, the others shall inherit his estate and he theirs, as heretofore provided in like manner, as if all the children had been legitimate, saving to the father and mother respectively their rights in the estates of all the said children, as provided heretofore in like manner as if all had been legitimate.

SEC. 5. If any illegitimate child shall die intestate without lawful issue, his estate shall descend to his mother, or in case of her decease, to her heirs at law.

SEC. 6. The degree of kindred shall be computed according to the rules of the civil law, and the kindred of the half blood shall inherit equally with those of the whole blood in the same degree.

SEC. 7. Any estate, real or personal that may have been given by the intestate in his lifetime as an advancement to any child or other lineal descent, shall be considered a part of the intestate's estate so far as regards the division and distribution thereof among his issue, and shall be taken by such child or other descendant, toward his share of the intestate's estate.

SEC. 8. If the amount of such advancement there exceed the share of the heir so advanced, he shall be excluded from any further portion in the division and distribution of the estate, but he shall not be required to refund any part of such advancement, and if the amount so received shall be less than his share, he shall be entitled to so much more as will give him his full share of the estate of the deceased.

SEC. 9. If any such advancement shall have been made in real estate, the value thereof shall, for the purposes of the preceding section, be considered as part of the real estate to be divided, and if it be in personal estate, and if in either case it shall

exceed the share of real or personal estate respectively, that would have come to the heir so advanced, he shall not refund any part of it, but shall receive so much less out of the other part of the estate as will make the whole share equal to those of the other heirs who are in the same degree with him.

SEC. 10. All gifts and grants shall be deemed to have been made in advancement, if expressed in the gift or grant to be so made, or if charged in writing by the intestate as an advancement, or acknowledged in writing as such by the child or other descendant.

SEC. 11. If the value of the estate so advanced shall be expressed in the conveyance, or in the charge thereof made by the intestate, or in the acknowledgment by the party receiving it, it shall be considered of that value in the division and distribution of the estate, otherwise it shall be estimated at its value when given.

SEC. 12. If any child or lineal descendant so advanced, shall die before the intestate, leaving issue, the advancement shall be taken into consideration in the division and distribution of estate, and the amount thereof shall be allowed accordingly by the representatives of the heir so advanced, as so much received towards their share of the estate in like manner as if the advancement had been made directly to them.

SEC. 13. The word "issue," as used in this act, includes all the lawful lineal descendants of the ancestor, and the words "real estate," include all lands, tenements, and hereditaments, and all rights thereto, and all interests therein possessed and claimed in fee simple, or for the life of a third person.

SEC. 14. Inheritance or succession by right of representation takes place when the descendants of any deceased heir take the same share or right in the estate of another that their parent would have taken if living. Posthumous children are considered as living at the death of their parent.

DISTRIBUTION OF PERSONAL ESTATE.

SEC. 15. When any person shall die possessed of any sep-

arate personal estate, or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

1st. The widow, if any, shall be allowed all articles of her apparel or ornament, according to the degree and estate of her husband, and such provisions and other necessaries for the use of herself and family under her care, as shall be allowed and ordered in pursuance of the provisions of any law; and this allowance shall be made as well when the widow receives the provision made for her in the will of her husband as when he dies intestate.

2d. The personal estate remaining after such allowance, shall be applied to the payment of the debts of the deceased, with the charges for the funeral and the settling of the estate.

3d. The residue, if any, of the personal estate, shall be distributed among the same persons as would be entitled to the real estate by this act, and in the same proportion as provided, excepting as herein further provided.

4th. If the intestate leave a husband and issue, the husband shall be entitled to one-half the residue.

5th. If there be no issue, the husband shall be entitled to the whole of the residue.

6th. If the intestate leave a widow and issue, the widow shall be entitled to one-half of said residue.

7th. If there be no issue the widow shall be entitled to the whole of the residue.

8th. If there be no husband, widow or kindred of the intestate, the said personal estate shall escheat to the Territory, for the use of common schools in the particular county in which the intestate shall have resided at time of death.

SEC. 16. If the intestate leave a widow and issue, and any relation have received an advancement from the intestate in his life time, the value of such advancement shall not be taken into consideration in computing the one-half part to be assigned to

the widow, but she shall be entitled to the one-half only of the said residue, after deducting the value of the advancement.

SEC. 17. Acts and parts of acts upon any subject matter herein provided for, be and the same are hereby repealed.

SEC. 18. This act to take effect and be in force from and after its passage.

APPROVED November 12, 1875.

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 anywise appertaining

thereto. Nothing herein contained, however, shall be construed to exempt from taxation any improvements made by settlers on the public lands, which improvements shall be deemed and taxed as personal property, until such settler is entitled to make final proof.

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, and not elsewhere taxed; all boats and vessels, whether at home or abroad, and all capital invested therein; all debts due or to become due from solvent debtors 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 for any other purpose, except for public worship or for schools, or for the use of benev-

olent, charitable or scientific societies 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 of two dollars 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 owned by him within such county, on the third Monday of May of each year, 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 each 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 as-

sessed 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 each county in this Territory through which it runs, that is to say, each county's portion must bear to the whole rolling stock the same ratio which the number of miles of the road in such county bears to the whole number of miles of such road lying in this Territory. 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. When any person shall be discovered to be disposing of any personal property, for the purpose of leaving his county, on which a tax has been assessed and not collected, it shall be the duty of the sheriff to immediately proceed and collect the taxes due from said person, unless such person shall have other and sufficient property to secure the payment of the said taxes.

CHAPTER III.

MANNER OF MAKING ASSESSMENTS.

SEC. 15. Between the first Monday of April and the fourth Monday in July in each year, the assessor in each district shall ascertain by diligent inquiry the names of all persons liable to taxation in his district, 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 his district of 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 taxable persons in his district.
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:

CHAPTER IV.

THE LEVY OF TAXES.

SEC. 24. The board of county commissioners of each county shall, at its term in August 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 August 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 August 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 statement of the total value of all property real and personal, as returned by the county assessors for the year.

SEC. 29. It shall be the duty of the Territorial auditor, on receiving such statement of valuation, 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 August 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 or warrants shall be received in payment of county taxes to an amount not exceeding such county tax, and the treasurer, sheriff or tax collector be and he is hereby authorized to give credit upon the back of such county warrants which amount shall be deducted from the original order thereafter, and said treasurer, sheriff or tax collector shall keep a direct 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, except in counties where the county treasurer thereof receives salary in lieu of commissions as their compensation, in which case such percentage shall not be deducted.

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 person 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 expense 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 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 of general circulation in the county, 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 re-offered 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, city and town lots, shall not again be offered for sale unless by order of the board of county commissioners, but the taxes charges and interest at twenty-five per cent. per annum shall be carefully charged by the county treasurer from year to year until the county commissioners shall deem it expedient to sell the same.

SEC. 40. The county commissioners may, when they deem it expedient, order the sale of such delinquent lands, city and

town lots which shall be sold in the same manner that other lands, city and town lots are sold for delinquent taxes. The taxes, interest, costs charges and accrued taxes, are hereby made a perpetual lien on all such lands, city and town lots against all persons.

SEC. 41. 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 twenty-five per cent. per annum interest, cost, charges and the accruing taxes, with twenty-five per cent. on the same until redeemed 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. 42. 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 lands 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. 43. 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. 44. 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. 45. 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. 46. 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. 47. 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. 48. 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. 49. 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. 50. The county fund shall not make up any deficiency in the Territorial or school fund by reason of taxes becoming delinquent and uncollectable.

SEC. 51. 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. 52. All acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 53. This act to take effect and be in force from and after the first day of January, A. D. 1876.

APPROVED November 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING OF COUNTY AND TERRITORIAL REVENUE," APPROVED NOVEMBER 29, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section fifteen of an act entitled, "an act to provide for the assessing and collecting county and Territorial revenue," be so amended as to read as follows:

"Between the first Monday of April and the last Monday of July 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 relating thereto."

SEC. 2. That section twenty-four of this act to which this is amendatory, be so amended as to read as follows:

"The board of commissioners of each county shall, at its term in August in each year, examine the assessment roll of its

county, and shall have power to collect 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. 3. That section twenty-five of an act to which this is amendatory be so amended as to read as follows:

“The board of commissioners of each county shall, at its term in August in each year, estimate and determine the amount of money to be raised in each 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. 4. That section twenty-six of the act to which this is amendatory, be so amended as to read as follows:

“For the purpose of raising a revenue for county purposes the commissioners of each county in the Territory shall, at its August term 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 any one year.”

SEC. 5. That section thirty of the act to which this is amendatory, be so amended as to read as follows:

“The county auditor shall, within fifteen days after the adjournment of the August session of said board, 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.

APPROVED November 12, 1875.

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 offence was committed, said convict shall be confined therein.

SEC. 2. The sheriff, jailor or other officer, to whose care or custody the said convicts shall be committed, is hereby required to keep such convicts safely and according to law, and said sheriff, jailor or other officers 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 hand-cuffs, or any combination thereof, if the use thereof be deemed necessary, and shall pay all expenses for arresting escaped prisoners.

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 such convicts. No spirituous or malt liquors shall be allowed any convict without the same be essential for the health of the prisoner, and be furnished upon the written permission of the sheriff, or jailor of the county in which said 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, not to exceed ten hours per day, 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 go to the sheriff, or officer having such convicts in charge.

SEC. 5. Any Territorial convict who shall refuse to perform such reasonable amount of labor as provided in section 4th of this act, shall be placed in solitary confinement and kept upon an allowance of bread and water until he perform such labor.

SEC. 6. For boarding, keeping, clothing, and bedding, medical attendance and paying all guards necessary, the sheriff or keeper shall receive the sum of eighty-five cents per diem.

SEC. 7. Claims for keeping Territorial convicts under the provision of this act, shall be sworn to before an officer authorized to administer oaths, and be approved by the judge of the district wherein such convicts are kept, and be audited by the Territorial auditor, as other claims against the Territory, who shall draw a warrant for the audited amount on the Territorial treasury.

SEC. 8. That on the discharge from any prison, of any person convicted under the laws of this Territory, on indictment, he or she shall be provided by the warden or keeper, of said prison, with one plain suit of clothes, and five dollars in money, for which charge shall be made and allowed in the accounts of said prisoner with this Territory; *Provided*, That this section shall not apply to persons sentenced for a term of imprisonment of less than six months.

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

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

APPROVED November 11, 1875.

AN ACT

DEFINING NUISANCE, AND SECURING REMEDIES.

CHAPTER I.

GENERAL PRINCIPLES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others; or offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

SEC. 2. A public nuisance is one which affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

SEC. 3. Every nuisance not included in the definition of the last section is private.

SEC. 4. Nothing which is done or maintained under the express authority of a statute, can be deemed a nuisance.

SEC. 5. Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of such property caused by a former owner, is liable therefor in the same manner as the one who first created it.

SEC. 6. The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.

CHAPTER II.

PUBLIC NUISANCE AND ABATEMENT THEREOF.

SEC. 7. No lapse of time can legalize a public nuisance, amounting to an actual obstruction of public right.

SEC. 8. The remedies against a public nuisance are: Indictment, a civil action, or abatement. The remedy by indictment shall be as regulated and prescribed in this chapter. When a civil action for damages is resorted to, the practice shall conform to chapter XLIX, of the civil practice act, under title "nuisance."

SEC. 9. A private person may maintain a civil action for a public nuisance, if it is specially injurious to himself but not otherwise.

SEC. 10. A public nuisance may be abated by any public body or officer authorized thereto by law.

SEC. 11. Any person may abate a public nuisance which is specially injurious to him by removing, or if necessary, destroying the thing which constitutes the same, without committing a breach of the peace, or doing unnecessary injury.

SEC. 12. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public; the causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others; the obstructing or impeding without legal authority, the passage of any navigable river, harbor or collection of water, or the corrupting or rendering unwholesome or impure the water of any river, stream or pond; or unlawfully directing the stream from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise, the public highways, private ways, streets,

alleys, commons, landing places, or burying grounds, are nuisances.

SEC. 13. Houses of ill fame, kept for the purpose, in which are embraced all squaw dance houses, or squaw brothels, otherwise called mad houses; all houses, rooms, saloons, booths, scows, boats or other structures used as a place of resort where Indian women are employed to draw custom, dance, or for purposes of prostitution; gambling houses, or houses where drunkenness, gambling, fighting or breaches of the peace are carried on or permitted, to the disturbance of others, are nuisances, and may be abated and punished as provided in this chapter.

SEC. 14. Whoever is convicted erecting, causing or contriving a public or common nuisance as described in this chapter or at common law, when the same has not been modified or repealed by statute, where no other punishment therefor is specially provided shall be punished by a fine not exceeding one thousand dollars, and the court with or without such fine, may order such nuisance to be abated, and issue a warrant as hereinafter provided.

SEC. 15. When, upon indictment, complaint or action, any person is adjudged guilty of a nuisance, the court before whom such conviction is had, may, in addition to the fine imposed, if any, or to the judgment for damages or costs, for which a separate execution may issue, order that such nuisance be abated, or remove at the expense of the defendant, and after inquiry into and estimating as nearly as may be the sum necessary to defray the expenses of such abatement, the court may issue a warrant therefor.

SEC. 16. When the conviction is had upon an action before a justice of the peace, and no appeal is taken, the justice, after estimating as aforesaid, the sum necessary to defray, the expenses of removing or abating the nuisance, may issue a like warrant.

SEC. 17. Instead of issuing such warrant, the court or justice may order the same to be stayed upon motion of the defendant, and upon his entering into a bond in such sum and with such

surety as the court may direct, to the Territory, conditioned either that the defendant will discontinue said nuisance, or that within a time limited by the court and not exceeding six months he will cause the same to be abated and removed, as either is directed by the court, and upon his default to perform the condition of his bond, the same shall be forfeited, and the court, in term time or vacation, or justice of the peace as the case may be, upon being satisfied of such default, may order such warrant forthwith to issue, and a rule to show cause why judgment should not be entered against the sureties of said bond.

SEC. 18. The expense of abating a nuisance, by virtue of a warrant, can be collected by the officer in the same manner as damages and costs are collected on execution, except that the materials of any buildings, fences, or other things that may be removed as a nuisance, may be first levied upon and sold by the officer, and if any of the proceeds remain after satisfying the expense of the removal, such balance must be paid by the officer to the defendant or to the owner of the property levied upon, and if said proceeds are not sufficient to pay such expenses, the officer must collect the residue thereof.

CHAPTER III.

PRIVATE NUISANCE AND ABATEMENT THEREOF.

SEC. 19. The remedies against a private nuisance are, a civil action, or abatement.

SEC. 20. A person injured by a private nuisance may abate it by removing or if necessary, destroying the thing which constitutes the nuisance, without committing a breach of the peace, or doing unnecessary injury.

SEC. 21. When a private nuisance results from a new omission of the wrong-doer, and cannot be abated without enter-

ing upon his land, reasonable notice must be given to him before entering to abate it.

SEC. 21. This act to take effect and be in force from and after its passage.

APPROVED November 12, 1875.

AN ACT

TO ESTABLISH A HOSPITAL FOR THE INSANE IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial asylum for the insane and idiotic, situated near the town of Steilacoom, in the county of Pierce, shall be hereafter styled and known as the Hospital for the Insane in Washington Territory, and all statutes mentioning and referring to said asylum heretofore enacted and not otherwise inconsistent with the provisions of this act, shall hereafter have the same operation as if they mentioned or referred to hospital for the insane in Washington Territory.

SEC. 2. That a board of five trustees shall be nominated by the governor, and with the consent of the legislative council, by him be appointed, who shall be known as the Trustees of the Hospital for the Insane in Washington Territory. The order in which said named trustees are appointed shall be deemed the order of their seniority. The said named trustees shall hold office for one, two, three, four and five years respectively, from third Wednesday in August, 1876, and until their successors are appointed and qualified. On the third Wednesday in August in each year subsequent to the year 1876,

the term of office of the senior member shall expire, and the vacancy shall be filled by an appointment for five years made by the governor. Should a vacancy occur by death, resignation or otherwise, during an unexpired term, such vacancy shall be filled by the governor, by an appointment for the unexpired term of the trustee, whose office shall have thus been vacated. The senior member of the board shall be their president. One of themselves shall be by them chosen their secretary. The treasurer of the Territory shall be their treasurer, and shall be liable on his official bond as treasurer of the Territory for any failure to discharge faithfully the duties of his office as treasurer of said board. If at any meeting the president be absent, the senior member present shall act as president.

SEC. 3. Said board shall have power to move, enlarge, renovate, fit up and complete any buildings, outhouses and improvements on the hospital premises, and lay drains and water pipes, and build reservoirs, useful and convenient thereto, as in their judgment necessary for the most healthful and economical conduct of said hospital, at a total cost not to exceed three thousand dollars; to repair the same from time to time, as may be prudent and economical; and to hold, manage, dispose of, and convey all real and personal property made over to them by gift, devise or bequest, and the proceeds and increase thereof for the use of the hospital. They shall take charge of the general interests of the institution; they shall employ a superintendent, and in the by-laws make provision for employing such other officers as in their opinion may be necessary for conducting efficiently and economically the business of the institution; they shall determine the salaries of all employed; they shall ordain by-laws and regulations for the government and economy of the hospital, and they shall see that the affairs of the institution are conducted in accordance with the laws of the Territory, and such by-laws and regulations as they themselves may have established.

SEC. 4. Each of said named trustees and their successors, shall, before entering upon the duties of his office, give bond

approved by the governor, and filed with the Territorial secretary, for the faithful performance of his duties.

SEC. 5. The superintendent shall be a skillful practicing physician. He shall be a married man and with his family reside on the hospital grounds. He shall hold his office for such time as the trustees may deem wise and for the efficiency and economy of the institution; he shall have entire control of the medical, moral and dietetic treatment of the patients, and, so far as is not inconsistent with the by-laws and regulations of the hospital, of all other the internal government and economy of the institution; and he shall, in such manner and under such restrictions and for such terms of time, as the by-laws may prescribe, appoint all subordinate employees, and shall have entire direction of them in their duties.

SEC. 6. The superintendent shall not be required to attend any court as a witness in a civil suit, but parties desiring his testimony can take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the judge of the court before which his testimony shall be desired, shall, upon being satisfied of the materiality of his testimony, require his attendance, and he and all other persons employed at the hospital, shall be exempt from serving on juries, working on roads, and in time of peace, from performing military duty.

SEC. 7. The necessary expenditure of the trustees, the the salary of all employees and all other expenses incident to the conduct of the hospital, shall be audited by the trustees upon accounts rendered, and if approved by them, shall be so certified to the Territorial auditor. Trustees shall, in the by-laws, fix the days of their quarterly visitations, and shall, at the hospital, on those days, receive and audit all accounts presented to them, and certify to the Territorial auditor such as they approve. The Territorial auditor, on receipt of any such account, duly certified, shall forthwith issue a warrant for the amount thereof upon the Territorial treasurer. The Territorial treasurer shall pay such warrant so far as may be, out of any moneys in his hands as treasurer of said board, if he has any

such moneys; if not, then out of any moneys in his hands as Territorial treasurer, not otherwise appropriated. The board of trustees shall also appraise the present value of all needful improvements and repairs made by the present contractor in and about said asylum, and report the same to the Territorial auditor who shall therefor draw a warrant upon the Territorial treasury for the amount thereof, and said treasurer shall pay the same out of any moneys not otherwise appropriated.

SEC. 8. The trustees shall each be paid his actual and necessary traveling expenses, in going and returning from the meeting of said board, and in performing the necessary visitations required by this act, and shall be reimbursed all other necessary expenditures incurred in discharging their official duties, and shall receive three dollars per day for the time necessarily spent in the duties of such trustee, not however, to exceed the sum of sixty dollars in one year.

SEC. 9. No trustee shall be appointed to, or employed under authority of the board, nor be directly or indirectly interested in any contract to be made by said board for any purpose whatever.

SEC. 10. The trustees shall cause the accounts of said institution to be kept and reported as to show the kind, quality, quantity, cost and vendor of every article purchased for use therein.

SEC. 11. The trustees shall meet on, or within one month before the first day of the meeting of the Legislative Assembly at every biennial session thereof, and shall then prepare, and lay before the governor and said assembly, a full and detailed but concise report, exhibiting a particular statement of the condition of the hospital and all its concerns; an account of all contracts, expenditures, and liabilities, with a list of the salaried employees and their salaries, and in a tabular form the value of the stock and supplies on hand. At the said biennial meeting of the trustees the treasurer shall present a report on the finances of the institution, which report the trustees shall audit and

transmit with their biennial report to the Governor and Legislative Assembly.

SEC. 12. The accounts and books of the treasurer shall at all times be open to inspection of the trustees and other legal visitors of the institution.

SEC. 13. There shall be thorough monthly visitations of the hospital by one or more of the trustees, and quarterly, by a majority of them, and semi-annually by the whole board. The governor, justices of the supreme court and members of the Legislature shall be *ex officio* visitors of the institution.

SEC. 14. No person laboring under any contagious or infectious disease shall be admitted into said hospital as a patient.

SEC. 15. In admitting patients to and retaining them in the hospital, the indigent insane of this Territory shall always have precedence; and if at any time the provisions of the institution are not sufficient to meet the applications for admission, recent cases shall, for the time being, have preference over those of a chronic character.

SEC. 16. The district courts of the Territory shall have power to commit to this institution any person, who, having been arraigned for an indictable offense, shall be found by the jury to be insane at the time of such arraignment, and the costs of such commitment shall be paid in the same manner as the costs of a commitment of an insane person out of a probate court.

SEC. 17. In conveying patients to the hospital, the sheriff, with the approval of the judge of the probate or district court from which the warrant of commitment issues, may employ one assistant for each patient.

SEC. 18. Any patient may be discharged from the hospital, when, in the judgment of the trustees, it may be expedient. Whenever a patient not cured, or any indigent patient shall be ordered discharged, the superintendent shall immediately give notice thereof to the probate judge of the county in which said patient resided, and if in the judgment of the superintendent, such patient so ordered to be discharged is in fit condition to

be sent to his or her county unattended by any person, the superintendent may return the patient to the county from which he or she came, if indigent, at the expense of the said county, but if such patient so ordered to be discharged from said hospital and can, without endangering the health of such patient, is through or by any reason unfit to be alone sent to the county from which he or she was committed to said hospital, the superintendent shall so certify to the probate judge of said county, who shall immediately, upon receipt of the notice, issue his warrant to the sheriff, commanding him to remove the patient and return him or her to the county from which he or she came. If, within thirty days after the notice, the patient be not removed, the superintendent, if he think necessary, may return the patient to the county from which he or she came, at the expense of the county; *Provided*, That if any such patient is not in a condition to either go or be removed to said county he or she may, for the time being, be retained in said hospital at the expense of the county from which he or she was so committed.

SEC. 19. No pauper shall be discharged from the hospital without suitable clothing; and the trustees may furnish the same at their discretion, together with such sum of money not exceeding ten dollars as they may deem necessary.

SEC. 20. Section 327 of the act entitled, "an act defining the jurisdiction and practice of the probate courts of Washington Territory," approved November 11, 1873, is hereby amended by erasing the word "governor" wherever it occurs in said section, and substituting therefor the words, "trustees of the hospital for the insane in Washington Territory," and section 329 of the same act is hereby amended by erasing the word "proprietors," and substituting the word "trustees" in lieu thereof.

SEC. 21. This act shall take effect from and after its passage; *Provided however*, That no salary or compensation shall accrue to the superintendent nor to any person employed by him, until the day of the expiration of the present contract for keeping the insane, nor shall said board nor the operation of

this act in anywise alter or interfere with the cure and keeping of the insane under the present contract, nor the occupation of the hospital premises thereunder.

SEC. 22. Until the expiration of the present contract for keeping the insane, the duties of inspecting as prescribed in section four, five and eight of the act entitled, "an act relating to care and keeping of insane persons," approved January 31, 1867, shall be performed by the trustees.

SEC. 23. That the sum of four thousand dollars, or so much thereof as may be necessary shall be expended by the trustees for the purchase of beds and bedding, cooking utensils and fixtures for the use of said hospital under the provisions of this act.

SEC. 24. That the salary of superintendent shall be not exceeding two thousand five hundred dollars per annum.

SEC. 25. That the expenditure for said hospital, including the salary of the superintendent, shall not exceed the sum of eighteen thousand dollars per annum; *Provided* the average number of patients do not exceed fifty-two, but should the number of patients exceed fifty-two then said trustees may expend a larger amount not however to exceed sixty-five cents per diem for each and every patient over and above the number of fifty-two patients.

SEC. 26. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED Nov. 12, 1875.

AN ACT

DEFINING VAGRANCY AND PROVIDING REMEDY AGAINST.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following persons are

vagrants: All persons who tell fortunes, or where lost and stolen goods may be found; all common prostitutes, and keepers of bawdy houses or houses for the resort of prostitutes; all habitual drunkards, gamesters, or other disorderly persons; all persons wandering about and having no visible calling, or business to maintain themselves; all persons going about as collectors of alms for charitable institutions under any false, or fraudulent pretenses; all persons playing or betting in any street or public or open place, at, or with any table or instrument of gaming at any game or pretended game of chance.

SEC. 2. Upon complaint made on oath to any justice of peace against any person as being such vagrant within his local jurisdiction as defined in section one he shall issue a warrant for the arrest of such person, and his examination, and the complaint, warrant and arrest shall be governed by the provisions of chapter XX, the justice practice act, title of, "Examination of offenders, commitment for trial and taking bail," so far as the same may be applicable.

SEC. 3. All peace officers shall arrest any vagrant whom they may find at large, and take him before some justice of peace, of the county, city, or town, in which the arrest is made.

SEC. 4. If the arrests authorized in the last two sections are made during the night, the officer must keep the person arrested in confinement until the next morning.

SEC. 5. If it appear by the confession of such person, or by competent testimony, that such person is a vagrant, the justice of peace before whom he is brought, may require of such person bond, with sufficient surety, for good behavior for the term of three months thereafter.

SEC. 6. The justice shall make up, sign and file with the clerk of the district court of the county, a record of conviction of such person as a vagrant, specifying generally the nature and circumstances of the charge, and shall, in default of such security being given, by warrant under his hand, commit such vagrant to the county jail of the county, city or town, as the case

may be, until such security be found, or such vagrant be discharged according to law.

SEC. 7. The committing of any of the acts which constitute such person so bound a vagrant, shall be deemed a breach of the condition of such bond for good behavior.

SEC. 8. On a recovery upon any such bond, the court before which such recovery may be had, may, in its discretion, either require new sureties for good behavior, or may commit such vagrant to the county jail of the county for any time not exceeding six months.

SEC. 9. Any person committed to jail for not finding sureties for good behavior, may be discharged by any magistrate upon giving such sureties for good behavior as were originally required of such person.

CHAPTER II.

TRIAL IN DISTRICT COURT.

SEC. 10. The district court to which the papers are returned, shall, on demand of the defendant, empanel a jury to enquire into and determine the truth of the charge made against him; and the rules and regulations of law governing said court in the trials of misdemeanors shall be applicable to, and govern it in the trial herein contemplated.

SEC. 11. If no jury be demanded, the district court may revise such conviction and discharge such vagrant from the bond, or confinement absolutely, or upon sureties for good behavior, in its discretion.

SEC. 12. Such district court may, in its discretion, order any such vagrant to be kept in the county jail for any time not exceeding six months at hard labor.

SEC. 13. If there be no means in such jail for employing offenders at hard labor, such court may direct the keeper thereof

to furnish such employment as it shall specify to such vagrant as may be committed thereto, either by a justice or any court, and for that purpose to purchase any necessary raw materials, and implements, not exceeding such amount as the court shall prescribe, and to compel such persons to perform such work as shall be allotted to them.

SEC. 14. The expenses incurred in pursuance of such order shall be audited by the board of commissioners of the county, and paid out of the county treasury.

SEC. 15. One half of the net proceeds of such labor shall be paid to the person earning the same, upon his discharge from imprisonment, and the other half shall be paid into the county treasury for the use of the county.

SEC. 16. This act to take effect and be in force from and after its passage.

APPROVED Nov. 12, 1875.

AN ACT

TO AUTHORIZE THE CONSTRUCTION OF DITCHES, DRAINS OR WATER COURSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of any county in this Territory, shall have power, at any regular meeting, to cause to be established, located and constructed as hereinafter provided, any ditch, drain or water course within such county.

SEC. 2. Any person or persons owning or occupying swamp or overflowed lands in this Territory, desiring to construct a ditch or ditches in order to improve the said lands, shall

notify all persons through whose lands the said ditch or ditches is to be constructed, or which will be affected thereby, at least twenty days before any regular meeting of the board of county commissioners of the county or counties in which the same is to be constructed, at which the said application is to be made, by posting written or printed notices in three public places in the vicinity of such proposed ditch or ditches; *Provided*, That if any of the owners of the lands to be affected by the said ditch or ditches reside out of the county where the same is, or are to be located, one copy of said notice shall be posted in a conspicuous place at the office of the auditor or auditors of the county or counties in which the proposed work is to be done, and one copy of the said notice, with the affidavit of the applicant or applicants, that the same has been posted as above provided, shall be filed with the said county auditor, which he shall submit for the inspection of the county commissioners at the meeting at which said application shall be made, and the auditor shall thereupon enclose a copy thereof, and direct and mail the same to the postoffice of said owner, if the same is known to him.

SEC. 3. It shall be the duty of the county commissioners, on receipt of the application of the person or persons desiring the construction of such ditch or ditches, with the notice and affidavit as provided in section two, to appoint three disinterested persons, one of whom shall be competent to do surveying or engineering, as viewers and appraisers.

SEC. 4. When the said viewers shall have been appointed and taken an oath well and truly to locate said ditch or ditches, according to the true intent of this act, they shall proceed to locate said ditch or ditches in the best possible manner for the interests of the owners of the lands affected by the location of the same, giving to each of said ditches all the fall the face of the lands will permit, and marking each rod to be dug by stakes upon which must be marked the width and depth of said ditch or ditches.

SEC. 5. The viewers shall estimate the cost of clearing the way and of digging the said ditch or ditches per rod,

making separate estimates for each rod where the said ditch or ditches are to be dug wider or deeper, or the obstructions are greater and harder to overcome in the said digging, and shall apportion to each person benefited, the amount of ditch which he shall dig, in proportion to the benefit which, in their judgment, he will receive from the construction of the said ditch or ditches. And they shall also estimate the amount of damages, if in their opinion the construction of the said ditch or ditches will damage any owner of lands more than the amount of benefits accruing to him by reason of the construction of the same which should be paid to the said owner; and the said applicant or applicants shall pay the said estimated damages, taking a receipt therefor, or make satisfactory arrangements with the owner or agent of the said premises, which satisfaction shall be in writing, and the receipt of said written satisfaction shall be filed with the county auditor, prior to any work being done on the said ditch.

SEC. 6. The viewers shall make a report, specifying the starting point, route and terminus of the said ditch, drain or watercourse, its size, estimated cost, and a description of the lands through which it is to be dug, and also the amount assessed as damages, if any, which they shall file with the auditor of the county in which the greater portion of the said ditch has been located.

SEC. 7. All parties, after receiving notice of the amount of ditch assessed and set to them, shall proceed to clear the way and dig said ditch, and have their said proportion of the same completed within one year from the date of said notice; *Provided*, That if any person having a portion of said ditch assessed to him shall fail to clear the way and dig such portion of ditch by the time aforesaid, the applicant or applicants may proceed to clear the way and dig said ditch, or cause the same to be done according to the plans and specifications of the said viewers, and the sum assessed to the owner may be recovered by an action before any court having jurisdiction, and shall be a just claim against and a lien upon the lands through which

the said ditch or ditches are located. And parties owning lands not adjacent to nor affected by the said ditch, drain or water course, and wishing to drain their lands by cutting a ditch or ditches to intersect the same, shall have the privilege of such intersection by first obtaining the consent, in writing, of a majority of the parties benefited by the said ditch.

SEC. 8. Before the commissioners shall appoint viewers, as provided in section three, the party or parties making the application shall enter into bonds, with one or more sureties, in the sum of two hundred dollars, to be approved by the said commissioners, conditioned, that the party or parties making the application, pay the expenses of the location of the ditch or ditches aforesaid, at the rate per diem of not to exceed five dollars for the surveyor, and not to exceed three dollars for each of the other two viewers, for the time necessarily employed in the survey and location of the said ditch or ditches, and the receipts of the said viewers' fees shall be taken by the party or parties paying the same, and filed with the report in the office of the auditor or auditors of the county or counties, and the amount thereof added to the other estimated costs of the construction of the said ditch or ditches.

SEC. 9. After the said ditch or ditches have been completed, the same shall be kept in repair by the owners of the land benefited by the same, in proportion to such benefit. And any owner, occupant or agent so benefited, failing to make such repairs, shall be liable to the party or parties making the same, for the amount of the labor required therefor. And if any person shall dam or obstruct the passage of the water in the said ditch or ditches or allow it to be obstructed or damaged by his cattle or other stock without the consent of all the owners of the land through which they or any of them passes, the person so offending shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars and be liable to the party or parties injured in the amount of damages sustained by them by reason of the said obstruction.

SEC. 10. If the said ditch or ditches shall cross any public road, the person or persons digging the same shall construct or

cause to be constructed a good and safe bridge at least ten feet wide over the same.

SEC. 11. Any person aggrieved by the decision of the viewers may appeal to any justice of the peace in the county where the applicants live, by filing a notice of said appeal with the auditor with whom the said viewers' report was filed, within ten days after the filing of said report, which notice shall be to the applicants and shall contain a copy of the complaint which the applicant [appellants] shall file with the justice of the peace, and upon which he shall base his cause of action, which must recite that portion of the proceedings of the viewers appealed from.

SEC. 12. The justice of the peace in whose court the complaint is filed shall cause the said applicants to be summoned the same as defendants in other cases; *Provided*, That service of summons shall be deemed complete if the said applicants, either in person or in writing to the said justice, shall waive the same. And if the appellees shall make default, the justice may set aside the action of the said viewers. But if, upon the hearing of the appeal, the justice shall not change the decision of the viewers an amount greater than five dollars in favor of the appellant, the said appellant shall pay all the costs of the proceedings.

SEC. 13. Sections nine and ten of this act shall apply to ditches heretofore dug, for the purposes herein before mentioned, as well as those to be hereafter constructed.

SEC. 14. The provisions of this act, shall not apply to the counties of Walla Walla, Yakima, Whitman and Stevens.

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

APPROVED Nov. 12, 1875.

AN ACT

TO ENABLE GRANGES OF THE PATRONS OF HUSBANDRY TO INCORPORATE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That any Grange of the Patrons of Husbandry, desiring hereafter to incorporate, may incorporate and become bodies politic in this Territory, by filing in the office of the treasury [secretary] of the Territory of Washington, and in the office of the county auditor of the county wherein such Grange holds its meetings of business, a certificate or article embodying:

1. The name of such Grange and the place of holding its meetings.

2. What elective officers the said Grange will have, when such officers shall be elected; how, and by whom, the business of the Grange shall be conducted or managed, and what officers shall join in the execution of any contract by such Grange to give force and effect in accordance with the usages of the Order of the Patrons of Husbandry; such articles shall be subscribed by the master of such Grange, attested by the secretary, with the seal of the Grange.

3. A copy of the by-laws of such Grange shall also be filed in the said office of the secretary of the Territory and the county auditor of the proper county.

4. The names of all such officers at the time of filing the application, and the time for which they may be respectively elected. When such articles shall be filed, such Grange shall be a body politic and corporate, with all the incidents of a corporation, subject nevertheless to the laws and parts of laws now in force or hereafter to be passed regulating corporations.

SEC. 2. Said Grange may engage in any industrial pursuit, manufacturing, mining, milling, wharfing, docking, commercial, mechanical, mercantile, building, farming, building, equipping or running railroads, or generally engage in any species of trade

or industry; loan money on security, purchase and sell on real estate, but when desiring to engage in either or any of the above pursuits or industries, said Grange shall be subject to all the conditions and liabilities imposed by the provisions of the general corporation laws, and in addition to the conditions to be performed as recited in section one of this act, shall file additional articles with said secretary of the Territory, and the county auditor of the proper county, stating the object, business or industry proposed to be pursued or engaged in; the amount of capital stock, the time of its existence, not to exceed fifty years; the number of shares of which the capital stock shall consist, and price per share, and the names of officers necessary to manage said business, and the places where said officers shall pursue the same.

SEC. 3. As a business corporation said Grange, after having complied with section two of this act, shall be to all intents and purposes a domestic corporation, with all the rights, privileges and immunities allowed, and all the liabilities imposed by chapter one of the act entitled "an act to provide for the formation of corporations," approved November 13, 1873.

APPROVED November 12, 1875.

AN ACT

IN RELATION TO FISH, AND THEIR PRESERVATION IN THE WATERS
OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for any person or persons to use any seine, drag or gill net, or any other apparatus, during the months of March, April and May of each year, within the following limits, to wit: Commencing at the head of Port Madison Bay in section 4, township 25 north,

range 2 east, following the northern shore of said bay to Agate Passage, thence following the shore line of Bainbridge Island, to Fletcher's Bay, in section 19, township 25 north, range 2 East; also all the shore line of Dogfish Bay. Any person violating the provision of this section may be fined in any sum not exceeding one hundred dollars, by any court having jurisdiction of the offense.

SEC. 2. Any person or persons who may build any dam of any kind, or place any obstruction of any kind for any purpose whatever, in any of the rivers of Washington Territory, frequented by salmon for the purpose of spawning, shall construct a suitable fish way by which said fish may reach the water above said dam, or obstruction; and it shall be unlawful for any person or persons to close any river of this Territory by placing across the same any stakes, seines, drag or gill nets, which may prove an absolute bar to the passage of fish frequenting the same for the purpose of spawning. Any person violating the provisions of this section may be fined in any sum not exceeding five hundred dollars (\$500) to which may be added imprisonment in the county jail not exceeding one year.

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

APPROVED NOV. 5, 1875.

AN ACT

RELATING TO ESTRAYS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the county auditors of the several counties of this Territory to keep a book of suitable dimensions to be called the "record of estrays."

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

SEC. 3. If, previous to the expiration of ten days from the time of posting the said notices, the owner shall prove said estray to be his he shall be entitled to the same, by paying charges, which shall be two dollars for taking up, posting, etc., and a reasonable rate for keeping the same, and if the owner shall further prove that the person so posting an estray, knew to whom such estray belonged, and yet did not notify the owner of his intention to post said estray, the person so taking up, and posting, shall not recover for either posting or keeping.

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

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

SEC. 6. If the person entitled to the possession of an estray shall not appear, and make out his title thereto within

thirty days from the time the notice is filed with the county auditor, as provided in section five, such estray shall be sold at the request of the finder by the sheriff, or any constable of the county, at public auction, upon first giving public notice thereof in writing, by posting up the same in three public places in the precinct where said estray was taken up at least ten days before such sale; *Provided*, That if such animal be appraised at twenty-five dollars or upwards, it shall be advertised for one week in the newspaper doing the county printing, and the finder may bid therefor at such sale, and after deducting all the lawful charges of the finder as aforesaid, to be ascertained by the justice who appraised said animal, and the fees of the justice for appraising, and constable, or sheriff, which shall be the same as a sale on execution. The remaining proceeds of such sale shall be deposited in the treasury of the county for the use of common schools; *Provided*, That if the owner of the property sold or his legal representative shall, within six months after the money shall have been deposited in the county treasury, furnish satisfactory evidence to the justice of the peace who has appraised said animal, of the ownership of said property, he or they shall be entitled to receive the amount so deposited in the county treasury; *Provided however*, That the taker up of estrays shall forfeit all right to a consideration for subsisting the same, if he work, or in any way use such estray or take and keep the same out of the county in which the estray was taken up, more than three days at one time.

SEC. 7. That if any person shall take up, keep or use any estray, without complying with the provisions of this act he shall be liable to damages in double the value of such estray, and for costs of suit, to be sued for and recovered in any court having competent jurisdiction.

SEC. 8. It shall be the duty of every constable within any county in this Territory, when complaint shall have been made to him by any person of a violation of any of the provisions of this act to immediately enter suit, before the proper court, and

the person making the complaint shall be the prosecuting witness; *Provided*, That if upon trial, the complaint shall be found to be malicious or frivolous, the prosecuting witness shall pay all costs of suit.

SEC. 9. All moneys collected as fines under the provisions of this act shall be paid into the treasury of the county where the same shall have been collected, for the benefit of common schools in said county.

SEC. 10. All acts or parts of acts conflicting with this act are hereby repealed.

APPROVED Nov. 5, 1875.

AN ACT

TO PROVIDE FOR THE FORMATION OF A CONSTITUTION AND STATE GOVERNMENT FOR THE TERRITORY OF WASHINGTON.

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 legal voters thereof, a proposition to form a State constitution and State government.

SEC. 2. The manner of voting on said proposition shall be "For Constitution," and "Against Constitution," and all ballots on which shall be written or printed "For Constitution," shall be counted in favor of the same; and all on which shall be written or printed "Against Constitution," shall be counted against the same.

SEC. 3. The votes cast on the proposition for a constitution, shall be counted and canvassed, and returned to the secretary of the Territory in the same manner as is required for votes for a delegate to Congress.

SEC. 4. If it shall appear that at such general election, a majority of the votes that are 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 to frame a State constitution, and to do all other acts proper and necessary to give effect to the popular will.

SEC. 5. This act shall be in force and take effect from and after its approval by the governor.

APPROVED November 9, 1875.

AN ACT

TO CONFIRM TITLE TO UNIVERSITY LANDS IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all deeds of conveyance for university lands in this Territory, which have been executed since the passage of the act entitled, "an act to provide for the selection and location of the land reserved for university purposes, to appoint a board of commissioners, and to provide for the selection and location of a site for the Territorial university," passed on the eleventh day of January, one thousand, eight hundred and sixty-one, in the name of Daniel Bagley, president of the board of university commissioners, instead of being executed in the name of the Territory of Washington, shall be deemed, taken and held good and valid deeds in law; and shall have all the force and effect to pass from the Territory of Washington to the purchaser or purchasers named in such deeds respectively, their heirs, executors, administrators and assigns, all the right, title and interest there vested, or which may thereafter be vested in the Territory of Washington, in

and to the lands described in said deeds, as though in each and all respects, the deeds in their form and manner of execution had conformed to the requirements of law.

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

APPROVED October 26, 1875.

AN ACT

TO CREATE A BOARD OF IMMIGRATION COMMISSIONERS, AND PROVIDING FOR THE PRINTING AND DISTRIBUTION OF CERTAIN PAMPHLETS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the governor is hereby authorized to appoint, by and with the consent of the council, a board, consisting of three commissioners of immigration for the Territory of Washington; *Provided*, That the said commissioners shall receive no compensation from the Territory, and the Territory shall not be responsible for any debt or liability created by them.

SEC. 2. That John M. Murphy is hereby employed to print five thousand (5,000) copies of the pamphlet of the Washington Immigration Society, by Mrs. A. H. H. Stewart, secretary of the society, setting forth the resources of the Territory of Washington, for gratuitous and judicious distribution as hereinafter provided.

SEC. 3. On the delivery to the board of immigration of said five thousand copies of said pamphlets, on the written certificate of said commissioners, the Territorial auditor shall draw his warrant on the Territorial treasurer for the sum of five hundred and fifty-seven dollars, (\$557), and the said treasurer

shall pay the same out of any money not otherwise appropriated,

SEC. 4. The sum of one hundred and fifty dollars \$(150) per annum is hereby appropriated, out of any funds not otherwise appropriated, to pay office rent, postage, and other incidental expenses of said board of immigration commissioners, and the Territorial auditor is hereby authorized to draw his warrant for said sum on the written order of the said commissioners.

SEC. 5. Fifteen hundred copies of said pamphlet shall be sent to the Walla Walla Immigration Society for distribution; five hundred copies to the Clark County Board of Immigration. The commissioners of immigration shall furnish fifty copies to each county auditor for gratuitous distribution, and the remainder shall be distributed by said commissioners.

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

APPROVED November 12, 1875.

AN ACT

TO PROHIBIT THE INDISCRIMINATE USE OF POISONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for any druggist, or other person to sell, give, or in any manner furnish to any Indian, minor, intoxicated person, or person of unsound mind, any poisonous drug, or compound, destructive of human or animal life.

SEC. 2. Every druggist shall keep a book in which he shall register the name of any person purchasing or receiving from him any such poisonous drug or compound (unless the same

shall be furnished upon the prescription of a competent physician) together with the name of such drug or compound, and the time when it was furnished.

SEC. 3. Every person who shall place any poison outside of his own building, or out buildings, for the destruction of noxious animals, or for any purpose whatever, shall give notice to all persons, or families residing within one mile of the place where such poison is used, by posting notices in three of the most public places within one mile of where said poison is to be put out, but this notice shall not apply to such use of poison within the limits of an incorporate town.

SEC. 4. Every person violating any of the provisions of this act, shall be fined in any sum not exceeding five hundred dollars, and may be imprisoned until the fine and costs are paid.

SEC. 5. Every person violating section three of this act shall be liable in treble damages to any person whose property is injured thereby, to be recovered in a civil action, but this section shall not be construed to prevent any person from obtaining damages for property injured by such use of poisons, where notice thereof is given as required by this act.

APPROVED Nov. 12, 1875.

AN ACT

TO PROVIDE FOR THE REMOVAL OF DISTRICT COURT RECORDS.
WHERE NEW SUB-DISTRICTS OF COURT HAVE BEEN FORMED.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever a new sub-district of court is formed, and it becomes necessary to remove the records of the court from one place of holding court to another appointed place, the judge of the district in which such

court is held shall order the appointed clerk of the newly selected place of holding court to remove the said records to said place of holding court, which said order shall be entered in the records of said court.

SEC. 2. The appointed clerk shall be allowed mileage at the rate of 10 cents per mile in traveling to and from the place from which said records are taken, and be allowed three dollars per diem for said services, which amount shall be audited by the judge of the district court in which said court is held, and the same shall be paid by the county in which said court is held.

SEC. 3. Upon receipt of the audited claim mentioned in section two of this act, it shall be the duty of the board of commissioners of said county, at the next regular session, to pay said amount out of any funds in the county treasury not otherwise appropriated.

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

APPROVED November 12, 1875.

AN ACT

IN RELATION TO ACKNOWLEDGMENT OF DEEDS, MORTGAGES AND
OTHER INSTRUMENTS OF WRITING.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That acknowledgment of deeds, mortgages, or any legal instruments may be taken within the Territory, before a judge of the supreme court, a judge of the probate court, a justice of the peace, a county auditor, a clerk, or a regularly appointed deputy clerk of the district or supreme court, or a notary public duly qualified.

SEC. 2 Deeds, mortgages and other instruments that are required to be acknowledged by laws of this Territory, in order to become legal instruments, may be made in a foreign country out of the United States, upon a certificate written or annexed under the official seal of any minister plenipotentiary, charge-de-affairs, consul general, consul, vice consul or commercial agent appointed by the government of the United States to any foreign country, or of the proper officer of any court of such country, or of the mayor or other chief magistrate of any city, town or corporation therein, that the said writing was acknowledged by such person, or proved as to him by two witnesses before any person having such appointment or before such court, mayor or chief magistrate.

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

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

APPROVED Nov. 12, 1875.

AN ACT

PERMITTING FOREIGN CORPORATIONS TO BUILD, LEASE, OR PURCHASE RAILROADS, TRAMWAYS AND BRIDGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any foreign corporation incorporated under the laws of any State of the United States, or any foreign country, State or Colony, shall be and is hereby permitted to construct, build, equip, lease, use, sell, hold and dispose of, or acquire by purchase or otherwise, any railroad, tramway, or bridge in this Territory, and shall be and is hereby allowed to work and operate the same; to acquire, own and hold

lands in connection therewith, to mortgage the same, or said railroad, tramway or bridge, and to transact the business, collect and receive tolls; hold, use, and dispose of the franchise, and rights of any such railroad, tramway, or bridge, with the same powers and privileges in all respects as now or may hereafter belong to citizens or corporations of this Territory; *Provided* such corporation shall file in the office of the secretary of the Territory a certified copy of its charter or certificate of incorporation.

SEC. 2. That so much of section two (2) of the act entitled "an act in relation to foreign corporations holding property, or doing business in this Territory," approved Nov., 29, 1871, as requires corporations to appoint an agent who shall reside in the Territory, shall not apply to corporations provided for in section one (1) of this act.

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

APPROVED November 5, 1875.

AN ACT

PERMITTING FOREIGN CORPORATIONS TO TRANSACT BUSINESS, AND TO ACQUIRE, HOLD AND DISPOSE OF REAL ESTATE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any corporation incorporated under the laws of any State in the United States, or of any foreign country, State or Colony, may acquire, hold, use and dispose of in the corporate name all real estate necessary or convenient to carry into effect the objects of its incorporation, and the transaction of its business, and also any interest in real

estate by mortgage or otherwise, as security for moneys due to, or loans made by, such foreign corporation in this Territory, either prior to, or after the passage of this act; *Provided*, such corporation shall file in the office of the secretary of the Territory a certified copy of its charter, or certificate of incorporation.

SEC. 2. That so much of section two (2) of the act entitled "an act in relation to foreign corporations holding property or doing business in this Territory," approved November 29th, 1871, as requires corporations to appoint an agent who shall reside in the Territory, shall not apply to corporations provided for in section one (1) of this act.

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

APPROVED November 5, 1875.

AN ACT

RELATIVE TO ADOPTION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That any minor child may be adopted by any adult person, in the cases, and subject to the rules prescribed in this act.

SEC. 2. The person adopting the child must be at least ten years older than the person adopted.

SEC. 3. A married man, not lawfully separated from his wife, cannot adopt a child without the consent of his wife.

SEC. 4. A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child with-

out the consent of its mother, if living, except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery, or of cruelty, and for either cause divorced, or adjudged to be a habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect.

SEC. 5. The consent of a child, if over the age of twelve years is necessary to its adoption.

SEC. 6. The person adopting a child, and the child adopted, and the other persons whose consent is necessary, must appear before the judge of the probate court of the county where the person adopting resides, and the necessary consent must thereupon be signed, and an agreement be executed by the person adopting, to the effect that the child shall [be] adopted, and treated in all respects as his own lawful child should be treated.

SEC. 7. The probate judge must examine all persons appearing before him pursuant to the last section, each separately, and if satisfied that the interests of the child will be promoted by the adoption, he must make an order declaring that the child shall thenceforth be regarded and treated in all respects as the child of the person adopting.

SEC. 8. A child, when adopted, takes the name of the person adopting, and the two thenceforth sustain towards each other the legal relation of parent and child, and have all the rights, and are subject to all the duties of that relation.

SEC. 9. The parents of an adopted child are, from the time of the adoption relieved of all parental duties towards, and all responsibility for the child so adopted, and have no right over it.

SEC. 10. The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this act do not apply to the adoption provided for by this section.

SEC. 11. All special acts heretofore passed providing for the adoption of any child, are hereby continued in full force and effect, and all children so adopted with their surnames changed to that of the party adopting, shall hereafter sustain to each other the relation prescribed in this act, as though adopted under its provisions, that is to say the relation of parent and child, and all such adopted children shall be treated and regarded as the child of the party adopting.

SEC. 12. This act to take effect and be in force from and after its approval by the governor.

APPROVED Nov. 12, 1875.

AN ACT

PERMITTING ALIENS TO ACQUIRE, HOLD AND DISPOSE OF REAL ESTATE, AND TO BUILD, LEASE, OR PURCHASE RAILROADS, TRAMWAYS AND BRIDGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any alien may acquire and hold lands, or any right thereto or interest therein by purchase, devise, or descent, and he may convey, mortgage and devise the same, and if he shall die intestate the same shall descend to his heirs; and in all cases such lands shall be held, conveyed, mortgaged, or devised, or shall descend in like manner and with like effect as if such alien were a citizen of this Territory or of the United States.

SEC. 2. That any alien, whether a resident of this Territory or not, shall be and is hereby permitted to construct, build, equip, lease, use, sell, hold and dispose of, or acquire by purchase, or otherwise, any railroad, tramway, or bridge, in this

Territory, and shall be, and is hereby allowed to work, and operate the same, to acquire and hold lands in connection therewith, to mortgage the same or said railroad, tramway, or bridge, and to transact the business, collect and receive tolls, hold, use, and dispose of the franchise and rights of any such railroad, tramway, or bridge, with the same powers and privileges in all respects as now, or may hereafter belong to citizens of this Territory.

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

APPROVED NOV. 5, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON," APPROVED NOV. 14, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section nine of chapter five of said act shall read as follows: "Districts having less than fifteen scholars between the ages of four and twenty-one years shall be exempted 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 farther than the said organization, necessary reports and regular enumeration of children are concerned; and in such districts two 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 successor and securities shall also be responsible for such moneys."

SEC. 2. It shall be the duty of the directors to appoint a place for holding all school meetings, and they may also appoint a clerk *pro tem.* in the absence of the clerk.

APPROVED Nov. 12, 1875.

AN ACT

AMENDATORY OF AN ACT, "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 should the road supervisor, from any cause, fail to collect any of the taxes as already provided by law, by the first Monday of January in each year, it shall then be the duty of the said road supervisor to immediately make a return verified by affidavit, of all unpaid road taxes to the county auditor, whose duty it shall be within ten days thereafter, to add twenty per cent. to such unpaid road tax, and to make a transcript of the same, and attach his warrant thereto, which transcript and warrant shall be immediately placed in the hands of the sheriff of the county.

SEC. 2. The sheriff shall collect the taxes and per cent. named in the transcript in the same manner that unpaid Territorial, school and county taxes are collected. Of the twenty per cent. added ten per cent. shall be retained by the sheriff as his fees for collection, and the remaining ten per cent. shall be added to the road taxes collected and paid over to the county treasurer in the same manner that other taxes are.

SEC. 3. It shall be the duty of the sheriff to keep an account of all such taxes collected, and to note the amount collected in each respective district, which several amounts shall be paid out to the district from which it came, and the road supervisor shall receipt therefor. This act shall not apply to the counties of Walla Walla and Kitsap, nor shall it interfere with private or local laws.

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

APPROVED November 12, 1875.

AN ACT

TO PROVIDE FOR PAYMENT OF EXPENSES FOR CAPTURE AND DETENTION OF CRIMINALS IN A FOREIGN JURISDICTION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor is hereby authorized to audit and allow all just and legal claims, which any foreign government, or its officers, may have against this Territory, in accordance with the general fee bills for like services, for the capture, detention and keeping of any criminal who has escaped from this Territory, and taken refuge in any foreign jurisdiction, and upon the allowance of any such claim, he shall draw his warrant upon the Territorial treasury therefor. And the Territorial treasurer is hereby required to pay the same out of any funds in the Territorial treasury, not otherwise appropriated.

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

APPROVED Nov. 12, 1875.

AN ACT

TO PROVIDE FOR THE PROTECTION OF GAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for any person or persons to kill any deer for the purpose of selling the same, or offering them for sale in the market, from the first day of February to the first day [of] August each year.

SEC. 2. That it shall be unlawful for any person or persons, at any time to wantonly kill any elk for the purpose of securing their horns and hides for sale.

SEC. 3. That it shall be unlawful to kill or trap (except for the purpose of propagating) any quail or what is commonly known as the bob-white, until October 1st, 1878.

SEC. 4. That it shall be unlawful to kill or trap (except for the purpose of propagation) any blue grouse, pin-tailed grouse, or prairie chicken, or ruffed grouse commonly known as pheasant, for the purpose of selling the same, or offering them for sale, from the first day of January to the first day of August each year.

SEC. 5. That no person shall enter upon the inclosed premises of any farmer or other party, for the purpose of shooting or trapping any of the birds heretofore mentioned in section three and four of this act, without first obtaining the consent of the owner or proprietor of such farm or other premises, and for every such offense, the trespasser shall be liable to a fine of ten dollars, one-half of which shall be paid to the owner or proprietor, and the other half into the school fund in the county in which the act of trespass is committed.

SEC. 6. Any person or persons violating any of the provisions of section one and two of this act, shall be fined in any court of competent jurisdiction not less than \$10 00 nor more than \$25 00 for each offense, one-half to be paid to the informer and

the other half into the school fund in the county in which such informer may reside. And in case of non-payment of said fine, to be imprisoned in the county jail for not more than 30 days.

SEC. 7. Any person violating any of the provisions of sections three and four of this act shall be fined not to exceed \$10 00 for each offense, the amount of said fine to be divided as provided in section six, and in case of non-payment of such fine the delinquent may be imprisoned not to exceed ten days.

SEC. 8. Nothing in this act shall be so construed as to prevent any person from killing any of the birds or animals heretofore mentioned (except quails) for their own personal use, or for the protection of their crops on their own premises, at any time during the year.

SEC. 9. Any other act conflicting with this act is hereby repealed.

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

APPROVED NOV. 12, 1875.

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 24 be amended as follows: add the following to the end of said section: "*Provided further,* That the supervisor be authorized to expend such portion of the road tax of his district as he may deem expedient for the purpose of staking out and otherwise improving such channels of sloughs, bays and rivers as are used as highways in his district."

APPROVED NOV. 12, 1875.

AN ACT

TO PROVIDE FOR LEVYING A SPECIAL SCHOOL TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the legal voters of any school district in this Territory, may, once in each year, levy a special school tax for the support of common schools, not exceeding two mills on the dollar on the tax levy for the current year, by submitting the same to the voters of said school district at an election to be called for that purpose; *Provided,* a majority of said voters vote in the affirmative, and not otherwise; *Provided,* That the provisions of this act shall not apply to Columbia county.

APPROVED Nov. 12, 1875.

AN ACT

RELATING TO NOTARIES PUBLIC.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That notaries public are hereby declared to be county officers, and they shall be hereafter appointed by the governor of the Territory for the several counties in this Territory.

SEC. 2. Nothing in this act contained shall be so construed as to prevent any duly qualified notary public from exercising any or all of the powers and duties of his office in any county in this Territory.

SEC. 3. All acts in conflict herewith are hereby repealed.

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

APPROVED Nov. 12, 1875.

AN ACT

FOR THE PROTECTION OF BUOYS AND BEACONS.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person, or persons, who shall moor any vessel or vessels, of any kind or name whatever, or any boat, skiff, barge, scow, raft or part of raft to any buoy or beacon placed in the navigable waters of this Territory, or in any bay, river, or arm of the sea bordering upon this Territory by the authority of the United States light house board, or shall in any manner hang on with any vessel, boat, skiff, barge, scow, raft or part of a raft, to any such buoy or beacon, or shall willfully remove, damage, or destroy any such buoy or beacon, or shall cut down, remove, damage or destroy any beacon or beacons erected on land in this Territory, by the authority of the said United States light-house board, shall, for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than one, or more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That one-half of all fines under this act shall be paid by the court to the informer, and that the other half shall be paid into the common school fund of the county in which the offense shall be committed.

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

APPROVED Nov. 5, 1875.

AN ACT

PRESCRIBING THE QUALIFICATIONS OF NOTARIES PUBLIC.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That, before a commission shall issue to any notary public, who shall have been appointed, or may be appointed by the governor of the Territory, said appointee shall

1. Procure a seal on which shall be engraved the words "Notary Public," "Notarial Seal" or words of equivalent import, and "Washington Territory," with his surname in full, and at least the initials of his christian name.

2. Take the oath of office prescribed in the act creating the office of notary public.

3. Append to said oath of office a clear impression of his official seal, which seal shall be approved by the governor.

4. File said oath of office and impression and approval of seal in the office of the secretary of the Territory.

SEC. 2. After delivery of commission to a notary public so appointed and qualified, the secretary shall make a certificate of such appointment, with the date of said commission, and file the same in the office of the clerk of the district court, of the district, or sub-district, where such notary resides, who shall file and preserve the same, and it shall be deemed sufficient evidence to enable such clerk to certify that the person so commissioned is a notary public, during the time such commission is in force.

SEC. 3. All official acts heretofore done and performed by notaries public in this Territory and attested by their official seal, shall be taken as valid, and of full force and effect, if such seals have been approved by the governor of the Territory, at the time of commissioning said notaries public, whether such official seals have engraved thereon the words "Notarial Seal" or "Notary Public," or other equivalent words distinguishing such office. Anything in section three of the act entitled "an

act creating the office of notary public and prescribing the duties and powers and emoluments thereof," approved November 14, 1873, to the contrary thereof notwithstanding.

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

APPROVED November 11, 1875.

AN ACT

CREATING AND CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF SNOHOMISH.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court be, and is hereby established within and for the county of Snohomish, to be called the district court of Snohomish county.

SEC. 2. That said county [court] shall have exclusive jurisdiction within said county of all matters and causes except those in which the United States is a party, in the same manner, and to the same extent as is now had and exercised by the district court of the third judicial district holding terms at Steilacoom for the county of Pierce, with the same rights to appeals, certiorari and writs of error from inferior courts, and to the supreme court as is now provided and allowed by law.

SEC. 3. Said court shall be held by the judge of the third judicial district at the county seat of Snohomish county.

SEC. 4. The said judge of the third judicial district shall appoint a clerk of the court, who shall give bonds and security in such amount as shall be ordered by said court, or the judge thereof, and shall keep his office and records of said court at the county seat of said county; and said district court shall be

a court of record, and the expense of holding the same shall be payable by the said county of Snohomish; and the said county of Snohomish shall also pay the actual traveling expenses incurred by the judge of the third judicial district in going to and from his place of residence to the place of holding said court; and the county auditor shall draw a warrant upon the county treasury for the amount so certified by said judge.

SEC. 5. The various laws now in force, and which may hereafter be enacted regulating the practice and proceedings in civil actions, and in criminal prosecutions in Territorial causes, shall govern the practice and proceedings in said district court of the county of Snohomish.

SEC. 6. The board of county commissioners, at their regular May term, or session, shall select from the statement of persons qualified, a sufficient number to serve as grand and petit jurors at each term of said district court for the ensuing year; and the county auditor shall therefrom furnish a list of grand and petit jurors so selected, to the clerk of the court of said county of Snohomish; *Provided*, That when, from any cause, there shall not be in attendance a sufficient number of qualified and competent grand and petit jurors, or the regular jurors shall not have been summoned, or shall have been discharged, it shall be competent for the court to order a sufficient number of qualified grand and petit jurors to be summoned from the bystanders, or from the body of the county; *Provided*, The county commissioners of said county are hereby required to select grand and petit jurors at their regular February term, A. D. 1876, of said board, which jurors shall be summoned to serve at the first regular term of said district court, but all subsequent selections of jurors shall be made at the times, and in the manner prescribed in this section.

SEC. 7. At least thirty days before the commencement of said term of court, the clerk shall issue one venire embracing the names of the grand and petit jurors, specifying which are grand and which are petit jurors, commanding the sheriff to summons the persons so named, to attend on the first day

of the term of said court; *Provided*, This section shall not apply to the first term of said court to be held under this act, so far as time is concerned.

SEC. 8. The number summoned as grand jurors shall not exceed sixteen, and the number of petit jurors summoned shall not exceed twenty-four, and the provisions of law providing for the manner of selecting, and procuring the attendance of jurors at terms of the several district courts consistent with the foregoing, and not modified thereby shall fully apply to the said district court of the county of Snohomish.

SEC. 9. The foregoing sections which relate to summoning grand and petit jurors, for the terms of said district court of the county of Snohomish shall not be construed to alter, amend or repeal the law now in force in regard to the quota of jurors to be summoned from said county of Snohomish to attend the district court of the third judicial district, holding terms at Seattle, to serve on behalf of the United States; but said county of Snohomish shall not be chargeable in any event for the mileage, and attendance of any grand or petit jurors who may be summoned to attend at the district court of the third judicial district holding terms at Seattle except upon the order of the judge thereof.

SEC. 10. All civil actions now pending in the district court of the third judicial district, holding terms at Seattle, wherein the subject of the action, or some part thereof is situated in said county of Snohomish, according to section 48 of the civil practice act of 1873, or wherein the cause of action, or some part thereof arose in said county according to section 49 of said practice act, or wherein service of summons was had upon any defendant in said Snohomish county shall be transferred, by order of the judge of said court, to the district court of Snohomish county for trial, and shall there be heard and determined in the same manner as though said cause had been originally commenced in said Snohomish county.

SEC. 11. The regular terms of said district court of Snohomish county shall be held on the third Tuesday of March,

and the second Tuesday of November in each and every year, and each term held for two weeks unless sooner adjourned.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED NOV. 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT IN RELATION TO LICENSES," APPROVED NOVEMBER 13, A. D. 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section four of chapter one of said act be amended as follows: To the end of said section shall be added the following: *And provided further,* That such license shall be used only in the precinct to which it shall be granted; *Provided further,* that no license shall be used in more than one place at the same time. *And further provided,* That no license shall be granted to any person to retail spirituous liquors until he shall furnish to the county commissioners satisfactory proof that he is a man of good moral character.

APPROVED November 12, 1875.

AN ACT

PROVIDING FOR THE ELECTION OF OFFICERS FOR NEWLY ORGANIZED COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That hereafter when new counties

shall be organized it shall be competent for the Legislative Assembly in passing such act establishing a new county to name and designate the county officers of such new county necessary to organize the government thereof, or the said act may appoint a board of county commissioners, and empower the persons named in said act as such board, or a majority of them after having qualified according to law to appoint the remaining county officers until the next general election, or to fill any vacancy therein which may occur before such general election.

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

APPROVED Nov. 11, 1875.

AN ACT

IN RELATION TO WARRANTS DRAWN ON THE TERRITORIAL
TREASURER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all acts and parts of acts, authorizing the issue of preferred warrants on the Territorial treasurer, be and the same are hereby repealed, and that all warrants shall hereafter be paid in the order of their date and number.

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

APPROVED November 4, 1875.

AN ACT

TO PREVENT HORSE RACING TO THE DANGER OF THE PUBLIC.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for

two or more persons to race horses upon any portion of a usually traveled public highway, or within the limits of any unincorporated town to the danger of the traveling public or the inhabitants of such unincorporated town. Persons violating this section shall be liable to a fine of not less than twenty-five dollars for each and every offence, and to an action for damage to be recovered by civil action for an injury caused therefrom.

APPROVED Nov. 12, 1875.

AN ACT

TO REPEAL AN ACT ENTITLED, AN ACT TO PROVIDE FOR THE PUBLIC PRINTING AND DISTRIBUTION OF THE LAWS AND JOURNALS, PASSED JANUARY 19, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled, an act to provide for the public printing and distribution of the laws and journals, passed January 19, 1863, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

APPROVED October 25, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO QUARTZ MINING CLAIMS," APPROVED NOVEMBER 13, 1873.

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

act, be amended to read as follows: "The miners of each mining district may make rules and regulations governing the location and amount of work necessary to hold possession of a mining claim subject to the requirements of the act of Congress approved May 10, 1872, entitled 'an act to promote the development of the mining resources of the United States,' which are as follows: 'The location must be distinctly marked on the ground so that its boundaries may be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location and such a description of the claim or claims, located by reference to some natural objects or permanent monument as will identify the claim. On each claim located after the passage of this act, and until a patent shall issue therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year, and upon a failure to comply with these conditions, the claim upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made.' *Provided*, That all mining claims shall be recorded in the office of the county auditor of the county where the same is situated."

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

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

APPROVED NOV. 12, 1875.

AN ACT

TO AUTHORIZE EXECUTORS AND ADMINISTRATORS TO ERECT MONUMENTS OR TOMBSTONES TO MARK THE GRAVES OF DECEASED PERSONS.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That executors and adminis-

trators of the estates of deceased persons are hereby authorized by and with the consent of the probate court of the proper county, to expend a reasonable sum out of the estate of the decedent, to erect a monument, or tombstone, suitable to mark the grave of said decedent, and the expense thereof shall be paid as expenses of administration are paid.

APPROVED Oct. 26, 1875.

AN ACT

TO PREVENT THE SPREAD OF CONTAGIOUS OR INFECTIOUS DISEASES AMONG DOMESTIC ANIMALS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person or company of persons shall bring or cause to be brought into this Territory any flock or flocks of sheep, knowing them to be infected by scab or any other contagious disease, under penalty of a fine of not less than fifty nor more than five hundred dollars for each offense, said fine to be collected by an action brought for that purpose in the name of the Territory before any court having competent jurisdiction in the county where such animals were introduced, and to be paid into the county treasury of said county for the use of common schools.

SEC. 2. Any person, or company of persons, now or hereafter having ownership of, or in any such animal or animals mentioned in the preceding section, infected by scab or any other infectious or contagious disease, shall keep such animals secure from contact with other animals. Any person willfully or knowingly violating the provisions of this section shall be liable to the same penalty as provided for in the first section of this act.

SEC. 3. When any person has good reason to believe that any flock or flocks of sheep within his county is infected with

scab or any other infectious disease, and the same is running at large, or being herded where they may be in danger of infecting other flocks of sheep, such person may make written complaint in the usual manner before any justice of the peace within his county, who, upon such complaint being made, shall appoint three disinterested persons, residents of the county, who shall qualify by taking an oath, to faithfully and impartially discharge the duties devolving upon them as a commission; and their duty shall be, and they shall have the power and authority to examine such flock or flocks of sheep complained of, and ascertain if they be diseased as alleged in the complaint and whose report shall be taken and received as evidence on the charges of a violation of this act; *Provided*, That upon complaint being made as provided herein, and the same being found to be frivolous or malicious, then the party making such complaint, shall pay all the costs of the proceedings had.

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

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

APPROVED November 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, AN ACT IN RELATION TO THE QUARANTINE OF VESSELS, APPROVED NOVEMBER 26, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section twelve of the act entitled, "an act in relation to the quarantine of vessels" approved November 26, 1869, be so amended as to read as follows: "It shall be the duty of the board of health appointed under the provisions of this act, when by them deemed necessary, to procure a suitable building, either by lease or construction, to be

used exclusively by the health officer as a pest house, and to approve all necessary expenses of said health officer, in procuring a building, or in carrying into effect the provisions of this act, and the act to which this is amendatory, not otherwise provided for, not exceeding the sum of one thousand dollars, in any one year, which shall be paid out of the Territorial treasury from any money therein.

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

APPROVED November 9, 1875.

AN ACT

CONCERNING MARKS AND BRANDS IN CERTAIN COUNTIES IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person or persons being the owners of horses, mules, cattle, sheep, goats or hogs in the counties of Klikitat, Yakima, Stevens, Whitman, Walla Walla and Columbia, shall keep a mark, brand and counter brand, different from the brand of his neighbors, and as far as practicable different from any others in the counties herein named.

SEC. 2. Every owner shall record with the county recorder his mark, brand and counter brand, by delivering to such auditor his mark cut upon a piece of leather, and his brand and counter brand burnt upon the same; and the auditor shall enter in a book kept by him for that purpose, a description of said marks and brands, together with the owners' names, time of recording, also describing the part or place on the animal where such mark or brand is designed to be used. The auditor, when any mark or brand is presented for record, shall satisfy himself that they are different from any other recorded in his office, and

he shall be entitled to charge a fee of fifty cents for every entry made under the provisions of this act.

SEC. 3. On trial of any action involving ownership of any animal, a certified copy of the marks and brands made by the auditor, over the seal of his office, shall be considered as *prima facie* evidence in such trial as to such ownership.

SEC. 4. Any person or persons slaughtering cattle, and having a definite place of slaughter, shall keep at such place a book, in which shall be entered, on the day of slaughter, the age, as near as may be, and brands of cattle, or other animals slaughtered; also, a full description of every mark or brand on such animal, together with the date of receipt or purchase, and the name of the person from whom the same was received or purchased, and such book shall be kept for the inspection of any person desiring so to do.

SEC. 5. The hides of all cattle slaughtered shall be kept by the person slaughtering the same for a period of twenty days from the date of slaughtering, and they shall be exhibited to any person who may demand the same within said period.

SEC. 6. Any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for the first offense in any sum not exceeding fifty dollars, and for a repetition of the offense, not less than fifty dollars, nor more than one hundred dollars, and in default of payment, imprisonment in the county jail at the discretion of the court. One half of the fines collected under the provisions of this act, shall go to the informant, and the residue shall be paid to the county treasurer for the school funds of the county where the said offense was committed.

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

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

APPROVED November 12, 1875.

AN ACT

IN RELATION TO FIRE-HUNTING FOR DEER, ELK OR MOOSE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for any person or persons to fire hunt for deer, moose or elk, except within the bounds of his own enclosure or by the permission of the owner of any other enclosure.

SEC. 2. That any person or persons, upon conviction thereof, shall be fined twenty dollars for each and every offense, one-half of said fine to go to the informer, and the other half into the common school fund of the county where such act is done.

APPROVED NOV. 12, 1875.

 AN ACT

TO REGULATE THE SALE OF EGGS BY WEIGHT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That twenty-four ounces, or one and one-half pounds avoirdupois, shall be the standard of weight for a dozen of eggs, unless otherwise regulated by special contract.

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

SEC. 3. This act shall take effect and be in force from and after the first day of January. A. D, 1876.

APPROVED NOV. 12, 1875.

AN ACT

TO ORGANIZE THE COUNTY OF COLUMBIA IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of Walla Walla county included within Washington Territory, and included within the following limits, be and the same is hereby known as the county of Columbia, viz: Commencing at a point in the middle of the channel of Snake river, where the range line between ranges thirty-six (36) and thirty-seven (37) east of the Willamette meridian intersects said point; thence south on said range line to the north-west corner of township number nine (9) north, range thirty-seven (37) east; thence east on the north boundary line of township number nine (9) north, range thirty-seven (37) east, to the north-east corner of said township; thence south on the line between ranges thirty-seven (37) and thirty-eight (38) east of the Willamette meridian, to the north-east corner of township number seven (7) north, range thirty-seven (37) east; thence along the north boundary line of township number seven (7) north, range thirty-eight (38) east to the north-east corner of said township; thence due south to the line dividing the Territory of Washington from the State of Oregon; thence due east on said dividing line to the dividing line between the Territory of Washington and Idaho; thence due north to a point where the dividing line between the Territories of Washington and Idaho intersects the middle channel of Snake river; thence down the middle channel of Snake river to the point of beginning; *Provided,* That all taxes levied and assessed by the board of county commissioners of Walla Walla county, for the year 1875, upon persons, or property within the boundaries of the said county of Columbia shall be collected and paid into the treasury of Walla Walla county, for the use of said county of Walla Walla. *Provided however,* That noth-

ing in this act shall be so construed as to deprive the county of Columbia of its proportion of the tax levied for common school purposes for the above named year, and provided further, that the county of Columbia shall not be liable for any of the indebtedness of the county of Walla Walla, nor entitled to any portion of the property of said county of Walla Walla.

SEC. 2. That E. Oliver, Frank G. Frary and George Pollard are hereby appointed a board of commissioners, to call a special election for the election of county officers for said county, and to appoint the necessary judges and inspectors therefor. Notice of which election shall be given and the said election conducted, and returns made as is now provided by law. *Provided*, That the returns shall be made to the commissioners aforesaid who shall canvass the returns, and declare the result in the same manner as county commissioners are now required to do by law.

SEC. 3. That the justices of the peace and constables who are now acting as such in the precincts of the county of Columbia be and the same are hereby declared justices of the peace and constables for the said county of Columbia.

SEC. 4. The county seat of the said county of Columbia is hereby located at Dayton until the next general election, at which a majority of the legal voters of said county may permanently locate the same.

SEC. 5. The county of Columbia is hereby united to the county of Walla Walla for judicial purposes,

SEC. 6. That all laws of a general nature applicable to the county of Walla Walla, shall be applicable to the county of Columbia.

SEC. 7. Until otherwise provided by law, the said county of Columbia shall be entitled to elect two members to the house of representatives of the Legislative Assembly, and the county of Walla Walla, of which it has been heretofore a part, until otherwise provided by law, shall elect four members to said house of representatives, and the said county of Columbia shall, with the counties of Whitman and Stevens, constitute

a joint council district, entitled to elect one member of the council in said Legislative Assembly, and the county of Walla Walla shall hereafter constitute a council district, entitled to elect one member of said council. Acts and parts of acts providing a different apportionment for representation in the Legislative Assembly, than herein contained for the districts of which the said Columbia, while part of said Walla Walla county was a part, are hereby made to conform to this act.

SEC. 8. All acts and parts of acts in conflict 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.

APPROVED NOV. 11, 1875.

AN ACT

TO PREVENT THE DISPOSAL OF INTOXICATING LIQUORS ON ELECTION DAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That it shall be unlawful in this Territory, for any person or persons to barter, sell, give away, or in any manner dispose of any intoxicating liquors, on the day of any general or special election of Territorial, county or municipal officers within the Territory, district, county, or corporation in which said election is held: *Provided*, That nothing in this act shall be construed to prevent the sale of intoxicating liquors after the polls have closed on election day.

SEC. 2. Any person or persons violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars or by imprisonment in the county jail not less than ten

nor more than thirty days, or both in the discretion of the court.

SEC. 3. That it is hereby made the duty of all magistrates, sheriffs and constables, to report to the grand jury all violations of the provisions of this act which may come to their knowledge in their respective counties, and all fines collected under this act shall be paid into, and become a part of the common school fund of the county in which the same shall be collected.

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

APPROVED November 11, 1875.

LOCAL AND PRIVATE LAWS.

LOCAL AND PRIVATE ACTS

OF THE

LEGISLATIVE ASSEMBLY

OF

WASHINGTON TERRITORY FOR 1875.

AN ACT

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

CHAPTER I.

THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the City of Seattle shall include within its limits all of sections three, four, five, six, in township twenty-four north, of range four east, sections thirty-one, thirty-two, thirty-three and thirty-four, in township twenty-five north, range four east, 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. The inhabitants within the City of Seattle are hereby constituted and declared to be a Municipal Corporation,

by the name and style of the "City of Seattle," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded, in all courts of justice; contract and be contracted with; acquire, hold, sell and convey property, real and personal, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The City of Seattle has power to assess, levy and collect taxes for general municipal purposes, not to exceed two-fifths per centum per annum, upon all property both real and personal within the city, which is by law taxable for Territorial and county purposes, and to levy and collect special taxes as hereinafter provided. But all taxes for general and special municipal purposes, exclusive of assessments for improvements as hereinafter provided in sections eight, nine and eleven, shall not in any year exceed one and one-half per centum on the property assessed.

SEC. 4. The city of Seattle has power to make regulations for prevention of accidents by fire, to organize and establish a fire department, ordain rules for the government of the same, to provide fire engines and other apparatus, and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year one-fifth of one per centum upon the taxable property within the city. And on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to any such prohibition.

LOCAL AND PRIVATE LAWS.

SEC. 5. The City of Seattle has power to purchase or condemn and enter upon, and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses, or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth per centum in any year. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may be hereafter dedicated to public use by any person or persons; and has power, in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same, and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city, or the public, existing prior to such conveyance. But when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 6. The City of Seattle has power to provide for the lighting of the streets, and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor; and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the benefit of such lights, which limits shall be fixed by the city council each year, before levying any tax authorized by this section, and all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 7. The City of Seattle has power to provide for clearing, opening, graveling, improving and repairing of streets, highways and alleys, and for the prevention, and removal of all obstructions therefrom or from any cross or side-walk; also to

regulate cellar-ways and cellar lights in sidewalks within the city; and to provide for clearing the streets; also for constructing sewers, and cleaning and repairing the same; and has power to assess, levy and collect each year a road poll tax of not less than four nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except persons that are a public charge; also a special tax on property of not less than two nor more than four mills on every dollar's worth of property within the city; which taxes shall all be expended for the purposes specified in this section; and the officers of King county shall not levy or collect any road tax upon the inhabitants, or property within the City of Seattle.

SEC. 8. The City of Seattle has power to construct and repair side walks, and to curb, pave, grade, macadamize and gutter any street, highway or alley therein, and to levy and collect a special tax, or assessment, on the lots and parcels of land fronting on such street, highway or alley, sufficient to pay the expense of such improvement; but unless the owners of more than one-half of the property subject to assessment for such improvement, petition the council to make the same, such improvement shall not be made, until a majority of all the members of the council by vote assent to the making of the same.

SEC. 9. The City of Seattle has power to cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

SEC. 10. The City of Seattle has power by general ordinance to prescribe the mode in which the charge on the respective owners of lots or land, and on the lots or lands shall be as-

essed and determined for the purposes authorized by this act; such charge, when assessed, shall be payable by the owner or owners at the time of the assessment personally, and shall also be a lien upon the respective lots or parcels of land from the time of the assessments. Such charge may be collected, and such lien may be enforced by a proceeding in law or in equity, either in the name of the City of Seattle, or of the officer to whom it shall have directed payment to be made. In any such proceedings, where pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished, on the particular lot or parcel of land, or street, highway, or alley. In any such proceeding, where the court trying the same shall be satisfied that the work has been done, or materials furnished which, according to the true intent and meaning of this act, would be properly chargeable upon the lot or land, through, or by which the street, highway, or alley improved or repaired may pass, a recovery shall be permitted, or a charge enforced to the extent of the proper proportion of the value of the work or materials which should be chargeable on such lot or land, notwithstanding any informality, irregularity, or defect in the proceedings of the officers of the city; but in such case the court may adjudge as to costs as may be deemed proper; and in cases where an assessment shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, the city shall be entitled to demand and recover, in addition to the amount assessed and interest thereon at ten per cent. per annum from the time of the assessment, five per cent. to defray the expenses of collection, which shall be included in any judgment or decree which may be rendered.

SEC. 11. The City of Seattle has power to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets, and to establish the grades of all streets within the city; and to lay off, widen, straighten, narrow, change, extend, vacate and establish streets, highways and alleys, and all public grounds; and to provide for the condemnation of such real estate as may be nec-

essary for such purposes; and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, sufficient to make compensation for all property condemned or damaged, and to authorize, or forbid the location and laying down of tracks for railways and street railways on all streets, alleys, and public places, but no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley or public place upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from re-grade of streets in section 106, of this act.

SEC. 12. The City of Seattle has power to erect and maintain water works, or to authorize the erection of the same, for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city at a general or special election shall vote for the same.

SEC. 13. The City of Seattle has power to construct, or authorize the construction of such water works without the limits of the city; and for the purpose of maintaining and protecting the same from injury, and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains used in, and necessary for the construction, maintenance, operation of the same, and over the stream or source from which the water is taken, for five miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 14. If the right to construct and operate such water works is granted to private individuals, or incorporated companies by the City of Seattle, it may make such grant to inure for a term of not more than twenty-five years; and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between said person or corporation so building

such works and said city; and the City of Seattle is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 15. The City of Seattle is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works; and if it shall authorize the construction and operation thereof by individuals, or private corporations, it may confer by ordinance upon such person or persons, or corporation, the said power to take and appropriate private property for such purpose.

SEC. 16. The City of Seattle shall have power, at the regular term for levying taxes in any year, to levy and collect a special tax, not exceeding one-half of one per centum, upon the taxable property within the limits prescribed as hereinafter provided, for the purpose of constructing such water works; *Provided*, No such tax shall be levied for the purpose of aiding any private individual or corporation; and when such works shall have been constructed the City of Seattle shall have power to assess and collect from time to time in such manner as the City Council may deem equitable, from each tenement, or other place supplied with water, such water rent as may be deemed reasonable; and at the regular time for levying taxes in each year to levy and collect in addition to the tax already authorized by this section, a special tax on taxable property within the limits prescribed as hereinafter provided, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works, and if the right to build, maintain and operate such water works shall be granted to private individuals or corporation by the city, and the city shall contract with such individuals or corporation for a supply of water for any purpose said city shall levy and collect each year a special

tax sufficient to pay off such water rent to such individual or company, provided that said taxes shall not exceed one-half of one per centum upon the taxable property within the limits of the benefits, and protection of such work, which limits shall be fixed by the city council each year before levying any tax authorized by this section. And all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 17. The City of Seattle has power to make regulations to prevent the introduction of contagious diseases into the city, to remove persons affected with such or other diseases therefrom, to suitable hospitals provided by the city for that purpose, to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish any disturbance, or any unlawful or indecent practice.

SEC. 18. The City of Seattle has power to make regulations and pass ordinances preventing domestic and other animals from running at large; and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and costs of proceedings; or may authorize their destruction.

SEC 19. The City of Seattle has power to regulate, license, and tax, all carts, wagons, drays, coaches, omnibuses, and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate, or prohibit, theatricals, shows and other exhibitions, and public amusements, and to license, tax, and regulate auctioneers, hawkers, peddlers, brokers, pawn-brokers, and all offensive or noxious trades or occupations.

SEC. 20. The City of Seattle has power to establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests with or without warrants within the limits of the city, to summon aid, and to exercise all other powers necessary and requisite for the prevention of crime or apprehension of offenders.

SEC. 21. The City of Seattle has power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated, to restrain disorderly houses, houses of ill fame, or gambling houses; to regulate the transportation and keeping of gun powder, or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding or driving of horses through the streets; to regulate the speed of trains, and locomotives on railways over the streets or through the limits of the city. To prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein.

SEC. 22. The City of Seattle has power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

SEC. 23. The City of Seattle has power to establish, and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

SEC. 24. The City of Seattle has power to borrow money on the credit of the city, for any purpose within the authority of the corporation including the payment of any existing debt. But the indebtedness of the city must never exceed in the aggregate the sum of two thousand dollars, and any debt or liability incurred in excess of said sum ten thousand dollars shall be invalid and void.

SEC. 25. The City of Seattle has power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act; and to provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both, or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment, or committed in default of payment of

any such fine, upon the street or public squares during the term thereof.

SEC. 26. The City of Seattle has power to make harbor regulations and rules, to assess and collect harbor dues from all vessels and water craft whatever arriving at or departing from the city; to license and tax wharfingers; and to build, construct and regulate wharfs, piers and landing places at the foot of any street terminating at the shore of Elliott's Bay or Lake Washington.

SEC. 27. The City of Seattle has power to establish and regulate the fees and compensation of all its officers, except when otherwise provided; and has such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States or of this Territory, and as may be necessary for carrying into effect the provisions of this act according to the true intent and meaning thereof.

CHAPTER III.

OF THE GOVERNMENT OF THE CITY.

SEC. 28. The power and authority given to the municipal corporation by this act shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 29. The common council shall consist of seven members; they shall be elected for one year, and shall hold their office until their successors are elected and qualified.

SEC. 30. The mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

SEC. 31. There shall be elected as hereinafter specified, a judicial officer, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner and harbor master, and asses-

sor and collector, who shall be officers of the municipal corporation. The marshal shall be elected by the qualified voters of the corporation, and shall hold his office for one year, or until his successor is elected and qualified. The common council shall, annually, at the first regular meeting thereof after the qualification of the new members elected at each annual city election, designate and appoint one of the justices of the peace for Seattle precinct, who shall have been duly elected and appointed, and qualified as required by law, who shall be the judicial officer of the city, and shall keep his office therein, and shall have jurisdiction over all crimes defined by any ordinance of the city, and of all actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances; and to pronounce judgment in accordance therewith. All civil and criminal proceedings before such justice of the peace, under and by authority of this act shall be governed and regulated by the general laws of this Territory relating to justices of the peace, and to their practice and jurisdiction; and shall be subject to review in the district court of the proper district by certiorari or appeal, the same as other cases. The attorney, clerk, treasurer, health officer, surveyor, street commissioner, harbor master, and the assessor and collector shall be elected by the common council at the meeting above specified, and they shall be liable at any time to be removed by the council for malfeasance, inattention or incompetency.

SEC. 32. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this Territory, and who has not resided in the City of Seattle for the six months next preceding such election or appointment.

CHAPTER IV.

OF ELECTIONS.

SEC. 33. There shall be a general election for all city officers required to be elected under this act, on the second Monday of July of every year.

SEC. 34. No person is qualified to vote at any election under this act who does not possess the qualifications in section thirty-three of this act for officers, and all officers required to be elected by this act, except those elected by the common council shall be an elector according to the laws of this Territory.

SEC. 35. That, at all elections for city officers, the vote shall be by ballot at the time and place designated by the common council.

SEC. 36. The city clerk, under the direction of the council, shall give ten days' notice by posting the same, in at least two public places in each ward of the city, or by publication in some newspaper, published in said city, of such general election, the officers to be elected, the place designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 37. All elections shall commence at nine o'clock A. M., and continue until five o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward, then present, may elect another in his place, and if any clerk of election fail to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 38. Judges and clerks of elections must possess the qualifications of voters in the ward where they act as such; but a mistake or error in this respect, or a failure to give the notice required by section 37, shall not invalidate any election otherwise legal.

SEC. 39. On the first regular meeting of the council next after such election, the returns thereof shall be canvassed by the city council, and the written statement of such canvass should be made and signed by the presiding officer of the council and attested by the clerk, and immediately filed with the clerk; such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any person for any office and the names of persons elected, and to what office.

SEC. 40. After such statement of the canvass is filed, the clerk shall make and sign within two days thereafter, a certificate of election for each person declared thereby to be elected, and to deliver the same to him on demand.

SEC. 41. A certificate of election is primary evidence of the facts therein stated; but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined according to the laws of the Territory regulating proceedings in contested elections in county officers.

SEC. 42. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly, except as otherwise provided by this act; and by such time such person must qualify by taking and filing the oath of office, and give such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant.

SEC. 43. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk an oath of office to the following effect: "I, A. B., do solemnly swear (or affirm) that I will support the constitution of the United States, and of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office of _____, during my continuance therein, so help me God." If the person affirms, instead of the last clause, there must be

added, "and this I promise under the pains and penalties of perjury."

SEC. 44. All laws of this Territory regulating and governing general elections, and proceedings and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 45. An office becomes vacant upon the death or resignation of the incumbent or failure to qualify as required. The office of mayor, clerk, treasurer, assessor and collector, shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of marshal and the judicial officer shall be deemed vacant when the incumbent shall be absent from the city for the period of twenty days. The office of councilmen shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council unless absent upon leave of the council first obtained.

SEC. 46. A vacancy in any office shall be filled by the council at a regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

SEC. 47. An officer appointed to fill a vacancy, must, within five days after being notified of the appointment by the clerk, qualify therefor as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 48. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the

city not herein or by some ordinance of the city conferred on some other officer.

SEC. 49. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members.

SEC. 50. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 51. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings, and, on the call of any one of its members, must cause the yeas and nays to be taken and entered in its journal upon any question before it; but upon a question to adjourn, the yeas and nays shall not be taken, unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 52. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a two-thirds vote expel a member.

SEC. 53. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules, and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting, or until the mayor attends.

SEC. 54. On the tenth day next following any general election, there must be a regular meeting of the council: and such meeting is appointed by this act, and no notice thereof, or call therefor is necessary.

SEC. 55. A majority of the whole number constituting the council as then provided by law, is a majority of the council or members thereof, within the meaning of this act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, other than the final passage of an ordinance.

CHAPTER VII.

THE MAYOR, HIS POWERS AND DUTIES.

SEC. 56. The mayor is the executive of the corporation, it is his duty annually, at the first regular meeting in July, to communicate by message to the common council a general statement of the condition and affairs of the corporation, and to recommend adoption of such measures as he may deem expedient and proper, and to make special communications to the council from time to time as he may think proper and useful.

SEC. 57. The mayor shall take and approve all official undertakings which the ordinances of this city may require any officer to give, as a security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract, and when he approves such undertaking, he must immediately file the same with the clerk.

SEC. 58. He shall perform such other duties, and exercise such other authority as may be prescribed by this act, any city ordinance, or any law of the United States, or of this Territory.

SEC. 59. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval; if he approves he shall sign it, if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the same to be entered on their journal, and shall proceed to reconsider the same. If, after such re-

consideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law.

SEC. 60. During any temporary absence of the mayor from the city, or if he be unable for any reason to act, the council shall elect one of their own members who shall be the acting mayor, and perform all the duties of such office during such temporary absence or disability, except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 61. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the mayor or council.

SEC. 62. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the city council. The clerk is authorized to administer any oath required to be taken in connection with duties of his office.

SEC. 63. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council who shall, by a vote, direct whether the same shall be paid or any part thereof as they may deem it just and legal.

SEC. 64. When the council orders any demand or account to be paid, if money has been appropriated for that purpose and not otherwise; the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

SEC. 65. 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 city finances.

SEC. 66. 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 mayor attested by the clerk

SEC. 67. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 68. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the month of December and June of each year, which report shall be published in any newspaper published in the city.

SEC. 69. The assessor must annually make a correct list of all the property subject to taxation by the City of Seattle, with the valuation thereof, and certify and return the same to the clerk.

SEC. 70. A person feeling himself aggrieved by any such assessment either in the valuation or listing of the property, may apply in writing to the council, to have such assessment revised, and if the council deem the same erroneous they must correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desire it, or the council require it.

SEC. 71. The assessment of property must be made in the manner prescribed by law for assessing property for Territorial and county taxes; but the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance; and the time

of making such assessment and the return thereof, and of applying to the council for a revision thereof, must be prescribed by ordinance.

SEC. 72. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

SEC. 73. The marshal is a peace officer, and must execute all process issued by the judicial officer of the city or directed to him by any magistrate of this Territory; he must attend regularly upon the court of said judicial officer, and the meetings of the council; he has power by and with the approval of the council, to appoint one or more deputies, who shall possess the same power; he shall make arrests for breach of the peace, or of a commission of a crime within the city limits, with or without warrants as a peace officer may do, under the laws of the Territory; he shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison, or house of correction, unless otherwise prescribed by ordinance.

SEC. 74. The marshal must keep a correct record of all arrests made by him or his deputies, 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 city council.

SEC. 75. The judicial officer of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and condition as the council may require; he must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly all such moneys, and take duplicate receipts therefor and which he must file with the clerk.

SEC. 76. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 77. The official books and papers of all the city officers are city property and must be kept as such by such officers

during their continuance in office, then delivered to their successors.

SEC. 78. The official books and papers of any officer mentioned in this act, may be inspected at any time by a committee of the council appointed for that purpose.

CHAPTER IX.

ORDINANCES.

SEC. 79. The style of every ordinance shall be "The City of Seattle does ordain as follows:" All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption, the concurrence of a majority of all the members of the council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no ordinance, or section thereof, shall be revised or amended unless the new ordinance contain the entire ordinance or section reviewed; and the ordinance or section so amended shall be repealed.

SEC. 80. All ordinances shall, as soon as may be after their passage, be recorded in a book, kept for that purpose, and authenticated by the signature of the presiding officer and the clerk, and all these of a general or permanent nature, and those imposing any fine, penalty or forfeiture shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defence to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made, and such ordinances shall take effect and be in force at the expiration of five days after they have been published.

CHAPTER X.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 81. The assessor shall annually make out a list of the names of all persons within the city liable to pay a road

poll tax as provided in section seven of this act, and return such list to the council with his assessment of property. Said list of names shall be given to the collector and he shall at once proceed to collect such poll tax as the council may have levied for the year, from each person upon said list; the collector shall place upon his list the names of all persons found within the city liable to pay such poll tax who shall fail to produce a receipt for the payment of a road poll tax for the current year. He shall demand the amount due from each person named upon the list, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale; *Provided*, That any person may pay said poll tax in work upon the streets of the city under the direction of the street commissioner, at the rate of two dollars per day. Any person having men employed either for himself or a company shall, when required, provide a list of the names of all such persons so employed liable to pay such road poll tax, and if such 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 poll tax of his or their employees, and pay the road poll tax due by such men or the men so employed, on being notified in writing by the collector.

SEC. 82. Whenever any general or special tax has been levied, as provided and authorized in chapter two, of this act, every part thereof shall bear interest at the legal rate, from the time it is due and payable, until paid or collected.

SEC. 83. The council must provide by ordinance within what time all taxes, levied as provided and authorized in chapter two, may be paid to the treasurer; and all taxes not paid to the treasurer within such time, are thereafter delinquent taxes, and must be collected as such. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 84. The council must thereafter order the clerk to deliver the tax roll to the collector, and issue and annex thereto a warrant directed to the collector, commanding him to proceed, and forthwith to collect the delinquent taxes upon such roll, in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collection, and return the warrant with his doings thereon, and the receipt of the treasurer for all moneys collected thereby and paid to the treasurer to the clerk.

SEC. 85. Such warrants, 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 maner, except as in this chapter otherwise provided.

SEC. 86. 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 on 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. 87. 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. 88. When real property is sold for delinquent taxes the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such sale shall have the effect to convey to the purchaser, subject to redemption, as hereinafter provided, all the estate or interest therein of the owner whether known or unknown, together with all the rights and appurtenances thereunto belonging.

SEC. 89. 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 the 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. 90. Whenever any property, real or personal, sold for delinquent taxes shall bring more than the amount of such taxes, with interest and the costs and charges of collection, the surplus must be paid to the treasurer, and the person executing the warrants 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 owners of the property sold, or his legal representation is entitled to a warrant upon the treasurer for such surplus.

SEC. 91. The council may provide by ordinance within what time a warrant for the collection of delinquent taxes must be returned and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant and collected as a part of the tax. Council may prescribe by ordinance the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the treasury.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SEC. 92. The City of Seattle is not bound by any contract or in any way liable thereon, unless the same is authorized by a city ordinance and made in writing, and by order of the council, signed by the clerk or some other person in behalf of

the city; but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 93. The City of Seattle shall be liable to any one for any loss or injury to person or property, growing out of any casualty or accident, happening to such person or property on account of the condition of any street or public ground therein. But this section does not exonerate any officer of the City of Seattle, or any other person from such liability, when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 94. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose made by ordinance, and an ordinance making an appropriation of money must not contain a provision upon any other subject, and if it does, such ordinance, as to such provisions, shall be void, and not otherwise.

SEC. 95. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 96. The fiscal year of the city shall commence on the first day of July of each year.

SEC. 97. In any action, suit or proceedings in any court concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax or proceeding consequent thereon; such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly done, or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and cannot be revived or called in question elsewhere.

SEC. 98. The city council is hereby authorized to grant

the exclusive right to use the streets of said city for the purpose of laying gas pipes intended to furnish the inhabitants of said city with light to any person or association of persons, for a term not exceeding twenty-five years; and the council may adopt such rules and regulations in granting such exclusive right as they may think proper, and as shall not be inconsistent with law.

SEC. 99. In making a deed for real property sold for delinquent taxes, it is not necessary to recite, or set forth the proceedings prior to the sale, but it is sufficient if it substantially appear from such deeds that the property was sold by virtue of a warrant from the City of Seattle, and the note thereof for a delinquent tax, and the amount thereof, together with the date of the sale and the amount paid thereat by the purchaser. The style of a warrant for the collection of delinquent taxes shall be in the name of the City of Seattle.

SEC. 100. The mayor and councilmen are not entitled to, and must not receive any salary or compensation for their official service.

SEC. 101. All real property within the limits of the City of Seattle, not laid off in blocks at the time of making any assessment authorized by this act, must be assessed at its cash value per acre, or fraction thereof, as the case may be.

SEC. 102. The city council may divide the city into not less than three nor more than seven wards and shall apportion the members of the city council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 103. No street, highway or alley shall be extended, widened, altered or vacated except on petition to the city council, signed by a majority of the resident owners of real estate within the ward or wards in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated.

SEC. 104. When the grade of any street, highway or alley

shall have been established by authority of the City of Seattle, and any person or persons shall have built or made improvements on such street, highway or alley, and the city shall afterward change such established grade, or shall change the boundary lines of any block, street, highway or alley, in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured, the amount of such damage, and when the parties interested are unable to agree with the city council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property, and one by the two so appointed, or in case of their disagreement, by the city council. Said appraisers shall be sworn to faithfully execute their duties according to the best of their ability; they shall view the premises, and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment; they shall assess the damage sustained over and above the additional value of the property by reason of the change or improvement; they shall sign their report, and deliver the same to the clerk of the district court holding terms at Seattle; and if no objection is made thereto in the manner hereinafter prescribed within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a præcipe therefor, the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk shall, upon filing a written præcipe therefor by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term; the party claiming damages shall be plaintiff, and the city shall be defendant. The usual pleadings in a civil action may be filed, or such special pleadings as the court shall allow, and the issues thus formed shall be tried as other civil actions. The costs to be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the cause has been tried at the instance of the city for the purpose of reducing the amount of damages,

and the damages are not so reduced, otherwise the costs shall be taxed against the parties claiming damages.

SEC. 105. When private property shall have been condemned and the compensation to be paid therefor shall be made a charge upon the property benefited thereby as provided in section eleven of this act, the assessments upon the various lots or parcels of land so charged and the appraisal of damages to be paid to the owners of the property condemned, shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of property subject to assessment, and one by the owner or owners of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment after ten days' notice so to do, which notice shall be given in the manner to be prescribed in the ordinance providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn; shall proceed in making the assessment and shall report within the time and in the manner prescribed for appraisements in the preceding section; their award shall be final unless objection is made within twenty days from the time of the return thereof to the clerk of the district court. Any party aggrieved by the award may, upon filing a praecipe therefor, have the case docketed for trial at the next term of the court; when the issue in such case is between an owner of property condemned or damaged, and the city, such party shall be plaintiff and the city defendant, and when the issue to be tried relates to excessive or unfair assessments upon property, the city shall be plaintiff and the owner of the property defendant. The issue shall be made up, the cause tried and determined, and the costs taxed as provided in the preceding section, provided that all costs taxed against the city, and all costs of the appraisal and other proceedings under this section shall be added to the gross amount to be raised by assessment and collected from the several property holders in the same proportion as said gross amount; and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 106. In all other cases where private proverty is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this Territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 107. All of the act of which this act is anendatory, except the sections incorporated herein without amendment otherwise than by changing the number thereof, be and the same is hereby repealed. All other acts or part of acts heretofore passed in relation to the subject matter herein contained are hereby repealed. And all other acts or part of acts in anywise inconsistent with this act are hereby repealed.

SEC. 108. This act shall take effect and be in force from and after passage.

APPROVED Nov. 12, 1875.

AN ACT

TO INCORPORATE THE CITY OF TACOMA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Tacoma shall include within its limits the following described tract or tracts of land, namely: Commencing at the north-west corner of section thirty-one (31), township number twenty-one (21) north, range number three (3) east; thence south on the west side line of said section to the south-west corner of the same; thence east on the south side line of sections number thirty-one

(31) and thirty-two (32) of township number twenty-one (21) north, range three east four hundred rods; thence north three hundred and twenty (320) rods to the section line dividing sections numbered twenty-nine (29) and thirty-two (32) east and west; thence east along said line to half or mean tide on Commencement Bay; thence along the meanderings of said bay to the north-west corner of lot number one (1), section thirty (30), township number twenty-one (21) north, range three east; thence due south to the place of beginning. The inhabitants within such bounds shall be a body politic, and incorporated by the name and style of "The inhabitants of the City of Tacoma" and by that name they and their successors shall be known in law and have perpetual succession; sue and be sued in all courts, and have power to grant, purchase, hold and secure property, real and personal, within such city, and no other, (burial grounds, and cemeteries excepted) and may lease, sell and dispose of the same for the benefit of the city, and may have a common seal and alter it at pleasure.

SEC. 2. The corporate powers and duties of the city shall be vested in a board of trustees to consist of five members, who shall be elected by the qualified electors of the city on the first Monday of May in each year, and shall hold their offices for the term of one year, and until their successors are chosen 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 one 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 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, elections and returns of their own members, and deter-

mine contested elections of all city 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 noes 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 city with water; to lay out, name, alter, keep open and repair the streets and alleys of the city; to provide such means as they deem necessary to protect the city from injury by fire; to levy and collect a tax annually for municipal purposes not exceeding two mills 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 city. The roads, streets and alleys within said city 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 city shall not be included in any road district, but the road tax due by law within said city shall be collected by the city 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, pawn-brokers and all offensive and noxious trades or occupations; to license, tax and regulate billiard and pigeon-hole tables, 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 city and to remove persons affected with such or other diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property therein; to provide for the health, cleanliness, ornament, peace and good order of the city; to provide for lighting the streets and furnishing the city 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 city, or before the judicial officer of the city by suit in the name of the inhabitants of the City of Tacoma 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 city 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 treasurer 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 moneys 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 a 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 one of the justices of the peace of Tacoma precinct, who shall have been duly elected and appointed and qualified as required by law, who shall be the judicial officer for the city, who shall receive for his services the same fees as are or may be allowed to justices of the peace for the like services, but no salary or other compensation from the city. 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 of said board, who shall have power to fill all vacancies.

SEC. 9. The justice who shall be appointed by the trustees, as to the offences committed within the city, 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 city 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 city office or vote for any city officer who may be a qualified elector under the laws of this Territory, and who shall have resided in the city thirty days next before the election. 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 the 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 elections [the inspectors] 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 therefrom 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 oath 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 received 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 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 city 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 city.

SEC. 14. If the president of the board of trustees of the city 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 for the use of the city, 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 city officer remove from the city, 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, neglected or refused for the said time to give bond, his office shall be thereby vacated.

SEC. 16. All moneys arising from the collection of taxes shall be appropriated by the board of trustees towards the carrying out of the objects which by this act are placed under their control and jurisdiction, and all moneys arising from the collection of license, fines, penalties and forfeitures shall be set aside for a common school fund for the City of Tacoma.

SEC. 17. The board of trustees of the City of Tacoma shall have no power to contract liabilities, either by borrowing money, loaning the credit of the city, or contracting any debt or debts which singly or in the aggregate, shall exceed the sum of five hundred dollars.

SEC. 18. That the officers of the city of Tacoma now acting shall be and remain in office until the next election as provided in this chapter and until their successors are elected and qualified.

SEC. 19. This act to take effect and be in force from and after its passage.

APPROVED Nov. 12, 1875.

AN ACT

AMENDING THE CHARTER OF THE TOWN OF OLYMPIA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section numbered one, of article one of the act entitled, "An act amendatory of an act entitled, an act amendatory of an act entitled, an act to incorporate the town of Olympia," approved November 29th, 1871, of which this is amendatory, be amended so as to read as follows: "The town of Olympia shall be bounded as follows: Commencing at the north-east corner of section two, in township eighteen north, of range two west; thence south, along section line to the south-east corner of section twenty-three of said township; thence west along section line to the south-west corner of section twenty-two of said township; thence north along section line to north line of said township; thence east to the place of beginning."

SEC. 2. That section nine of article four of the act of which this is amendatory, be and the same is hereby amended, by adding to said section the following words: "If the mayor's office becomes vacant by death, resignation or otherwise, the board of trustees shall have full power to fill such vacancy; but in no case shall such vacancy be filled by a member of the board, and the mayor so appointed shall hold his office until the next municipal election and until the qualification of his successor. In the event of absence, sickness, or inability to act, the board of trustees may appoint one of the board president *pro tem.*, who shall have all the authority of mayor and perform the office during such absence or inability of the mayor; but no trustee acting as mayor or president, shall thereby require an additional vote in the proceedings of the board, that is to say, if he has once voted upon any measure

as trustee he shall not have a casting vote in the event of a tie as president or acting mayor.

SEC. 3. That section thirteen of said article four, be amended by adding thereto the words, "or person acting as mayor."

SEC. 4. That subdivision two of section fourteen, of said article four, be amended by inserting in said subdivision between the words "town" and "and" when they occur in the eleventh line of said subdivision the words "voting at any special election called for that purpose."

SEC. 5. That sections eight and nine of article seven of the act of which this is amendatory, be and they are hereby amended by striking out the word "deed" wherever the same occurs in said section, and inserting the word "certificate" in the place thereof.

SEC. 6. No member of the board shall be interested directly or indirectly in any property purchased for the use of the town, nor in any purchase or sale of property belonging to the town, nor in any contract made by the board, or other person on behalf of the town for the erection of public buildings, the opening or improvements of roads or the building of bridges, wharves, or for other purposes.

APPROVED November 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF TUMWATER," APPROVED DECEMBER 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that territory lying within the limits of the town of Tumwater, and described as follows,

viz: Commencing at the north-west corner of section 25, in township 18 north, of range number two west; thence running west to the intersection of the north line of section 27, in the township aforesaid, with the meandered line of the west shore of Budd's Inlet; thence along said meandered line to a point one-fourth of a mile due south of said section line; thence east to the west line of section 25; thence along said line to the place of beginning, be excluded from within the corporate limits of the said town of Tumwater; *Provided*, That nothing herein contained shall alter the lines of, or diminish Tumwater road district as heretofore established, and the trustees of said town of Tumwater shall keep said roads in repair as though lying within the corporate limits of said town, and sufficient of road tax for such purpose, collected in said town, shall be applied to the working of the roads within said road district, as though within said corporate limits; *And provided further*, that the corporate authorities of said town of Tumwater shall attend to opening and closing the draw in the bridge at the north end of Tumwater, where it crosses the channel of Budd's Inlet, at the expense of said town at all times, and to maintain and keep in repair the south two hundred feet of said bridge, the remaining part of said bridge excluded from said corporate limits of Tumwater, shall be under the control of the county commissioners of Thurston county, except the draw as aforesaid, which said town of Tumwater is to take care of, keep in repair, and attend to the opening and closing.

SEC. 2. That section one of article II of said act be amended by adding "and one committing magistrate," after the words "a board of trustees consisting of five members," and by striking out the word "trustee" after "each," and inserting instead the word "office," so that the said section shall read as follows: "For the government of the said town of Tumwater, there shall be annually elected in the manner hereinafter provided, the following officers: a board of trustees, consisting of five members, who shall hold their office for one year, and until their successors shall be duly elected and qualified."

SEC. 3. Each officer shall be a resident within said town, and there shall be appointed annually by the board of trustees one president, one clerk and one town marshal.

SEC. 4. That section four of article IV be amended by striking out "the board of trustees shall appoint one of their number as" and inserting "it shall be the duty of the" so that the section shall read "it shall be the duty of any justice of the peace elected within said town to hear, determine and enforce all complaints of violations of town ordinances, and to examine all parties arrested by the town marshal."

SEC. 5. That the following article be added to said act as follows:

"ARTICLE

SECTION 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 of its becoming delinquent.

SEC. 2. The board of trustees must provide by ordinance within what time all taxes may be paid to the clerk, and all taxes not paid to the clerk within said 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 the clerk, the clerk 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 marshal and issue and annex thereto a warrant directed to the marshal, 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 clerk and return the warrant with his doings thereon, and the receipt of the clerk for all moneys collected thereby and paid 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.

SEC. 6. 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 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.

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

APPROVED Nov. 12, 1875.

AN ACT

AMENDATORY OF THE CITY CHARTER OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section one in article two of said act be and the same is hereby amended by striking out the words, "and city recorder" where said words occur in said section.

SEC. 2. That section two in article three, be and the same is hereby amended so as to read as follows, viz: "The several justices of the peace having their offices and holding their courts within the corporate limits of said city, shall have jurisdiction over all violations of city ordinances, hold to bail, fine, or commit to jail all persons found guilty of any violation thereof.

Appeals from the judgment, decisions and orders of justices of the peace, in such cases, shall be allowed as in other cases before justices of the peace, and changes of venue shall be allowed as in other cases, but no cause, upon such change of venue, shall be sent before any justice of the peace not holding his office within said city limits."

SEC. 3. That section three of article three, of said act, be and the same is hereby amended so as to read as follows, viz: "All process issued by any justice of the peace within the corporate limits of said city, in any criminal case, or for the violation of any city ordinance, shall be directed 'to the sheriff or any constable, marshal or policeman in said county,' and such process shall be executed and returned by such officer, as in other cases provided by law. The marshal shall attend the meetings of the city council; he shall possess a superintending control over the peace and quiet of the city, and he and the policeman are hereby declared to be conservators of the peace within said city limits, and are authorized to arrest all persons guilty of a breach of the peace, or of a violation of any city ordinance, and bring them before a justice of the peace within said city for trial."

SEC. 4. That section two of article five of said act be and the same is hereby amended so as to read as follows, viz: "In all matters of the violation of city ordinances, justices of the peace shall have and receive such fees as they now are, or may hereafter be by law entitled to for similar services, and the marshal and policemen shall be entitled to the same fees as are allowed by law to constables for similar services; *Provided however*, That the common council may by ordinance provide for the marshal and policeman such additional compensation as may be deemed just, for the encouragement of diligence in the preservation of the peace and quiet of the city; *Provided further*, That in no case of the violation of a city ordinance, shall the city be liable for any costs, charges, or fees whatever, unless the same be specially provided for by ordinance."

SEC 5. That the fifteenth sub-division in section three of

article four of said act, be and the same is hereby amended so as to read as follows, viz: "To establish and regulate a police, appoint policemen, night watch and patrol."

APPROVED Nov. 5, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF WALLA WALLA," PASSED JANUARY 29, 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two (2) of said act be and the same is hereby repealed, and that the mayor and common council of the City of Walla Walla shall only have power to license, tax and regulate within the limits of said city, auctioneers, hotels, restaurants, hawkers, peddlers, brokers, pawn brokers, money changers, wholesale and retail liquor dealers, billiard saloons, breweries, beer saloons, liquor saloons and Chinese wash houses.

SEC. 2. That section four (4) of said act be and the same is hereby repealed.

SEC. 3. That the clerk of the board of common council of the City of Walla Walla shall not be allowed a compensation of more than one hundred (\$100.00) dollars per annum.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

APPROVED Nov. 12, 1875.

AN ACT

TO AID IN THE CONSTRUCTION OF A WAGON ROAD ACROSS THE
CASCADE MOUNTAINS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person residing in this Territory, who is desirous of aiding in the construction of a wagon road across the Cascade Mountains, shall have the right to dispose of any of his property, real and personal, situate in this Territory, by lot or distribution, under such restrictions and conditions as are provided in this act.

SEC. 2. Such person shall file a statement verified by his oath, in the office of the auditor of the county wherein he resides; which statement shall contain a declaration of his intention to avail himself of the provisions of this act; it shall also contain a full description of the property intended to be disposed of, and the value of each parcel, as near as he can ascertain the same, and also a statement that he is the legal owner of said property; also his plan of distributing said property, the number of shares or tickets to be disposed of and the price of each. Such person shall also execute at the same time, a bond, with sufficient sureties in an amount equal to one-fifth of the total value of said property, conditioned that he will pay ten per cent. of the net proceeds realized from the sale of said shares or tickets to aid in the construction of said road as hereinafter provided, and that he will in all other respects, comply with the provisions of this act, which bond shall also be filed with said auditor.

SEC. 3. The said statement and bond shall be submitted to the county commissioners of the same county, or a majority of them, and if the said commissioners shall be satisfied that the facts alleged in said statement are substantially true, that the proposed plan of distributing said property is fair, and that the bond is sufficient, they shall authorize the auditor to issue a

license to said applicant, authorizing him to dispose of the said property by lot or distribution in accordance with the plans set forth in said statement.

SEC. 4. Before the sale of any shares or tickets by said person or agent, he shall execute a deed of all his right, title and interest in and to the said described property, to some disinterested person designated by said county commissioners, as a trustee, who shall hold said property in trust for the purchasers of shares or tickets, and who shall convey the same to the persons who become entitled thereto respectively, according to the plan of distribution set forth in said statement. Said trustee shall also receive said ten per cent. of said net proceeds, and without delay pay the same to E. P. Boyles, George Taylor and S. R. Geddis of Yakima county, and Jeremiah W. Borst and Rufus Stearns of King county, who are hereby constituted a board of commissioners to superintend the expenditure of all moneys realized for the benefit of said road, under the provisions of this act.

SEC. 5. Said wagon road shall be constructed from Snoqualmie prairie in King county to a point at or near the south end of lake Kichelas in Yakima county, said road to be opened at least 30 feet wide, and all grades to be at least fifteen feet wide, and said road being part of a Territorial road from Seattle to Walla Walla.

SEC. 6. Said commissioners shall qualify by taking an oath to faithfully perform their duties, and before receiving any money shall also execute a good and sufficient bond to be approved by the governor, conditioned for the faithful discharge of their duties and the faithful disbursement of all moneys that come into their hands according to the provisions of this act.

SEC. 7. Whenever the sum of five thousand dollars shall have been realized, said commissioners shall meet as soon as practicable at the house of Jeremiah W. Borst, on Snoqualmie prairie, and after having been duly qualified as provided in section six, shall proceed to view and locate a road between the

two points named in the first section of this act, by the nearest practicable route.

SEC. 8. After locating said road, the commissioners shall advertise for proposals for the construction of said road, either in whole or in sections; and the contract shall be let to the lowest responsible bidder, the commissioners reserving the right to reject any or all bids. Said notice to be given in one newspaper in Walla Walla city and one in Seattle for two or more consecutive weeks.

SEC. 9. Before entering into any contract for the construction of the whole or any part of said road, the contractor shall enter into bond with the Territory of Washington in a sum not less than double the amount of his bid for the faithful performance of the terms of his contract.

SEC. 10. Said commissioners, after being notified by the contractor, of the completion of his contract, shall examine the road or section thereof, and, if found to fulfill the terms of the contract, they shall cause to be paid to the said contractor the amount due by the stipulations of his contract.

SEC. 11. Said commissioners shall receive for their services the sum of two dollars for each and every day actually employed, to be paid out of the funds in their hands.

SEC. 12. The governor has power to fill any vacancy that may occur in said board of road commissioners by reason of death, resignation, removal from the Territory or failure to qualify on the part of any of said commissioners.

SEC. 13. Said commissioners shall make and deliver to the governor a full and complete report of their doings under this act semi-annually, in the months of March and September of each year.

SEC. 14. If the person to whom the license is granted shall fail to pay the ten per cent. of the net proceeds as provided in this act, the said road commissioners may maintain an action on his bond in a court of competent jurisdiction for the recovery of the amount due, with interest and costs of suit.

SEC. 15. All acts and parts of acts in any manner conflicting with the provisions of this act be and the same are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its passage, and shall remain in [force] for the period of two years and no longer, and shall apply only to the counties of King and Yakima.

APPROVED Nov. 12, 1875.

AN ACT

TO PRESCRIBE REGULATIONS FOR THE DISPOSAL OF LOTS IN THE CITY OF VANCOUVER AND THE PROCEEDS OF THE SALE THEREOF.

WHEREAS, Patent was issued on the third day of November, 1874, by the United States of America to Abel G. Tripp, mayor of the city of Vancouver, Washington Territory, in trust for the several use and benefit of the inhabitants of the said city, according to their respective rights and interests, by virtue of the act of Congress approved March second, one thousand eight hundred and sixty-seven, entitled, "an act for the relief of the inhabitants of cities and towns upon the public lands," and in pursuance of the provisions of the act of Congress of April twenty-fourth, eighteen hundred and twenty, for the following described tract of land, to-wit: Beginning at a Balm of Gilead tree on the north and right bank of the Columbia River, thence north seventy-eight chains, intersect line between sections twenty-two and twenty-seven, three chains and thirty links east of a post for quarter section corner, seventy-nine chains and seventy-five links to the north-west corner of townsite; thence east thirty-one chains and sixty-six links to the west boundary of the United States military reservation and the north-east

corner of townsite; thence south twenty-two degrees forty-five minutes west two chains and eighteen links intersect line between sections twenty-two and twenty-seven, five chains and seventy-four links west of corner to sections twenty-two, twenty-three, twenty-six and twenty-seven, eighty-five chains and ninety-eight links to the south-west corner of military reserve; thence south forty-five degrees west, five links to cottonwood (Balm of Gilead) tree, and place of beginning; said tract being parts of sections twenty-two and twenty-seven in township two north, of range one east of the Willamette Meridian, in the district of land subject to sale at Vancouver, Washington Territory, containing one hundred and twenty-nine acres and twenty-hundredths of an acre according to the official plat and survey thereof, which said tract of land has been purchased by the said Abel G. Tripp, mayor as aforesaid, in trust as aforesaid. And,

WHEREAS, The city authorities of the said city of Vancouver, did on the tenth day of June, eighteen hundred and fifty-nine, cause a plat and survey of the said tract of land herein described, into lots, blocks and streets, to be made and recorded upon the proper records of Clarke county, Washington Territory, which will more fully appear by reference to pages fifty-three and fifty-four of book "C" of the records of said county. And,

WHEREAS The city authorities of the said City of Vancouver have expended in procuring title to the land herein described the sum of three thousand dollars; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the mayor of the City of Vancouver, Washington Territory and his successor in office, as trustee aforesaid, be and are hereby authorized and empowered to make, execute and deliver, good and sufficient deeds of conveyance to all persons holding and occupying lots in the limits of the said City of Vancouver, as laid off, platted and recorded by the authorities thereof, who shall have acquired a right thereto by having located and built upon, or so fenced and improved the same as to have complied with the provisions

of the several acts of Congress relating thereto, and to all persons who shall have purchased the right to such lots from persons lawfully claiming, occupying and improving the same as aforesaid.

SEC. 2. The mayor of the said City of Vancouver shall publish a notice in some weekly newspaper in general circulation in the Territory, once a week for three months, requiring claimants to present their proofs and make good their claims to such lots, and claimants to lots in the said city shall have three months from the first publication of such notice to present their claims and proofs to entitle them to deeds, saving to minors and all other persons laboring under any legal disability, three months after such disability shall have been removed in which to make their claims and proofs entitling them to such conveyances.

SEC. 3. The mayor and two persons, resident of said city, to be appointed by the city council, shall constitute a board to whom all claims to lots, and proof in support thereof, shall be made and presented, who, or a majority of them, shall have power to pass upon the merits of such claims, and the sufficiency of the proofs in support thereof under the provisions of this act, and shall, when in the opinion of a majority of said board, a claim to a lot or lots shall have been established, allow the same, and order that a conveyance be made by the mayor of said city as trustee, to the person or persons entitled thereto, in the manner, and under the restrictions thereinafter provided, and for the purpose of this act each member of the said board shall have power and authority to administer oaths.

SEC. 4. Before receiving any deeds of conveyance of any lot or fractional lot in the said city, the persons entitled thereto shall pay into the treasury of the said city the sum of five dollars for each lot, or fractional lot, containing more than one-half of a lot, and two dollars and fifty cents for each fractional lot containing less than one-half of a whole lot, for all lots or fractions of lots lying south of Thirteenth street in said city; and the sum of three dollars for each lot, or fractional lot containing

more than one-half of a lot, and the sum of one dollar and fifty cents for each fractional lot containing less than one-half of a whole lot, for all lots or fractional lots lying north of the said Thirteenth street in the said city, and shall file with the city clerk the treasurer's receipt showing such payment has been made, and the proceeds of the sale of said lots shall be appropriated by the common council of the said city to pay the indebtedness of the said city incurred in procuring the title to the said townsite.

SEC. 5. All deeds for lots in the said city of Vancouver shall be executed by the said mayor, as trustee, under his hand and seal; shall be attested by the clerk of the common council, who shall affix thereto the seal of the said city.

SEC. 6. All lots or fractions of lots in the said city for which no claim shall be established within three months from the first publication of the notice provided for in section two of this act, shall be held and deemed to be unclaimed and vacant, saving the rights of minors and other persons, as in this act provided, and shall be sold by the said mayor of said city as trustee, at public auction at the city hall in said city, to the highest bidder for cash down, in United States legal tender notes, after giving three weeks' notice of the time, and place of such sale, and a description of the lots to be sold, in any newspaper in general circulation in Clarke county, Washington Territory, and when any such unclaimed lots, or fractions of lots shall have been sold, the said mayor, as trustee, shall make and deliver to the purchaser thereof, at his expense, a good and sufficient conveyance for the same upon the judgment of the purchase price thereof, as in this act provided. And all moneys arising under the provisions of this section, shall be paid into the treasury of said city, by the said mayor, and shall be used by the said common council in liquidating the indebtedness of the said city in procuring title to said townsite.

SEC. 7. The board provided for in this act, shall each be entitled to receive as compensation for their services, the sum of thirty-three and one-third cents, for each and every claim to a

conveyance for a lot or lots in said city by them passed upon, and in case of a contest, they shall be entitled to receive one dollar sixty-six and two-third cents, to be paid by the claimant or successful contestant, before the delivery of conveyance to such lot or lots; and the city clerk shall be entitled to receive fifty cents from the grantee for each and every conveyance executed under any of the provisions of this act.

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

APPROVED NOV. 11, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF PORT TOWNSEND," APPROVED NOV. 5, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section four of article four of said act be, and the same is hereby, amended to read as follows:

SEC. 4. Said board of trustees shall have full power and authority within said town

1. To make all needful by-laws and ordinances not repugnant to the laws of the United States, and the laws of Washington Territory.

2. To make regulations to prevent the introduction of contagious and other diseases into said town.

3. To make regulations and ordinances relating to roads, streets, alleys, by-ways, and for the security against fire.

4. To grade, pave and plank, or otherwise improve, clean and keep in repair streets and alleys. And they shall have power to assess the cost of grading, planking or cleaning of any street against the owners of the lots, or land fronting on said street, in proportion to the amount of ground fronting on

said street; *Providing*, That they shall not grade, plank or clean any street at the expense of the property owners, unless two-thirds of the persons owning lots or land on said streets in the immediate vicinity where such improvements are to be made, shall petition the trustees in writing therefor.

5. To prevent and restrain any riot, noise, disturbance or disorderly assembly in any street, house or place in town.

6. To restrain and prohibit gambling and houses of ill-fame.

7. To prevent and remove nuisances.

8. To license theatrical and other shows.

9. To impose appropriate fines, forfeitures and penalties for the breach of any ordinance, and provide for the violation of any town ordinance, also for the working of all town prisoners on the streets in payment of any fine or punishment for the violation of any town ordinance; *Providing*, No fine shall exceed twenty-five dollars.

SEC. 2. That article five of said act be and the same is hereby repealed.

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

APPROVED November 9, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF PORT TOWNSEND."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That article five, of an act entitled "an act to incorporate the city of Port Townsend," approved Nov. 5th, A. D. 1873, be and is hereby repealed.

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

APPROVED October 26, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ORGANIZE THE COUNTY OF STEVENS," APPROVED JANUARY 20th, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of said county of Stevens, now located at Colville, shall be temporarily located at the town of Spokane Falls, on the south side of Spokane river, until the next general election when the qualified electors of the said county of Stevens shall vote, under the regulations of the election law for the election of county officers, for a permanent location of the county seat of said county, the place having a majority of all the legal votes cast, to be declared, and to be the permanent county seat of said county of Stevens.

SEC. 2. That the county commissioners of said county of Stevens shall, on or before the first day of May, A. D. 1876, remove all of the county records to Spokane Falls, and to provide at the said Spokane Falls, by lease or otherwise, suitable buildings for county purposes.

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

APPROVED November 5, 1875.

AN ACT

TO BETTER DEFINE THE BOUNDARY LINE OF WHITMAN COUNTY,
WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Whitman be bounded as follows: Commencing at a point where the section

line between sections 21 and 28, township 14 north, of range 27 east Willamette meridian, Washington Territory, strikes the main body of the Columbia river on the west side of the island; thence east on said section line to township line between ranges 27 and 28 east; thence north on said range line to the fourth standard parallel; thence east on said parallel to the Columbia guide meridian, thence north to fifth standard parallel; thence east on said parallel to the boundary line between Idaho and Washington Territories; thence south on said boundary line to the mid channel of Snake river; thence down the mid channel of Snake river to mid channel of Columbia river; thence up the mid channel of Columbia river to a point opposite the place of beginning; thence east to the place of beginning.

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

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

APPROVED November 12, 1875.

AN ACT

AUTHORIZING THE GOVERNOR TO OFFER A REWARD FOR THE APPREHENSION AND CONVICTION OF CERTAIN CRIMINALS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the governor of said Territory be, and is hereby authorized and requested to offer by publication, a reward of seven hundred and fifty dollars, for the apprehension and conviction of the person or persons engaged in the murder of one, Creed Doss, whose body was found near Olympia, in Thurston county, and taken in charge by the coroner of said Thurston county, on the 9th day of April 1875.

SEC. 2. Upon the conviction of said person or persons, it shall be the duty of the Territorial auditor, to draw a warrant on the treasurer, for the said sum of seven hundred and fifty dollars, payable to the party who shall procure such apprehension and conviction.

SEC. 3. This act shall be in force from and after its approval by the Governor.

APPROVED November 12, 1875.

AN ACT

TO PROVIDE FOR THE SETTLEMENT OF THE ESTATE OF SUMNER
B. HINDS, DECEASED.

WHEREAS, On or about the nineteenth day of July, A. D. 1870, Sumner B. Hinds sold and conveyed in fee simple a large amount of real estate, and a stock of assorted merchandise, all being in the city of Seattle, in the county of King, Territory of Washington, to Corliss P. Stone and Charles H. Burnett, partners, doing business in said city under the firm name and style of Stone and Burnett; and then and there took from said Stone and Burnett ten promissory notes for the sum of four thousand dollars each, drawing interest at the rate of ten per cent. per annum; one of said notes falling due each year for ten successive years from date, to secure the purchase money on said sale, and at the same time took from said Stone and Burnett a mortgage on real estate lying in said city to secure the payment of said notes; and shortly after receiving said notes and mortgage, the said Hinds moved with his family from said city of Seattle to the city of San Francisco, in the State of California, and took with him said notes and mortgage, and he there established his residence and contracted debts;

That on or about the fourteenth day of December, A. D

1870, the said Sumner B. Hinds died in said city of San Francisco, possessed of said notes and mortgages, and owing debts to citizens of California;

That on or about the twenty-eighth of December, A. D. 1870, letters of administration were duly issued on his estate by the probate court of the city and county of San Francisco, State of California, to Maurice C. Blake, a resident of said State and city;

That on or about the twenty-seventh day of March, A. D. 1873, letters of administration were also issued upon his estate to John S. Hill, by the probate court of King county, Washington Territory;

That there was not in the State of California a sufficient amount of assets belonging to said estate, exclusive of said promissory notes, to pay the debts due, and to become due, from said estate;

That on or about the eighteenth day of March, A. D. 1874, the legislature of the State of California passed a special act authorizing, upon certain conditions, the assets belonging to said estate and the debts due said estate to be transferred to the probate court of King county, Washington Territory;

That on or about the twenty-third day of July, A. D. 1875, the conditions of said act having been in all things fully complied with, the assets belonging to said estate, being the mortgage aforesaid, and seven of the promissory notes aforesaid, three of said notes having been paid to the administrator in California, were transferred from, and by the authority of the probate court of the city and county of San Francisco, State of California, to the probate court of King county, Washington Territory; and the debts owing by said estate were also transferred at the same time and in the same manner;

That at the time of his death Sumner B. Hinds left a widow named Ellen, and since married to John H. Marshall, and three minor children whose names and ages are as follows: Lizzie M. Hinds, now about fourteen years old, Nellie B., now about eleven years old, and Dell M. Hinds, now about nine

years old, and all of said children are now living in King county, Washington Territory;

That said Stone and Burnett neglected and refused to make any more payments, and are in default according to the terms and conditions of said mortgage; and now, according to an agreement in said mortgage contained, the whole amount secured by said mortgage has become due and owing to said estate, amounting to about forty-two thousand dollars;

That to sell said notes and mortgages would result in great loss and injury to the estate, and in order to collect the amount due on said notes, it will be necessary to foreclose said mortgage. And

WHEREAS, It is probable that John S. Hill, administrator as aforesaid, may have failed to conform to and comply strictly with the laws applicable to him as such administrator, now therefore,

Be it enacted by the Legislative Assembly of the Territory of Washington, That the said John S. Hill is hereby declared to be the duly qualified and legal administrator of the estate of the said Sumner B. Hinds, deceased, and not subject to removal for any acts heretofore committed or omitted by him as such administrator; that the administrator of the estate of the said Sumner B. Hinds, is hereby authorized to collect the amount due on the aforesaid notes and mortgage, and is authorized to make a compromise with the said Stone and Burnett, and take less than the whole amount due in full satisfaction of said notes and mortgage, but not less than the value of the mortgaged property, and is hereby fully authorized to accept a conveyance of the mortgaged property from the said Stone and Burnett and their wives to Mrs. Ellen Marshall, the late widow of said Sumner B. Hinds, and Lizzie M. Hinds, Nellie B. Hinds and Dell M. Hinds, minor heirs of said deceased; or said administrator may proceed and foreclose said mortgage by due course of law, and may, on a sale being made of said property, bid in and purchase the same in the name and for the said late widow, Ellen M. Hinds, now Marshall, and Lizzie M. Hinds, Nellie B. Hinds and Dell M. Hinds, the minor children and heirs at law

of the said Sumner B. Hinds deceased; and if said property shall be so purchased the title to said property shall vest in fee simple in said Ellen M. late widow, and said Lizzie M. Hinds, Nellie B. Hinds and Dell M. Hinds; the said late widow taking the one-half interest, and the said three children in equal parts, the remainder. And in case the said late widow and children of the said Sumner B. Hinds shall become the owners of said real estate, either by conveyance from the said Stone and Burnett, or through a foreclosure of said mortgage, the proportionate interest to be vested in the said late widow and the three children aforesaid shall be the same as hereinbefore set forth; but in any event, first subject to the payment of all debts due from said estate and expenses of administration.

Said real estate, vesting in the late widow and children aforesaid, may be ordered sold by the probate court of King county, aforesaid under and by virtue of the laws of Washington Territory, providing for and regulating the sale of real estate of deceased persons, for payment of debts.

And be it further enacted, That in case of a suit being commenced to foreclose the mortgage mentioned in this act, the judge of the district court in which said suit may be instituted, may at chambers in vacation or in term time, the court may appoint a receiver, as provided for in chapter thirteen of the civil practice act, in the laws of 1873, on page fifty, and may order said receiver to take possession of the mortgaged premises and collect the rents and profits accruing from said property, and require said receiver to keep repairs on said property and pay all taxes and assessments due thereon, and pay for the same out of such rents and profits as he may receive, and may make such reasonable allowances from time to time, as said judge or court may think just and proper, out of any money in the hands of such receiver, for the support and education of the said minor heirs, and interest due on the debts due from said estate, which money may be paid by said receiver to the administrator of said estate for the purposes aforesaid, and in case the said Stone and Burnett or their successors in interest, should

pay the amount due on said notes to the administrator of said estate, then the said administrator shall pay to the said receiver out of such money so received so much as the said receiver may have paid out as interest, and for the support and education of the children aforesaid, and which money the said receiver shall pay to the said Stone and Burnett, or their successors in interest, and the probate court of King county aforesaid is vested with full jurisdiction over this estate, the same as though the said Sumner B. Hinds had died in said county. All of the provisions of this act shall apply with equal force and effect to the successors in interest, to Stone and Burnett, or either of them, as it does to the said Stone and Burnett, and the judge at chambers in vacation, is hereby vested with power and authority to make any and all orders and transact all business authorized by this act, as fully as the court could do in session,

And this act is to take effect from and after its passage.

APPROVED Oct. 22, 1875.

AN ACT

TO LEGALIZE CERTAIN PROCEEDINGS ON THE PART OF THE COUNTY COMMISSIONERS OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the relinquishment of the rights and interests of, and in and to the south-west quarter and the south-east quarter of the south-west quarter of section twenty, in township seven north, range thirty-six east of Wilamette meridian, of the county of Walla Walla, under the act of Congress, passed May 26th, 1824, "providing for the pre-emption of lands for county seat purposes," by the county commissioners of said county to the city of Walla Walla, to be

entered at the United States' land office in trust for the several use and benefit of the occupants of said land, is hereby confirmed and legalized.

SEC. 2. That by and with the consent of the common council of the city of Walla Walla aforesaid by ordinance just passed in accordance with law, the mayor of the said city of Walla Walla is hereby empowered and authorized for and in the name of the said city of Walla Walla in accordance with the law of Congress under which a patent was issued to the said city of Walla Walla for the said hereinbefore described land, to make good and sufficient deeds to the several occupants of the lots and parts of lots in the said city of Walla Walla, and embraced within the limits of the south-west quarter and south-east quarter of the south-west quarter of section twenty, township seven north, range thirty-six east of the Willamette meridian, in accordance with the equitable rights of said occupants heretofore determined by the courts and the common council of said city of Walla Walla.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

APPROVED Nov. 6, 1875.

AN ACT

TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JEFFERSON COUNTY TO BORROW MONEY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of commissioners of Jefferson county are authorized to borrow a sum or

sums of money in gold coin, not aggregating more than two thousand dollars, which may bear interest not exceeding one and one-half per cent. per month, in gold coin.

SEC. 2. That said board shall apply said money to the repair or erection of a jail at the county seat of said county.

SEC. 3. That thirty per cent. of all money arising from licenses in said county shall be applied to pay the interest on said loan and extinguish the same.

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

APPROVED NOV. 12, 1875.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF PIERCE, KING AND COWLITZ COUNTIES TO APPROPRIATE MONEY FOR THE IMPROVEMENT OF PUBLIC ROADS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of the counties of Pierce, King and Cowlitz shall have power, and they are hereby authorized to appropriate annually a sum not exceeding two thousand dollars, out of the general fund in the county treasury of said counties, for the purpose of locating, re-locating, opening and improving the public roads in said counties.

SEC. 2. All money appropriated by the commissioners of said counties for the purposes aforesaid, shall be expended by and under the supervision of the supervisors of the public roads in whose district said appropriation shall have been made; *Pro-*

vided however, That the said expenditure be by and under the direction of the boards of county commissioners.

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

APPROVED Nov. 11, 1875.

AN ACT

PROVIDING FOR THE ELECTION OF THE COUNTY COMMISSIONERS
OF JEFFERSON COUNTY BY DISTRICTS.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the county commissioners of the county of Jefferson be elected by districts, and that for the purpose of electing such commissioners, the said county is divided as follows: Port Townsend and Port Discovery shall constitute the first district; Chemaer precinct shall constitute the second district, and Port Ludlow and Colseed and all the Territory in the county south of Chemaer precinct shall constitute the third district, and the commissioner elected for such districts respectively shall be an elector of said distret.

SEC 2. At the next general election, a commissioner shall be elected for each of said districts and shall hold his office for the term of two years, and until his successor is elected and qualified.

SEC. 3. The laws prescribing the duties of county commissioners except as herein provided shall govern said board of commissioners.

APPROVED Nov. 12, 1875.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF WHITMAN COUNTY
TO LEVY A SPECIAL TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election, the commissioners of said county shall submit the proposition to the voters of said county to levy a special tax of five mills on the dollar on all the taxable property of said county.

SEC. 2. All tickets on which is written or printed "For Tax," shall be counted for the same, and all tickets on which is written or printed "No Tax," shall be counted against the same.

SEC. 3. Said votes shall be counted and canvassed and returned, as the votes are for county officers.

SEC. 4. If a majority of the votes cast be in favor of said tax, the commissioners of said county shall levy said tax which shall be collected as other tax.

SEC. 5. And when collected shall be applied in paying the warrant or warrants issued by said county in favor of Stevens county.

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

APPROVED Nov. 12, 1875.

AN ACT

AUTHORIZING THE BOARD OF TRUSTEES OF THE TOWN OF OLYMPIA
TO LEVY A SPECIAL TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of trustees of

the town of Olympia, be and it is hereby empowered to levy a special tax, on all the taxable property within said town, as shown by the assessment made for Territorial and county purposes, for the year 1875, in any sum not exceeding five thousand dollars, to aid in the construction of a wharf, on the west side of Budd's Inlet, suitable for ocean steamers, and of a suitable road to such wharf; *Provided*, That said tax shall not be levied until a proposition therefor shall have been submitted to a vote of the qualified voters of said town, and accepted by a two-thirds vote of all persons voting in such election.

SEC. 2. Said board is hereby empowered to call a special election, in regard to levying such tax, at such time as it may determine; *Provided*, That public notice of such election shall be given for five days previous thereto, and such notice shall specify the sum for which said tax is to be levied.

SEC. 3. Said board shall regulate the time of assessing and collecting said tax, and shall have the same power in such assessing and collecting that it has in assessing and collecting other municipal taxes.

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

APPROVED October 9, 1875.

AN ACT

TO EMPOWER THE COMMON COUNCIL OF THE CITY OF WALLA WALLA TO PURCHASE A STEAM FIRE ENGINE, AND TO LEVY A SPECIAL TAX TO PAY FOR THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the city of Walla Walla, through her common council, be authorized and empowered to

borrow the sum of six thousand dollars, and to levy annually a specified tax of not more than four mills on the dollar on all the taxable property within the corporate limits of said city subject to taxation, to be collected in the same manner and at the same times that other municipal taxes are collected and paid, the proceeds of said special tax to be kept apart from all other funds of the said county of Walla Walla, and to be applied expressly to the payment of the principal and interest of said loan; *Provided*, That a majority of the legal electors of said city shall first vote for said tax, at a special election to be held for that purpose, as hereinafter provided.

SEC. 2. That the money to be borrowed as provided by section one of this act, be applied exclusively to the purchase of a steam fire engine, for the use of said city, together with hose, hose-cart and the transportation thereof to the said city of Walla Walla.

SEC. 3. Before said money shall be borrowed or said tax levied, the common council of said city shall give notice of not less than ten days nor more than twenty days, by publication in some newspaper published in said city, that a special election will be held in said city, setting forth the time at which said election will be held, and the purpose of the same.

SEC. 4. At said election all qualified electors of said city shall be entitled to vote, and said election shall be conducted in the same manner, and be governed by the same rules that govern general elections for municipal officers in said city.

SEC. 5. The objects to be voted for at said special election shall be "For the Tax" or "Against the Tax." If a majority of the legal voters of said city, voting at said special election shall vote "For the Tax," then said common council shall have authority to borrow said sum of six thousand dollars, and levy the tax as hereinbefore provided.

SEC. 6. This act to be in force until the proceeds of said tax shall amount to sufficient to pay said sum so borrowed, with

the interest to accrue thereon, as hereinbefore provided, and no longer.

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

APPROVED NOV. 12, 1875.

AN ACT

TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS AND COUNTY ASSESSORS OF KING COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of King shall be divided into three districts to be known as "assessing districts," from each of which districts shall be elected one commissioner and one assessor by the votes of said district.

SEC. 2. That the voting precincts of Seattle and Freeport shall be one "assessing district," and the board of county commissioners of King county shall, at the May term for A. D. 1876, divide the balance of the county by precincts into two other districts, the one on the south and the other on the north sides of the county, and the intervening precincts assigned to the one or the other in such a manner as to make the voting population of each as nearly equal as possible.

SEC. 3. At the next general Territorial election and at every election for county officers thereafter, there shall be elected one county commissioner and one assessor from each of said districts who shall be residents of their respective districts.

SEC. 4. The county commissioners when so elected and qualified, shall perform the duties of commissioners as now provided by law.

SEC. 5. The assessors elected as provided in section three of this act, after being duly qualified shall assess their respective districts as now required by law.

SEC. 6. They shall constitute a court of appeals with whom all complaints shall be filed on or before the second Monday of April of each year, at which time they shall hold a special session for the adjustment of all complaints in relation to assessments, and their adjustment shall be final.

SEC. 7. They shall make or cause to be made a certified copy of their assessment rolls of the county and file the same with the county auditor on or before the first Monday of May of each year.

SEC. 8. Upon the presentation and acceptance of the assessment roll by the auditor said assessors shall receive as compensation the sum of five hundred dollars, the assessor for Seattle and Freeport district receiving the sum of two hundred dollars; and the assessors of the other districts, one hundred and fifty dollars each.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act to take effect and be in force from and after January 1, 1876.

APPROVED Nov. 12, 1875.

AN ACT

FIXING THE COMPENSATION OF THE TREASURER OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That in lieu of the compensation now allowed by law, the county treasurer of Walla Walla*

county shall receive a salary of one thousand two hundred (1,200) dollars for the year commencing January first, 1876, and ending the first day of January, 1877, and annually thereafter he shall receive a salary of eight hundred (800) dollars; *Provided*, That the amount of per centage now allowed by law on the school, road and Territorial funds to the county treasurer be paid to Walla Walla county.

SEC. 2. The salary of said treasurer shall be audited and paid quarterly as other claims against the county are paid.

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

SEC. 4. This act to be in force from and after the first day of January, 1876.

APPROVED NOV. 12, 1875.

AN ACT

IN RELATION TO COMPENSATION OF CERTAIN OFFICERS OF COLUMBIA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the officers of Columbia county shall receive for their services the following as hereinafter named, that is to say: The judge of probate shall receive in lieu of fees, and in full compensation for his services, out of the county treasury an annual salary of three hundred dollars, payable quarterly out of the county treasury. The treasurer shall receive in full compensation for his services in lieu of commissions, an annual salary of three hundred dollars, payable quarterly by warrant on the county treasurer. The auditor shall receive in full for services performed for the county a salary of six hundred dollars (but no other fees shall be paid by

the county) and all fees allowed by law for other services. The sheriff shall receive for his services all fees that are allowed by law. The county commissioners shall receive for their services the sum of four dollars per day and mileage. The assessors shall receive for their services the sum of four dollars per day for actual time employed. The coroner shall receive for his services the fees that are allowed by law.

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

APPROVED November 12, 1875.

AN ACT

FIXING THE RATE TO BE PAID FOR PUBLIC PRINTING, AND PROVIDING FOR THE AUDITING OF THE ACCOUNTS OF PUBLIC PRINTER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the compensation for incidental printing for the Legislative Assembly shall be as follows, viz: For composition, one dollar per thousand ems, at the usual rate of measurement; for press work, one dollar per token; for paper, actual cost.

SEC. 2. That L. G. Abbott, T. F. McElroy and the Territorial auditor be and they are hereby appointed and constituted a board to audit the accounts of R. H. Hewitt, for incidental printing.

SEC. 3. That the Territorial auditor shall draw his warrant on the Territorial treasury in favor of R. H. Hewitt, for incidental printing, as audited by said board, or a majority thereof, which amount shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. That L. G. Abbott and T. F. McElroy be and

they are hereby allowed for their services the sum of five dollars per diem each for the time actually employed upon said board, to be audited and paid in the same manner that other accounts against the Territory are audited and paid; *Provided*, The total amount shall not exceed twenty dollars.

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

APPROVED November 12, 1875.

AN ACT

FIXING THE COMPENSATION OF THE COUNTY AUDITOR OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the county auditor of Walla Walla county shall receive an annual salary of one thousand (1,000) dollars as a full compensation for all services performed by him for said county, and in no case shall the said auditor receive any other compensation from said county for services as auditor or receiver; *Provided*, That nothing in this section contained, shall prevent said officer from receiving the fees prescribed by law for other services to other parties than the county.

SEC. 2. The salary of said auditor shall be paid quarterly, as other claims against the county are paid.

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

SEC. 4. This act to take effect and be in force from and after the first day of January, 1876.

APPROVED November 12, 1875.

AN ACT

AUTHORIZING THE COMMISSIONERS OF CLARK COUNTY TO LEVY
A TAX FOR SCHOOL PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two of chapter two of an act establishing a common school system for the Territory of Washington, approved November 14, 1873, be amended so as to read as follows: "for the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of Clark county to levy an annual tax of six (6) 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 apportioned and appropriated for the hire of school teachers in the several school districts, to be drawn as provided in the general school law; 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. 2. That section four of section five be amended so as to read as follows, that is to say: "District meeting legally called, shall have power by a vote of a majority present, to levy a tax on the property of the district, not to exceed eight mills on a dollar, four mills of said tax shall be used for the purpose of building and keeping in repair school houses, and the remaining four mills to be used for the purpose of hiring teachers; *Provided,* That no district shall levy more than one special tax in one year."

SEC. 3. This act to apply to Clark county only.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act, so far as they relate to Clark county are hereby repealed.

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

APPROVED Nov. 12, 1875.

AN ACT

IN RELATION TO FEES OF PROBATE JUDGE IN WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees of the probate judge of Walla Walla now allowed by law, except as hereinafter provided, be and the same are hereby abolished.

SEC. 2. That the probate judge of said county be and is hereby authorized to collect the sum of one dollar for recording certificate of marriage.

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

APPROVED Nov. 12, 1875.

AN ACT

RELATING TO ROAD SUPERVISORS AND SHERIFFS IN COWLITZ COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the road supervisors of the various road districts in Cowlitz county shall give each person who labors on the public roads therein under his direction a certificate, certifying to the amount of labor performed by such person at the rate of two dollars per day for every day's work, which certificate shall state the amount of labor such person has performed, and such certificate shall be received by the tax collector at par value to the full amount of road tax charged

against such person or persons, but such certificates shall not be assignable nor shall they be received from any person or persons for a greater amount in any one year than sufficient to cancel or discharge the road tax or taxes against such person or company; and the supervisor of each road district shall make out and furnish to the county treasurer of said county of Cowlitz, at least ten days before the treasurer turns over the delinquent tax list to the auditor, a list of the names of all persons who have paid their road tax, together with the amounts paid by them, and the treasurer shall note on the delinquent tax list the names of all persons who have paid their road tax and hold their receipts, and the auditor shall not add any per cent. on road taxes that have been paid, and the sheriff shall receive no pay for collecting the same.

SEC. 2. The sheriff of said county of Cowlitz shall collect the delinquent road taxes in said county that may be due after the return of the supervisor as provided in section first of this act, in the same manner as other delinquent taxes are collected in said county, and he shall receive ten per cent. for collecting such delinquent road taxes.

SEC. 3. This act shall apply only to Cowlitz county.

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

APPROVED Nov. 12, 1875.

AN ACT

TO PROVIDE FOR THE COMPLETION OF THE RECORDS OF THE
PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That R. G. O'Brien and C. C. Perkins are hereby employed to complete the records of the Legislative Assembly for its present session, after the adjournment of the same, for which they shall be allowed sums as fol-*

lows: R. G. O'Brien, one hundred and twenty-five dollars, and C. C. Perkins, seventy-five dollars.

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 R. G. O'Brien and C. C. Perkins severally, and the Territorial treasurer is hereby authorized and directed to pay the amounts of said warrants 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.

APPROVED November 12, 1875.

AN ACT

TO PROVIDE FOR THE ERECTION OF A JAIL IN KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of King county be and are hereby authorized and directed to purchase the necessary grounds therefor, and to build and erect at the City of Seattle, a good and substantial county jail.

SEC. 2. The walls of said jail shall be built of stone or brick, and the grounds and building shall not cost to exceed the sum of twelve thousand dollars.

SEC. 3. The said board is hereby authorized to procure and adopt the necessary plans and specifications for said building, to make any and all contracts necessary for the erection thereof, and to audit and cause to be issued from time to time, county warrants for all bills and accounts against the county for the purchase of grounds, and erecting and furnishing said jail.

SEC. 4. After procuring the plans and specifications for said building, the said board shall cause the same to be filed in

the office of the county auditor, to there remain as a public record, and at the regular meeting of the board in February, A. D. 1876, they shall cause to be published in each of the weekly newspapers, published in Seattle, a public notice, inviting sealed proposals for the furnishing of all materials, and building and completing said building in accordance with the specifications and plan on file in the office of the auditor; said notices shall be published at least four consecutive weeks prior to the time fixed for letting said contract, and the said board shall hold a special meeting on the first Monday in April, A. D. 1876, for the purpose of opening such bids and letting such contract; the said bids shall be publicly opened and placed on file in the office of the auditor, and the contract shall be let to the lowest bidder; *Provided*, That said board may, if they shall be of opinion that said bids are exorbitant, reject any or all of them.

SEC. 5. The person to whom the contract is let, shall give bond to the county, with sureties to be approved by the auditor in the sum of ten thousand dollars, for the due performance of such contract; one-fourth of the contract price of said building shall be paid when the foundation of the building is complete; one-fourth when the building is inclosed and the balance when the building is completed, all of which sums shall be paid by warrants on the county treasurer, to be drawn on the special fund hereinafter provided, and if at any time there is no such special fund on hand, said warrants shall draw interest as other warrants.

SEC. 6. For the purpose of providing funds for the purchase of grounds and erecting such building, the said board is hereby authorized and required to set apart and appropriate one-third of all funds received by said county, for all licenses issued by the county during the year 1876; and the board is further empowered and required to levy a special tax, of not more than three mills on each dollar, on the taxable property in said county for 1876, and a tax not exceeding said vote of three mills, if necessary, in 1877, to pay any balance remaining

unpaid, said taxes to be levied and collected in the same manner as the county tax is levied and collected.

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

APPROVED Nov. 12, 1875.

AN ACT

TO REGULATE THE COLLECTION AND DISBURSEMENT OF ROAD AND ROAD POLL TAX IN KING COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all the road and road poll tax of King county shall be paid in money, except as hereinafter provided.

SEC. 2. That the supervisors of the several road districts shall, as soon as the assessment rolls are filed with the auditor, make out a complete list of all persons liable to pay road tax, including non-resident lands, and file the same with the auditor; and the auditor shall, within twenty days, perfect said list by adding thereto the amount of road and poll tax assessed to each person, and return the same to said supervisors, with a warrant thereto attached authorizing the collection of the same, and make return thereof to the auditor within thirty days.

SEC. 3. The said supervisors, on receipt of their perfected lists, shall proceed to collect the same, and pay it over to the treasurer of the county and take his receipt, and shall return said list to the auditor, noting thereon all delinquents; said delinquent list to be collected by sheriff as now provided by law.

SEC. 4. Each supervisor shall have power, and is required to call out such residents from time to time as may be necessary

to keep the public roads open, and shall give receipts to persons performing labor, which receipts shall be taken in lieu of road taxes; and said supervisors shall report to the auditor the labor performed and by whom.

SEC. 5. The treasurer shall keep an account of all road tax paid into the treasury, and it shall constitute a common road fund for the county, and be disbursed by the county commissioners.

SEC. 6. The county commissioners shall, at the May term of the court of each year, divide said fund among the several road districts, according to the extent of road to be worked, or they may order it expended in opening new roads, having always due regard to the common good of the county.

SEC. 7. Each supervisor, before receiving the perfected road tax list from the auditor, shall subscribe an oath and execute a good and sufficient bond to the county, to be approved by the auditor, for the faithful performance of the duties of office.

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

APPROVED NOV. 12, 1875.

AN ACT

TO BETTER PROVIDE FOR THE MAINTENANCE OF COMMON
SCHOOLS IN THE COUNTY OF JEFFERSON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That thirty-five per cent. of all moneys arising from the issuances of licenses for the sale of spirituous liquors in the county of Jefferson, shall be set apart

for the use of common schools in said county, and be distributed as other school moneys are distributed therein.

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

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

APPROVED October 20, 1875.

AN ACT

TO PAY THE WITNESSES FOR ATTENDANCE ON THE COURT AT VICTORIA, BRITISH COLUMBIA, IN THE MATTER OF THE EXTRADITION OF JOE NO-HAN-NO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor is hereby required to draw and issue warrants in favor of, and to Edward D. Warbass, in the sum of thirty dollars; Charles McCoy, in the sum of thirty dollars; Thomas Flemming, in the sum of fifteen dollars; Minerva E. Hannah, in the sum of thirty dollars; C. Rosler, in the sum of thirty dollars; and Harvey J. Hannah, in the sum of thirty dollars, in full payment of their costs and expenses in attendance on the courts at Victoria, British Columbia, as witnesses in the matter of procuring the extradition from that country to this Territory of Joe No-han-no, for the murder of James and Salina Dwyer, in San Juan county.

SEC. 2. The Territorial treasurer is hereby required to pay said warrants 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.

APPROVED Nov. 12, 1875.

AN ACT

IN RELATION TO SHERIFF OF KLICKITAT COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That so much of an act of the Legislative Assembly, approved November 29, 1871, making sherifs *ex officio* assessors in certain counties be repealed so far as the same applies to Klickitat county.

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

APPROVED November 12, 1875.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE MEANS FOR BUILDING A COURT HOUSE AND JAIL IN KING COUNTY," APPROVED NOV. 13, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the above act entitled an act to repeal an act entitled "an act to provide means for building a court house and jail in King county," approved Nov. 13, 1873, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the funds accruing by virtue of said act, and paid into the treasury, revert to the general fund of said county; and all diversions of said funds heretofore by the county commissioners of said county for other county purposes, are hereby legalized.

APPROVED Oct. 26, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ROAD TAX
IN KITSAP COUNTY," APPROVED NOV. 29, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section six of the act to which this act is amendatory shall read as follows: "The amount of road tax shall be two dollars in currency, and fifteen cents on every one hundred dollars of the assessed valuation of property."

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

APPROVED November 6, 1875.

AN ACT

TO PROVIDE FOR SUPPLYING THE INSANE ASYLUM OF WASHINGTON
TERRITORY WITH NEWSPAPERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the parties having control of the Insane Asylum of this Territory are hereby authorized to subscribe for all the weekly newspapers published in this Territory. One copy of each to be sent to the Asylum for the benefit of the inmates of the same.

SEC. 2. The Territorial auditor is hereby authorized to draw his warrant on the Territorial treasury in favor of the publishers or proprietors of the said newspapers, upon the receipt by him of the bills of the said publishers certified to by the keeper of the said Asylum that the said papers were

received at the Asylum. 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 shall take effect and be in force from and after its approval.

APPROVED Nov. 12, 1875.

AN ACT

TO PERFECT THE ACKNOWLEDGMENT OF A DEED IN ISLAND COUNTY.

WHEREAS, By deed dated the thirty-first day of May in the year one thousand eight hundred and sixty-five, and duly recorded in the auditor's office for Island county on the sixth day of July of the same year, John R. Williamson and Julia Williamson, his wife, for the consideration of two thousand dollars, sold and conveyed unto Robert Abrams, one hundred and seventy acres of land situated in said county of Island, and more fully described in said deed. And

WHEREAS, The certificate of the acknowledgment of said deed taken before Samuel F. Coombs, notary public, does not state that the said Julia Williamson was examined by said notary public, separate and apart from her husband; and the contents of said deed made known to her. Therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That he, the said Samuel F. Coombs, notary public, is hereby authorized and empowered to affix to said deed a new and additional certificate of acknowledgment, stating the actual facts of the case; *Provided,* That he shall make affidavit to be affixed to said deed, that the facts are as stated in said certificate of acknowledgment; *And provided*

further, That this act shall not interfere with the vested rights of innocent purchasers.

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

APPROVED November 12, 1875.

AN ACT

TO REPEAL AN ACT ENTITLED "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 the act for the preservation of sheep in Island county, approved November 29th, 1871, be and the same is hereby repealed.

SEC. 2. That the taxes assessed on dogs and bitches for the year 1875, under said act, it is hereby ordered shall not be collected, and the county commissioners of Island county shall abate the same.

SEC. 3. That all money which has been collected on dogs and bitches, as taxes under said act, or so much thereof as may remain in the county treasury at the time this act takes effect, shall be turned over to the county school fund to be used as the other school moneys of the county, and it is hereby made the duty of the county treasurer to pay over such money according to the provisions of this act.

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

APPROVED November 5, 1875.

AN ACT

PROHIBITING THE OWNERS OF HOGS IN CERTAIN COUNTIES FROM PERMITTING THE SAME TO RUN AT LARGE.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That owners of hogs in Island, Cowlitz and Thurston counties, be and they are hereby prohibited from permitting the same to run at large within the limits of said counties.

SEC. 2. That the owner or owners thereof shall be liable for the actual damages committed by his or their hogs when running at large in said counties; said damages to be recovered in an action at law, by the person or persons suffering the same.

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

APPROVED November 12, 1875.

AN ACT

FOR THE PROTECTION OF THE JOSHUA BROWN SCHOOL FUND.

WHEREAS, Joshua Brown, deceased, did bequeath in his last will and testament, his entire property to the county of Klickitat, for the benefit of common schools. Therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all moneys which have accrued from the sale of said property of said Joshua Brown by the executor of his last will and testament, are hereby reserved and set apart and known as the Joshua Brown school fund.

SEC. 2. Said fund shall be paid to the county treasurer of Klickitat county, who shall include the same in his official bond, and shall pay the same out, only in the manner as hereinafter provided.

SEC. 3. The treasurer, auditor and county school superintendent of Klickitat county are hereby constituted commissioners of the Joshua Brown school fund.

SEC. 4. The duties of the county treasurer shall be to loan said school fund, whether consisting of principal, interest, or amounts of principal and interest, at lawful rate of interest, for not less than six months, nor more than eighteen months' time from date of loan or loans, to the first responsible applicant, who shall pay to said treasurer six months' lawful interest in advance, on whatever sum loaned, and who shall deliver to said treasurer his or her promissory note of hand, secured by first mortgage on unincumbered real estate, released from all homestead claims, the cash value of which being at least double the amount of money loaned; *Provided*, Said applicant shall have previously filed with said treasurer an abstract of his or her unincumbered title to said real estate, bearing the seal and signature of the county auditor, and provided he shall also have filed with said treasurer a certificate signed and sworn to by the county school superintendent, stating the true description of said real estate and its cash valuation. Said county treasurer shall also cause all mortgages and notes received by him, as security on loan or loans of said school fund, to be immediately recorded by the county auditor, and shall also cause immediate satisfaction to be entered of record, when full payment shall have been made. He shall apportion all sums of interest which he shall have received on loan or loans of said school fund, which are in his possession at the times of, and with his semi-annual apportionment of other county school fund, and shall in like manner pay the same for the compensation of teachers. Whenever any borrower, after the expiration of six months from the date of loan, shall fail to make full payment of principal, or full re-payment of six months' interest in advance,

the county treasurer shall demand payment, and if entire principal and interest shall not be paid him within twenty days from the date of said demand, he shall bring action before any court having competent jurisdiction, for the recovery of principal and accrued interest. Said county treasurer shall, within thirty days after the final passage and approval of this bill, demand payment of all portions of the Joshua Brown school fund, which have hitherto been loaned, and according to the terms of said loan or loans fallen due, and if not paid to him within twenty days after he shall have made said demand, proceed to enforce the payment of the same by lawful proceedings before any court having competent jurisdiction, and said treasurer shall, in like manner, enforce the payment of all other portion or portions of said fund in strict accordance with the terms of their respective loans, and he shall deliver to his qualified successor in office all funds belonging to, or accruing from the Joshua Brown school fund.

SEC. 5. The county treasurer and county auditor of Klickitat county shall, within thirty days after the final passage and approval of this bill, each provide themselves with proper books at the expense of Klickitat county, in which they shall, during their continuance in office, keep correct accounts of the condition of said Joshua Brown school fund; the names of all persons to whom any portion of said fund is loaned, amounts loaned and when loaned, amounts of interest paid, and when paid, and amounts of principals and interests at any and all times on hand, or in the county treasury. Which accounts, with abstracts of titles of real estates under the seal and signature of the county auditor and certificates of the cash values of real estates securing existing loans, signed and sworn to by the county school superintendent, they shall cause to be published quarterly at the same times, and appended to, the quarterly reports of the county commissioners of Klickitat county. Said county treasurer and auditor shall, at the expiration of their respective terms of office, deliver safely to their successors, when qualified, all books and valuable matters of record, and

all promissory notes, mortgages, abstracts of title, and certificates of valuation of real estate, in their care and possession.

SEC. 6. The duties of the county auditor shall be to immediately record all mortgages and promissory notes presented to him by the county treasurer, pertaining to the Joshua Brown school fund, and enter satisfaction of record of the same when full payment shall have been made, to furnish any applicant for a loan of said fund, with a certificate of the condition, and a complete abstract of title of all real estate offered as security for said loan, based upon his careful examination of the county records, and bearing his signature and impression of his seal, for the consideration of one dollar and fifty cents currency, to be paid him by said applicant.

SEC. 7. The county school superintendent shall, within two days after being notified by any applicant for a loan of the Joshua Brown school fund, proceed to critically examine such real estate as said applicant may desire to mortgage for said loan, and shall, within five days after said notice, certify under oath, with his signature to said certificate, before any duly qualified justice of the peace or notary public, or county auditor of Klickitat county, the true description of said real estate, according to the official map of the United States survey, and the actual cash value of said real estate, and deliver said certificate to said applicant; *Provided*, Said applicant shall, at the time of notifying said superintendent, pay to him the sum of one dollar and fifty cents currency.

SEC. 8. The county commissioners of Klickitat county, at their regular sessions shall cause warrants to be drawn on the county treasury for the payment of the county school superintendent two dollars per day for all time necessarily spent in fixing the value of real estate, as desired by applicants for loan or loans of the Joshua Brown school fund, and they shall allow all just claims for necessary expense incurred, or services rendered, in pursuance of this act.

SEC. 9. Any member of the Joshua Brown school fund commissioners who shall willfully violate any of the provisions

of this act shall be fined not less than three hundred dollars nor more than five thousand dollars, or imprisoned not less than three years nor more than five years.

SEC. 10. All fines collected for violations of this act shall be added to, and form a part of the Joshua Brown school fund.

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

APPROVED Nov. 2, 1875.

AN ACT

DEFINING LAWFUL FENCES IN YAKIMA AND WHITMAN COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following shall be considered lawful fences in the counties of Whitman and Yakima: Plank fence, four feet eight inches high; posts five inches, or more, in diameter, substantially set in the ground, not more than eight feet apart: The lower plank placed twenty inches from the ground; second plank eight inches above the lower, and third plank ten inches from second, the plank to be six inches wide, one inch thick and firmly fastened to the posts by nails, wire, or otherwise.

SEC. 2 Post and rail fence five feet high, made of sound posts, five or more inches in diameter, firmly set in the ground, not more than twelve feet apart, with four rails not less than four inches in diameter, securely fastened. The lower rail twenty inches from the ground, and the remaining three rails not more than eight inches apart; *Provided,* That when the rails used are not less than six inches wide three such rails placed at the distance apart on the posts as in plank fence (before described) shall be sufficient.

SEC. 3. Post and pole fence made by setting firmly in the ground two posts of not less than four inches in diameter, leaving space for poles between, with a pin of one and one-half inches, securing said posts together, twenty inches from the ground, on which the first pole shall rest. The panel not more than twelve feet, and height of fence five feet, with space between poles not over six inches, and a pin one and one-half inches to secure the top of the posts together.

SEC. 4. Ditch, two feet wide and two feet deep, with sod and embankment on inside of ditch, sixteen inches high, with posts set firmly in embankment, not over twelve feet apart for rails, and not over eight feet apart for plank, with two rails, or plank (the former, four inches in diameter, the latter, six inches wide and one inch thick) securely fastened to the posts by nails, wire or otherwise. The lower rail or plank to be placed not more than twelve inches from the embankment and the second rail or plank, making four feet eight inches from bottom of the ditch.

SEC. 5. Ditch three feet deep with embankment and sod thrown up on inside of ditch two feet six inches high, with substantial posts set in embankment, not more than twelve feet apart, and pole or rail securely fastened thereto not more than fifteen inches from said embankment.

SEC. 6. Worm fences made in the usual way of sound rails, five feet high, including riders with stakes firmly set in the ground, and spaces no greater than in post and plank, or post and rail fences, except between the riders, sixteen inches.

SEC. 7. Any person or persons making, and maintaining in good repair, around his or her inclosure or inclosures any fence such as is described in the foregoing sections 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 person shall have such fences 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 persons 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. 8. 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. 9. 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. 10. 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. 11. The respective owners of adjoining inclosures shall keep and maintain in good repair all partition fences between such inclosures in equal shares so long as they shall continue to occupy or improve the same.

SEC. 12. When any person shall unwittingly, or by mis-

take, 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 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 the crop has been gathered and secured, although more than three months may have elapsed since such division line was run.

SEC. 13. 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 as provided in section twelve of this act.

SEC. 14. In assessing the value of any partition fence the parties shall proceed as provided for the assessment of damages in section seven of this act.

SEC. 15. 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 jury shall determine the damages.

SEC. 16. 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. 17. 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. 18. This act to take effect from and after its passage.

APPROVED November 5, 1875.

AN ACT

TO PROTECT DEER IN ISLAND COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it is hereby declared unlawful for any person to hunt or kill deer in Island county from the first day of January to the first day of July in each year.

SEC. 2. That any person who shall purposely destroy, kill, or wound any deer in Island county between the first day of January and the first day of July of each year, shall, on conviction thereof, be fined in any sum not less than five dollars, nor more than fifty dollars, which shall be paid into the school fund of Island county, and be imprisoned until said fine and costs are paid.

SEC. 3. That it shall be unlawful for any person to drive or run deer with dogs at any season of the year in Island county, and any person so offending, shall, on conviction thereof, be fined in the sum of fifty dollars, one-half to be paid to the school fund of Island county; the other half to be paid to the person making the complaint thereof, and said offender may be imprisoned until the fine and costs are paid.

APPROVED Nov. 9, 1875.

AN ACT

TO PREVENT HOGS RUNNING AT LARGE IN THE TOWN OF SNOHOMISH IN SNOHOMISH COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for hogs to run at large in the town of Snohomish in Snohomish county.

SEC. 2. It shall be the duty of the sheriff or the constable of Snohomish precinct, Snohomish county, to take up all hogs found running at large within the limits of the town plat of the town of Snohomish.

SEC. 3. The constable shall proceed to sell all such hogs taken up under the provisions of this act, by giving at least five days' public notice of such sale by posting notices in three public places within the boundaries of the town plat where such animals are so taken up; and all moneys arising from such sale shall, after the expenses of taking up, keeping and selling are paid, be paid by the officer to the owner or owners of the hog or hogs upon demand within thirty days from the date of sale, otherwise it shall, at the expiration of the said thirty days, be paid into the county treasury of Snohomish county, and placed to the credit of the school fund of Snohomish county.

SEC. 4. The sheriff or any constable, purposely refusing or neglecting to take up all hogs running at large within the limits of the town plat of the town of Snohomish shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars, and not more than twenty-five dollars.

SEC. 5. Nothing in this act shall be construed to prevent persons driving hogs through any of the public thoroughfares of said town.

SEC. 6. This act to take effect and be in force from and after January 1, 1876.

APPROVED Nov. 11, 1875.

AN ACT

TO PROVIDE FOR THE CLEANING OUT OF THE OBSTRUCTIONS IN
GRAY'S HARBOR, AND THE WHISCAH RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Gray's Harbor and the*

lower Chehalis river as far as up as the town of Montesano, be and the same is hereby declared a district, for the purpose of improving the same, for navigation purposes.

SEC. 2. The wreckmaster of Chehalis county, by virtue of his office, shall be the supervising officer of the said district of Gray's Harbor.

SEC. 3. It shall be lawful for any person engaged in boat-ing as a business, to discharge all road tax assessed against him in clearing out or staking out the channel of the said Gray's Harbor, and lower Chehalis river, for the purpose of improving the said river and harbor for navigation purposes; *Providing*, Said person shall not be required to pay said tax, or perform road work on any road in said county during said year.

SEC. 4. The wreckmaster shall have all the powers, and shall perform the same duties of road supervisor, in collecting and expending the taxes for the said district of Gray's Harbor.

SEC. 5. The stream known as the Whiscah, which empties into Gray's Harbor, is hereby declared a public highway, and it shall be lawful for all persons residing on the same, who may be desirous of so doing, to discharge all road tax levied or assessed against them, in clearing out obstructions from the said stream known as the Whiscah, under directions of the road supervisor of the district through which said river runs.

SEC. 6. The road tax mentioned in section five of this act shall be collected and disbursed in the same manner that other road taxes are by the road supervisors of their respective districts.

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

APPROVED Nov. 5, 1875.

AN ACT

FOR THE PROTECTION OF SHEEP IN ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That if any dog or dogs shall stray out of and beyond the control of such owner or keeper, it shall not be lawful to kill such dog, unless the same be doing damage as hereinafter provided, but the finder may return such dog or dogs, to the owner or keeper if known, and said owner or keeper shall pay for such returning and services, a reasonable compensation.

SEC. 2. That if any dog shall be found chasing, worrying, wounding or killing any sheep or lambs, it shall be lawful for any person to kill such dog, and the owner or keeper of such dog or dogs shall pay all damages which may be sustained as aforesaid from such dogs.

SEC. 3. It shall not be lawful for any person or persons to take any dog or dogs through any field or inclosure where sheep are kept, and any person so offending shall, upon conviction thereof before a justice of the proper county, be fined in the sum of five dollars and costs of suit; the fine to augment the school fund of the county.

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

SEC. 5. This act shall only apply to Island county.

APPROVED October 26, 1875.

AN ACT

IN RELATION TO REGENTS OF THE TERRITORIAL UNIVERSITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That three regents shall constitute a quorum for the transaction of business.

SEC. 2. The said board of regents shall be authorized to confer upon a president and secretary the power to transact such business as may be necessary when such board is not in session.

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

APPROVED NOV. 12, 1875.

AN ACT

AUTHORIZING NECESSARY REPAIRS TO BE MADE UPON THE TERRITORIAL UNIVERSITY BUILDINGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of fifteen hundred dollars be and the same is hereby appropriated out of the Territorial treasury, to be applied and used by the board of regents of the Territorial university, in making such repairs on the university buildings, as in their judgment will preserve them from decay and waste; *Provided,* That no part of said appropriation shall be expended until deeds shall be executed by the grantors to the Territory, conveying an absolute and unconditional title to the Territory, to the ten acres of land upon which the said university is located.

SEC. 2. That upon presentation to the Territorial auditor, by the president of the board of regents of the said university, of a voucher or vouchers for work done, or material furnished, in making such repairs, accompanied by the certificate of said president that such labor and material were furnished at the market price, and were necessary in repairing said buildings, to preserve them from decay and waste, the Territorial auditor shall issue a warrant or warrants upon the Territorial treasury, in favor of the persons named in the vouchers, re-

spectively, for the sums appearing to be due, but the total not to exceed the sum of fifteen hundred dollars, and the Territorial treasurer shall pay said warrants out of any funds in the treasury not otherwise appropriated.

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

APPROVED Nov. 12, 1875.

AN ACT

TO REGULATE THE RUNNING OF SHEEP AT LARGE IN SAN JUAN COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for sheep to run at large in the county of San Juan, until the actual legal owner thereof has obtained a permit therefor from the board of commissioners of said county.

SEC. 2. Permits shall be granted only to citizens of the United States, or those who have declared on oath their intention to become such, in accordance with the naturalization laws of the United States, and who are also actual residents of said county.

SEC. 3. In all cases where the owner of sheep shall fail or neglect to take out a permit as herein required, and shall allow his sheep to run at large, and in all cases where persons, not citizens of the United States, or who have not declared their intention to become such, shall allow their sheep to run at large, it shall be the duty of the sheriff of said county to seize and take such sheep so running at large contrary to the provisions of this act, into his possession and sell the same to the highest bidder at public auction for cash, after first posting three notices

of the time and place of making such sale, in three of the most public places in said county at least ten days prior to such sale.

SEC. 4. The proceeds arising from such sale after deducting the cost and expenses thereof, shall be paid into the treasury of said county for the benefit of common schools therein.

APPROVED November 12, 1875.

AN ACT

PROHIBITING THE OWNERS OF HOGS IN THE COUNTIES OF YAKIMA AND WHITMAN FROM PERMITTING THE SAME TO RUN AT LARGE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the owner or lessee of any premises may take up any hogs found trespassing upon his or their said premises, and may safely keep the same at the expense of the owner of said hogs.

SEC. 2. All persons taking up hogs trespassing upon their lands shall immediately thereafter post notices in three public places, containing a description of the ear, or other mark, of such hogs, whereby the owners may identify them.

SEC. 3. If the owners of such hogs come forward within ten days after the time such notices were posted, and prove them to be their property, the person taking them up shall deliver them to such owners upon their paying all costs and damages sustained by reason of their trespassing.

SEC. 4. If however the owners do not come forward within the ten days, then the person taking up such hogs shall immediately notify a constable of the precinct wherein the trespass has been committed, or if there be no constable in said precinct, then the sheriff of said county or constable of a neighboring precinct, and said constable or sheriff, shall proceed to

sell at public auction (after giving five days' notice of such sale, by posting notices in three public places in said precinct) all said hogs so taken; *Provided however*, That the owners may prove their hogs and receive them by paying all costs, charges and damages, at any time before said sale takes place.

SEC. 5. If the parties cannot agree as to the amount of the charges and damages, then each party may choose one disinterested person, and they may choose a third person who shall determine the amount of the damages and costs of keeping of said hogs. Should the owner not come forward, then the constable or sheriff shall appoint one or more disinterested persons to determine the amount.

SEC. 6. The fees of the officers for making sales under the provisions of this act, shall be the same as are allowed for sales under execution.

SEC. 7. If there should be any surplus money arising from such sales after paying all costs, charges and damages, the constable or sheriff shall pay the same to the owners of said hogs sold, provided they prove they are entitled to it within ten days after the sale; if not then he shall pay it to the county treasurer taking his receipt for the same. *Provided*, The hogs sold do not pay all costs, charges and damages, this shall not bar the right of the damaged party to bring his action against the party trespassing for the balance due or unpaid.

SEC. 8. All money paid to the county treasurer under the provisions of this act shall constitute a part of the school fund of the county.

SEC. 9. Any constable or sheriff, refusing to pay to the county treasurer or to the owners the surplus money derived from such sale, shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars.

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

APPROVED Oct. 27, 1875.

AN ACT

DECLARING NORTH PALOUSE RIVER NAVIGABLE AND A PUBLIC HIGHWAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That north Palouse river in Whitman county, be and the same is hereby declared navigable and a public highway, from its mouth to the point where it is crossed by the line dividing Idaho and Washington Territory, for the purpose of rafting, driving and floating logs, timber and other material.

SEC. 2. Every person who shall in any manner obstruct the channel of said river, on conviction thereof by a court of competent jurisdiction, shall be fined in a sum not more than one hundred dollars and not less than fifty dollars, and costs; *Provided,* That the placing of any mill dam or boom across said stream shall not be construed to be an obstruction to the navigation aforesaid, if the same be so constructed as to allow the passage of logs, timbers and other material without unreasonable delay.

SEC. 3. This act to be in force from and after April 1, 1876.

APPROVED November 2, 1875.

AN ACT

DECLARING PUYALLUP RIVER NAVIGABLE, AND A PUBLIC HIGHWAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Puyallup river, in Pierce county, be, and the same is hereby declared navigable, and a public highway for twenty miles from the mouth of said river towards the source of the same.

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

APPROVED November 12, 1875.

AN ACT

AUTHORIZING J. M. WHITMAN AND LUCINDA EMELINE WHITMAN, HIS WIFE, TO ADOPT AS THEIR OWN CHILDREN, FRANKLIN D. RIGGS AND LEWIS L. RIGGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. M. Whitman and Lucinda Emeline Whitman, who have had the custody and care of Franklin G. Riggs and Lewis L. Riggs, minors of the respective ages of five and three years, are hereby authorized to adopt said Franklin G. Riggs and Lewis L. Riggs from and after the passage of this act. Said Franklin G. Riggs and Lewis L. Riggs shall in all respects be treated and regarded as the lawful children of J. M. Whitman [and] Lucinda Whitman.

SEC. 2. Said Franklin G. Riggs and Lewis L. Riggs shall hereafter take the names of Franklin G. Whitman and Lewis L. Whitman, and be known thereby, and shall hereafter sustain towards said J. M. Whitman and Lucinda Whitman the relation of child to parent, and have all the rights incident to such relation, and the said J. M. Whitman and Lucinda Whitman shall assume all the duties of such relation and all the responsibility thereof.

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

APPROVED Nov. 11, 1875.

AN ACT

DECLARING SPOKANE RIVER NAVIGABLE AND A PUBLIC HIGHWAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Spokane River be and the

same is hereby declared navigable and a public highway from its mouth to the point where it is crossed by the line dividing Idaho and Washington Territories, for the purpose of rafting, driving and floating logs, timber and other material.

SEC. 2. Every person who shall in any manner obstruct the channel of said river, on conviction thereof by a court of competent jurisdiction, shall be fined in a sum not more than one hundred dollars nor less than fifty dollars and costs of suit; *Provided*, That the placing of any mill-dam, or boom across said stream, shall not be construed to be an obstruction to the navigation aforesaid, if the same be so constructed as to allow the passage of logs, timber and other material without unreasonable delay; persons running logs shall be liable for all damages sustained to bridges on said river.

SEC. 3. This act to take effect from and after its passage.
APPROVED NOV. 12, 1875.

AN ACT

TO CHANGE THE NAME OF GEORGE S. MYCOCK TO THAT OF GEORGE S. STARR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the name of George S. Mycock be and the same is hereby changed to George S. Starr.

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

APPROVED NOV. 2, 1875.

AN ACT

TO CHANGE THE NAME OF ALMIRA KIDD STACKPOLE TO ALMIRA
KIDD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Almira Kidd Stackpole be and the same is hereby changed to the name of Almira Kidd.

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

APPROVED Oct. 27, 1875.

AN ACT

TO CHANGE THE NAME OF MARTHA E. ENSIGN TO MARTHA E.
COOK.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Martha E. Ensign be and the same is hereby changed to Martha E. Cook.

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

APPROVED October 27, 1875.

AN ACT

AUTHORIZING BENJAMIN N. LEVERICH AND ANNA R., HIS WIFE, TO
ADOPT AS THEIR OWN CHILD, IDA OLIVE RUSSELL.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Benjamin N. Leverich

and Anna R. Leverich, who have had the custody and care of Ida Olive Russell, a minor of the age of five years, since the death of her mother, the father having fully consented thereto, are hereby authorized to adopt said Ida Olive Russell, and from and after the passage of this act, said Ida Olive Russell shall, in all respects, be treated and regarded as the lawful child of said Benjamin N. Leverich and Anna R. Leverich.

SEC. 2. Said Ida Olive Russell shall hereafter take the name of Ida Olive Leverich, and be known thereby, and shall hereafter sustain toward said Benjamin N. Leverich and Anna R. Leverich the relation of child to parent, and have all the rights incident to such relation, and the said Benjamin N. Leverich and Anna R. Leverich shall assume all the duties of such relation and all the responsibilities thereof.

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

APPROVED October 26, 1875.

AN ACT

TO CHANGE THE NAME OF JOHANA FREDERICK CHRISTENSEN TO JOHN FREDERICK CHRISTEY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Johana Frederick Christensen be, and the same is hereby changed to John Frederick Christey.

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

APPROVED November 12, 1875.

AN ACT

FOR THE RELIEF OF J. R. THOMPSON, D. N. UTTER, J. T. WOLF
AND C. F. FISCHER, CHAPLAINS OF THE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of twenty-five dollars each be and the same is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for the relief of Rev. J. R. Thompson, D. N. Utter, J. T. Wolf and C. F. Fischer.

SEC. 2. Upon demand it shall be the duty of the Territorial auditor to draw his warrant on the Territorial treasurer in favor of each said J. R. Thompson, D. N. Utter, J. T. Wolf and C. F. Fischer for (25) twenty-five dollars each, which shall be paid out of any money in the Territorial treasury not otherwise appropriated.

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

APPROVED November 12, 1875.

AN ACT

FOR THE RELIEF OF GEO. H. WHITE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and twenty-six dollars be and the same is hereby appropriated to Geo. H. White for material and labor performed in binding the laws for the session of 1873.

SEC. 2. The Territorial auditor is hereby required to draw a warrant on the treasurer in favor of said Geo. H. White, for

the sum of one hundred and twenty-six dollars, which shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall be in force and take effect from and after its approval by the governor.

APPROVED NOV. 12, 1875.

AN ACT

APPROPRIATING FUNDS TO PAINT FENCE AT CAPITOL BUILDINGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred and fifty dollars be, and the same is hereby appropriated out of any funds not otherwise appropriated, to pay for the painting of the recently constructed picket fence, the same embracing eight hundred lineal feet, more or less, surrounding the capitol building of Washington Territory, and upon the ground thereof. Said painting to be done in a workmanlike manner, with best Atlantic white lead and boiled linseed oil, with three coats.

SEC. 2. The amount hereby appropriated to be expended under the supervision of the Territorial secretary, and upon completion of the work, the secretary shall certify to the performance of the work herein provided for, in favor of the party or parties performing the same, and upon the presentation of which said certificate to the Territorial auditor, he shall thereupon draw a warrant upon the Territorial treasurer in the full amount of said certificate for the services so performed, and the treasurer is hereby authorized to pay the same as other Territorial warrants.

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

APPROVED November 9, 1875.

AN ACT

TO PROVIDE FOR PAINTING FENCE AROUND CAPITOL BUILDING.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Chas H. Stockton is hereby instructed to paint the fence around the capitol building, he being the lowest bidder.

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

APPROVED Nov. 12, 1875.

AN ACT

TO AUTHORIZE JAMES M. HUNT AND JULIA HUNT, HIS WIFE, TO ADOPT AS THEIR OWN CHILD THE INFANT DAUGHTER OF REBECCA JANE OLLIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That James M. Hunt, and his wife Julia Hunt, of the town of Dayton, Washington Territory, who have had the care and custody of a minor female child, born on the 21st day of June, A. D. 1873, the daughter of Rebecca Jane Olliver, and the grand daughter of Eliel Olliver of said Territory, the mother and grand father fully consenting thereto, are hereby authorized to adopt said infant child from and after the passage of this act. Said child shall in all respects be treated and regarded as the lawful child and heir, and as such share alike with other children of the said James M. Hunt, and his wife Julia Hunt.

SEC. 2. Said infant female child shall hereafter take the name of Bertha May Hunt, and be known thereby, and shall hereafter sustain toward said James M. Hunt, and his wife

Julia Hunt, the relation of child to parent, and have all the rights incident to such relation, and the said James M. Hunt, and Julia Hunt, his wife, shall assume all the duties of such relation, and all the responsibilities thereof.

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

APPROVED NOV. 9, 1875.

AN ACT

FOR THE RELIEF OF STEPHEN JUDSON 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 persons named, to wit: To Stephen Judson, the sum of twenty dollars; to J. C. Kellogg, the sum of twenty-five dollars; to A. M. Ballard, the sum of twenty-five dollars; to N. Ostrander, the sum of twenty-five dollars; to J. M. Lowe, the sum of twenty-five dollars as reimbursement for expenses incurred during five days' attendance at the Territorial Insane Asylum, as commissioners, appointed by the governor and auditor, to examine into the management of the same.

SEC. 2. The sum of one hundred and twenty dollars is hereby appropriated to pay the same. The Territorial treasurer is hereby authorized 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.

APPROVED NOV. 12, 1875.

AN ACT

FOR THE RELIEF OF C. B. BAGLEY.

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 a warrant on the Territorial treasurer for the sum of fifteen dollars in favor of C. B. Bagley, in payment for the printing of circular sheets of thanksgiving proclamations issued by the Governor of Washington Territory in November of the years 1873 and 1874.

SEC. 2. The Territorial Treasurer is hereby directed to pay said warrant out of any moneys in the treasury not otherwise appropriated.

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

APPROVED November 12, 1875.

AN ACT

TO THE RELIEF OF E. L. WILLEY, COUNTY TREASURER OF MASON COUNTY.

WHEREAS, That on the eleventh day of January, A. D. 1874, the residence of the county treasurer of Mason county, during the temporary absence of said treasurer, accidentally caught on fire, and Territorial taxes to the amount of \$642 were consumed in said fire, which said amount was for taxes collected for the year A. D. 1873. Therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor is

hereby instructed to credit the county of Mason with the sum of six hundred and forty-two dollars, for taxes for the year A. D. 1873, that being the amount accidentally destroyed by fire on the eleventh day of January, A. D. 1874.

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

APPROVED November 12, 1875.

AN ACT

FOR THE RELIEF OF TACOMA LODGE NO. 4, I. O. G. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of sixty dollars be and the same is hereby appropriated out of any funds of the Territorial treasury, for the relief of the board of trustees of Tacoma Lodge, No. four (4), I. O. G. T., whereof J. S. Dobbins is president, for the rental of a room in Olympic Hall Building, belonging to Tacoma Lodge, No. 4, I. O. G. T., said room having been used to contain the Territorial library, during the repairing of the Capitol building and since (four months from July 1, 1875.)

SEC. 2. The Territorial auditor is hereby authorized and required to draw his warrant on the Territorial treasurer, for the sum of sixty dollars in favor of J. S. Dobbins, president of the board of Trustees of Tacoma Lodge, No. 4, I. O. G. T., and the Territorial treasurer is hereby authorized and directed to pay the sum out of any funds in the treasury not otherwise appropriated.

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

APPROVED Nov. 12, 1875.

AN ACT

TO APPROPRIATE MONEY TO PAY FOR SERVICES OF CLERK FOR
COUNTY COMMITTEE OF THE HOUSE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor be and is hereby authorized to draw a warrant in favor of Miss Belle Evans, for one hundred dollars, for services as clerk of county committee of the House during the present session.

SEC. 2. The Territorial treasurer is hereby authorized to pay the same out of any moneys in the treasury not otherwise appropriated.

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

APPROVED November 12, 1875.

AN ACT

FOR THE RELIEF OF GEO. H. WHITE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and nine dollars and forty-two cents be and the same is hereby appropriated out of the Territorial treasury to pay Geo. H. White for binding the assessment rolls, and two volumes of assessment returns for the years 1874 and 1875.

SEC. 2. That the Territorial auditor is hereby authorized to draw his warrant in favor of the said George H. White, for the above named sum, and the Territorial treasurer is authorized to pay the same out of any funds in the treasury not otherwise appropriated.

APPROVED Nov. 12, 1875.

AN ACT

FOR THE RELIEF OF WILLIAM BILLINGS, SHERIFF OF THURSTON COUNTY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and eighty dollars be and the same is hereby appropriated out of any money in the treasury for payment of money expended by William Billings, sheriff of Thurston county in pursuing and retaking Dabney Jones and Andrew St. Martin, Territorial convicts who escaped from their 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 William Billings for the sum of one hundred and eighty dollars, which shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED Nov. 12, 1875.

AN ACT

FOR THE RELIEF OF B. F. YANTIS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of (\$40) forty dollars and sixty-two cents, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to B. F. Yantis, for expenditures incurred by him in removing the Territorial library, post office box rent for library, postage stamps, stationery, drayage, etc.,

SEC. 2. The Territorial auditor is hereby instructed to draw a warrant on the Territorial treasurer for said sum of

forty dollars and sixty two cents, in favor of said B. F. Yantis.

SEC. 3. This act to take effect and be in force from and after its approval by the governor.

APPROVED Nov. 8, 1875.

AN ACT

FOR THE RELIEF OF THOMAS CRANNEY.

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 moneys not otherwise appropriated, for transportation furnished to this Legislative Assembly by Thomas Cranney, in visiting public Territorial institutions on a tour of inspection.

SEC. 2. The Territorial auditor is hereby instructed to issue to said Thomas Cranney a Territorial warrant for the aforesaid sum, and the Territorial treasurer is instructed to pay the same.

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

APPROVED Oct. 30, 1875.

GENERAL INDEX.

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MEMORIALS.

MEMORIALS.

MEMORIAL.

RELATIVE TO SETTLERS ON PENN'S COVE MILITARY RESERVATION.

The memorial of the Legislative Assembly of the Territory of Washington, respectfully represents; that Richard H. Lansdale, J. L. Holbrook, Samuel D. Howe and Jacob Smith, were settlers and claimants under the donation law of September 27, 1850, of certain tracts of land in Island county, W. T., fronting on Penn's Cove; that after the date of their settlement to-wit, on the twenty-first of February 1854, the Penn's Cove Military Reservation was made, covering parts of the claims of said settlers, but no steps were taken to assess or pay the damages accruing thereby to said settlers; that said reservation was abandoned by the government and withdrawn by the departments; that the commissioner of the General Land Office caused patents to be issued in favor of said Holbrook and Smith, for their respective donation claims, but when said Howe and Lansdale applied for patents they were refused, because the equitable title of said Howe and Landsdale to so much of the land as was included in said reservation, had been extinguished by virtue of section fourteen, act of September 27, 1850; that said Lansdale and Howe and their vendees, have made valuable improvements upon their tracts, relying upon the patents to

MEMORIALS.

said Holbrook and Smith, as a permanent ruling of the Land Department to govern in the adjudication of such cases. Wherefore your memorialists pray that a law be enacted confirming the titles to said lands to the respective claimants, and authorizing patents to issue as though no such reservation had ever been made.

Passed the House of Representatives October 30, 1875,

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council November 1, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

PRAYING FOR THE ESTABLISHMENT OF A MAIL ROUTE FROM
SEATTLE TO SNOHOMISH CITY.

To the Honorable Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectively represent to your Honorable Bodies, that the towns of Lowell and Snohomish City are situated on the Snohomish river in the county of Snohomish, W. T.; that the said towns of Lowell and Snohomish are embraced in mail route No. 43,108 from Seattle to Whatcom, and are so situated as to render it impracticable for the steamer carrying the mail on said route No. 43,108 to visit the said points of Lowell and Snohomish; that Snohomish City is the county seat of Snohomish county; that the contractors for carrying the mail on said mail route No. 43,108, from Seattle to Whatcom sub-contract for the carrying the mail from Seattle to Snohomish City; that the expense to the general government for carrying

the mail from Seattle to Snohomish City, on a separate route, from which it is now carried, will be no greater, or more than at present.

And as in duty bound will ever pray.

Passed the House of Representatives October 9, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 9, 1875.

B. F. SHAW

President of the Council.

MEMORIAL

IN RELATION TO COMPENSATION DUE FRANCIS W. PETTYGROVE
AS CLERK OF THE UNITED STATES DISTRICT COURT.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectively represent, that Francis W. Pettygrove was the regularly appointed and duly qualified and acting clerk of the United States district court, holding terms at Port Townsend, Jefferson county, in and for the third judicial district of Washington Territory, and performed the duties of said office from the thirtieth day of April, A. D. 1853, until the first day of February, 1857; that the compensation to which he was entitled by law from the United states, was about the sum of \$3,750; that the accounting officers of the treasury neglected to credit his account, or to pay the compensation aforesaid. Wherefore your memorialists would respectively request, that your Honorable Body would be pleased to make an

MEMORIALS.

appropriation to compensate said Francis W. Pettygrove for the service aforesaid, and your memorialists will ever pray.

Passed the House of Representatives October 18, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 18, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO DISTRICT COURTS IN THE THIRD JUDICIAL DISTRICT.

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

The memorial of the Legislative Assembly of the Territory of Washington, respectfully represents; that the third judicial district in this Territory embraces the counties of Pierce, King, Snohomish, Whatcom, San Juan, Island, Jefferson, Clallam and Kitsap; that the terms for Whatcom, San Juan, Island, Jefferson and Clallam, are held at Port Townsend; that the restriction to three places at which court may be held in the district, works a hardship upon the people of Whatcom and San Juan counties, tantamount almost to a denial of justice; that a majority of the people of Whatcom county must travel a distance of from sixty to seventy-five miles, by the ordinary route to reach the court; that the population of both said counties is rapidly increasing, that of Whatcom county being above fifteen hundred, and that of San Juan being about seven hundred and fifty; that the administration of justice for both counties would be attained at less expense and with greater convenience by the passage of an amendment to Section 1917 of the Revised

Statutes of the United States providing that the district court may be held at four places in said district.

Wherefore your memorialists pray that such amendment be passed.

Passed the House of Representatives October 29, 1875.

ELWOOD EVANS

Speaker of the House of Representatives.

Passed the Council November 1, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

FOR A DAILY MAIL SERVICE FROM OLYMPIA TO PORT TOWNSEND.

To the Honorable Post Master-General of the United States;

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, that the semi-weekly mail service on route No. from Olympia to Port Townsend, is inadequate to the commercial and financial interests of the Puget Sound country and of Western Washington; that its rapid increase in population, wealth and commercial importance, demands daily mail communication.

Your memorialists therefore, ask that daily mail service by steamer, be placed on said mail route between Olympia and Port Townsend.

And your memorialists will ever pray.

Passed the House of Representatives October 27, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 25, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO EXTENDING MAIL SERVICE ON ROUTE NUMBER
43,118.

To the Honorable Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the section of country lying between Nootsachk in Washington Territory and Sumas, British Columbia, is rapidly settling up; that a good road is already established between these two points, leading directly to the gold fields of British Columbia; that by establishing a mail service over this route will open communication with the north-east portion of our Territory.

Your memorialists therefore respectfully pray, that mail route No. 43,118, from Sehome to Nootsachk, be extended to Sumas in British Columbia, and that said mail service shall be performed on said route at least once a week.

And your memorialists will ever pray.

Passed the House of Representatives October 26, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 26, 1875.

B. F. SHAW.

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR THE IMPROVEMENT OF
SILVER LAKE AND TOUTLE RIVER IN COWLITZ COUNTY, WASH-
INGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of Washing-

ton Territory, respectfully represent, that Toutle river is a small stream flowing into the Cowlitz river in Washington Territory, and would if the same could be cleared of obstructions, afford a means by which settlers residing in the vicinity thereof could make available large bodies of fir and cedar timber, growing near said river, and we would further represent, that Silver or Toutle lake is a small lake near said Toutle river, which could be drained by deepening and widening the outlet thereof, thereby rendering available for cultivation and settlement, from five to seven thousand acres of the finest land in the Territory of Washington.

We would further represent, that the people residing near said lake and river, are in a great measure dependent for a livelihood on lumbering and agricultural pursuits, and are unable to make the improvements afore mentioned, from their own resources, and such improvements being of vital importance to their best interests as well as affording additional inducements to immigrants seeking a home in our Territory. We would therefore pray your Honorable Bodies to appropriate the sum of ten thousand dollars, to be applied to the draining of said Silver lake and the removal of the obstructions in said Toutle river; such proportion of said amount to be applied to such objects as follows: Three thousand dollars for drainage of said Silver lake, and the residue to the removal of the obstructions in Toutle river, and to be expended in such manner and by such person or persons as your Honorable Bodies may provide.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives October 30, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council November 1, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

FOR COMPENSATION TO JOHN G. PARKER, FOR CARRYING U. S.
MAILS ON PUGET SOUND IN 1855-6 ON STEAMBOAT TRAVELER.

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

The memorial of the Legislative Assembly of the Territory of Washington respectfully represents, that William M. Rutledge, Esq., post master of the town of Olympia, in said Territory, in the years 1855-6, in the month of September, A. D. 1855, contracted with and employed Captain John G. Parker, junior, master and owner of the steamboat Traveler to transport the United States mails one trip per week between Olympia and Seattle in said Territory, supplying the then only intermediate post office, at Steilacoom, the distance recognized by the Post Office Department being 65 miles, and the route then established and numbered 12,703, for the price or sum of five thousand dollars per annum; that said post master Rutledge, immediately thereafter, to-wit, on the twentieth of September, 1855, or thereabouts, duly notified the second assistant Post Master General of the employment in said mail service, of the said John G. Parker, junior, and that pursuant to said employment said Parker carried said mails upon said steamer Traveler from the nineteenth day of October, 1855, to the nineteenth day of October, 1856, and that at no time from said twentieth of September, 1855, down to the present time did the said second assistant Post Master General or any other officer of the Post Office Department disavow said contract, but the Government of the United States did enjoy for said full year the services of said Parker in the conveyance of said United States mails; that in 1857 a contract was awarded between Olympia and Victoria, a little more than twice the distance between Olympia and Seattle, for \$28,000 per annum; that steam mail communication between Olympia and Steilacoom and Seattle in the latter part of 1855, and the greater part of

1856, was essential in the Territory, as an Indian war was raging and these points were respectively the centers of military and naval operations, and moreover, any other means of transportation were unsafe and impossible; that the sum of twelve hundred and fifty dollars (\$1,250,) was remitted to the said Parker in 1858 on account of said mail service, and that we believe that the balance of the price agreed upon is justly due to said Parker for his services. Therefore,

Your memorialists respectfully pray your Honorable Bodies to make an appropriation in behalf of the said John G. Parker, for such sum as is justly his due for the services hereinabove recited.

And your memorialists will ever pray.

Passed the House of Representatives October 11, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 11, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO ESTABLISHING MAIL SERVICE BETWEEN SAMIAHMOO, IN WHATCOM COUNTY, WASHINGTON TERRITORY, AND NEW WESTMINSTER, BRITISH COLUMBIA.

To the Hon. Postmaster General, of the United States:

Your memorialists, the Legislative assembly of the Territory of Washington, respectfully represent, that a good road has been built by the authorities of British Columbia, to the boundary line of Washington Territory, and within one mile of the post office at Semiahmoo; that mail service is already performed

between Port Townsend and Semiahmoo; therefore your memorialists respectfully pray, that mail service be established between the said Semiahmoo and New Westminster, to be carried at least once a week.

And your memorialists will ever pray.

Passed the House of Representatives October 30, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 27, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

IN REFERENCE TO THE ESTABLISHMENT OF A POST ROUTE TO
KAMILCHE.

To the Post Master General of the United States:

Your memorialists the Legislative Assembly of the Territory of Washington, would respectfully represent, that there is a large and prosperous settlement in the southwestern part of the county of Mason, Washington Territory, comprising one hundred and fifty inhabitants; that the nearest post office to them is that at the town of Arcada, Mason county, Washington Territory, distant at least eighteen miles; that there was formerly a mail route between Olympia, in Thurston county and Kamilche, in Mason county, Washington Territory, but said route was discontinued in or about the year A. D. 1867; that there is a Territorial road running through the said settlement and to the head of Little Skookum Bay at Kamilche, and running through one of the most prosperous settlements of our Territory, and is every day increasing in population; and in view of all these facts, we ask that there be established a weekly mail route

from Olympia in Thurston county to Kamileche in Mason county, Washington Territory, and that Thomas W. McDonald be appointed Post Master.

Passed the House of Representatives October 15, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 12, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

FOR A BOOM ON DUWAMISH RIVER IN KING COUNTY, WASHINGTON TERRITORY.

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

Your memorialists the Legislature of the Territory of Washington would respectfully represent, that the lumbering of King county and Territory aforesaid, would be greatly promoted by granting the right and privilege to John Burns and his successor, to construct a boom on the north side of the Duwamish river, adjoining land now owned by Eli Maples, said privilege to run not longer than ten years.

Your memorialists would represent that there are but few points on said river at which booms can be constructed successfully without interfering with the navigation of said stream, and that this point is the most favorable of any other; that difficulties often grow out of preferences and prior claims to run logs and lumber. Therefore

Your memorialists would pray that said John Burns and his successor be granted the right and privilege to put in a boom at said point for the purpose of catching, collecting or enclosing any and all lumber, timber and saw logs, or

other material that may pass down said river, and deliver the same to owners or agents, and that he may be privileged to collect from said owners or agents such uniform rates of charges for salvage or boomage and delivery, as may be right and proper as agreed upon between the parties, or to be determined by the commissioner's court of King county, in case of any disagreement.

Your memorialists would further pray that the said John Burns or his successor for and in consideration of privileges asked, give bonds for the putting in and keeping up a good and substantial boom to answer the ends contemplated; also said bond shall guarantee that the river Duwamish be kept open at said point, clear from all obstructions and free from all charges night and day to any and all vessels and boats navigating the same.

And your memorialists would therefore pray your honorable body to pass an act empowering the said John Burns to erect said boom as herein prayed for, and your memorialists as in duty bound will ever pray.

Passed the House of Representatives October 16, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 19, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO MAKING SEMIAHMOO AND SAN JUAN, CLEARANCE PORTS.

To the Senate and House of Representatives

Of the United States in Congress assembled:

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

counties of Whatcom, San Juan, Island and Snohomish, Washington Territory and British Columbia, a large and increasing agricultural and other trade is springing up; that this trade at present all has to be carried on by way of the Custom House at Port Townsend; that to clear through said Custom House, vessels must sail from thirty-five to seventy-five miles and return out of their regular course and through waters that are dangerous for small crafts; that by reason of such extra distance and danger trade between the places named is very much hindered, and often times rendered entirely impracticable; that there are already Custom House officers at Whatcom and San Juan, but that they have no authority to enter or clear vessels; that their being invested with such authority would increase but little, if any the expense of those offices.

Therefore your memorialists would respectfully pray that in order to foster trade, power to enter and clear vessels be conferred upon proper officers of the customs, stationed at Semiahmoo in Whatcom county, and at San Juan in San Juan county.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives October 20, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 21, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR THE REMOVAL OF OBSTRUCTIONS TO NAVIGATION IN THE COLUMBIA RIVER.

To the Senate and House of Representatives

of the United States in Congress Assembled:

Your memorialists the Legislative Assembly of the Terri-

tory of Washington, would respectfully represent unto your Honorable Bodies; that the Territory of Washington is divided by the Cascade Mountains into two nearly equal sections, known as Eastern and Western Washington; that the Eastern portion embraces many thousand square miles of superior agricultural and grazing lands, unsurpassed for productiveness; that the estimated quantity of wheat that can be raised in this portion of the Territory is twenty million bushels per annum; that the surplus for exportation the present year, will exceed one million bushels; that the natural and univversally adopted outlet for the products of this portion of the Territory as well as those of North Western Idaho, and Eastern Oregon is by way of the Columbia River to the Pacific Ocean; that obstructions to navigation exist at the Cascades and at the Dalles of said river, which prevent the uninterrupted navigation of the same; that owing to these obstructions the expense of transporting the products of Eastern Washington to tide water is a serious burden upon the people thereof, and tends to retard settlement and cultivation; that the market price of wheat at present at Walla Walla, the principal purchasing point in Eastern Washington, is forty-five cents per bushel, while at Portland in Oregon, a distance of only 280 miles by water, it is one dollar per bushel, showing that the cost of transportation for this short distance, which is paid by the farmer, is fifty-five cents per bushel; that the report of Brevet Brigadier General Michler, of the Engineer Corps, shows that these obstructions can be entirely removed by the construction of short canals and of locks at an expense of one millian five hundred thousand dollars; that the present population of Eastern Washington, Idaho and Eastern Oregon, which would be directly and immediately benefited by the removal of these obstructions and by the free navigation of this river is about thirty thousand, and a very large proportion of whom are engaged in agricultural pursuits.

Your memorialists would therefore respectfully pray that an adequate appropriation may be made to remove these obstructions and thus induce settlement and cultivation in

one of the finest wheat growing regions on the continent.

Passed the House of Representatives Oct. 9, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 11, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL.

PRAYING FOR A POST OFFICE AND MAIL FACILITIES AT OAK HARBOR IN ISLAND COUNTY.

To the Honorable Post Master General of the United States:

Your memorialists the Legislative Assembly of the Territory of Washington, would respectfully represent, that there are in the northerly portion of Island county some forty-five settlers, the most of them having families consisting of from three to eight persons each, who are almost entirely deprived of the benefit of the mails. These families reside from eight to twenty miles from the post office at Coupville, and the mail matter is passed along from house to house. The result is a large portion of the mail matter never reaches the owner, or if it does, it is so mutilated and defaced as to be of little value.

And your memorialists would further represent, that Oak harbor in Island county, is a place of active trade and commerce, and its citizens are enterprising and industrious; that it has a good harbor which is frequently entered by ships, carrying away stock of all kinds and other productions of the country.

Now your memorialists, respectfully pray that a post office be established at Oak harbor, and that John Gillaspie be ap-

pointed post master of said place, and that mail route No. 15,412, from Seattle to Whatcom be extended to Oak harbor, and the mails carried thereto as often as they are carried to Coupville and Utsalady.

Aud your memorialists as in duty bound will ever pray.

Passed the House of Representatives October 11, 1875,

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council November 12, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

PRAYING FOR THE ESTABLISHMENT OF A MAIL ROUTE FROM SEATTLE TO WALLULA.

To the Honorable Post Master General of the United States:

Your memorialists the Legislative Assembly of the Territory of Washington, would respectfully represent, that there are over two thousand inhabitants in the valley of the Yakima river, in Yakima county in this Territory, and the number is very rapidly increasing, in consequence of recently discovered gold mines in said valley, as well as the rich and extensive agricultural and grazing lands in that section; that a large portion of the people of said valley are entirely without mail service, and what service there is in said valley is by very circuitous routes, viz: to Wallula via Umatilla on the Columbia river, over the foot-hills of the Blue mountains and to Puget Sound via the Columbia river. Also that there is no post office at the mouth of the Yakima river, where one is very much needed to accommodate a large settlement at that point. Therefore,

Your memorialists pray that a mail route may be established from Seattle in King county, via the Snoqualmie pass to Ellensburg, thence to Yakima City, thence to Smith Barnham's at the mouth of the Yakima river, and thence to Wallula on the Columbia river; that a post office be established at Smith Barnham's, at the mouth of the Yakima river, and that Smith Barnham be appointed post master of such post office. Also that a semi-weekly mail service be immediately established on such route.

Passed the House of Representatives October 12, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 12, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO THE ANNEXATION OF THE COUNTIES OF IDAHO,
SHOSHONE AND NEZ PERCE IN IDAHO TERRITORY, TO WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the people embraced in all that portion of the Territory of North Idaho, embracing the counties of Idaho, Shoshone and Nez Perce, have solicited time and again, through their representatives and the public press for the last ten years, to be annexed to the Territory of Washington. Weighty reasons exist why such an-

nexation should be consummated. An impassable mountain, where perennial snows ever abound, making it absolutely necessary, that in order to have any communication with other portions of the Territory, during eight months of the year, to take a circuitous route through Washington Territory and the State of Oregon, and a portion of the balance of the Territory, can be reached either on foot, horse back, or by vehicle. We would further represent, that that portion of Idaho Territory, which is proposed to be annexed to Washington Territory, is a narrow strip of country, lying contiguous to our Territory, lying immediately east and with no barriers intervening. Its commercial, social and political interests, are identical with ours. Climate and people are in every respect similar. Annex the same to Washington Territory and it must grow and prosper. Other important reasons exist why the annexation should be made. The extra expense attending the administration of the affairs of the Territory, and particularly the extra burdens imposed on North Idaho, in being so far removed from the Territorial Capitol. The apparently useless efforts to obtain favorable representation, in both the Territorial and the Halls of Congress.

Your memorialists hardly deem it necessary to enter into further detail, of the grievances growing out of the relationship of Northern Idaho with Southern Idaho, as your Honorable Bodies have been, time and again, memorialized on this subject, and are informed as to the merits of the proposition. To that end your memorialists will ever pray.

Passed the House of Representatives October 27, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 25, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

ASKING FOR AN APPROPRIATION FOR THE IMPROVEMENT OF THE
COWLITZ RIVER.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the Cowlitz river is a tributary of the Columbia, entering the same about sixty miles from its mouth in Washington Territory; that said stream is navigable for small steamers to a distance from twenty-five to thirty miles from its mouth and is quite thickly settled for most of that distance, having been until the advent of the N. P. R. R., one of the principal thoroughfares of the Territory. The settlers residing along the banks of said river, are among the earliest settlers of the Territory, having by years of hard labor made homes therein, and are anxious to prevent the further encroachment of said stream which is subject to frequent rises, thereby rendering its navigation both difficult and dangerous and encroaching yearly upon their improvements. Most of the products of this section are transported to market by means of small steamers, being of a bulky nature, such as cannot by reason of the great expense be forwarded by rail, and in view of the fact that the improvement of said stream cannot be accomplished by individual enterprise; that it is the only practicable outlet for the agricultural productions thereof; that its navigation is under existing circumstances both difficult and dangerous, and that its improvement would secure to these hardy pioneers, the homes they have wrested from the wilderness, by years of toil and privation and a permanent outlet for their produce.

Your memorialists, would therefore respectfully ask your honorable bodies, to appropriate the sum of twenty thousand dollars for the improvement of said Cowlitz river, said sum to

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be expended under the supervision of some person connected with the service of the United States Government, and as in duty bound your memorialists will ever pray.

Passed the House of Representatives October 12, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 12, 1875.

B. F. SHAW.

President of the Council.

MEMORIAL

IN RELATION TO TERRITORIAL OFFICERS.

*To the Hon. 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 section eighteen hundred and fifty-seven, (1857) of the Revised Statutes of the United States, takes from the people the right to elect their Territorial officers; that this right has been exercised by the people since the organization of the Territory; that the Territorial auditor, treasurer and superintendent of schools, are paid out of the Territorial treasury by the people; that by existing laws these officers are appointed by the governor; that our people are more competent to select these officers, than our governors, who too often are strangers sent among us, knowing nothing of our people, our wants, or our interests; that every principle of justice demands, that the people should have the right to select those officers, whose salary they pay; that the provisions of section 1857, in their results, are productive of principles obnoxious to freeman; that in effect, it is the

same principle against which our forefathers protested, when they charged the King with "erecting a multitude of new offices and sending swarms of officers, to harass our people and eat out their subsistence." Wherefore, we earnestly pray, that the law may be so amended, that the people may appoint those officers whose salary they pay.

And your memorialists as in duty bound will ever pray.

Our Delegate in Congress, is hereby instructed to use every means in his power, to procure the repeal of section 1857, so far as the same affects the Territory of Washington.

Passed the House of Representatives October 27, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 25, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

ASKING FOR MAIL SERVICE FROM SEATTLE TO RENTON AND
LAKE WASHINGTON COAL MINES.

To the Hon. Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, the great inconvenience and expense to which the residents of Renton and Lake Washington Coal Mines of King county, Washington Territory, are subject for want of mail facilities. There are from two to three hundred men (and many have families) employed at each place, viz: Renton and Lake Washington coal mines, and they are much in need of mail facilities.

And your memorialists would respectfully recommend that

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proposals be solicited and contract be awarded for carrying a daily mail from the city of Seattle to Renton and the Lake Washington coal mines.

And your memorialists will ever pray.

Passed the House of Representatives October 21, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 22, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO THE ESTABLISHMENT OF A LAND OFFICE AT
COLFAX, WASHINGTON TERRITORY.

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

Your memorialists the Legislative Assembly of the Territory of Washington, would respectfully represent, that the establishment of a land office at Colfax, Washington Territory, is a matter of great importance to all the settlers north of Snake river and east of the Cascade mountains, and that Congress, in justice ought to act in this matter for the following reasons, to-wit: The only land office east of the Cascade mountains, is located at Walla Walla City, near the southern boundary of said Territory, and distant about two hundred miles from a majority of the settlers in said portion of the Territory. Therefore,

We, the Legislative Assembly of the Territory of Washington, do earnestly request you to pass an act, establishing a land office at the town of Colfax, the district to be composed of

Whitman and Stevens counties as now bounded, and as in duty bound your memorialists will ever pray.

Passed the House of Representatives October 15, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 12, 1875.

B. F. SHAW

President of the Council.

MEMORIAL

RELATIVE TO INCREASED MAIL SERVICE ON ROUTE NO. 43,108 BETWEEN SEATTLE AND BELLINGHAM BAY.

To the Honorable Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the section of country along the eastern shore of Puget Sound, between the towns of Seattle and Bellingham Bay, comprise one of the richest agricultural portions of Washington Territory, which is rapidly becoming thickly settled; that an extensive business and commerce is already existing therein, which is constantly increasing; that a great drawback to the increase of business exists there, from the want of proper mail facilities necessary for business, there being but a weekly mail along said extent of country, which is designated as mail route No. 43,108; that the establishment of a semi-weekly mail along said route would greatly facilitate the transaction of business and increase the volume thereof, besides being the means of affording the immigrant additional aid and facility to reach that portion of our Territory, where extensive tracts of rich agricultural lands are still unoccupied. In view of these facts your memorialists

would respectfully request that you would establish a semi-weekly mail, on mail route No. 43,108 to go into operation as soon as practicable.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives October 26, 1875.

ELWOOD EVANS

Speaker of the House of Representatives.

Passed the Council October 30, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO THE LANDS IN WASHINGTON TERRITORY WITHIN
THE WITHDRAWAL FOR THE BENEFIT OF THE NORTHERN
PACIFIC RAIL ROAD.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectively represent that the Northern Pacific Rail Road Company is an organization, chartered by act of Congress, approved July 2nd, A. D. 1864; the third section of which charter is in language as follows, to wit:

“SEC. 3. And be it further enacted, that there be and hereby is granted to the Northern Pacific Rail Road Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public

land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line as said company may adopt through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad, whenever it passes through any state, and whenever, on the line thereof the United States have full title, not reserved, sold, granted or otherwise appropriated, and free from pre-emption, or other claims or rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office of the Commissioner of the General Land Office; and whenever prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or pre-emption or otherwise disposed of, other land shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections."

That the said N. P. R. R. Company filed its map of preliminary route in the office of the Commissioner of the General Land Office, Aug. 13, A. D. 1870, at which date the Hon. J. D. Cox, the then secretary of the Interior, in a letter to J. Gregory Smith, the then president of said company, decided that the withdrawal of lands for the benefit of said company should take effect from and after the receipt of the map of the same at the local United States land offices; that said map of withdrawal was not so received at the local United States land offices in this Territory until sometime in the month of October, A. D. 1870; that between the times of the filing of said map of preliminary route in the office of the Commissioner of the General Land Office, and the receipt of the same at the various local United States land offices in this Territory, several hundred or more settlers, by the advice and sanction of the registers and receivers of land offices acting under the ruling of Secretary Cox, referred to, settled upon odd numbered sections now claimed by the said Northern Pacific Rail Road Company, by virtue of a decision dated in March, A. D. 1873, made by Hon. Delano, overruling the decision of his predecessor, Hon.

Cox; that the said settlers went upon the lands in good faith for the purpose of making homes for themselves and families, and have continued to reside thereon; that the said decision of Delano gives over to the said railroad company the homes and improvements of settlers with the labor of years expended thereon; that at the time of making their settlements and filing, the tracts were unoccupied and unappropriated public lands, and considered by all the land officers of the government from the highest to the lowest as property subject to homestead and pre-emption; that said railroad company demand of such settlers that they shall purchase of it and ask such an exorbitant price for each tract that the said settlers are both unwilling and unable to purchase.

And your memorialists would further represent that Congress, by act approved June 22, A. D. 1874, entitled "an act for the relief of settlers on railroad lands," provided compensation to such railroad companies as would relinquish its rights or claims to lands settled upon, and that in conformity with said act, the president of said company, in a letter in the language as follows, agreed to so relinquish, to-wit:

WASHINGTON, FEBRUARY 12, 1875.

HON. O. B. MCFADDEN,

Dear Sir:—Your letter of this date has just been handed me, and in reply I have to say that our board of directors have had no formal action on the matter referred to by you, for the reason that there was no specific application, that is to say, no application from a homesteader giving description of his lands and the time and circumstances of his settlement. While the board is willing to act with great liberality on each meritorious case, it is unwilling to make a general declaration, which may be made to cover cases not meritorious. I am under the impression that Mr. Nesmith, M. C. from Oregon, was to furnish Mr. Billings, chairman of our land committee, with a description list of all lands which he wished the company to release to the homesteader, giving the names of the owners of the

land. Will you please do the same for such homesteaders as wish land to be released in the Territory of Washington.

Truly Yours,

(Signed) G. W. CASS,

President Northern Pacific Railroad Company.

That notwithstanding said act and said agreement on the part of the president of said company to release lands so claimed, it has and does persistently refuse to do so.

And your memorialists would further represent, that the map of definite location provided for in section 3, of said company's charter of July 2, 1864, was filed from Kalama to Tenino, a distance of about sixty-six miles, in September 13, A. D. 1873, and from Tenino to Tacoma, a distance of about thirty-nine miles, in May 14, A. D. 1874, and being from three to four years after the by settlements and filings of the claims of settlers herein.

And your memorialists would further represent, that by the sixth section of said company's charter of July 2, 1864, its grant is made to attach to unsurveyed as well as surveyed lands; that only about one-fourth of the unearned lands begin within the grant to said company in this Territory north of Tacoma, its terminus on Puget Sound and east of Kalama, a station on the Columbia river are surveyed, and that by reason of its said grant so attaching to unsurveyed lands, a large section of rich agricultural lands, river bottoms on the streams flowing into Puget Sound, and fine prairie lands east of the Cascade mountains, are excluded from settlement and improvement, settlers refusing to settle on unsurveyed land, and being found upon odd numbered sections which belong to said company; that thereby the growth and development of our Territory are greatly retarded, and homes denied to hundreds who otherwise would remain within our borders.

And your memorialists would also represent, that by the eight section of the act of Congress, approved July 2, A. D. 1864, and amended by act approved July 15, A. D. 1868, each and every grant, right and privilege, were so made and accepted,

by said company subject to the condition, that said company would complete not less than one hundred miles of railroad each and every year until the whole road should be completed; that said company has not built within the last two years one hundred miles of completed railroad per year, nor has it within said time built any railroad; that the said company claim, that by the second section of the act of Congress, approved July 2, 1864, it is exempt from taxation within the Territories of the United States, and it therefore refused to pay any local or other taxes on its road bed or lands, notwithstanding its royal domain of lands earned and unearned in the Territory, and covered by a withdrawal for its benefit, one hundred miles wide and about six hundred miles long, aggregating nearly twenty millions of acres. Wherefore, in consideration of the facts herein stated, your memorialists, as a matter of justice to the people of the Territory, would most respectfully and earnestly ask, that the lands in this Territory, unearned by the completed road of said company, be restored to homestead and pre-emption settlement; that such legislation as will require said company to bear its proper burden of taxation may be adopted, and that the act of Congress, approved June 22, A. D. 1874, entitled, "an act for the relief of settlers on railroad lands," be so amended as to permit bona fide settlers, who settled or filed in the local land office, prior to the date of the company filing its map of definite location, to prove up and take title from government without let or hindrance from said Northern Pacific Railroad Company.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives Nov. 3, 1875.

ELWOOD EVANS.

Speaker of the House of Representatives.

Passed the Council Nov. 5, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

FOR AN APPROPRIATION FOR BUOYING OR STAKING OUT AND OTHERWISE IMPROVING THE CHANNEL OF DUGUALLA BAY IN ISLAND COUNTY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that there are vessels frequently arriving at the above named bay in the above named county, bringing merchandise, lumber, coal, &c., and as an outward bound cargo, carrying away hay, cattle, hogs, butter and other farm produce, and your memorialists would further represent that there are a long chain of marshes extending from the head of Dugualla bay nearly to the Straits of Fuca which are rapidly being put under cultivation, and the time is not far distant when there will be large quantities of hay, grain and other farm productions shipped from the above named place, being the only harbor in that vicinity and the natural outlet for the productions of a large tract of valuable land. And your memorialists would further represent that the channel of said bay is narrow and obstructed by small bars, which cause much delay to vessels and great damage to settlers.

And your memorialists would therefore respectfully and earnestly pray your honorable bodies to pass an act appropriating a sum of money sufficient to buoy or stake out and otherwise improve the channel of said bay.

And your memorialists, as in duty bound, will ever pray.
Passed the House of Representatives October 27, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council November 4, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

PRAYING CONGRESS TO APPROPRIATE FIVE THOUSAND DOLLARS
FOR REMOVING OBSTRUCTIONS FROM THE PUYALLUP RIVER.

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

Your memorialists; the Legislative Assembly of the Territory of Washington, would respectfully represent, that the Puyallup river, emptying into Commencement bay, drains a valley fifty miles in length, embracing some of the best farming and timbered lands in Washington Territory, and a large extent of coal fields; that a very small portion of the good land is settled, that the timber is of immense worth, if brought within reach of market, that the quality of its coal is equal if not superior to any yet found on the Pacific coast, and the quantity incalculable; that the agricultural, timber and mineral resources of this valley are undeveloped for lack of means of cheaper transportation.

That driftwood has accumulated in the river in such quantities as to entirely obstruct navigation; that the removal of the obstructions as far up as the forks of the river would open up the river to navigation for small steamers, during a great portion of the year, for a distance of about thirty miles, and all the year round to the mouth of Stuck river, a distance of about twenty miles.

Its agricultural value can be estimated from this year's product in a very sparsely settled portion of the valley, which shipped 300 tons of hops, besides other farm products, and live stock, worth at home more than (\$100,000) one hundred thousand dollars. Your memorialists are advised that a survey of said river from the forks to its mouth has recently been made, by a party under direction of General Michler of the U. S. corps of engineers, report of which will be sent to the chief engineer; and that the work, and cost of cleaning out the

obstructions will be light, as compared with the advantages to the government, in insuring the rapid settlement and development of the resources of this valley.

In view of these facts your memorialists respectfully ask that an act be passed appropriating five thousand dollars (\$5,000) for the purpose of opening said river to navigation.

Passed the House of Representatives October 26, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 27, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATING TO THE ESTABLISHMENT OF A MAIL ROUTE FROM THE CITY OF TACOMA BY WAY OF NEW TACOMA TO ELHI IN PIERCE COUNTY, WASHINGTON TERRITORY.

To the Hon. Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully show, that New Tacoma is the western terminus of the Northern Pacific Railroad on Puget Sound, and is supplied with mails six times a week over said railroad; that Elhi post office is located about eighteen miles from New Tacoma, and at present is supplied with a mail only once a week, over route No. from Steilacoom City to Elhi, which does not meet the wants of the people along the route, who receive their mail matter at Puyallup, Franklin and Elhi; that the rich agricultural valley of the Puyallup through which the proposed route would pass, is rapidly filling up with settlers, and the necessity for increased mail facilities must be apparent.

Your memorialists pray, that your Honor will abolish the route No. from Steilacoom City to Elhi, and establish in lieu thereof, a new route from the City of Tacoma by way of New Tacoma to Elhi, with tri-weekly service. The latter route will be shorter and better adapted for supplying the wants of the people interested to be served. Your memorialists pray that this change may be made at the earliest practicable day.

Passed the House of Representatives Nov. 9, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council Nov. 10, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO MAIL SERVICES BETWEEN KAMILCHE, IN MASON COUNTY, WASHINGTON TERRITORY AND ELMA, IN CHEHALIS COUNTY, WASHINGTON TERRITORY.

To the Honorable Post Master General of the United States:

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully represent, that between the places of Kamilche, in Mason county, and Elma, in Chehalis county, Washington Territory, is a distance of about thirty miles, that between said places, there is a large and prosperous settlement, which is fast increasing in wealth and population; that the nearest mail communication between said places, is by way of Olympia, making a distance of 52 miles. In view of the above circumstances, your memorialists would ask that a mail route be established between Kamilche in Mason county and Elma in Chehalis county, Washington Territory, and

that a post office be established at Summit Creek, on said route, and J. B. Forbs, be appointed post master.

As in duty bound we will ever pray.

Passed the House of Representatives Nov. 12, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council November 10, 1875.

B. F. SHAW.

President of the Council.

MEMORIAL

ASKING AN APPROPRIATION TO ERECT FOG BELLS AND STEAM
WHISTLES ON PUGET SOUND.

To the Senate and House of Representatives

of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent to your honorable bodies, that fog whistles or fog bells should be placed on the following points: Point Wilson, Point No Point and Point Robinson. The above named points are dangerous to shipping in foggy and thick weather and dangerous to navigation—demands that fog signals be placed upon the above named points.

We therefore respectfully petition your honorable bodies to make an appropriation for the purpose herein stated.

Passed the House of Representatives Nov. 11, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council November 11, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO MAIL SERVICE BETWEEN PORT TOWNSEND AND PORT
LUDLOW VIA CHIMACUM IN WASHINGTON TERRITORY.

To the Honorable Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, that a road now connects Port Townsend and Port Ludlow, Washington Territory, running through the settlement of Chimacum, which lies about seven miles from the former place; that said settlement of Chimacum contains about one hundred inhabitants, who are without any mail facilities whatever, and reduced to the necessity of coming to Port Townsend for their mail; that there is much business between said towns, and by the people living along the line of said road. Wherefore, your memorialists pray, that Chimacum may be established as a post office and the said road a post route, and that a daily mail service be authorized thereupon, and as in duty bound will ever pray.

Passed the House of Representatives Nov. 11, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council Nov. 11, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION TO CONSTRUCT A WAGON ROAD
ACROSS THE CASCADE MOUNTAINS VIA THE SNOQUALMIE PASS
IN KING AND YAKIMA COUNTIES, WASHINGTON TERRITORY.

To the Senate and House of Representatives

of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Terri-

tory of Washington, would respectfully represent to your Honorable Body, that the Cascade range of mountains divide the Territory into western and eastern Washington; that eastern Washington Territory is almost exclusively a grazing and agricultural country; that in the western, the lumbering and mining interests largely predominate, and that the western is largely dependant upon Oregon and the eastern portion for its supply of beef and breadstuffs; that even in the present undeveloped condition of the western, two hundred thousand dollars in gold is taken annually from the Puget Sound district to the eastern portion for beef cattle, which sum is expended by the cattle raiser of the eastern section without this Territory, to the great detriment of the western and the whole Territory; that the wheat, breadstuffs and dairy products of the eastern Washington, have to seek a market without this Territory, to the great detriment of both sections; that Puget Sound is the safest and most accessible harbor known, and affords facilities for commerce superior to any other body of water in the world; that a connection of the material interests of the eastern and western sections of the Territory would insure a rapid increase of population and wealth; that direct mail facilities via said Pass are of great necessity; that a semi-weekly mail and stage line, could run on such wagon road with very little interruption from snow, and accommodate the traveling public many times, when they could not be accommodated by way of the Columbia river on account of ice. The unity and ultimate prosperity of both sections of the Territory requires that every means should be fostered to protect and promote the material interests of both sections.

And therefore, we your memorialists pray, that the sum of \$50,000 be appropriated for the construction of said wagon road. And we further pray that E. P. Boyles, Geo. Taylor, S. R. Gettis, Jeremiah W. Borst and Rufus Sterns, be a board of commissioners to disburse said appropriation, under such rules and restrictions as your Honorable Body may prescribe.

And your memorialists add the following resolution :

Resolved, That our Delegate in Congress, be required to represent the interest of his Territory, in securing said apportionment and suggest the proper mode of its application, to the purpose intended.

Passed the House of Representatives, November 10, 1875.

• ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council Nov. 11, A. D. 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

RELATIVE TO THE REMOVAL OF OBSTRUCTIONS FROM THE SKAGIT
AND NOOTSACK RIVERS.

*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 and Nootsak rivers rise in the Cascade mountains, flow through the finest body of land in Western Washington and empty into Puget Sound; that the lands adjacent to these rivers are unsurpassed in fertility, yielding wonderful crops of grain, grass, fruits and vegetables; that their area is sufficient to furnish homes for thousands of families; that without free access to them either by land or water, their settlement will be very slow if not almost impracticable; that said lands are in many places covered with such a growth of heavy timber and underbrush, that it is almost impossible to travel through them without cutting a path; that those who would settle upon these lands, have not the means to open roads to render them accessible; that those who have capital, will not invest it there till the

country is partially developed; that the mountains around the upper portions of said rivers, are covered with forests of white pine, fir and cedar, which for size and quality are unsurpassed. the manufacture of which into lumber, spars and shingles, would afford profitable employment to thousands of our citizens and add millions of dollars to our national wealth; that vast beds of very superior quality of coal for blacksmithing, gassing, &c., have lately been discovered and opened about thirty miles from the mouth of the Skagit river; that the Skagit river would be navigable for steamers for about seventy miles, and the Nootsak for about thirty miles, were they cleaned of the driftwood that has collected in several parts of said rivers, completely obstructing the passage of boats or even of logs; that said obstructions could be removed now, at much less expense than a few years hence, as they are rapidly growing by the addition of new driftwood; that the removal of the obstructions in said rivers would give settlers access to a large portion of the aforesaid agricultural lands, and would to a great extent supply the need for roads; that it would enable the lumberman to transport his lumber or logs from the mountains, now entirely inaccessible to the waters of Puget Sound and thence to all parts of the world; that the coal beds would then be accessible and consequently valuable; that like other countries, our richest lands lie along our rivers, but unlike the valleys of many other places, our valleys have no ague, but as healthful a climate as can be found almost anywhere; that the best of our land lying near the water and accessible, is already taken, and that other lands are needed to furnish desirable homes to the immigrant. In view of these facts and in consideration of the public welfare, being best promoted by the General Government aiding and fostering the development of our internal resources.

Your memorialists would respectfully pray your Honorable Bodies, to grant an appropriation of twenty-five thousand dollars (\$25,000) for the Skagit river, and the sum of fifteen thousand dollars (\$15,000) for the opening of the Nootsak river, to be used for the purpose of opening said rivers to navigation, in

MEMORIALS.

whatever manner the Secretary of the Treasury may consider as best adapted to accomplish the object desired.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives October 30, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council Nov. 1, 1875.

B. F. SHAW,

President of the Council.

MEMORIAL

ASKING THAT A LIGHT HOUSE BE PLACED OR ERECTED ON THE HEAD LAND KNOWN AS SANDY POINT, PUGET SOUND, WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully urge that the appropriation set aside for the erection of a light house on Puget Sound, be used for that purpose; and we would further urge that the said light house be erected on Sandy Point, Puget Sound, W. T. The dangers to navigation and the inconvenience to shipping and commerce demand that a light house be erected on this point.

We therefore respectfully request your Honorable bodies to make some provisions for the purpose herein stated.

Passed the House of Representatives Nov. 12, 1875,

ELWOOD EVANS,

Speaker of the House of Representatives

Passed the Council November 12, 1875.

B. F. SHAW,

President of the Council.

MEMORIALS.

MEMORIAL

ASKING AN APPROPRIATION TO ERECT A CUSTOM HOUSE AT PORT
TOWNSEND, WASHINGTON TERRITORY.

To the Hon. Senate and House of Representatives

in Congress Assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent to your honorable bodies, that there is no suitable available building at Port Townsend, in the collection district of Puget Sound, for Custom House purposes and the steady increasing commerce of the district, demands better facilities for Custom House purposes.

We therefore respectfully petition your honorable bodies, to make an appropriation for the purpose herein stated.

Passed the House of Representatives Nov. 11, 1875. .

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council Nov. 11, 1875.

B. F. SHAW,

President of the Council.

RESOLUTIONS.

RESOLUTIONS
OF THE
LEGISLATIVE ASSEMBLY
OF
WASHINGTON TERRITORY FOR 1875.

RESOLUTION

RELATIVE TO CHAPLAIN OF THE COUNCIL, AND HOUSE OF REPRESENTATIVES.

Resolved by the House, the Council concurring, That a committee of one, on the part of the Council, and two, on the part of the House, be appointed, for the purpose of presenting an invitation to the various ordained clergymen, presiding over established congregations, in the town of Olympia, to visit the two branches of this Legislature, and perform the duties of chaplain therein.

Passed the House of Representatives October 8, 1875.

ELWOOD EVANS.

Speaker of the House of Representatives.

Passed the Council October 7, 1875.

B. F. SHAW,

President of the Council.

RESOLUTION

RELATIVE TO APPOINTMENT OF A COMMITTEE TO VISIT ASYLUM,
PENITENTIARY, &C.

Resolved by the Council, the House concurring, That a committee of two be appointed, to act with a like committee on the part of the House, to make arrangements for the visit of the two bodies, to the Insane Asylum, Penitentiary and University, on next Wednesday, October 13, 1875.

Passed the House of Representatives October 9, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed Council October 9, 1875.

B. F. SHAW,

President of the Council.

RESOLUTION

RELATIVE TO THE RE-ENROLLMENT OF MEMORIAL RELATING TO
MAKING SAN JUAN AND SEMIAHMOO CLEARANCE PORTS.

Resolved by the House, the Council concurring, That the joint committee on enrolled bills be authorized to direct the enrolling clerk of the House to re-enroll memorial relative to making San Juan and Semiahmoo clearance houses; and in said re-enrollment, to insert in line 5 from bottom of said memorial as now enrolled, the words "enter or," before the word clear, and strike out in the prayer, the words "clearance house be opened" "and insert power to enter and clear vessels, be conferred upon proper officers of the customs stationed," and said prayer as amended shall read.

Therefore your memorialists would respectfully pray, that in order to foster trade, power to enter and clear vessels be conferred upon proper officers of the customs stationed at Semiahmoo in Whatcom county, and at San Juan in San Juan county.

Passed the House of Representatives October 26, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 27, 1875.

B. F. SHAW,

President of the Council.

RESOLUTION

TENDERING THE THANKS OF THE LEGISLATIVE ASSEMBLY TO THE WESTERN WASHINGTON INDUSTRIAL ASSOCIATION, FOR COMPLIMENTARY SEASON TICKETS TO THE FAIR.

Be it resolved by the House of Representatives of Washington Territory, the Council concurring, That the thanks of the Legislative Assembly of the Territory of Washington are hereby tendered to the Western Washington Industrial Society, for the presentation of complimentary tickets to said Legislative Assembly, to the approaching fair of said Western Washington Industrial Society, and that a copy of this resolution be forwarded to the secretary of said society.

Passed the House of Representatives Oct. 18, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 18, 1875.

B. F. SHAW,

President of the Council.

RESOLUTION

RELATIVE TO THE PAYMENT OF TERRITORIAL WARRANT TO
THOMAS CRANNEY.

Be it resolved by the Council, the House concurring, That the Territorial treasurer be and he is hereby instructed to pay Thomas Cranney, upon the act heretofore enacted, entitled "An Act for the relief of Thomas Cranney," approved October 26, 1875, out of any money now in the treasury, or from the first money therein received.

Passed the House of Representatives October 27, 1875.

ELWOOD EVANS,

Speaker of the House of Representatives.

Passed the Council October 26, 1875.

B. F. SHAW

President of the Council.

RESOLUTION

IN REGARD TO EXTENDING INVITATIONS ON EXCURSION TO VISIT
PUBLIC INSTITUTIONS.

Be it resolved by the Council, the House concurring, That the President of the Council, and the Speaker of the House of Representatives, be appointed a joint committee, for the purpose of extending an invitation to the Territorial officials, to join the Legislative Assembly, on its contemplated excursion, to visit and inspect the several Territorial institutions, on Wednesday, October 13, 1875.

Passed the House of Representatives October 12, 1875.

ELWOOD EVANS

Speaker of the House of Representatives.

Passed the Council October 12, 1875.

B. F. SHAW,

President of the Council.

RESOLUTION

RELATIVE TO MOVING THE TERRITORIAL LIBRARY TO THE CAPITOL BUILDING.

Resolved by the House, the Council concurring, That the Territorial librarian is hereby instructed to move the Territorial library from Tacoma Hall, to its old quarters in the capitol building, and have said room properly shelved and arranged, and after such removal, and after the presentation to the Territorial auditor of the account of said removal, substantiated by the proper vouchers and affidavits, the Territorial auditor is hereby ordered to draw a warrant on the Territorial treasurer for such amount as is necessary for that purpose, and the treasurer shall pay such warrant.

Passed the House of Representatives Nov. 10, 1875.

ELWOOD EVANS.

Speaker of the House of Representatives.

Passed the Council Nov. 11, 1875.

B. F. SHAW,

President of the Council.

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