

SESSION LAWS

OF THE

STATE OF WASHINGTON

SESSION OF 1897.

COMPILED IN CHAPTERS, WITH MARGINAL NOTES,
BY WILL D. JENKINS, SECRETARY OF STATE.

PUBLISHED BY AUTHORITY.

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LAWS OF WASHINGTON.

CHAPTER I.

[S. B. No. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of fifty thousand dollars for the payment of the salaries of members and employés, and other expenses, of this session of the legislature.

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

SECTION 1. That the sum of fifty thousand dollars be and the same is hereby appropriated out of the general fund, for the payment of the salaries of members and employés, and other expenses, of this session of the legislature.

Passed the Senate January 18, 1897.

Passed the House January 19, 1897.

Approved by the Governor January 22, 1897.

CHAPTER II.

[S. B. No. 2.]

RELATING TO THE TIDE LAND FUND.

AN ACT directing the state treasurer to invest certain moneys in the tide land fund, in general warrants, and declaring an emergency.

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

SECTION 1. That the state treasurer be and he is hereby directed to invest all moneys now in his hands, or which shall come into his hands prior to the first day of January, 1899, belonging to the tide land fund, in the general fund

Investment
tide land funds
in general
fund warrants.

warrants of the state to be issued hereafter, at the face or par value thereof, without regard to interest due thereon.

SEC. 2. Whereas, at present there is a large amount of money in the tide land fund for which there is no other immediate demand; and whereas, the investment of such money, as directed in section one of this act, will result in profit to the state, an emergency exists for the immediate taking effect of this act, and the same shall be in force immediately upon its passage and approval by the governor.

Passed the Senate January 18, 1897.

Passed the House January 18, 1897.

Approved by the Governor January 22, 1897.

CHAPTER III.

[H. B. No. 23.]

APPROPRIATION FOR SALMON HATCHERIES.

AN ACT making an appropriation to continue the operation of the state salmon hatcheries.

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

SECTION 1. The sum of one thousand dollars (\$1,000) is hereby appropriated from the fish hatchery fund, to continue the operation of the state salmon hatcheries, until such a time as the regular appropriation shall become available.

Passed the House January 12, 1897.

Passed the Senate January 14, 1897.

Approved by the Governor January 23, 1897.

CHAPTER IV.

[S. B. No. 75.]

APPROPRIATION FOR CLERICAL ASSISTANCE.

AN ACT appropriating money for clerical assistance in the office of the board of state land commissioners.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury, the sum of six hundred dollars, or so much thereof as may be needed, to pay for clerical assistance in the office of the board of state land commissioners.

For board of land commissioners.

Passed the Senate January 22, 1897.

Passed the House January 29, 1897.

Approved by the Governor February 3, 1897.

CHAPTER V.

[H. B. No. 30.]

RECORDING OF DEEDS AND MORTGAGES.

AN ACT to amend section 1439 of volume one of the General Statutes and Codes of the State of Washington, arranged and annotated by William Lair Hill, concerning the recording of deeds and mortgages.

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

SECTION 1. That section 1439, volume one, of the General Statutes and Codes of the State of Washington, arranged and annotated by William Lair Hill, be and the same hereby is amended so as to read as follows: Section 1439. All deeds, mortgages, and assignments of mortgages, shall be recorded in the office of the county auditor of the county where the land is situated, and shall be valid as against *bona fide* purchasers from the date of their filing

Deeds and mortgages filed for record valid against *bona fide* purchasers.

for record in said office; and when so filed shall be notice to all the world.

Passed the House January 23, 1897.

Passed the Senate January 30, 1897.

Approved by the Governor February 4, 1897.

CHAPTER VI.

[H. B. No. 27.]

RELATING TO EXEMPTIONS OF ASSIGNORS.

AN ACT to provide for exemptions in cases of assignments for the benefit of creditors.

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

Right of exemption.

SECTION 1. That hereafter any person making a general assignment for the benefit of creditors, under any statute of this state, shall have the right to claim, and have set aside to him, as exempt from the operation of such assignment, all real and personal property which is, at the time of such assignment, exempt from levy by execution or attachment, under the laws of this state.

Must claim and describe.

SEC. 2. That such assignor shall, if he desires to claim the benefit of this act, state in such assignment, or in the inventory annexed thereto, what property he claims as exempt, giving a description thereof sufficient for identification. Any creditor of such assignor who believes any of the property so claimed as exempt is not so in fact shall have the right to make objection to such exemption claim at any time prior to the expiration of the time for presentment of claims against such assignor to his assignee. Such objection shall be made by delivering to the assignor and the assignee, and filing with the clerk of the court having jurisdiction of the assignment, a notice in writing, clearly pointing out the part or parts of such exemption claim objected to, and the ground of such objection. When the time above provided for the service and filing of objections has expired, the assignor, upon application to said court, shall have a right to the summary hearing of the said ob-

Creditor may object.

Mode of making objection.

jections, and at such hearing the court shall determine and adjudge to the assignor his lawful exemptions. If any part of the exemptions claimed by the assignor shall be denied, the court shall direct the assignee to pay, out of the funds in his hands, the costs of the hearing, if any, as a part of the expenses of the assignment proceedings. The court may, at its discretion, if it find any claim made for exemption to be fraudulent and made in bad faith, deny such exemption. If no objection to the said exemption claim is served and filed prior to the expiration of the time for presentment of claims to the assignee, the assignor shall be entitled as of course to an order setting aside to him the exemptions claimed by him as aforesaid, and it shall be the duty of the assignee forthwith to deliver the same to him.

Time of such objection.

SEC. 3. That whereas an uncertainty exists as to whether or not, under the present laws of this state, exemptions should be allowed in cases of assignments for the benefit of creditors, therefore an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Emergency clause.

Passed the House January 23, 1897.

Passed the Senate February 4, 1897.

Approved by the Governor February 10, 1897.

CHAPTER VII.

[S. B. No. 8.]

PROHIBITING THE SOLICITATION OF DIVORCE BUSINESS.

AN ACT prohibiting advertisements soliciting business in matters of divorce.

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

SECTION 1. Whoever advertises, prints, publishes, distributes or circulates, or causes to be advertised, printed,

published, distributed or circulated, any circular, pamphlet, card, hand bill, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure or obtain, or to aid in procuring or obtaining, any divorce, or the severance, dissolution or nullity of any marriage, or offering to engage or appear or act as attorney, counsel, or referee in any suit for alimony or divorce, or the severance, dissolution or nullity of any marriage, either in this state or elsewhere, shall be guilty of a misdemeanor. This act shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this state.

Does not apply
to legal ad-
vertisements.

Penalty.

SEC. 2. Any person convicted of the violation of the provisions of section one of this act shall be punished by fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months.

Passed the Senate January 22, 1897.

Passed the House February 8, 1897.

Approved by the Governor February 10, 1897.

CHAPTER VIII.

[S. B. No. 54.]

RELATING TO REPAIRS AT THE EASTERN WASHINGTON HOSPITAL FOR THE INSANE.

AN ACT to appropriate two thousand five hundred dollars, or so much thereof as may be necessary, to repair damages caused by boiler explosion at the Eastern Washington hospital for the insane.

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

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of repairing damages caused by the explosion of a steam boiler at the Eastern Wash-

ington hospital for the insane, on December twenty-eighth, 1896.

Passed the Senate January 19, 1897.

Passed the House February 10, 1897.

Approved by the Governor February 13, 1897.

CHAPTER IX.

[S. B. No. 120.]

RELATING TO REMOVAL AND SUSPENSION OF ATTORNEYS.

AN ACT to amend section 3289 of the Code of 1881, relating to the removal and suspension of attorneys.

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

SECTION 1. That section 3289 of the Code of 1881, be amended to read as follows: Section 3289. An attorney and counselor may be removed or suspended by any court of record of the state, for either of the following causes, arising after his admission to practice:

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence. Causes.

2. Willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with, or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney and counselor.

3. Corruptly or willfully, and without authority, appearing as attorney for a party to an action or proceeding.

4. Lending his name to be used as attorney and counselor by another person who is not an attorney and counselor. In all cases where an attorney is removed or suspended by a superior court, the judgment or order of May appeal.

removal or suspension may be reviewed on appeal by the supreme court.

Passed the Senate January 30, 1897.

Passed the House February 10, 1897.

Approved by the Governor February 13, 1897.

CHAPTER X.

[S. B. No. 119.]

DEFINING MOTIONS AND ORDERS.

AN ACT defining motions and orders.

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

SECTION 1. Every direction of a court or judge, made or entered in writing, not included in a judgment, is denominated an order. An application for an order is a motion.

Passed the Senate January 30, 1897.

Passed the House February 10, 1897.

Approved by the Governor February 13, 1897.

CHAPTER XI.

[H. B. No. 31.]

RECORDING OF ASSIGNMENTS AND SATISFACTIONS OF JUDGMENTS.

AN ACT relating to assignments and satisfactions of judgments.

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

SECTION 1. Any assignment or satisfaction of judgment, or any certified transcript of such assignment or satisfaction, may be recorded in any county auditor's office, or

county clerk's office, in which the judgment is of record, and from the time of filing for record shall be notice of such assignment or satisfaction.

Passed the House January 23, 1897.

Passed the Senate February 4, 1897.

Approved by the Governor February 13, 1897.

CHAPTER XII.

[H. B. No. 153.]

PROHIBITING DESTRUCTION OF HONEY BEES.

AN ACT making it unlawful to kill or poison honey bees, and making it unlawful to place any poisoned or sweetened substance for the purpose of injuring honey bees, and prescribing the punishment therefor.

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

SECTION 1. It shall be unlawful for any person within the State of Washington to willfully or maliciously kill or poison any honey bees.

SEC. 2. It shall further be unlawful for any person within said state to willfully or maliciously place any poisonous or sweetened substance for the purpose of injuring honey bees, in any place where such poisoned or sweetened substance is accessible to honey bees within this state. Any person or persons violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than one hundred dollars.

Passed the House January 26, 1897.

Passed the Senate February 4, 1897.

Approved by the Governor February 13, 1897.

CHAPTER XIII.

[S. B. No. 118.]

ADMISSION OF ATTORNEYS AND COUNSELORS.

AN ACT amending section 4 of an act entitled "An act in relation to attorneys and counselors at law, providing for admission to the bar," passed by the legislature of the State of Washington, and approved March 19, 1895.

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

SECTION 1. That section 4, of an act in relation to attorneys and counselors at law, providing for admission to the bar, passed by the legislature of the State of Washington, and approved March 19, 1895, be and the same is hereby amended to read as follows: Sec. 4. No person shall be admitted to such examination unless he is twenty-one years of age, has resided in the state for one year next preceding, and is a citizen of the United States; nor until he has produced from some attorney at law, practicing in this state, a certificate setting forth that the applicant is of good moral character, and that he has regularly and attentively studied law during the period of two years previous to his application, and that he believes him to be a person of sufficient legal knowledge and ability to discharge the duties of an attorney and counselor at law; but any person residing in the state or coming into the state, for the purpose of making it his permanent residence, upon producing satisfactory evidence that he has studied law for the period of two years, under the tuition of some attorney at law, may be admitted to such examination, upon producing satisfactory evidence that he is of good moral character: *Provided*, That any attorney may be admitted to practice in the courts of this state upon a certificate of admission to the court of last resort of any state or territory in the United States, together with a certificate from such court, or other satisfactory evidence, showing that said applicant has not been disbarred or suspended, and is not laboring under any disability to practice in the courts in

Qualifications.

Two years' previous study.

May be admitted upon certificate.

such state or territory, and upon the payment of the fee ^{Fee.} hereinafter provided.

Passed the Senate January 30, 1897.

Passed the House February 10, 1897.

Approved by the Governor February 16, 1897.

CHAPTER XIV.

[S. B. No. 121.]

AMENDING AN ACT RELATING TO NEW TRIALS.

AN ACT amending section one of an act entitled "An act relating to new trials, and amending section 282 of the Code of Washington of 1881, and repealing sections 279 and 280 of said code of 1881," approved February 26, 1891, relating to new trials.

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

SECTION 1. That section one of an act entitled "An act relating to new trials, and amending section 282 of the Code of Washington of 1881, and repealing sections 279 and 280 of said code of 1881," approved February 26, 1891, relating to new trials, be and the same is hereby amended so as to read as follows: Section 1. The party moving for a new trial must, within two days after the verdict of a jury, if the action was tried by a jury, or two days after notice in writing of the decision of the court or referee, if the action was tried without a jury, file with the clerk, and serve upon the adverse party, his motion for a new trial, designating the grounds upon which it will be made. If the motion is made upon affidavits, the moving party must, within two days after serving the motion, or such further time as the court in which the action is pending, or the judge thereof may allow, file such affidavits with the clerk, and serve a copy thereof upon the adverse party, who shall have two days to file counter affidavits, or

Time of
motion for.

When made
upon affi-
davits.

such further time as the court may allow, a copy of which must be served upon the moving party.

Passed the Senate January 30, 1897.

Passed the House February 10, 1897.

Approved by the Governor February 16, 1897.

CHAPTER XV.

[H. B. No. 184.]

AMENDING AN ACT REGULATING THE MANUFACTURE OF DAIRY PRODUCTS.

AN ACT relating to dairy products, amending sections 2 and 3 of an act approved March 11, 1895, entitled "An act regulating the manufacture of dairy products, to prevent deception or fraud in the sale of the same or imitations thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a state board of dairy commissioners and defining their duties, imposing certain duties upon chemists of state institutions, providing penalties for violations of this law, making an appropriation, and declaring an emergency."

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

SECTION 1. Section 2 of said act is hereby amended to read as follows: Sec. 2. In all prosecutions or other proceedings under this or any other law of this state, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver as aforesaid, as pure, wholesome or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subjected to chemical analysis or other satisfactory test, or it had been diluted, or any part of its cream abstracted, or that it, or any part of it, was drawn from cows known by the person complained of to have been within fifteen days before, or four days after parturition, or to have any disease, or ulcers, or other running sores, then, and in either case, the said

In prosecutions for sale of unmerchandise, adulterated, impure or unwholesome milk—

Matters to be proved.

milk shall be held and judged to have been unmerchantable, adulterated, impure or unwholesome, as the case may be; and if it shall appear that cows kept for the production of milk or cream, for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthful condition, or are being fed on undried brewer's grain, or upon any substance of an unhealthful nature, the milk or the cream from the same is hereby declared impure and unwholesome. Any milk or cream from the same that has been exposed or contaminated by emanations, discharges or exhalations from persons or animals, or to which has been added any borax, boracic acid, salicylic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk, is hereby declared to be impure and unwholesome.

SEC. 2. Section 3 of said act is hereby amended to read as follows: Sec. 3. Every person who shall, at any factory in the state, manufacture cheese, shall stamp in a distinct and durable manner on each and every cheese manufactured by him, whether cheddar, twin, flat or Young America, or by whatever name or style known, before the sale thereof, in full face capital letters not less than one inch high, in ordinary stamping ink, either red, black, green, purple or violet in color, and of such composition as not to be easily removed or wholly obliterated by moisture, the grade of the same, in the following named letters and words: "Washington full cream," "Skimmed," or "Half-skimmed," as the case may be, together with the name of the factory, and the name of the city, town or village where the said factory is located; and such cheese only as shall contain 30 per centum of pure butter fat, and have been manufactured from pure and wholesome milk from which no portion of the butter fat shall have been removed by skimming, or by other process, and in the manufacture of which neither butter, nor any substance for butter, or other animal or vegetable fats or oils have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese, shall be stamped "Washington full cream," and such cheese

Cheese to be stamped as to —

grade,

factory,

place manufactured.

Definition — "Washington full cream."

only as shall be made from pure milk having not more than one-half of the cream thereof extracted, leaving in said cheese not less than 15 per centum of pure butter fat, shall be marked "Half-skimmed," and such cheese only as shall be made from pure skimmed milk shall be marked "Skimmed," and it shall be the duty of every person who shall sell or offer for sale in this state any cheese not made in this state, to stamp said cheese in a manner similar to that required in the case of cheese made in this state, with the following letters and words: "Full cream," "Skimmed," or "Half-skimmed," as the case may be: *Provided*, That cheese not made in this state, but which shall be sold or offered for sale in this state, be not already so stamped as to indicate its true character: *Provided further*, That no cheese shall be stamped "Full cream" which does not in every particular comply with the requirements of "Washington full cream" cheese, as hereinbefore set forth, except as to place of manufacture: *And provided further*, That nothing in this section shall be construed to apply to Edam, Brickstein, Pine Apple, Limburger, Swiss or hand-made cheese, or other cheese, by whatever name or style known, not made by ordinary cheddar process.

"Half-skimmed."

"Skimmed."

Cheese made out of state stamped in like manner.

Passed the House February 2, 1897.

Passed the Senate February 9, 1897.

Approved by the Governor February 16, 1897.

CHAPTER XVI.

[H. B. No. 38.]

RELATING TO VIVISECTION AND DISSECTION.

AN ACT to prevent vivisection and regulate dissection in the schools of the State of Washington, except medical and dental schools, or medical department of any school, and providing a penalty therefor.

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

SECTION 1. No teacher or other person employed in any school in the State of Washington, except medical or den-

tal school, or medical or dental department of any school, shall practice vivisection upon any vertebrate animal in the presence of any pupil in said school, or any child or minor there present; nor in such presence shall exhibit any vertebrate animal upon which vivisection has been practiced.

SEC. 2. Dissection of dead animals, or any portion thereof, in the schools of the State of Washington, in no instance shall be for the purpose of exhibition, but in every case shall be confined to the class room and the presence of those pupils engaged in the study to be illustrated by such dissection.

SEC. 3. Any person violating the provisions of this act, shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Passed the House January 26, 1897.

Passed the Senate February 11, 1897.

Approved by the Governor February 17, 1897.

CHAPTER XVII.

[H. B. No. 32.]

REQUIRING STREET RAILWAYS TO EMPLOY COMPETENT MEN.

AN ACT requiring street railways and street car companies or corporations, owning or operating street railways or street car lines, to employ experienced and competent men to operate and assist in operating cars and dummies on such car lines, and providing a penalty for the violation of this act.

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

SECTION 1. Hereafter street railways or street car companies or street car corporations, shall employ none but experienced and competent men to operate or assist as conductor, motorman or gripman, in operating cars or dummies upon any street railway or street car line in this state.

None but
competent
men shall be
employed.

SEC. 2. Any violation of section 1 of this act by the presi-

Failure a misdemeanor on the part of certain officers.

dent, secretary, manager, superintendent, assistant superintendent, stockholder, or other officer or employé of any company or corporation owning or operating any street railway or street car lines, or any receiver of street railways or street car companies, or street railway or street car corporations appointed by any court within this state to operate such car line shall, upon conviction thereof be deemed guilty of a misdemeanor, and subject the offender for such offense to a fine in any amount of not less than \$50, nor more than \$200, or imprisonment in the county jail for a term of thirty (30) days, or both such fine and imprisonment, at the discretion of the court.

Passed the House January 30, 1897.

Passed the Senate February 13, 1897.

Approved by the Governor February 18, 1897.

CHAPTER XVIII.

[S. B. No. 146.]

RELATING TO THE DISCHARGE OF BALLAST IN NAVIGABLE WATERS.

AN ACT to amend section 227 of volume 2, Penal Code, of Hill's Annotated Statutes and Codes of Washington, in relation to the discharge of ballast in navigable waters.

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

SECTION 1. That section 227 of volume 2, Penal Code, of Hill's Annotated Statutes and Codes of Washington, in relation to the discharge of ballast in navigable waters, be and the same is hereby amended to read as follows: Section 227. Every master or mate, or other officer or other person, belonging to or in charge of any vessel, who shall discharge or cause to be discharged the ballast of such vessels into the navigable portions or channels of any of the inlets, bays, harbors or rivers within or bordering on this state, where the water is less than twenty fathoms deep, shall, on conviction thereof, be fined in any sum not less

than seventy-five dollars, nor more than five hundred dollars: *Provided*, That nothing in this section shall be so construed as to prevent any such person from discharging ballast from such vessel on the beach at or above ordinary high tide in all waters where the tide ebbs and flows, and that no ballast shall be discharged on any of the flats included within the boundary of any city or townsite or extension thereof: *And provided further*, That in harbors within or in front of any incorporated city, where the waters are less than twenty fathoms deep, a section of said harbor may be set aside and designated by the city council of said city as a ballast ground, where ballast may be discharged under control of a harbor master to be appointed by the council.

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

Passed the Senate February 11, 1897.

Passed the House February 13, 1897.

Approved by the Governor February 23, 1897.

CHAPTER XIX.

[S. B. No. 6.]

DEFINING THE CRIME OF RAPE.

AN ACT amending section 28 of the Penal Code of the State of Washington, relating to the crime of rape.

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

SECTION 1. That section 28 of the Penal Code of the State of Washington, relating to the crime of rape, be amended to read as follows: Sec. 28. A person shall be deemed guilty of rape who—

1. Shall, by force and against her will, ravish and carnally know any female of the age of eighteen years or more;

2. Shall, by deceit, deception, imposition or fraud induce a female to submit to sexual intercourse;

Age of consent, eighteen years.

3. Shall carnally know any female child under the age of eighteen years.

SEC. 2. Any person convicted of the crime of rape, as defined by section one of this act, shall be punished by imprisonment in the penitentiary for life or any term of years.

Passed the Senate January 28, 1897.

Passed the House February 18, 1897.

Approved by the Governor February 24, 1897.

CHAPTER XX.

[S. B. No. 131.]

RELIEF OF THE MEMBERS OF THE ELECTORAL COLLEGE.

AN ACT for the relief of the members of the electoral college.

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

SECTION 1. That the following sums of money are hereby appropriated out of any funds of the state not otherwise appropriated, for the purpose of paying the mileage and per diem of Nathan T. Caton, Isaac N. Maxwell, John B. Hart and DeWitt C. Newman, members of the electoral college, in meeting at Olympia to cast the vote of the State of Washington for president and vice president of the United States as follows: Nathan T. Caton the sum of one hundred and nine dollars (\$109), Isaac N. Maxwell the sum of sixty-four dollars and forty cents (\$64.40), John B. Hart the sum of twenty-nine dollars and forty cents (\$29.40), and DeWitt C. Newman the sum of one hundred and seventeen dollars and forty cents (\$117.40).

SEC. 2. The state auditor is hereby directed to draw warrants on the general fund in favor of the parties named

in section one of this act, for the amount named therein, on the treasurer of the State of Washington; and said state treasurer is hereby directed to pay the same out of any funds in the treasury not otherwise appropriated.

Passed the Senate February 2, 1897.

Passed the House February 18, 1897.

Approved by the Governor February 24, 1897.

CHAPTER XXI.

[S. B. No. 153.]

RELATING TO THE DUTIES OF CORONER IN CERTAIN CASES.

AN ACT to amend section 2776 of the Code of 1881, relating to the duties of coroner when sheriff incapacitated.

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

SECTION 1. That section 2776 of the Code of 1881 be amended so as to read as follows: Section 2776. The coroner shall perform the duties of the sheriff in all cases where the sheriff is interested or otherwise incapacitated from serving; and whenever the coroner acts as sheriff he shall possess the powers and perform all the duties of sheriff, and shall be liable on his official bond in like manner as the sheriff would be, and shall be entitled to the same fees as are allowed by law to the sheriff for similar services: *Provided*, That nothing herein contained shall prevent the court from appointing a suitable person to discharge such duties, as provided by section 745 of the Code of 1881.

To act as
sheriff when
latter inca-
pacitated.

Passed the Senate February 9, 1897.

Passed the House February 24, 1897.

Approved by the Governor February 25, 1897.

CHAPTER XXII.

[S. B. No. 16.]

RELATING TO THE PAYMENT OF DEBTS OF DECEDENTS.

AN ACT to amend sections 1075-76 of volume 2, Hill's Annotated Statutes and Codes of Washington, relating to the order of payment of debts of decedents.

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

SECTION 1. Section 1075 of volume 2 of Hill's Annotated Statutes and Codes of Washington, be and the same is hereby amended to read as follows: Section 1075. The debts of the estate shall be paid in the following order:

- 1st. Funeral expenses.
- 2d. Expenses of the last sickness.
- 3d. Debts having preference by the laws of the United States.
- 4th. Wages due for labor performed within ninety days immediately preceding the death of decedent.
- 5th. Taxes, or any debts or dues, owing to the state.
- 6th. Judgments rendered against the deceased in his life time which are liens upon real estate on which execution might have issued at the time of his death, and debts secured by mortgages, in the order of their priority.
- 7th. All other demands against the [e]state.

SEC. 2. That section 1076, volume 2, of Hill's Annotated Statutes and Codes of Washington, be and the same is hereby amended to read as follows: Section 1076. The preference given in the preceding section to a mortgage or judgment shall only extend to the proceeds of the property subject to the lien of such mortgage or judgment.

Passed the Senate February 1, 1897.

Passed the House February 18, 1897.

Approved by the Governor February 25, 1897.

CHAPTER XXIII.

[S. B. No. 13.]

ASSIGNMENTS AND SATISFACTION OF MORTGAGES.

AN ACT relating to assignments and satisfaction of mortgages.

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

SECTION 1. Any person to whom any real estate or chattel mortgage is given, or the assignee of any such mortgage, may, by an instrument in writing, by him signed and acknowledged in the manner provided by law entitling mortgages to be recorded, assign the same to the person therein named as assignee, and any person to whom any such mortgage has been so assigned, may, after the assignment has been recorded in the office of the auditor of the county wherein such mortgage is of record, acknowledge satisfaction of the mortgage, and discharge the same of record.

Assignee of mortgage may record deed of assignment.

And satisfy mortgage.

SEC. 2. All satisfactions of mortgages heretofore made by the assignees thereof, where the assignment was in writing, signed by the mortgagee or assignee, and where the same was recorded in the office of the auditor of the county wherein the mortgage was recorded, are hereby validated, and such satisfactions of mortgages so made shall have the same effect as if made by the mortgagees in such mortgages.

Former satisfactions by assignees validated in certain cases.

Passed the Senate February 1, 1897.

Passed the House February 18, 1897.

Approved by the Governor February 25, 1897.

CHAPTER XXIV.

[H. B. No. 13.]

RELATING TO GARNISHMENTS.

AN ACT to amend section 23 of an act entitled "An act in relation to garnishments," approved March the 8th, 1893.

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

Amount ex-
empt specified.

SECTION 1. That section 23 of an act entitled "An act in relation to garnishments," approved March the 8th, 1893, be amended to read as follows: Section 23. Current wages or salary to the amount of one hundred dollars for personal services rendered by any person having a family dependent upon him for support shall be exempt from garnishment, and where it appears upon the trial, or by the answer of the garnishee, when not controverted as hereinbefore provided, that the garnishee is indebted to such defendant for such current wages or salary for an amount not exceeding one hundred dollars, the garnishee shall be discharged as to such indebtedness.

Passed the House January 28, 1897.

Passed the Senate February 16, 1897.

Approved by the Governor February 25, 1897.

CHAPTER XXV.

[H. B. No. 114.]

RELATING TO EXECUTRIX AND ADMINISTRATRIX.

AN ACT allowing married women to act as administratrix or executrix of estates of deceased persons, and declaring an emergency.

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

SECTION 1. No woman shall be disqualified from acting as executrix of the last will of a deceased person, nor from acting as administratrix of the estate of any deceased person by reason of being a married woman.

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

Passed the House January 28, 1897.

Passed the Senate February 16, 1897.

Approved by the Governor February 26, 1897.

CHAPTER XXVI.

[H. B. No. 97.]

TO PREVENT DISEASE AMONG SHEEP.

AN ACT in relation to and to prevent the introduction or spread of disease among sheep, and repealing "An act in relation to and to prevent the introduction or spread of disease among sheep," approved February 2, 1888, and declaring an emergency.

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

SECTION 1. That it shall be the duty of the commissioners of each county, upon the presentation to them at any regular meeting of a petition signed by three or more owners of sheep, residing in said county, to appoint some suitable person being a qualified elector of said county, as sheep inspector of said county for two years from the date of his appointment and until his successor is appointed and qualified as herein provided: *Provided*, That the county commissioners may at any time remove such sheep inspector from office and declare the said office vacant upon sufficient evidence being presented to them that such sheep inspector is unnecessary or has neglected to perform any of the duties imposed on him by this act, or is incompetent.

Appointment
and removal
of inspector.

SEC. 2. Such person so appointed shall, before entering upon the discharge of the duties of his office, take and subscribe an oath of office and enter into a bond, with two or more sureties, approved by the county commissioners in the penal sum of \$1,000, conditioned for the faithful performance of the duties of his office.

Oath and bond
of inspector.

Deputy
inspectors.

SEC. 3. Such inspector shall have the power to appoint not more than two deputies, for whose acts he shall, in all cases, be responsible, and by whom he may perform any act or duty required of him by this act; and each inspector shall be provided by the county with a seal of office, which shall be inscribed in substance as follows: "Sheep inspector of county, Washington." And each official certificate or report of such inspector shall be authenticated by such seal.

Inspection
and certificate
of health.

SEC. 4. No person, company or corporation shall bring or cause to be brought into this state any sheep or band of sheep without first, and within three months prior thereto, obtaining from a sheep inspector, duly appointed and qualified under this act, a certificate under the official seal of such inspector, to the effect that the said sheep, or band of sheep, have been personally inspected by such inspector, and that all such sheep are sound and healthy and free from scab or scabies, or other infectious or contagious disease, and no person, company or corporation shall move, or cause to be moved, any sheep or band of sheep from one county in this state to another county without first, and within six months prior thereto, obtaining such certificate, as is above mentioned. It shall be the duty of any sheep inspector, upon the request of any person, to visit and inspect any band of sheep within his county, or within five miles of the line of the state, unless he has inspected such band of sheep within three months prior thereto, and if, at the time of such inspection, such sheep are healthy and free from scab or scabies, and all infectious and contagious diseases, he shall issue to the owner or person in charge thereof a certificate to that effect; and if not healthy and free from scab and all contagious and infectious diseases, he shall revoke any certificate which may have been issued by him, and the person holding such certificate shall forthwith, on demand, deliver the same to such inspector.

Quarantine.

SEC. 5. Whenever the county commissioners of any county have reason to believe that any disease mentioned in this act has become epidemic in certain localities in any other state or territory, or that conditions exist that render sheep likely to convey disease, they must thereupon,

by order duly entered in their journal, designate such localities and prohibit the importation from them of any sheep into their county, except under such restrictions as are hereinafter provided.

SEC. 6. Upon the entry of such order of the county commissioners of any county, the owners or persons in charge of any sheep which are intended to be brought into the said county from localities in any other state or territory against which sheep quarantine has been declared, as provided in the next preceding section, must forthwith notify the sheep inspector of said county of such intention, and such owner or person in charge shall not allow any sheep to be brought into the county until such sheep have been quarantined and inspected by the sheep inspector, as provided in the next succeeding section: *Provided*, That this section shall not apply to sheep being transported upon the railroad through the State of Washington to points beyond the limits of said state, and which are not allowed to graze upon the public range of said state while being so transported.

Sheep from quarantined parts to be inspected.

Except those in course of transportation.

SEC. 7. Upon receiving notice of the intention of the owner or person in charge of any sheep, as provided in the last preceding section, to bring such sheep into any county of this state, from any quarantined district, the sheep inspector of such county shall forthwith proceed to examine and inspect such sheep before they are brought into this state, and shall cause such sheep to be kept within certain limits designated by him, for a term of sixty days, and shall cause the owner or person in charge of such sheep to dip such sheep, or otherwise treat such sheep, for the disease prevalent in the quarantined district; if at the expiration of said time the said sheep inspector shall find that said sheep are free from any contagious or infectious disease, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into this state.

Manner of inspection.

SEC. 8. It is unlawful for any person to bring into this state any sheep infected with the scab or any other contagious or infectious disease.

SEC. 9. Any person, company or corporation owning or

Owner shall
confine in-
fected sheep.

having charge of any sheep infected with scab or any infectious or contagious disease, shall keep the same, and all sheep with which such have been in contact, secure from contact with other sheep, and shall not drive or permit the same to go upon any public road or highway, or any inclosed land not owned by such company, person or corporation: *Provided*, That such sheep may be moved or driven upon such places and highways by first obtaining the written permission of the sheep inspector of the county wherein such sheep may be, which permission shall state the time within which they are to be moved, the place to and from which, and the route to be traveled.

SEC. 10. It shall be, and is hereby made, the duty of each sheep inspector appointed under this act to examine, visit and inspect every band of sheep within his county during the months of April and May of each year.

Inspector's
order to con-
fine and treat
diseased
sheep.

SEC. 11. Whenever, upon inspection of any band or herd of sheep kept or herded in any county of the State of Washington, the sheep inspector shall find such sheep, or any portion of them, affected with scab or any infectious or contagious diseases, he shall forthwith notify the owner or person in charge of such diseased sheep, in writing, to put such diseased sheep, and the band or herd in which they have been kept, into an inclosure, or by other sufficient means keep them from contact with other sheep, and to proceed immediately to treat them for the cure of such disease in some manner or by some means approved by an inspector; and any person, company or corporation who shall neglect for ten (10) days to put such sheep into an inclosure, or by other sufficient means secure them from contact with other sheep, or shall refuse or neglect for ten (10) days after such notice to proceed to treat such sheep for the cure of such diseases in some manner or by some means approved by an inspector, shall be guilty of a misdemeanor, and for each day of such neglect or refusal to treat such sheep after ten (10) days from each notice, such person or corporation shall be guilty of a separate misdemeanor, and in addition to the punishment provided in this act the inspector shall, in case of a refusal or neglect to secure such diseased sheep from contact with other sheep,

Penalty.

Additional
penalty.

immediately upon notice being given as hereinbefore provided, or in case of a refusal or neglect of ten (10) days after notice to treat such sheep for the cure of such diseases, seize such sheep, and by inclosure or other sufficient means secure them from contact with other sheep, and proceed without unnecessary delay to treat them for the cure of such disease; and the expense of such seizure, keeping and treatment, together with the fees of the inspector while engaged therein, shall be a charge on the sheep so seized, and the inspector shall hold the sheep until the same is paid, and if not paid within ten (10) days after such treatment is completed he shall collect the same, together with the costs and expenses of collection, by advertising and selling such sheep, or as many thereof as may be necessary, in the manner provided by law for the sale of personal property upon execution: *Provided*, No person, company or corporation shall be required to dip a band of sheep between the first day of December and the first day of May.

SEC. 12. No owner of any toll bridge or ferry boat, or person in charge thereof, shall permit any sheep to cross such bridge, or go upon such ferry boat, unless the person in charge of such sheep shall first exhibit to the person in charge of such bridge or boat a valid certificate issued by an inspector appointed under this act, to the effect that such sheep are free from scab and all other contagious and infectious diseases.

Owner of toll
bridge or ferry
boat to require
certificate
of health.

SEC. 13. Every certificate issued under this act to the owner of sheep continuously kept within this state shall be null and void after one year from the date thereof, and every certificate issued to the owner of any band or herd of sheep which are not continuously kept in this state, shall be null and void after six months from the date thereof.

Life of cer-
tificate.

SEC. 14. Each inspector shall be paid three (3) dollars per day for each day when necessarily engaged in the discharge of the duties of his office, and five cents per mile for each mile necessarily traveled by him for such purpose, and his bills for such service shall be audited and paid by the county commissioners of the county for which he is appointed.

Pay of
inspectors.

Civil action
for damages
—lien.

SEC. 15. Any person, company or corporation violating any provision of this act, or who shall fail to comply with, or who disregards any order or direction made by any sheep inspector under the provision of this act, shall be liable in a civil action for all damages sustained by any other person, company or corporation in consequence of such violation. Such damages shall be a lien on the sheep, which may be sold to satisfy such lien as provided by law.

Penalty for
any violation.

SEC. 16. Any person who fails to comply with, or disregards any order or direction made by any sheep inspector under the provisions of this act, or who violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty (50) dollars or more than five hundred (500) dollars.

Repeals.

SEC. 17. That the act entitled "An act in relation to, and to prevent the introduction or spread of disease among sheep," approved February 2, 1888, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 18. An emergency exists, and this act shall take effect immediately.

Passed the House February 2, 1897.

Passed the Senate February 15, 1897.

Approved by the Governor February 26, 1897.

CHAPTER XXVII.

[H. B. No. 262.]

RELATING TO TIDE LANDS.

AN ACT providing for the cancellation of applications, contracts or deeds heretofore received or made for certain portions of the tide lands in the harbors of cities of the first class, prescribing the conditions under which the same may hereafter be disposed of, and declaring an emergency.

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

SECTION 1. That, whereas, the board of state land commissioners has heretofore received and considered applica-

tions for, and has issued contracts or deeds purporting to convey to private persons or corporations certain lots platted on the tide land areas within the harbors of cities of the first class, which said lots are in reality legally established projections or extensions of public streets within the corporate limits and along or across the harbor areas of such cities, which said projections and extensions were duly made by said cities in pursuance of the act of March 24, 1890, relating to the charters of cities of twenty thousand inhabitants and upwards, therefore, the board of state land commissioners is hereby instructed to cancel all deeds or contracts, and to reject all applications covering any such street extensions or projections which are not duly vacated, refunding all moneys paid thereon, and no sale or grant of any land included within the limits of any such street shall hereafter be made unless and until the same shall be duly vacated or disestablished by the authorities of such city. The state auditor is hereby authorized to draw such warrants upon the tide lands fund as are necessary to carry out the provisions hereof.

Sales and deeds of street extensions to be canceled.

Refunding payments.

SEC. 2. The powers hereby conferred and duties imposed upon the board of state land commissioners shall be possessed and exercised by any other board or officer who may hereafter succeed to the jurisdiction and powers, in respect to tide lands, now possessed by the state board of land commissioners.

Successor of state board shall act.

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

Passed the House February 25, 1897.

Passed the Senate February 26, 1897.

Approved by the Governor March 2, 1897.

CHAPTER XXVIII.

[H. B. No. 257.]

RELATING TO SEATTLE TIDE LANDS.

AN ACT providing for the correction and revision of a portion of the plat of Seattle tide lands, and an appraisement of the lots in the portion so revised and corrected, authorizing and prescribing the manner of readjustment of existing rights in accordance therewith, and declaring an emergency.

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

SECTION 1. That the board of state land commissioners be and is hereby authorized and instructed to correct and revise the plat of Seattle tide lands as heretofore surveyed and platted by the board of appraisers of tide and shore lands for King county, Washington, in the following manner to wit: By substituting for sheets numbered twenty-four (24) and twenty-five (25) of volume one (1), and sheets numbered twenty-six (26), twenty-seven (27) and twenty-eight (28) of volume two (2) of said plat of Seattle tide lands, the supplemental sheets of similar numbers submitted by the city council of the city of Seattle, and presented in duplicate to this legislature for action thereon; and the board of state land commissioners is hereby authorized and instructed to deposit one copy of each of said supplemental sheets with the county auditor of King county, and one copy thereof with the commissioner of public lands, for substitution in the records of said offices in lieu of the original sheets deposited as part of the plat and record of the work of the local board of tide land appraisers: *Provided*, That such correction and revision shall be of no force or effect as against any rights or titles heretofore lawfully granted by the state in conformity with the original platting, except in pursuance of mutual agreements or payment of just compensation after due process of law, as hereinafter set forth and provided.

Plat to be corrected and revised.

Such revision not to affect rights accrued under original plat.

Appraisement in 60 days land affected by revision.

SEC. 2. That the board of state land commissioners be and is hereby authorized and instructed, within sixty (60) days after the going into effect of this act, to make an appraisement of all the lots, tracts or parcels of tide lands affected by the correction and revision authorized in sec-

tion one (1) hereof, using for such appraisement the same basis of valuation upon which the lots indicated by the original platting were appraised, applying same as near as may be, with due regard to location and proportionate areas; such appraisement to be made and be subject in all other respects to the law now in force governing the appraisement of tide lands of the first class, and copies of the record thereof shall be made in duplicate, and one copy filed with the county auditor of King county and one copy with the commissioner of public lands.

SEC. 3. That the board of state land commissioners be and is hereby authorized and instructed to secure, by mutual agreements, where possible, a readjustment of all rights and title heretofore granted in accordance with the original platting, where the same are in conflict with the plat as by this act corrected and revised, so that such rights and titles shall conform with the said plat as so corrected and revised; and in furtherance of such readjustment by mutual agreements, the said board is hereby authorized and instructed to receive, on behalf of the state, any surrender, release or conveyance of any such existing right or title, making due compensation therefor, in pursuance of such mutual agreement, from the fund received from the sale of tide lands, and to enter into new contracts or deeds, on behalf of the state, with all persons or corporations so surrendering, releasing or conveying any existing rights for such lots, tracts or parcels of the tide lands as, in the judgment of the said board, such persons or corporations are justly entitled to purchase, in conformity with the revised and corrected platting; all such new contracts or deeds to be issued only upon payments made as provided by law, in accordance with the appraisement made in pursuance of section 2 of this act. And in cases where a mutual agreement for such readjustment cannot be effected, then the board of state land commissioners is hereby authorized and instructed, on behalf of the State of Washington, to secure a vacation and surrender of any such existing rights and titles in conflict with the revised platting by due process of law, paying therefor the just value of the same as deter-

Readjustment
by agreement
where pos-
sible.

Otherwise, by
process of law.

mined by law, from the tide lands fund, and making new contracts or deeds, as hereinbefore set forth, in cases where readjustment is made by mutual agreement. The state auditor is hereby authorized to draw such warrants upon the tide lands fund as are necessary to carry out the provisions hereof.

Future disposition of tide lands to be in conformity with revised plat.

SEC. 4. That the board of state land commissioners be and is hereby authorized and instructed hereafter to dispose of unsold tide lands within the limits of the portion of Seattle tide lands included in the sheets of the plat referred to in section 1 of this act, only with reference to, and in conformity with, the supplemental sheets of said plat by said section ordered to be substituted for the original platting.

Power given board to be had and exercised by its successors.

SEC. 5. The powers hereby conferred and duties imposed upon the board of state land commissioners shall be possessed and exercised by any other board or officer who may hereafter succeed to the jurisdiction and powers in respect to tide lands now possessed by the board of state land commissioners.

SEC. 6. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

Passed the House February 25, 1897.

Passed the Senate February 26, 1897.

Approved by the Governor March 2, 1897.

CHAPTER XXIX.

[H. B. No. 81.]

CREATING A BUREAU OF LABOR.

AN ACT creating a bureau of labor, defining its duties, and appropriating money for its maintenance.

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

SECTION 1. A commissioner of labor and one assistant commissioner to act as factory, mill and railroad inspector,

shall be appointed by the governor; they, together with the inspector of coal mines, shall constitute a bureau of labor. On the first Monday in April, 1897, and every four years thereafter, the governor shall appoint two suitable persons, one to act as commissioner of labor, with headquarters at the capital, and the other appointee to act as factory, mill and railroad inspector, both of whom shall hold office until their successors are appointed and qualified.

Commissioner and inspector to be appointed by the governor.

SEC. 2. It shall be the duty of the officers and employes of the said bureau to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of operators in workshops, factories, mills and mines, on railroads and in other places, and all laws enacted for the protection of the working classes, and declaring it a misdemeanor on the part of employers to require as a condition of employment the surrender of any right of citizenship, laws regulating and prescribing the qualifications of persons in trades and handicrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of the officers and employes of the bureau to collect, assort, arrange and present in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the state; to the subjects of coöperation, strikes or other labor difficulties; to trade unions and other labor organizations and their effects upon labor and capital; and to such other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the state as the bureau may be able to gather. In its biennial reports the bureau shall also give an account of all proceedings of its officers and employes which have been taken in accordance with the provisions of this act or of any of the other acts herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such account such remarks, suggestions and recommendations as the commissioner may deem necessary.

General duties of officers of bureau.

To prepare biennial report.

Employers required to make reports upon blanks furnished.

SEC. 3. It shall be the duty of every owner, operator or manager of every factory, workshop, mill, mine or other establishment where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the commissioner of labor, and shall certify to the correctness of the same. In the reports of said bureau no use shall be made of the names of individuals, firms or corporations supplying the information called for by this section, such information being deemed confidential and not for the purpose of disclosing personal affairs, and any officer, agent or employé of said bureau violating this provision shall forfeit a sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

Names of employers reporting to be deemed confidential.

Power of officers of bureau to take testimony.

SEC. 4. The commissioner or either inspector of the bureau of labor shall have the power to issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required by such bureau, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpoenaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a superior court, such payment to be made from the contingent fund of the bureau. Any person duly subpoenaed under provisions of this section who shall willfully neglect or refuse to attend or testify at the time and place named in the subpoena shall be guilty of misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

Penalty for neglect or refusal to testify.

Officers of bureau authorized to enter certain places.

SEC. 5. The commissioner of labor, or any inspector or employé of the bureau of labor, shall have power to enter any factory, mill, mine, office, workshop or public or private works at any time for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to em-

ployés, and the sanitary condition in and around such buildings and places, and make a record thereof, and any owner or occupant of said factory, mill, mine, office or workshop or public or private works, or his agent or agents, who shall refuse to allow an inspector or employé of the said bureau to so enter, shall be deemed guilty of misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days, for each and every offense.

Penalty for refusing to allow officers of bureau to inspect in certain cases.

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

Reports to be preserved for two years.

SEC. 7. In addition to the bureau of labor the commissioner of labor, by and with the consent of the governor, shall have the power to employ such other assistants and incur such other expense as may be necessary to discharge the duties of said bureau; such assistants shall be paid for the service rendered such compensation as the commissioner of labor may deem proper, but no such assistant shall be paid more than three dollars (\$3) per day and his necessary traveling expenses.

Commissioner may employ assistance in certain cases.

SEC. 8. The biennial reports of the bureau of labor, provided for by section 2 of this act, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state: *Provided*, That not less than five hundred copies of the report shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the bureau of labor in accordance with the provisions of

Printing report.

Distribution of reports.

Secretary of state to furnish blanks and stationery.

this act shall be furnished by the secretary of state, and paid for from the printing fund of the state.

Salary and expenses of officers of bureau.

SEC. 9. The salary of the commissioner of labor, provided for by this act, shall be twelve hundred dollars (\$1,200) per annum. The salary of the factory, mill and railway inspector shall be twelve hundred dollars (\$1,200) per annum, and they shall be allowed their actual and necessary traveling expenses.

Appropriation for first two years.

SEC. 10. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of eight thousand dollars (\$8,000), or so much thereof as may be necessary to carry out the provisions of this act.

Passed the House February 9, 1897.

Passed the Senate February 27, 1897.

Approved by the Governor March 3, 1897.

CHAPTER XXX.

[H. B. No. 17.]

RELATING TO THE SUPREME COURT REPORTER.

AN ACT to amend an act entitled "An act to amend section six (6) of an act entitled 'An act to prescribe the duties and fix the compensation of the reporter of the supreme court,' approved December 20, 1889, and declaring an emergency," approved February 26, 1891.

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

SECTION 1. That section one (1) of "An act to amend section six (6) of an act entitled 'An act to prescribe the duties and fix the compensation of the reporter of the supreme court,' approved December 20, 1889, and declaring an emergency," approved February 26, 1891, be and the same is hereby amended to read as follows: Sec. 6. The annual salary of the reporter of the decisions of the supreme court shall be two thousand (\$2,000) dollars: *Provided*, That out of said salary and compensation the reporter of the supreme court shall pay all expenses of

his office, such as assistants, clerk hire, office rent, furniture, stationery and postage.

Passed the House February 2, 1897.

Passed the Senate February 11, 1897.

Approved by the Governor March 3, 1897.

CHAPTER XXXI.

[H. B. No. 117.]

RELATING TO LOG AND TIMBER BOOMS IN RIVERS AND STREAMS.

AN ACT to amend section 4 of an act approved March 18, 1895, entitled "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor."

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

SECTION 1. That section 4 of an act approved March 18, 1895, entitled "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor," be amended to read as follows: Sec. 4. Such corporation shall have power and is hereby authorized, in any of the rivers and streams of this state, or the dividing waters thereof, to remove jams, roots, snags and rocks, improve and straighten the channel, build wing dams and sheer booms, construct dams with gates or otherwise for the purpose of storing water with which to produce artificial freshets, and in all ways to improve such streams and rivers for the purposes herein mentioned and contemplated: *Provided*, That no such wing dam, sheer boom, or dam with gates or otherwise, shall be built or constructed in any navigable river emptying into the waters of Puget Sound or its tributaries north of 47° 40' north latitude:

Section 4,
chapter 72,
Laws 1895,
amended.

May remove
obstructions.

May build
dams, etc., in
certain cases.

Must not inter-
fere with use
waters of
stream.

Provided further, That no such wing dam, sheer boom, dam with gate or otherwise, shall be so constructed, maintained or used, as to interfere with the use for any purpose of the waters of any stream so dammed or used, or in any manner to injure or damage any lands adjacent to such stream by overflowing same or causing logs or other timber to accumulate on any land adjacent to such stream, or in any manner to obstruct or impede the outlet thereof:

Abutting
owners may
remonstrate.

Provided, however, That whenever the owners of more than one-half the land lying alongside or abutting on any stream affected by the tide, proposed to be improved according to this act, shall file with the board of county commissioners of the county in which said river is situated a remonstrance against any improvements of so much of the stream as is affected by the tide, it shall then be unlawful for any corporation to take the land or any slough within the territory owned by any such remonstrancers: *Provided,* That such remonstrance shall be filed with said board within fifteen days from the filing of said plat.

Passed the House February 3, 1897.

Passed the Senate March 1, 1897.

Approved by the Governor March 4, 1897.

CHAPTER XXXII.

[H. B. No. 137.]

REGISTRATION OF VOTERS IN SCHOOL ELECTIONS.

AN ACT to provide for the registration of voters in all school elections, in school districts having a population of ten thousand or more inhabitants, and regulating elections in such districts.

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

Women must
register.

SECTION 1. No person shall vote at any school election, either general or special, to be held in any school district in this state having a population of ten thousand or more inhabitants, as shown by any regular or special census,

unless he or she shall have previously complied with the requirements as to registration, as in this act provided.

SEC. 2. The secretary of the board of education in each district subject to the provisions of this act shall keep the books of registration herein provided for, and shall register therein the names of all duly qualified voters in his district, on application, in the manner and at the times herein specified.

Secretary board education shall register voters.

SEC. 3. The board of education of each district subject to the provisions of this act, shall furnish the secretary of such board, at the expense of the district, all blanks and books of registration herein provided for, within thirty days after this act shall become a law. Thereafter, after each general election of members of the board of education, the newly elected board shall furnish to the secretary and cause to be opened new books for the registration of voters. The boards of education of each district shall furnish, at the expense of their respective districts, all funds necessary for carrying out the provisions of this act.

Board of education to furnish blanks and books, and pay all expenses.

SEC. 4. The books of registration shall be opened for the purposes of registration, at the office of the secretary of the board of the district, on each day between the hours of 9 o'clock A. M. and 4 o'clock P. M., on each day except legal holidays, and they shall be closed and no names shall be registered therein during the five days preceding any special election, and during the ten days preceding any general election held in such district. The secretary of the board shall give notice of the closing of the books of registration in his district by notice published in a newspaper of general circulation, published in his district, at least ten days before the day for closing said books.

Registration books open, when.

Notice to be published of closing of books.

SEC. 5. Registration shall not be required more than once in each year. All persons, male or female, who are qualified electors under the provision of this act, shall be entitled to registration on application to the secretary of the board of education of the district in which they may reside: *Provided*, Such elector shall have been a resident of the state for one year, of the county ninety days, and of the voting precinct thirty days prior to the next general or special school election to be held in such district. No

Registration required but once each year.

Prerequisites to registration.

person shall vote at any such election except in the precinct where he or she has resided for the length of time above specified.

Registration
books.

SEC. 6. There shall be provided by the board of education in each district, and kept by the secretary of such board, a separate book of registration for each school election precinct in the district. Each ward in any city within which the whole or any portion of a school district may be situate, shall be a voting precinct for all general or special school elections. The book of registration shall bear the name or number of the precinct to which it belongs. In case the whole or any portion of any such district shall lie without the limits of any incorporated city, the board of education of such district shall subdivide such outlying territory into voting precincts, so that each precinct shall contain as near as may be five hundred inhabitants, and after the boundaries of such precincts shall have been established, said territory shall not be re-districted oftener than once in three years, and not then unless one or more of the precincts thereof shall have attained a population of more than five hundred inhabitants. In case the authorities of any city, within which the whole or any portion of any district may lie, shall cause the boundaries of the wards of such city to be changed after the opening of the books of registration for the school district, the voting precincts of such district shall conform to the lines of the wards as established when said books were opened until the next set of books shall be opened, at which time said new books and the voting precincts of such district shall conform to the boundaries of the wards as then established.

Registration
districts.

Form of
registration
record.

SEC. 7. The books of registration aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns with appropriate heads, as follows: Date of registration, name, age, occupation, place of residence, place of birth, time of residence in the state, county and precinct, and if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization, and with the column for signature and one for remarks, and one column for checking the

name of voter at the time of voting. Under head of place of residence shall be noted the number of lot and block, or number and street where the applicant resides, or some other definite description sufficient to locate the residence, and the voter so registering as provided in this section shall sign his or her name on the registry opposite the entries above required, in the column headed "Signature," and in case any voter shall not be capable of writing his or her name he or she shall, on the left hand margin of said column, make his or her mark by cross or such other mark as is usual in indicating his or her signature, and some person who is personally known to said voter, and is personally known to the registering officer, and who is capable of writing his or her name, shall sign in said column immediately opposite said mark as an identifying witness thereto.

SEC. 8. No person shall be registered unless he or she appears in person before the secretary of the board of education in the district in which such elector resides, during the hours the books are opened for registration, and answers truly the questions that may be put to him or her touching his or her qualifications to vote in such district, and shall also make and subscribe the following oath:

Must register
in person.

STATE OF WASHINGTON, COUNTY OF ss.

I,, do solemnly swear (or affirm) that I am a legally qualified school elector, under the laws of the State of Washington, and that I have been an actual permanent resident of said state for eleven months and twenty days last past, and of the co..... for eighty days, last past, and the precinct twenty days last past, and that I have not lost my civil rights by reason of being convicted of any infamous crime.

Oath to be
taken.

Subscribed and sworn to before me this day of

Said affidavit shall be filed and preserved by the secretary of the board for at least two years.

SEC. 9. The secretaries of the boards of education are hereby empowered to administer all necessary oaths in examining applicants for registration, or any witnesses that may be offered on behalf of any applicant. The said secretary shall examine carefully any applicant whose right to register he may doubt, or who may be challenged, and

Secretaries
empowered
to admin-
ister oath.

if the applicant shall be entitled to vote at the next election he or she shall be registered, otherwise not.

Penalty for false oath.

SEC. 10. If any person shall falsely swear or affirm in taking the oath or making the affirmation herein prescribed, or shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the secretary or officer of registration to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry list otherwise than in the manner provided in this act, he or she shall be guilty of a felony, and upon conviction be punished by confinement in the penitentiary not more than five nor less than one year.

Change of residence of registered voter.

SEC. 11. If any elector shall, during the year for which he or she may be registered, change his or her place of residence from the precinct in which he or she is registered, he or she shall apply to the secretary of the board to have said removal noted. The secretary shall run a red ink line across the name in the precinct book in which said applicant shall be registered, and likewise note said removal in the column headed "Remarks" in said book, and thereupon the said secretary shall enter the name and re-register the elector in the registration book of the ward to which he or she has removed.

Challenge, and method of procedure under.

SEC. 12. Registration under the provisions of this act shall be *prima facie* evidence of the right of the elector to vote at any general or special school election held within the district during the year for which said elector is registered. If any person duly registered is challenged, it shall be the duty of the judges of election to examine the challenger and any witnesses that may be produced on oath, touching the right of such elector to vote; the judges shall then, unless they dismiss said challenge, examine the proposed elector on oath, and if it appears that said elector is entitled to vote at said election, his or her vote shall be received, otherwise rejected. Any person swearing falsely before any judge of election, on the hearing of any such challenge, shall be deemed guilty of perjury, and shall be subjected to the pains and penalties of perjury.

SEC. 13. The board of education in each district to which this act applies shall, at their last regular meeting before any general or special school election to be held in their district, appoint two judges of election and one clerk for each voting precinct within such district. Both the judges and the clerk shall be qualified school electors in the precinct for which they are appointed.

Board to appoint election officers.

SEC. 14. On the morning of any general or special school election the secretary of the board shall deliver to the clerk of each voting precinct within his district, the original book of registration of the precinct for which such clerk was appointed. Each clerk of election shall return the book of registration entrusted to him to the secretary of the board at the time of the delivery of the ballots cast in the precinct at such election, and it shall be unlawful for any clerk or any judge of election, to cause or allow any marks or alterations to be made in said book while the same is in their possession, other than a proper check mark when a ballot is cast, to indicate the party voting.

Registration record delivered to clerk of election.

SEC. 15. The manner of voting at school elections shall be the same as is now provided by law. The board of education in each district shall provide suitable polling places, at a school house in each ward or precinct, and if there is no school house in any ward or precinct, then at some other suitable place in said ward or precinct, to be designated by the board; but no ward or precinct shall have more than one polling place. The voting place in each ward or precinct shall be named and designated by the board in the notice calling such election.

Board to provide suitable polling places.

SEC. 16. Nothing in this act contained shall be construed as a repeal of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890, except in so far as this act shall be in conflict therewith, but this act shall be construed as amendatory and supplementary thereto.

Passed the House February 9, 1897.

Passed the Senate February 25, 1897.

Approved by the Governor March 4, 1897.

CHAPTER XXXIII.

[H. B. No. 519.]

RELATING TO RECALCITRANT WITNESSES.

AN ACT to provide for the punishment of recalcitrant witnesses before committees appointed by the legislative bodies of the State of Washington, or either of them, and declaring an emergency.

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

SECTION 1. That any person who shall fail to attend as a witness upon any committee appointed by either the House or Senate of the State of Washington, or both, after having been duly subpoenaed as provided in chapter VI of the Session Laws of 1895, or who, being in attendance as a witness before such committee, shall refuse to answer any question or produce any paper or document or book which he is required to answer or to produce by such committee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a term not longer than six months, or by both such fine and imprisonment.

SEC. 2. Whereas, an emergency exists, therefore this act shall be in force immediately.

Passed the House February 20, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XXXIV.

[H. B. No. 375.]

RELATING TO THE ADOPTION OF LEGAL HEIRS.

AN ACT to amend section 1418 of volume 1 of Hill's Annotated Statutes and Codes of Washington, relating to the adoption of legal heirs.

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

SECTION 1. That section 1418 of volume 1 of Hill's Annotated Statutes and Codes of Washington be amended to

read as follows: Section 1418. Any inhabitant of this state not married, or any husband and wife jointly, may petition the superior court of their proper county for leave to adopt a child under the age of twenty-one years, not theirs by birth, and for a change of name of said child; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents who is not hopelessly insane or a confirmed drunkard. If there be no such parents, or if the parents be unknown, or shall have abandoned such child, or if such parents, or either of them, are hopelessly insane, or a confirmed drunkard, then by the legal guardian; if there be no such guardian, then by a discreet and suitable person appointed by said court to act in the proceedings as the next friend of such child: *Provided, however,* That if the parents are living separate and apart, the consent of both is not required, but such consent may be given by the parent having the care, custody and control of such child.

Passed the House February 8, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XXXV.

[H. B. No. 243.]

RELATING TO PUBLIC PRINTING.

AN ACT providing for a uniform system of public blanks for use in the counties of the State of Washington, and regulating the manufacture and sale thereof by the state.

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

SECTION 1. That the state auditor, with the aid and advice of the attorney general, shall compile the forms for all public blanks used in the counties of this state in conformity with the general statutes thereof. The various

Compile uniform blanks.

blanks for each county shall be uniform throughout the state.

Material provided by the state.

SEC. 2. The material used in said blank forms and the printing and binding thereof shall be provided for by the state printing board in the same manner and under the same rules and regulations as other public printing is now provided for under the general statutes of this state.

Catalogue of prices to county auditors.

SEC. 3. That the state printer shall print a catalogue of all blanks required under the provisions of this act, and a copy thereof shall be furnished to the auditor, free of charge, to each county within the state on or before the last Saturday in November of each year. And on or before the first Monday in January of each year the county auditor of each county shall make requisition on the state auditor for all public blanks required for use in the various departments of his said county for the ensuing year, and the state auditor shall thereupon, on or before the first day of April of each year, furnish to each of said county auditors the number and description of the public blanks required by each of said counties.

Requisitions on state auditor.

SEC. 4. That all of said public blanks shall be furnished to each and all of said counties of the state by said state auditor at actual cost to the state: *Provided*, Nothing in this act shall be construed as preventing any county from purchasing blank forms for public use identical with those furnished by the state from private individuals or corporations manufacturing the same within the state at a lower rate than that quoted in the catalogue of the state printer.

May purchase from other printers within the state.

Taxed against the county.

SEC. 5. That the annual settlement for taxes between the state and the counties of the state, the cost of said blanks furnished by the state auditor to each county shall be taxed against each said county as part of taxes due from said county to the state, and shall be paid by said county at the same time and in the same manner as other state taxes are paid, and shall be credited by the state treasurer to the printing account.

Passed the House February 9, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XXXVI.

[H. B. No. 232.]

CREATING A BOARD OF PARDONS.

AN ACT establishing a board of pardons and defining its duties, and declaring an emergency.

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

SECTION 1. That a board of pardons, consisting of the following named state officers, to wit: The secretary of state, state auditor and attorney general, be and the same is hereby established.

For "attorney general" read "superintendent public instruction." (See chapter 58, approved March 11, 1897.)

SEC. 2. All applications for pardons, or for the remission of fines and forfeitures, or for commutation of sentence, before being acted upon by the governor, shall be submitted to said board for its approval, rejection, or such advice thereon as it may deem proper.

SEC. 3. The said board shall consider all such applications on the evidence and other recommendations in support thereof and all objections thereto, and in each case shall make to the governor such recommendations as it may deem just.

SEC. 4. The secretary of state shall *ex officio* be the secretary of such board, but the members of said board shall not receive any compensation additional for their services than that now attached to their respective offices.

SEC. 5. The said board of pardons shall meet on the fourth Monday of each month in the office of the secretary of state, in Olympia, to consider all applications hereinbefore referred to, or at such other times as the governor shall call them together.

Board to meet monthly.

SEC. 6. There being no law covering the objects of this act, an emergency is declared to exist, and this act shall take effect on its approval by the governor.

Passed the House February 15, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XXXVII.

[S. B. No. 69.]

RELIEF OF LIDA M. ASHENFELTER.

AN ACT for the relief of the widow of H. C. Ashenfelter, deceased.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of three thousand seven hundred fifty-one and $\frac{2}{10}\frac{5}{100}$ dollars (\$3,751.25) for the relief of Lida M. Ashenfelter, widow of H. C. Ashenfelter, deceased, and to reimburse said widow for the pecuniary loss of said three thousand seven hundred fifty-one and $\frac{2}{10}\frac{5}{100}$ (\$3,751.25) by the said H. C. Ashenfelter, deceased, in the construction and completion of the new main building of the university of Washington, during the years 1894 and 1895.

SEC. 2. The state auditor is hereby authorized to draw a warrant on the state treasurer for said amount, and the state treasurer is hereby directed to pay said warrant out of any funds in the state treasury not otherwise appropriated.

Passed the Senate February 23, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XXXVIII.

[S. B. No. 19.]

FOR THE PROTECTION OF CERTAIN MANUFACTURERS.

AN ACT to protect manufacturers, bottlers and dealers in ale, porters, lager beer, soda, mineral waters, and other beverages, from the loss of their casks, barrels, kegs, bottles and boxes.

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

SECTION 1. That all persons engaged in the manufacture, bottling or selling of ale, porter, lager beer, soda,

mineral water, or other beverages in casks, kegs, bottles or boxes, with their names or other marks of ownership stamped or marked thereon, may file in the office of the secretary of state, and also in the office of the auditor of the county in which such articles are manufactured, bottled or sold, a description of names or marks so used by them, and cause the same to be printed for six successive weeks in a weekly newspaper, printed in the English language, in counties where no daily newspaper is printed or published; and in counties where a daily newspaper is printed and published, the same shall be published in a daily newspaper of general circulation, printed in the English language, six times a week for six successive weeks, in counties where such articles are manufactured, bottled or sold.

Description
to be filed.

And pub-
lished.

SEC. 2. It is hereby declared to be unlawful for any person or persons hereafter, without the written consent of the owner or owners thereof, to fill with ale, porter, lager beer or soda, mineral water or other beverages, for sale or to be furnished to customers, any such casks, barrels, kegs, bottles or boxes so marked or stamped, or to sell, dispose of, buy or traffic in, or wantonly destroy any such cask, barrel, keg, bottle or box so marked, stamped, by the owner or owners thereof, after such owner or owners shall have complied with the provisions of the first section of this act. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars for each and every cask, barrel, keg, or box, and fifty cents for each and every bottle so by him, her or them filled, bought, sold, used, trafficked in or wantonly destroyed, together with costs of suit for first offense, and ten dollars for each and every cask, barrel, keg and box and one dollar for each and every bottle so filled, bought, sold, used, trafficked in, or wantonly destroyed, together with the costs of suit for each subsequent offense.

Unlawful to
use, sell or
destroy.

Penalty.

SEC. 3. The using by any person other than the rightful owner thereof, without such written permission, of any such cask, barrel, keg, bottle or box, for the sale therein of ale, porter, lager beer, soda, mineral waters or other beverages, or to be furnished to customers, or the buying, sell-

Use or posses-
sion *prima*
facie evidence.

ing or trafficking in any such barrel, keg, bottle or box, by any person other than the owner, without such written permission, or the fact that any junk dealer or dealers in casks, barrels, kegs, bottles or boxes, shall have in his or her possession any such cask, barrel, keg, bottle or box so marked or stamped and registered as aforesaid, without such written permission, shall and is hereby declared to be *prima facie* evidence that such use, buying, selling, trafficking in or possession is unlawful within the meaning of this act.

Passed the Senate February 11, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XXXIX.

[S. B. No. 5.]

RELATING TO THE DURATION OF JUDGMENTS.

AN ACT relating to the duration of judgments and repealing sections 462 and 463, volume 2, Hill's Code of Washington.

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

Six years.

SECTION 1. After the expiration of six years from the rendition of any judgment it shall cease to be a lien or charge against the estate or person of the judgment debtor.

SEC. 2. No suit, action, or other proceedings shall ever be had on any judgment rendered in the State of Washington by which the lien or duration of such judgment, claim or demand, shall be extended or continued in force for any greater or longer period than six years from the date of the entry of the original judgment.

Exceptions.

SEC. 3. When the lien of any judgment, as specified in section 1 of this act, has run six years, or its duration will be less than one year by reason of this act, then the lien of such judgment shall continue for one year from and after the taking effect of this act.

SEC. 4. Sections 462 and 463 of volume 2, Hill's Code of Washington, relating to a renewal of judgments, are hereby repealed.

Passed the Senate February 8, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XL.

[S. B. No. 181.]

RELATIVE TO INSOLVENT INSURANCE COMPANIES.

AN ACT authorizing the bringing of suits for the distribution of funds of insolvent insurance companies in the hands of the treasurer of the state.

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

SECTION 1. Whenever any insurance company of another state, which has deposited with the treasurer of this state any securities or other assets to be held in trust for the policy holders of such company, becomes insolvent, any one or more of such policy holders may bring an action in the superior court of Thurston county against the state treasurer for the administration of the trust and distribution of the securities and assets for the benefit of the beneficiaries.

Action authorized against state treasurer.

SEC. 2. That such court in such cases shall have all the powers and jurisdiction of a court of equity: *Provided*, That said trust shall be administered and said securities and assets distributed by the state treasurer under the direction of said court.

SEC. 3. That any suit or action now pending for the purposes enumerated in section one of this act shall be heard and determined as if brought after this act shall go into effect.

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

Passed the Senate February 16, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XLI.

[S. B. No. 108.]

RELATING TO ELECTRIC METERS, WIRES AND CABLES.

AN ACT to prevent the unauthorized interference with electric meters, wires and cables, used for measuring and conducting electric currents.

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

Unlawful to tap or interfere with electric wires.

SECTION 1. It shall be unlawful for any person or persons to tap, or make connection with, or take currents of electricity from, in any unauthorized manner whatsoever, any electric wire or cable, used by any person, town, city or electric company in this state for conducting electric currents over the same, or to tamper with any meter, or meters, of such person, town, city or company, or use their electricity, or diminish by any means or contrivance whatsoever, the free passage of any current or currents of electricity over any such wires or cables or through such meters, or to agree with or conspire with any other person or persons to do any of the aforementioned unlawful acts, and any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10), nor more than one hundred dollars (\$100), or by imprisonment in the county jail not more than ninety days or both such fine and imprisonment.

Conspiracy to interfere with meters.

Penalty.

Passed the Senate February 16, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XLII.

[S. B. No. 103.]

FIXING THE SALARY OF THE WARDEN AND CLERK OF
THE PENITENTIARY.

AN ACT to amend sections 12 and 13 of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891.

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

SECTION 1. That section 12 of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891, be and the same is amended to read as follows: Sec. 12.

The warden shall receive a salary of fourteen hundred dollars per annum. Salary of warden, \$1,400.

SEC. 2. That section 13 of said act be amended to read as follows: Sec. 13. The clerk shall receive a salary of ten hundred dollars per annum. Salary of clerk, \$1,000.

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

Passed the Senate February 1, 1897.

Passed the House February 18, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XLIII.

[S. B. No. 22.]

RELATING TO EMPLOYEES' LIENS.

AN ACT providing for a lien for employes.

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

SECTION 1. Every person performing labor for any person, company or corporation, in the operation of any railway, canal or transportation company, or any water, mining or manufacturing company, saw mill, lumber or Laborers' lien on all property, franchises and earnings of certain kinds of business.

timber company, shall have a prior lien on the franchise, earnings, and on all the real and personal property of said person, company or corporation, which is used in the operation of its business, to the extent of the moneys due him from such person, company or corporation, operating said franchise or business, for labor performed within six months next preceding the filing of his claim therefor, as hereinafter provided; and no mortgage, deed of trust or conveyance shall defeat or take precedence over said lien.

Such lien prior to mortgage or trust deed.

Notice of claim of lien.

SEC. 2. No person shall be entitled to the lien given by the preceding section, unless he shall, within ninety days after he has ceased to perform labor for such person, company or corporation, filed for record with the county auditor of the county in which said labor was performed, or in which is located the principal office of such person, company or corporation in this state, a notice of claim, containing a statement of his demand, after deducting all just credits and offsets, the name of the person, company or corporation, and the name of the person or persons employing claimant, if known, with the statement of the terms and conditions of his contract, if any, and the time he commenced the employment, and the date of his last service, and shall serve a copy thereof on said person, company or corporation within thirty days after the same is so filed for record.

Service of notice.

SEC. 3. Service of notice, as herein required, may be made in the same manner as summons in civil actions.

Foreclosure of lien.

SEC. 4. Any such lien may be enforced within the same time and in the same manner as mechanics' liens are foreclosed.

How claims are to be paid by receiver or assignee.

SEC. 5. Whenever a receiver or assignee is appointed for any person, company or corporation, the court shall require such receiver or assignee to pay all claims for which a lien could be filed under this act, before the payment of any other debts or claims, other than operating expenses.

Passed the Senate February 4, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XLIV.

[S. B. No. 21.]

RELATING TO CONTRACTORS' BONDS FOR SECURITY
TO LABORERS.

AN ACT amending section 2415, volume 1, Hill's Annotated Code of Washington, in relation to an act for bond of contractors for security of laborers.

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

SECTION 1. Section 2415, volume 1, Hill's Annotated Code of Washington, is hereby amended to read as follows: Whenever any board, council, commission, trustees or body acting for the state or any county or municipality or other public body shall contract with any person or corporation to do any work for the state, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, conditioned that such person or persons shall pay all laborers, mechanics and sub-contractors and material men, and all persons who shall supply such person or persons or sub-contractors with provisions and supplies for the carrying on of such work, all just debts, dues and demands incurred in the performance of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, and, any person or persons performing services or furnishing material to any sub-contractor shall have the same right under the provision of such bond as if such work, services or material was furnished to the original contractor.

Public corporations shall require bond of contractor.

Conditions of bond.

Custody of bond.

Rights of persons under bond.

Passed the Senate January 30, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XLV.

[H. B. No. 135.]

RELATING TO PERSONS EMPLOYED IN COAL MINES.

AN ACT for the protection of persons working in coal mines.

*Be it enacted by the Legislature of the State of Washington:*State dis-
tricted.Appointment
of inspectors.Board of
examination
appointed,
how.Inspector's
commission.Removal of
inspector.Board
constituted.Inspectors'
qualifications.Inspector's
bond.Conditions
of bond.

SECTION 1. For the purposes of this act, this state shall be divided into inspection districts, each district to contain not less than ten nor more than sixty coal mines, each district to be under the supervision of an inspector of coal mines, the manner of whose appointment shall be as follows: *Provided*, That there shall be appointed but one inspector until sixty coal mines shall be in operation in this state. The governor shall, upon the recommendation of a board, to be by him selected and appointed for the purpose of examining candidates for appointment to the office of mine inspector under the provisions of this act, appoint a properly qualified person or persons to fill the office of inspector of coal mines for this state. The commissions of said inspector or inspectors shall be for the term of four years, and inspectors shall be at all times subject to removal from office for neglect of duty or malfeasance in the discharge of their duties. Said board shall consist of one practical coal miner, one owner or operator of a coal mine, and one mining engineer, all of whom shall be sworn to a faithful discharge of their duties. The said inspectors shall be citizens of the State of Washington, and shall have had at least five years practical experience in coal mining. Such person or persons so appointed as inspector shall devote their entire time to the duties of the office, and shall possess other qualifications at present defined by the laws of the State of Washington, and not inconsistent with the provisions of this act. Each of such inspectors shall give bond in the sum of two thousand dollars, with sureties to be approved by a judge of a superior court of the county in which he resides, conditioned for the faithful performance of his duties, and take an oath (or affirmation) to discharge his duties impartially and

with fidelity, to the best of his knowledge and ability. The salary of each of such inspectors shall be fifteen hundred dollars (\$1,500) per annum, and he shall have in addition thereto his actual mileage paid out for traveling while in the performance of his duties under the provisions of this act, and the auditor of the state is hereby authorized and directed to draw his warrant on the state treasurer in favor of each of such inspectors for the amount due them for their salaries quarterly, to be paid out of any moneys in the treasury not otherwise appropriated.

Inspector's salary.

Paid quarterly.

SEC. 2. The board of examiners provided for in the next preceding section, shall be appointed by the governor and shall hold office for four years. They shall meet immediately after the passage of this act, at the state capital, for the purpose of examining candidates for the office of mine inspector under the provisions of this act, and at such times thereafter when notified by the governor that from any cause the office of mine inspector has or is about to become vacant. They shall receive as compensation five dollars per day while actually and necessarily employed, and five cents per mile for distance necessarily traveled.

Term of board.

Time of meeting.

Pay of board.

SEC. 3. Where a mine has only one means of ingress and egress, a daily record must be kept by the owner or person in charge of said mine, showing the actual number and the names of each and every person entering the mine for any purpose whatever, and should a greater number of persons than twenty-four be allowed in the mine, under any circumstances, at any time, it shall be the duty of any judge of the superior court of the county in which said mine is situate, when it shall be shown to the satisfaction of said court that more than twenty-four persons were allowed in said mine at any one time, to issue an order closing said mine until a second opening is completed.

Number and names of persons entering mine.

Duty of superior court.

SEC. 4. The owner, agent or operator of every coal mine, whether operated by shafts, slopes or drifts, shall provide in every coal mine a good and sufficient amount of ventilation for such persons and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet per minute for each man, boy, horse or mule employed in said mine, and as much

Ventilation to be provided.

more as the inspector may direct, and said air must be made to circulate through the shafts, levels, stables and working places of each mine, and on the traveling roads to and from all such working places. Every mine shall be divided into districts or splits, and not more than seventy-five persons shall be employed at any one time in each district or split: *Provided*, That where the inspector gives permission in writing a greater number than seventy-five men, but not to exceed one hundred men may be employed in each of said splits: *Provided also*, That in all mines already developed, where, in the opinion of the mining inspector, the system of splitting the air cannot be adopted except at extraordinary or unreasonable expense, such mine or mines will not be required to adopt said split air system, and the owner or operator of any coal mine shall have the right of appeal from any order requiring the air to be split, to the examining board provided for in section 1 of this act, and said board shall, after investigation, confirm or revoke the orders of the mining inspector. Each district or split shall be ventilated by a separate and distinct current of air, conducted from the downcast through said district, and thence direct to the upcast. On all main roads where doors are required, they shall be so arranged that when one door is open the other shall remain closed, so that no air shall be diverted. In all mines where fire-damp is generated, every working place shall be examined every morning with a safety lamp by a competent person, and a record of such examination shall be entered by the person making the same in a book to be kept at the mine for that purpose, and said book must always be produced for examination at the request of the inspector.

SEC. 5. The quantities of air in circulation shall be ascertained with an anemometer; such measurements shall be made by the mine inspector at the inlet and outlet airways, also at or near the face of each gangway, and at the nearest cross-heading to the face of the inside and outside chamber, breast or pillar where men are employed, and the headings shall not be driven more than sixty feet from the face of each chamber, breast or pillar, unless for the reason

Division of mine into splits.

Number of persons in split.

Certain mines excepted.

Appeal from order requiring split.

Ventilation of each split.

Daily examination for fire damp.

Measurement of air.

that he deems the same impracticable, the inspector gives permission in writing to extend the distance beyond sixty feet.

SEC. 6. No coal mine shall be considered a coal mine for the purpose of enumeration in a district to increase the number of inspectors unless ten men or more are employed at one time in or about the mine, nor shall mines employing less than ten men be subject to the provisions of this act. It shall be the duty of the owner, agent or operator of any mine employing less than ten men in or about said mine to immediately notify the inspector when ten men or more are employed at any one time, said notice to be given within one week. Failure on the part of any owner, agent or operator to comply with this provision shall render the offender liable to a fine of not less than twenty dollars or more than one hundred dollars, with an additional penalty of five dollars per day for each day said notice is neglected to be given.

Coal mine defined.

Owner employing less than ten men shall give notice to inspector.

Penalty.

SEC. 7. It shall be the duty of the inspector of mines to enforce the provisions of this act, and of all other acts for the regulation of coal mines, in accordance with section 2230, vol. 1, Hill's Code, and any infringement of the provisions of this act shall subject the offender to the same penalties as are provided in section 2232, and 2238 of vol. 1, Hill's Code, unless otherwise provided for in this act.

Inspector's duty.

Penalty for violation of law.

SEC. 8. If at any time the ventilating machinery should break down or otherwise cease operation, or if it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of noxious gases prevailing in such mine, or such part thereof, or of any cause whatever, the mine or the said part is dangerous, every workman shall be withdrawn from the mine, or such part thereof as is so found dangerous, and a competent person, who shall be appointed for the purpose, shall inspect the mine or such part thereof as is so found dangerous, and if the danger arises from inflammable gas, shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine, or the part thereof, and a workman shall not, except in so far

Machinery breaking down.

Men to be withdrawn.

Inspection.

as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine, or such part thereof as was so found dangerous, until the same is stated in such report not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for that purpose, and shall be signed by the person making the same.

Record
of tests.

Fan breaking
down.

SEC. 9. The engineer in charge of any ventilating fan or apparatus must keep the same running as the manager of the mine directs in writing. In case of accident to the boiler of fan machinery, he shall immediately notify the mine manager or foreman. If ordinary repairs of the fan or machinery become necessary, he must give timely notice to the mine manager or foreman and await his instructions before stopping it. He shall also examine, at the beginning of each shift, all the fan bearings, stays and other parts, and see that they are kept in perfect working order. He shall not stop the fan except on the order of the mine manager or foreman, unless it should become impossible to run the fan or necessary to stop it to prevent destruction. He shall then at once stop it and notify the mine manager or foreman immediately and give immediate warning to persons in the mine.

Repairs.

Examin-
ations.

Shall not
stop fan.

May stop fan.

Passed the House February 6, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

CHAPTER XLVI.

[H. B. No. 67.]

RELATING TO THE APPROPRIATION OF LAND BY CORPORATIONS.

AN ACT to amend sections 4 and 10 of an act entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or other property, by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency," approved March 21, 1890, the same being sections 651 and 657 of volume 2 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 4 of an act entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or other property, by corporations for corporate purposes and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency," approved March 21, 1890, the same being section 651 of volume 2 of Hill's Annotated Statutes and Codes of Washington, be and the same hereby is amended by inserting after the word "use," in line 9 of said section 4, the following: "or is for a private use for a private way of necessity," and by inserting after the word "enterprise," in line ten of said section 4, the following: "or the private use is for a private way of necessity," so that the said section will read as follows: Sec. 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition, have been duly served with said notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, or is for a private use for a private way of necessity, and that the public interest requires the prosecution of such enterprise, or the private use is for a private way of necessity, and that the land, real estate, premises or other property

Condemnation for private ways.

sought to be appropriated are required and necessary for the purposes of such enterprise, the court or judge thereof may make an order, to be recorded in the minutes of said court, directing the sheriff to summon from the citizens of the county in which any land, real estate, premises or other property sought to be appropriated shall be situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties to the proceedings consent to a less number (such number to be not less than three), and such consent shall be entered by the clerk in the minutes of the trial. If necessary to complete the jury, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the bystanders, citizens of the county where the land, real estate, premises or other property is situated.

SEC. 2. That section 10 of said act, the same being section 657 of volume 2 of Hill's Annotated Statutes and Codes of Washington, be and the same hereby is amended by inserting after the word "railway," in line 1 of said section 10, the following: "Surface tramway, elevated cable tramway," so that said section 10 will read as follows: Sec. 10. The construction of any railway surface tramway, elevated cable tramway, or canal, or the prosecution of any works or improvements by any corporation as aforesaid shall not be hindered, delayed or prevented by the prosecution of the appeal of any party to the proceedings: *Provided*, The corporation aforesaid shall execute and file with the clerk of the court in which the appeal is pending a bond to be approved by said clerk, with sufficient sureties, conditioned that the persons executing the same shall pay whatever amount may be required by the judgment of the court therein, and abide any rule or order of the court in relation to the matter in controversy.

Passed the House February 15, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 9, 1897.

Tramways
included.

CHAPTER XLVII.

[S. B. No. 56.]

RELATING TO TRADE MARKS.

AN ACT relating to trade marks.

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

SECTION 1. Whenever any person, or any association or union of workmen has heretofore adopted or used, or shall hereafter adopt or use, and has filed as hereinafter provided any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement.

Trade marks
of unions
protected.Violation
defined.

SEC. 2. Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement, or sells, offers for sale, or in any way utters or circulates any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement; or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor, in any box, case, can or package, to which or on which any such coun-

Violation fur-
ther defined.

Penalty.

terfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months.

File with secretary of state.

SEC. 3. Every such person, association or union, that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade mark, term, design, device or form of advertisement, as provided in section one of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or fac-similes thereof, with said secretary, and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, the class of merchandise and a description of the goods to which it has been, or is intended to be appropriated, stating that the party so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same, that no other person, firm, association, union or corporation has the right to such use either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac-simile or counterparts filed therewith are true and correct. There shall be paid, for such filing and recording, a fee of two dollars. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement, so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificate of record shall, in all suits and prosecutions under this act, be sufficient proof of the adoption of such label, trade mark, term, design, device or form of advertisement. Said secretary of state shall not record for any person, union or association, any label, trade mark, term, design, device or form of advertisement that would probably be mistaken for any label, trade mark, term, design, device or form of advertisement

Fee for recording.

Certificate of record.

theretofore filed by or on behalf of any other person, union or association.

SEC. 4. Any person who shall, for himself, or on behalf of any other person, association or union, procure the filing of any label, trade mark, term, design or form of advertisement in the office of the secretary of state, under the provisions of this act, by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months.

SEC. 5. Every such person, association or union adopt-
 ing or using a label, trade mark, term, design, device or form of advertisement, as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale, and may award the complainant in any such suit damages resulting from such manufacture, use, sale or display, as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such person, association or union all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainant, to be destroyed.

SEC. 6. Every person who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such person, association or union, in any manner, not being authorized so to do by such person, union or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months, or by a fine of not more than one hundred (100) dollars. In all cases where such association or union is not incorporated, suits under this act may

May enjoin.

Counterfeits to be destroyed.

Penalty for unauthorized use of labels, trade marks, etc.

be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union.

SEC. 7. Any person or persons who shall, in any way, use the name or seal of any such person, association or union or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three months, or by a fine of not more than one hundred dollars.

Penalty for defacing or removing label, trade mark, etc.

SEC. 8. Any person using the trade mark so adopted and filed by any other person, or any imitation of such trade mark, or any counterfeit thereof; or who shall, in any manner mutilate, deface, destroy or remove such trade mark from any goods, wares, merchandise, article or articles, or from any package or packages containing the same, or from any empty or second hand package which has contained the same or been used therefor, with the intention of using such empty or second hand package, or of the same being used to contain goods, wares, merchandise, article or articles of the same general character as those for which they were first used; and any person who shall use any such empty or second hand package for the purpose aforesaid, without the consent in writing of the person whose trade mark was first applied thereto or placed thereon shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, or by imprisonment for not more than three months, and the goods, wares, merchandise, article or articles, contained in any such second hand package or packages shall be forfeited to the original user of such package or packages whose trade mark was first applied thereto or placed thereon. The violation of any of the above provisions as to each particular article or package shall be held to be a separate offense.

SEC. 9. The word "person," in this act, shall be construed to include a person, co-partnership, corporation, association or union of workmen.

SEC. 10. Sections 3125, 3126, 3127, 3128, 3129 and 3130 of volume 1, Hill's Annotated Statutes and Codes of

Washington, and all acts amendatory thereof, be and the same are hereby repealed.

Passed the Senate February 9, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 9, 1897.

CHAPTER XLVIII.

[H. B. No. 260.]

FOR THE RELIEF OF T. M. ALVORD.

AN ACT making an appropriation for the relief of T. M. Alvord, on account of failure in title to university lands.

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

SECTION 1. That there be and hereby is appropriated out of any money in the several funds in the state treasury, not otherwise appropriated, the sum of one hundred and ninety dollars, for the relief of T. M. Alvord, on account of failure of title to university lands purchased by the said Alvord on the 21st day of November, 1864, in accordance with the adjudication of the title as made by the superior court of the State of Washington, for the county of King, and in accordance with the certificate of the auditor of state issued thereon, on the 7th day of October, 1891. That the state auditor is hereby directed to draw his warrant on the state treasury for the payment of the amount as aforesaid, and deliver the same to the said Alvord upon receiving the proper receipt therefor, and in full satisfaction of his claim.

Passed the House March 2, 1897.

Passed the Senate March 6, 1897.

Approved by the Governor March 10, 1897.

CHAPTER XLIX.

[H. B. No. 281.]

EXEMPTING THE PROCEEDS OF LIFE INSURANCE.

AN ACT amending an act entitled "An act exempting the proceeds of life insurance from liability for debt, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section 1 of an act entitled "An act exempting the proceeds of life insurance from liability for debt, and declaring an emergency," approved March 20, 1895, is amended to read as follows: Section 1. That the proceeds or avails of all life and accident insurance shall be exempt from all liability for any debt.

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

Passed the House February 24, 1897.

Passed the Senate March 6, 1897.

Approved by the Governor March 10, 1897.

CHAPTER L.

[S. B. No. 148.]

RELATING TO SALE OF PROPERTY UNDER EXECUTION.

AN ACT relating to the sale of property under execution and decrees, and the confirmation of sheriffs' sales, and repealing sections 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521 of volume 2 of Hill's Annotated Statutes and Codes of the State of Washington, relating to the redemption of real estate sold on decree of foreclosure and on execution.

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

SECTION 1. Before the sale of property on execution, notice thereof shall be given as follows: *First.* In the case of personal property, by posting written or printed notices of the time and place of sale in three public places

Notice given
of sale.

of the county where the sale is to take place, not less than ten days successively. *Second.* When the execution is against the real property of the judgment debtor, it shall be executed as follows: When levy is on real estate.

1. The sheriff shall endorse upon the writ of execution or attach thereto a description of the property levied upon.

2. He shall file with the clerk of the court where the property is situated, and with the clerk of the court issuing the writ, a copy of the writ, with such description attached to or endorsed thereon.

3. One year from the time of filing of such levy, the sheriff shall give notice that the property levied upon will be sold at public auction, in satisfaction of the judgment. Sale one year after levy.

4. The sheriff shall post notices of such sale in three public places within the county where the sale is to take place, one of which shall be in a conspicuous place on the property to be sold, four weeks prior to date of sale, and publish a copy thereof once a week for the same period in the official paper of the county, if there be one, or if there be none, then in a newspaper published nearest to the place of sale. Notice of sale posted and published.

SEC. 2. All sales of real estate upon execution, or by order of court, shall be made by auction on Saturday between nine o'clock in the morning and four o'clock in the afternoon. After sufficient property has been sold to satisfy the execution no more shall be sold. Neither the officer holding the execution, nor his deputy, shall become a purchaser or be interested in any purchase at such sale. Time of sale. When the sale is of personal property, capable of manual delivery, and not in the possession of a third person, association or corporation, it shall be within view of those who attend the sale, and be sold in such parcels as, in the judgment of the officer conducting the sale, are likely to bring the highest price; and when the sale is of real property, and consisting of several known lots or parcels, they shall be sold separately when demanded by the said judgment debtor or subsequent encumbrancer. Sales of real property shall be made at the court house door. Officers may not buy. Sale of personal property.

SEC. 3. Before giving notice of the sale of the property on execution or order of the court, it shall be the duty of Sale of real property.

Judgment creditor to fix value and notify judgment debtor.

the judgment creditor, or his successor in interest, when the judgment is to be satisfied in whole or in part from real estate, or any interest therein, to deliver to the sheriff a true statement, signed by himself or attorney, containing a description of the property levied upon, the estimated value of each separate description, and serve a copy upon the judgment debtor or his attorney.

Judgment debtor may except to valuation.

SEC. 4. The judgment debtor, his successors or assigns, may, within ten days after receiving notice of such valuation made by the judgment creditor, except to the valuation of the said real property or for any part thereof. Such exception shall be in writing and shall contain the estimate of the judgment debtor of the value of the property, and shall be served on the judgment creditor or his attorneys and filed with the sheriff having the execution for service. Such valuation shall be the minimum amount for which the property may be sold, unless an appraisement of the same be demanded.

Judgment creditor may require appraisement.

SEC. 5. If the judgment creditor is dissatisfied with the valuation placed on the said property by the judgment debtor, within two days from the date of notice thereof, he may demand in writing of the clerk an appraisement, and it shall be the duty of the clerk in the county wherein such execution is to be served to nominate two disinterested freeholders having the qualifications of jurors, and shall administer to them and the officers serving the writ an oath impartially to appraise the interest of the judgment debtor in the property at its fair value. The sheriff or his deputy having the execution for service and the appraisers shall appraise the property at its fair cash valuation, which shall not be less than the estimate made by the judgment creditors. The appraisement, to be effectual, shall be signed by the appraisers or a majority thereof.

Appraisers.

Manner of appraisement.

SEC. 6. The appraisers, for the purpose of appraisement, shall deduct from the value of the real estate, lands and tenements, the amount of all prior liens, encumbrances and taxes, due or otherwise, against the same. The deduction shall be specifically enumerated and the sum remaining shall be the real value of the interest therein of the judgment debtor.

SEC. 7. The judgment creditor shall deliver to the sheriff a correct statement of all prior liens and encumbrances or taxes against the property to be sold, as the same appear of record.

Statement of prior liens.

SEC. 8. The court in which the execution was issued, may set aside or vacate the report of the appraisers in whole or in part, or may order a new appraisal, when the same is void, unfair or irregular, or for misconduct of any of the parties affecting the material interest of the parties, upon three days notice of any party interested therein.

Court may review appraisalment.

SEC. 9. All notices provided for in this act shall be served personally upon the attorney of record of any of the parties, and when the same cannot be served personally, service may be made by depositing in the postoffice, the notice duly registered and addressed to the person or persons to be served, and when the address is unknown and cannot, after due diligence, be found, the notice may be deposited with the clerk of the court out of which execution issues.

Notices, manner of service.

SEC. 10. No property shall be sold for a sum less than eighty per cent. of the appraised value thereof, except that when property is not capable of partition or division, then the same may be sold for the amount of the judgment debt or demand. When the property is capable of partition, then so much thereof as may be sufficient only shall be sold as will satisfy the judgment. In case of foreclosure of mortgages or other liens, nothing shall prevent the sale of the entire premises included within the mortgage or lien.

No sale at less than eighty per cent. of appraisalment.

SEC. 11. When a judgment operates as an encumbrance or lien on any real estate, and there is no execution issued, the judgment debtor, his successors or assigns, or any redemptioner, may have the same appraised, and for such purpose, the clerk of the court of the county, wherein such lands or tenements are situated, shall appoint three appraisers to appraise the same. The appraisers shall have like qualifications and shall proceed as in this act provided in appraisements of real estate subject to the sale under execution. The judgment debtor, his successors or as-

Judgment debtor may discharge the judgment lien in certain cases without sale.

signs, or any redemptioner, may, after ten days' notice to the judgment creditor or his attorney, and if no sale thereof be demanded by the creditor pay to the judgment creditor having the prior lien the amount of such appraisement, and such real estate shall be free from such lien and shall not again be subject to the same judgment.

Pay of appraisers.

SEC. 12. The appraisers nominated by the clerk shall receive for their services the sum of one dollar (\$1) each day for the time actually spent in making the appraisement, and shall receive mileage not exceeding five cents a mile each way from the court house to the place of appraisement. The party demanding the appraisement may be required to advance the costs before report of the appraisers is filed. The appraisers shall file with the clerk of the court a report of their doings within ten days after making their appraisement and not less than twenty days prior to the date of the sale.

Costs advanced.

Report filed.

Sale before one year if judgment debtor elect.

SEC. 13. The judgment debtor may at any time cause any property levied upon to be sold before the expiration of the year and the same shall be proceeded with as if the full year had expired.

Confirmation proceedings.

SEC. 14. Upon the return of any sale of real estate or execution, the clerk shall enter the cause on which the execution issued on the motion docket by its title, and mark opposite the same "Sale of land for confirmation," and the following proceedings shall be had:

After thirty days.

1. The plaintiff or purchaser, at any time after thirty days from the filing of such return, shall be entitled, on motion therefor, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representatives, shall file with the clerk three days before the time of hearing, his objections thereto.

Debtor may object.

2. If such objection 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.

3. Upon the return of the execution, the sheriff shall pay the proceeds of the sale to the clerk, who shall retain the same until confirmation of the sale, and he shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. Proceeds paid to the clerk.

4. If the sale be not confirmed and a resale made, 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 of a greater amount than the bid at the former sale. If the motion to confirm be not heard and decided at the time set for hearing, it may be continued and heard and determined before the judge thereafter. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever. Purchaser's bid in case of re-sale. Order of confirmation conclusive as to regularity on all parties to proceedings.

5. If after the satisfaction of a judgment there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor or his representatives, 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 the custody of the clerk until the sale of the property has been disposed of. Disposition of proceeds of sale.

SEC. 15. The judgment debtor, his successors or assigns, or any redemptioner, may redeem any real estate sold by virtue of law at any time before the execution of the deed, at the price for which the same was sold, by paying to the clerk of the court issuing the execution, the amount for which the same was sold, with interest at the rate of ten (10) per cent. per annum from the time of sale to the time of redemption. And when property is so redeemed it shall not again be subject to execution or sale for the same claim, judgment or demand, or for any deficiency thereof. Redemption.

SEC. 16. In all cases where an appraisalment is had of real estate the sheriff shall, upon confirmation of the sale, execute to the purchaser a deed to the property sold, and Sheriff's deed.

in all other cases the deed shall not be executed till the expiration of one year from the confirmation of sale. And such deed, when executed and delivered, shall convey to the purchaser all right, title, claim and interest of the judgment debtor in and to the premises had at the time of the taking effect of the lien or subsequent thereto.

Certain excep-
tions to the
operation
of this act.

SEC. 17. Nothing contained in this act shall in any wise apply to or affect the sale of any real estate belonging to the state or any subdivision thereof, or municipality therein, nor shall anything in this act apply to judgments recovered against individuals or private corporations by the state, or any county, municipality or other subdivision thereof, but all real estate, the property of individuals or private corporations indebted to the state, or any county, municipality or other subdivision thereof, for any debts or taxes, or in any other manner, shall be sold without valuation.

Other ex-
ceptions.

SEC. 18. This act shall not apply to judgments entered prior to the taking effect thereof, nor to executions which shall issue thereupon, but proceedings thereunder shall be had in all respects, in the manner now provided by law, and redemptioners shall have the same right to redeem property sold upon judgments or decrees rendered prior to the taking effect of this act, as if this act had not been passed.

SEC. 19. Sections 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521 of volume 2 of Hill's Annotated Statutes and Codes of the State of Washington, relating to the redemption of real estate sold on decrees of foreclosure and on execution are hereby repealed.

Passed the Senate March 1, 1897.

Passed the House March 2, 1897.

Approved by the Governor March 10, 1897.

CHAPTER LI.

[S. B. No. 9.]

RELATING TO THE FORECLOSURE OF LIENS FOR LOCAL IMPROVEMENTS.

AN ACT providing for the sale of real property to foreclose liens created for local improvements in cities of the first class, declaring that such liens shall be a first lien, prohibiting vexatious litigation, providing for the confirmation of assessment rolls, the redemption from sale, and declaring an emergency.

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

SECTION 1. All cities of the first class shall have power, by general ordinance, to prescribe the mode in which the charge on respective lots or tracts of land shall be assessed and determined for the purpose of special assessments, to pay the costs and expenses of any and all street improvements; such charge, when assessed, and the assessment roll confirmed by the legislative body of such city, in the manner provided or to be hereafter provided by ordinance or city charter, shall be a lien upon such lots and parcels of land, as shown on such assessment roll, from the time said assessment roll shall be placed in the hands of the county treasurer, as hereinafter provided.

SEC. 2. Whenever any assessment roll for street improvements shall have been prepared, as may be provided by charter or ordinance of any city of the first class, and such assessment roll shall have been confirmed by the legislative body of such city, after due and proper notice to property owners, as may be provided by ordinance, so that said owners of property assessed may have a reasonable opportunity to object to any assessment, the regularity of said assessment cannot in any manner be contested or questioned by any proceeding whatsoever by any person not filing written objections to any such assessment roll prior to the same being confirmed as aforesaid; and, upon any objections being made, as aforesaid, the legislative body at a time set for hearing objections to the confirmation of said roll, shall correct, change or modify such roll, or any part thereof, as to such legislative body shall appear just and equitable, and confirm the same by resolu-

Mode of assessment determined by ordinance.

Assessment a lien.

Property owners may object.

Form of
objection.

tion as corrected. Any objections shall state clearly the grounds of objection, and no objector shall be thereafter allowed to raise objections not made before such legislative body as aforesaid. The decision of the legislative body upon any objections filed as aforesaid may be reviewed by the superior court upon an appeal thereto, taken in the fol-

Objector may
appeal.

lowing manner: The appellant or objector shall within twenty days after the assessment roll shall have been confirmed, as aforesaid, file with the county clerk a transcript of the assessment roll, which shall be furnished by the city clerk, order confirming the same, objections filed, and record of the legislative body of the proceedings had with reference to said objections; which transcript shall be certified to by the city clerk as being a true copy of the original, and when the said transcript is filed the appellant shall

Transcript.

give written notice to the head of the legal department of such city and the city clerk within three days after such transcript is filed, that the same has been filed, and that he appeals to the superior court from the decision of the legislative body in the matter; and the superior court shall hear

Trial.

such appeal without a jury, and such appeal shall take precedence of all civil matters, and be determined at the earliest time possible. The decision of the court shall be transmitted to the county treasurer, and he shall correct or change any such assessment roll according to the decision of such judge, and no sale of any real estate shall be had pending the decision of any court on an appeal hereinbefore provided for.

Judgment.

Appeal bond.

SEC. 3. At the time of filing the transcript on appeal, as hereinbefore mentioned, the appellant shall execute and file with the clerk of the superior court a good and sufficient bond with at least two sureties, to the satisfaction of the county clerk, conditioned to prosecute such appeal without delay, and, if unsuccessful, to pay all costs which the city is put to by reason of such appeal.

Action of leg-
islative body
conclusive.

SEC. 4. The action of the legislative body hereinbefore mentioned in confirming said assessment roll shall be conclusive in all things upon all parties not appealing therefrom, in the manner and within the time hereinbefore mentioned; and no proceedings of any kind shall be com-

menced or prosecuted for the purpose of defeating or contesting any such assessment or the sale of any property to pay such assessment: *Provided*, This section shall not be construed as prohibiting the bringing of injunctive proceedings to prevent the sale of any real estate upon the grounds, *first*, that the property about to be sold does not appear upon the assessment roll; *second*, that said assessment has been paid. Exceptions.

SEC. 5. Within ten days after any assessment roll shall be confirmed, the city clerk shall transmit a copy of the same to the county treasurer, noting thereon any appeals that have been taken, and such county treasurer shall immediately enter such assessments up in a book provided for that purpose, and against the property assessed. In case such assessments are payable in installments, the different installments shall be placed in separate columns, the year being indicated at the top of the column for which said installments are due. Clerk's duty.

SEC. 6. A copy of the ordinance, order or resolution confirming the assessment roll, and the ordinance providing for the improvement for which the assessment is levied, shall be attached to the assessment roll and transmitted to the treasurer with the roll.

SEC. 7. Thirty days preceding the falling due of any assessment or installment, the county treasurer shall publish a notice in the newspaper doing the county printing, showing the amount due, when the same must be paid, and against what lots or parcels of land, and stating that if the same is not paid on the day mentioned in said notice (which time shall conform to the ordinance confirming the roll), the property will be sold to pay said assessment or installment due. Publication notice.

SEC. 8. Ten days after the assessment or any installment is due, if the same be unpaid, the treasurer shall publish notice in the newspaper doing the county printing, in four weekly issues thereof, that on a day named in said notice, which shall not be less than thirty nor more than forty days after the first publication thereof, he will sell the property mentioned in the assessment roll (describing the roll by its title) to pay the assessment.

Sale.

SEC. 9. On the day mentioned for the sale of any such real estate, between the hours of ten o'clock A. M. and four o'clock P. M., the treasurer shall sell the property in the same manner as property is or may be sold for general taxes, but, in no case shall the same be purchased by the city or county otherwise than as trustee for the holders of street grade warrants: *Provided*, That in case there are no bidders for said property, he shall adjourn the sale from day to day until the same is sold. Such adjournment shall be made by oral declaration of the treasurer. The treasurer shall execute a certificate of sale to the purchaser.

Redemption.

SEC. 10. Redemption of any property sold as aforesaid may be had in the same manner, by the same persons, and within the same time as may be provided by law for the redemption of real estate sold upon executions: *Provided*, That the treasurer shall perform the acts now or hereafter provided by law for the sheriff to perform.

Deed.

SEC. 11. When the time for redemption shall have expired, the treasurer shall execute a deed to the person entitled under the law, which deed shall be conclusive of all things pertaining to any and all of the prior proceedings, and convey the entire title to the property therein described, stripped of all prior liens or claims, excepting unpaid installments and general taxes.

Money disbursed.

SEC. 12. The moneys obtained from the sale of the property shall be by the county treasurer transmitted to the city treasurer, who shall use the same to redeem any outstanding warrants or bonds issued to pay for the improvements, and for which the property was sold.

SEC. 13. The lien created by the assessment shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise.

All existing liens may be foreclosed.

SEC. 14. All and every existing lien which any city of the first class may have, or which may exist in its favor prior to the taking effect of this act, may be foreclosed, and the property sold by the treasurer of such city in the same manner as is herein provided for the county treasurer to foreclose and sell; and the city treasurer shall perform all acts herein provided to be performed by the county treasurer, up to and including the execution of the final deed for

any property sold: *Provided*, That where the treasurer shall sell any property to pay any existing delinquent assessment, he shall publish notice of his intention so to do within one year after the going into effect of this act, and in the same manner, and the several acts herein provided for the county treasurer to perform, and the same intervals of time between the acts, shall apply to sales made or to be made by the city treasurer, in so far as they are applicable.

SEC. 15. Should any property owner or lien holder desire to redeem any property delinquent, which is about to be sold, before the same is sold, he or she may do so by paying in addition to the amount assessed against it and interest, a penalty of ten per cent. of the assessment; whereupon the treasurer shall receipt the assessment roll and the lien be discharged. Redemption.

SEC. 16. Where property is assessed in installments the sale of the property to pay any particular installment shall not prevent a subsequent sale to pay any unpaid installment when the same shall become due; but such subsequent installment shall be collected in the manner herein provided for. Sale of property will not bar subsequent sale.

SEC. 17. This act shall not prevent, or be construed to prohibit the collection or assessment of street improvement assessments in any manner now provided by law, charter or ordinance of any city, but any city of the first class may pursue the means now provided by charter, or may, at its option, follow the provisions of this act; and this act shall not be construed as repealing any existing charter provision, but shall be considered a concurrent remedy.

SEC. 18. An emergency exists, and this act shall take effect immediately.

Passed the Senate January 29, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 10, 1897.

CHAPTER LII.

[H. B. No. 234.]

GAME LAW PROVIDING FOR THE PROTECTION OF CERTAIN ANIMALS AND BIRDS.

AN ACT for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington.

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

Large game—
closed season,
November 1
to September 1.

SECTION 1. Every person who shall, within the State of Washington, at any time between the first day of November of any year and the first day of September of the following year, hunt, pursue, take, kill, injure or destroy any moose, elk, caribou, antelope, mountain sheep or goat, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Hours
prohibited.

SEC. 2. Every person who shall, within the State of Washington, at any time between the first day of December of any year and the first day of September of the following year, hunt, pursue, take, kill, injure or destroy any deer, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Every person who shall hunt, pursue, take, kill, injure or destroy any deer between one hour after sunset and one-half hour before sunrise of any day of the year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Use of dogs
prohibited.

SEC. 3. Every person who shall at any time hunt, pursue, take, kill, injure or destroy any moose, elk, caribou, antelope, mountain sheep or goat, or deer, with dogs, or who shall knowingly allow dogs to chase or destroy said animals, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Number
limited.

SEC. 4. Every person who shall, within the State of Washington, during the season when it is lawful to kill same, kill more than four deer, or more than two elk,

moose, antelope, caribou, mountain sheep or goat, or who shall kill any spotted fawn, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 5. Every person who shall, within the State of Washington, fire-hunt for deer, moose, elk, antelope, caribou, mountain sheep or goat, or trap, ensnare or set up any traps, swivel, pivot or spring guns, pitfalls, or other devices for the purpose of trapping, ensnaring or killing deer, elk, moose, caribou, antelope, mountain sheep or goat, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Shall not fire-hunt, trap, nor ensnare.

SEC. 6. Every person who shall, within the State of Washington, at any time, take, kill or destroy any deer, moose, elk, caribou, antelope, mountain sheep or goat for the skin, hide or horns of such animal, or who shall kill any of said animals unless the carcass thereof is used or preserved for food, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Killing for hides prohibited.

SEC. 7. Every person who shall hunt, pursue, take, kill, injure or destroy any grouse, partridge, prairie chicken, sage hen, native pheasant or ptarmigan, between the first day of December of any year and the fifteenth day of August of the following year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Certain game birds—closed season, December 1 to August 15.

SEC. 8. Every person who shall hunt, take, kill, injure or destroy any swan, sand hill crane, mallard duck, canvas back duck, widgeon, teal, wood duck, spoon bill, gray or black duck, sprig tail, or other game duck, rail, plover, or other game water fowl, between the first day of January and the fifteenth day of August of any year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Certain others—January 1 to August 15.

SEC. 9. Every person who shall, within the State of Washington, at any time, trap, net or ensnare, or attempt to trap, net or ensnare, any quail or Bob White, prairie chicken, grouse, pheasant, partridge, sage hen, ptarmigan or wild pigeon, or have in his possession any live quail or

Shall not trap nor ensnare.

Bob White, prairie chicken, grouse, pheasant, wild pigeon, partridge, sage hen or ptarmigan, except for the purpose of propagation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Use of sink boxes, sneak boats, etc., prohibited.

SEC. 10. Every person who shall use any sunk box or sink boat or sneak boat for the purpose of shooting wild ducks, geese, swan, or other water fowl, or who shall use any battery, swivel or pivot gun, or any gun other than one to be held in the hands and fired from the shoulder, at any time, for the purpose of shooting wild ducks, geese, swan, brant or other water fowl; or who shall build any structure in any of the waters of this state for the purpose of shooting therefrom wild ducks, geese, swan, or other water fowl; or who shall at any time between one hour after sunset and one-half hour before sunrise fire off any gun or build any fire or flash any light, or burn any powder or other inflammable substance upon the shores of any feeding grounds frequented by wild ducks, geese, swan or other water fowl, with intent thereby to shoot, kill, injure, destroy or disturb any of such water fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Also, certain structures.

Also, certain expedients.

Nest robbing prohibited.

SEC. 11. Every person who shall, within the State of Washington, at any time, destroy or remove from the nest the egg or eggs of any wild duck, geese, or other water fowl; or the egg or eggs of any Mongolian or native pheasant, grouse, ptarmigan, prairie chicken, sage hen, partridge, quail or Bob White, or of any other wild fowl, or have in his possession, sell or offer for sale, any such egg or eggs, or willfully destroy the nest of any such wild fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Sale of game regulated.

SEC. 12. Every person who shall, within the State of Washington, at any time between the first day of November of any year and the first day of October of the following year, offer for sale or for market, or sell, barter or exchange any moose, elk, caribou, antelope, mountain sheep or goat, deer or other wild game animal, or any wild duck, goose, swan, brant, sand hill crane, snipe, rail, plover or

other game water fowl, or any grouse, pheasant, ptarmigan, partridge, sage hen, or other game bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That no person shall on any one day kill, have for sale or offer for sale, barter or exchange more than two of the game animals or ten of the game birds in this act mentioned.

SEC. 13. Every person, agent or employé of a company or corporation, hotel keeper, restaurant keeper, boarding house keeper or keeper of a market who shall buy, or offer for sale, or keep or have stored for sale, at any time between the first day of November of any year and the first day of October of the following year, any moose, elk, caribou, antelope, mountain sheep or goat, deer or other wild game animal, or any part or portion of the meat of such wild game animal, or any swan, brant, sand hill crane, duck, snipe, rail, plover or other wild game water fowl, or any Oriental, Chinese or Mongolian pheasant, valley or mountain quail, pheasant, grouse, ptarmigan, partridge, sage hen, or other game bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Purchase and possession forbidden in certain cases.

SEC. 14. Every person, agent or employé of a company or corporation who shall at any time transport or ship out of the state, or keep stored for the purpose of transporting or shipping out of the state, any of the wild game birds or animals enumerated in the preceding sections, or any of the wild game birds or animals of this state, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 15. Every person who shall hunt, pursue, take, kill, trap, ensnare, injure or destroy any imported or Oriental pheasant, golden, silver, ring-necked, copper, bronze, Chinese or Mongolian pheasant, or California, valley or mountain quail or Bob White quail at any time after the passage of this act and before the fifteenth day of October, in the year one thousand nine hundred, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That thereafter and after the fifteenth day of October, A. D.

Certain birds may not be killed at any time before 1900.

1900, the hunting and killing of all varieties of imported or Oriental pheasants, valley, mountain, California or Bob White quail shall be governed by the law here enacted for the hunting and killing of native pheasants and grouse: *Provided further*, That it shall be lawful to hunt and kill California, valley, mountain and Bob White quail in any of the counties of this state lying westward of the eastern boundary of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania between the fifteenth day of October and the first day of December of any year.

Territory east of Cascades excepted.

Song birds protected.

SEC. 16. Every person who shall, at any time, take, kill, injure or destroy, trap, ensnare, molest or disturb, or have in his possession, sell, or offer for sale, any nightingale, skylark, black thrush, gray singing thrush, goldfinch, greenfinch, bullfinch, red breasted robin, English robin, black starling, grosbeak, meadow lark, mocking bird, wild canary bird, or other song bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Also their nests.

SEC. 17. Every person who shall at any time, take from the nest of any song bird, the egg or eggs of such birds, or disturb, molest or destroy the nest of the song birds of this state shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Penalty defined.

SEC. 18. Every person convicted of any of the misdemeanors defined in the foregoing sections of this act, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred (\$100) dollars, together with the costs of the prosecution in such action, and in default of the payment of said fine, shall be imprisoned in the county jail one day for each two dollars (\$2) of such fine; and upon the trial of any person, agent or employé of a company or corporation, proof of the possession of the wild animals, birds, or song birds, when it is unlawful to take, kill or have same, shall be *prima facie* evidence that the said wild game animal, game bird, or song bird, was unlawfully taken or killed by the person having possession of same.

Possession *prima facie* evidence.

SEC. 19. The county commissioners of the respective counties in the State of Washington are hereby empowered

and authorized to and may, upon application in writing of one hundred resident freeholders and taxpayers of said county, appoint a suitable person, who shall be a qualified elector and taxpayer of said county, as game warden for such county, who shall be vested with all the authority of a sheriff to perform the duties prescribed in the following section. Such game warden, so appointed, shall receive a salary of not more than twenty-five dollars (\$25) per month, to be paid in the same manner as other county officers.

Game warden appointed in certain cases.

SEC. 20. It is hereby made the duty of every game warden so appointed, and every sheriff, deputy sheriff, constable, city marshal and police officer, within their respective jurisdictions in the State of Washington, to enforce all the provisions of this act, and all laws for the protection of game, birds and animals, fish and song birds, and such sheriffs, deputy sheriffs, constables, city marshals, police officers, and each of them, by virtue of their election and appointment, are hereby created and constituted *ex officio* game wardens for their respective jurisdictions, and they and each of them, and each and every game warden so appointed, under the provisions of the preceding section shall have authority to and it shall be their duty to inspect all depots, warehouses, cold storage rooms, store houses, store rooms, hotels, restaurants, markets, and all packages or boxes, held either for storage or shipment, which they shall have reason to believe contain evidence of the infraction of any of the provisions of this act. And if, upon inquiry, said officer discovers evidence sufficient in his judgment to secure a conviction of the offender, or shall have good cause to believe that sufficient evidence exists to justify the same, he shall at once institute proceedings to punish the said alleged offenders.

Duty warden defined.

SEC. 21. All moneys recovered, and all fines collected under this act shall be paid to the treasurer of the county in which the suit, action or proceeding shall have been commenced or in which the offense shall have been committed; and the prosecuting attorney, or treasurer, of such county, upon the payment of any fine or judgment, may satisfy the same of record for the state. One-half of

Fines recovered divided between state and informer.

such money, exclusive of costs, shall be paid to and belong to the informer, whether such informer be the sheriff, deputy sheriff, constable, city marshal, police officer or other person, other than the game warden provided for in section 19 of this act, who caused to be brought the action or proceeding in which such fine or penalty shall be recovered, and shall be paid to such person by the county treasurer within thirty days after the same shall be received by such treasurer, upon the certificate of the prosecuting attorney, justice of the peace or judge who prosecuted or heard said action that such action or proceeding was brought or caused to be brought by such person, and that he is entitled to one-half of said fine. And the other one-half of said fine shall be retained by the county treasurer to be applied to the payment of the game warden appointed for such county.

Authority of warden and other officers to make arrests.

SEC. 22. Any game warden appointed under the provisions of this act, any sheriff, deputy sheriff, city marshal, constable or police officer may, without warrant, arrest any person by him found violating any of the provisions of this act, or any other act or acts hereafter enacted and in force, at any time for the protection of game, fish and song birds, and take such person or persons before a justice of the peace or municipal judge having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enter judgment according to the allegations and proof. All such actions shall be brought in the name of the State of Washington, and shall be prosecuted by the prosecuting attorney of the respective counties.

Exceptions.

SEC. 23. The provision of this act shall not apply to persons engaged in prospecting for mines of precious minerals upon the public domain to the extent of the personal need only of such prospector.

Repealed.

SEC. 24. Sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington are hereby repealed.

Annual license (vetoed).

SEC. 25. All professional sportsmen or members of a sportsmen's club who desire to hunt under the provisions of this act, shall first obtain an annual license from the

auditor of the county in which he proposes to hunt, and shall pay for the same the sum of \$5.

Passed the House February 9, 1897.

Passed the Senate March 2, 1897.

NOTE BY THE GOVERNOR: "Section twenty-five (25) of this bill is objected to for the reason that it appears to be an attempt to fine members of sporting clubs for belonging to the same. With this exception the bill is approved this 11th day of March, 1897."

J. R. ROGERS, *Governor*.

CHAPTER LIII.

[H. B. No. 384.]

RELATING TO HIGHWAYS FOR BICYCLE RIDERS AND FOOT PASSENGERS.

AN ACT providing for the reservation of a portion of the public highways for the accommodation of bicycles and foot passengers.

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

SECTION 1. The county commissioners of any county may, upon proper application, or where such need exists, set aside and preserve part of any public highway within their jurisdiction for the exclusive use of bicycles and pedestrians. Such reservation shall not be less than four feet in width.

Part of public highways may be reserved for bicycles and pedestrians.

SEC. 2. Any person or persons willfully trespassing upon any side path, which shall have been preserved or improved as provided in section one of this act, by driving horses, cattle or wagons thereon, or who shall in any way willfully obstruct or damage such path shall be guilty of a misdemeanor, punishable by a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each and every offense.

Penalty for trespass upon.

SEC. 3. All fines collected under the provisions of this act shall be distributed as follows: One-half of the amount to the common school fund of such county, and the balance, after costs of prosecution have been deducted, shall

Fines collected, disposition of.

be paid over to the county treasurer of the county wherein such offense was committed for the benefit of the general road fund of such county.

SEC. 4. When a part of any highway has been reserved or set aside by the county commissioners as hereinbefore provided, the improvements of the same shall be done under the direction of the board of county commissioners.

Passed the House March 5, 1897.

Passed the Senate March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LIV.

[S. B. No. 220.]

FOR THE RELIEF OF THE UNION SAVINGS BANK AND TRUST COMPANY.

AN ACT for the relief of the Union Savings Bank and Trust Company, a corporation, and making an appropriation therefor.

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

SECTION 1. That the sum of four thousand five hundred eighty-nine dollars and six cents (\$4,589.06) be and the same is hereby appropriated out of any money in the state treasury belonging to the tide land funds of the state not otherwise appropriated, and in case there is no money in the tide land fund of the state, within sixty days after the passage of this act, then out of any money in the state treasury not otherwise appropriated, for the relief of the Union Savings Bank and Trust Company, a corporation, for money advanced and paid out in the platting and surveying of tide lands of the State of Washington of the first class lying in front of the city of Tacoma.

SEC. 2. The state auditor is hereby authorized and instructed to draw a warrant on the state treasurer on the tide land fund for said sum, in favor of said Union Savings Bank and Trust Company, and the state treasurer is directed to pay said warrant out of any money in the tide land

funds of the state treasury not otherwise appropriated. If after the expiration of sixty days after the passage of this act there are not sufficient moneys in the state tide land fund to pay said warrant, the said state auditor is directed, upon the surrender of the said warrant, to issue another warrant on the state treasurer for said sum, in favor of said Union Savings Bank and Trust Company, payable out of any funds in the state treasury not otherwise appropriated.

Passed the Senate March 6, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LV.

[S. B. No. 76.]

RELATING TO THE PAYMENT OF OBLIGATIONS.

AN ACT to prescribe the mode of payment of all obligations of debt to be paid in money.

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

SECTION 1. Every contract, loan, bond or mortgage may be paid and fully satisfied by and with any kind of lawful money or currency of the United States, a provision of the contract, loan, bond or mortgage to the contrary notwithstanding.

Debts may be paid in any lawful money.

SEC. 2. A provision in any debt, contract, loan, mortgage, bond or other forbearance of money making the same payable in a particular kind of money or currency of the United States, is hereby declared to be, and made unenforceable, but said debt, contract, loan, mortgage, bond or other forbearance of money shall be fully satisfied by the paying of the amount of said debt, contract, loan, mortgage, bond or other forbearance of money in any kind of lawful money of the United States.

SEC. 3. Nothing in this act shall be construed to affect

any contract or obligation made or entered into prior to the taking effect of this act.

Passed the Senate February 3, 1897.

Passed the House March 5, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LVI.

[S. B. No. 51.]

RELATING TO WOMAN SUFFRAGE.

AN ACT providing for the constitutional amendment conferring the elective franchise on women.

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

Amendment to
constitution
proposed:

SECTION 1. It is proposed to amend article VI of the constitution of the State of Washington by adding a section to be called section 9, so as to confer the elective franchise on women: Section 9. The elective franchise shall never be denied any person on account of sex, notwithstanding anything to the contrary in this constitution.

Secretary of
state shall
publish.

SEC. 2. The secretary of state shall cause the foregoing amendment to be published for three months next preceding said election to be held in November, 1898, in some weekly newspaper in every county within this state wherein a newspaper is published.

To be voted
upon Novem-
ber, 1898.

SEC. 3. That at the general election to be held in November, 1898, the amendment hereinbefore mentioned in section 1 shall be submitted to the qualified electors of the State of Washington for their approval, and there shall be printed on all the ballots provided for said election the words: "For the proposed amendment to article VI of the constitution, conferring the elective franchise on women," "Against the proposed amendment to article VI of the constitution, conferring the elective franchise on women."

Passed the Senate February 25, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LVII.

[S. B. No. 141.]

RELATING TO EXEMPTIONS OF PERSONAL PROPERTY.

AN ACT relating to exemptions of personal property.

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

SECTION 1. There shall be exempt from execution and attachment to every householder in the State of Washington personal property to the amount and value of one thousand dollars (\$1,000) in addition to the property exempt under section 486 of volume 2 of Hill's Statutes and Codes of the State of Washington: *Provided*, That no property shall be exempt from execution for clerks', laborers', or mechanics' wages, earned within this state, nor shall any property be exempt from execution issued upon a judgment against an attorney on account of any liability incurred by such attorney to his client on account of any moneys, or other property coming into his hands, from or belonging to his client.

\$1,000 exempt
in addition
to specific
exemptions.

No exemptions
against wages.

SEC. 2. A householder, as designated in all statutes relating to exemptions, is defined to be:

Householder
defined.

1. The husband and wife, or either.
- 2: Every person who has residing with him or her, and under his or her care and maintenance, either:
 - (a) His or her minor child, or the minor child of his or her deceased wife or husband.
 - (b) A minor brother or sister, or the minor child of a deceased brother or sister.
 - (c) A father, mother, grandfather or grandmother.
 - (d) The father, mother, grandfather or grandmother of deceased husband or wife.
 - (e) An unmarried sister, or any other of the relatives mentioned in this section who has attained the age of majority, and are unable to take care of or support themselves.

Passed the Senate March 3, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LVIII.

[S. B. No. 289.]

AMENDING THE ACT CREATING THE BOARD OF PARDONS.

AN ACT to amend section 1 of an act entitled "An act establishing a board of pardons and defining its duties, and declaring an emergency."

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

SECTION 1. That section 1 of an act entitled "An act establishing a board of pardons and defining its duties, and declaring an emergency," approved the 6th day of March, 1897, is hereby amended to read as follows: Section 1. That a board of pardons, consisting of the following named state officers, to wit: The secretary of state, state auditor and superintendent of public instruction, be and the same is hereby established. The present law being unsatisfactory, an emergency is hereby declared to exist.

Passed the Senate March 10, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

Superintendent of public instruction in place of attorney general.

CHAPTER LIX.

[S. B. No. 287.]

APPROPRIATING MONEY FOR LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of ten thousand dollars, or so much thereof as is necessary, for the payment of the salaries of members and employés and other expenses of this session of the legislature.

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

SECTION 1. That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund for the pay-

ment of the salaries of members and employés and other expenses of this session of the legislature.

Passed the Senate March 5, 1897.

Passed the House March 9, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LX.

[H. B. No. 68.]

RELATING TO MINING, MILLING AND REDUCTION WORKS.

AN ACT to extend the right of eminent domain to mining, milling or reduction works companies.

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

SECTION 1. The right of eminent domain is hereby extended to all corporations incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, and doing business in this state, for the purpose of acquiring, owning or operating mines, mills or reduction works, or mining or milling gold and silver or other minerals, which may desire to erect and operate surface tramways or elevated cable tramways for the purpose of carrying, conveying or transporting the products of such mines, mills or reduction works.

Right of eminent domain extended to corporations for certain purposes.

SEC. 2. Every corporation incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, and doing business in this state, for the purpose of acquiring, owning or operating mines, mills or reduction works, or mining or milling gold and silver or other minerals, which may desire to erect and operate surface tramways or elevated cable tramways for the purpose of carrying, conveying or transporting the products of such mines, mills or reduction works, shall have the right to enter upon any land between the termini of the proposed lines for the purpose of exam-

ining, locating and surveying such lines, doing no unnecessary damage thereby.

Manner of its exercise.

SEC. 3. Every such corporation shall have the right to appropriate real estate or other property for right-of-way in the same manner and under the same procedure as now is or may be hereafter provided by the law in the case of other corporations authorized by the laws of this state to exercise the right of eminent domain.

SEC. 4. Whereas there is at present no law upon the subject of this act, an emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the House February 15, 1897.

Passed the Senate March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LXI.

[H. B. No. 278.]

RELATING TO FRANCHISES.

AN ACT subjecting the franchises to sale upon execution and upon order of sale under foreclosure of mortgage.

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

Franchises liable to sale under execution or foreclosure.

SECTION 1. That all franchises of every kind and nature heretofore or hereafter granted, shall be subject to sale upon execution, and upon order of sale issued upon foreclosure of mortgage, in the same manner as any other personal property may be sold upon execution or upon order of sale under foreclosure of mortgage, except as hereinafter provided.

Manner of levy and sale.

SEC. 2. The levy of such execution or order of sale shall be made by filing in the office of the auditor of the county in which the franchise was granted, a copy of the same, together with a notice in writing that under such execution or order of sale the officer levying the same has levied upon the franchise to be sold, specifying the time and place of

sale, the name of the owner of the franchise, the amount of the claim or judgment for the satisfaction of which the franchise is to be sold, and the name of the plaintiff in the action in which the decree of foreclosure or judgment is entered; and by serving a copy of such execution or order of sale and notice, upon the judgment debtor, or his attorney of record, if any, in the action in which judgment was rendered, twenty days prior to date of sale. Notice may be served upon a defendant in the same manner that summons is served in civil actions.

SEC. 3. The sale of any franchise under execution or Place of sale. order of sale upon foreclosure must be made at the front door of the court house in the county in which the franchise was granted, not less than twenty days after the levy of the execution or order of sale and the giving of the notice as in this act provided.

Passed the House February 11, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LXII.

[S. B. No. 162.]

IN RELATION TO DISPOSING OF CERTAIN PRODUCTS.

AN ACT to permit farmers, gardeners and manufacturers to dispose of the products of their labor.

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

SECTION 1. It shall be lawful for any farmer, gardener or other person, without license, to sell, deliver or peddle, any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person in any place in this state, each and every day, except Sundays, and all city or town ordinances in violation hereof are hereby declared void, and no city or town shall pass or enforce any ordinance requiring license from the producers and manu-

facturers of farm produce and edibles as herein defined: *Provided*, That this act shall not prohibit the sale or delivery of dairy products on Sunday.

Passed the Senate February 24, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LXIII.

[S. B. No. 116.]

PROHIBITING DEFICIENCY JUDGMENTS.

AN ACT relating to deficiency judgments.

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

SECTION 1. That in all proceedings for the foreclosure of mortgages hereafter executed, or on judgments rendered upon the debt thereby secured, the mortgagee or assignee shall be limited to the property included in the mortgage.

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

Passed the Senate March 2, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

CHAPTER LXIV.

[H. B. No. 180.]

RELATING TO THE SCALING OF LOGS AND LUMBER.

AN ACT to provide for the official scaling of logs and lumber.

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

SECTION 1. That there be established within this state two districts for the survey and measurement of logs, and

that counties of Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Mason, Lewis, Skamania, Clarke, Cowlitz, Wahkiakum, Pacific, Chehalis, Thurston, Kitsap, Jefferson and Clallam shall constitute district number one (1), and that Seattle, Washington, shall be the principal place of business of district number one (1); and that the counties Okanogan, Stevens, Spokane, Lincoln, Douglas, Kittitas, Yakima, Franklin, Adams, Whitman, Garfield, Asotin, Columbia, Walla Walla and Klickitat shall constitute district number two (2), and that Spokane, Washington, shall be the principal place of business for district number two (2).

SEC. 2. There shall be biennially appointed by the governor, with the advice and consent of the senate, a state log scaler for each of the districts aforesaid, who shall be a citizen of the district for which he is appointed at the time of his appointment, and he shall enter upon the discharge of the duties of his office on the third Monday in April next succeeding his appointment, and shall hold his office two years, and until his successor is appointed, confirmed and qualified: *Provided*, That it shall be the duty of the state log scaler whose term of office has expired to make the scale bills, and record them in the books of the state log scaler's office, within thirty days of the day he vacates his office, of all logs scaled by him or deputies prior to the time he surrenders the same to his successor, and for that purpose he shall have access to the books of the office for a period of thirty days; and all bills so made and recorded shall have the same validity as if made and recorded during his term of office. Each of said state log scalers shall have a seal of office, and shall have engraved thereon the arms of the State of Washington, and the words "State Log Scaler, District," and in said blank space shall be inserted the number of his district.

One scaler appointed for each district.

Duty of outgoing scaler.

SEC. 3. Each state log scaler shall, before entering upon the duties of his office, take an oath before some person qualified to administer oaths, that he will faithfully discharge the duties of his office, and also to execute a bond to the county in which he holds his office with five or more

Oath of office.

Bond for
\$2,000.

sufficient sureties, to be approved by the county commissioners of such county, in the penal sum of two thousand dollars (\$2,000), conditioned for the faithful discharge of his duties as state log scaler, and for the delivery over to his successor of all bills, bonds, certificates and papers and other effects appertaining to his said office. The bond and oath of office shall be recorded in the office of the county auditor of the county where such office is kept; and when there is a failure to comply with the conditions of such bond, any person feeling himself aggrieved may commence an action thereon before any court having jurisdiction, and a recovery thereon (by one) shall not render the bond void, but the same may be prosecuted from time to time until the whole penalty is recovered.

May appoint
deputies.

SEC. 4. The state log scaler may appoint any number of deputies necessary to transact the business of his district, with power to remove any of them at his pleasure, and it shall be the duty of such state log scaler to appoint at least one deputy for a county, who shall thereafter be and reside in such county, upon a petition being presented to him by two or more master loggers showing that active operations are being carried on in the logging business by two or more master loggers in such county.

Upon request
shall scale
logs or timber.

SEC. 5. The state log scaler, by himself or his deputy, at the request of the owner of any logs or timber, or any sheriff, coroner or constable who has replevied, attached or levied on any logs or timber, or any person who has a written order from the owner for the delivery of any logs or timber, to forthwith repair to any part of his district and survey such logs or timber, and, upon completing such survey, to make out a true and correct scale bill thereof, stating the person by whom, the time when and place where such logs or timber was scaled, at whose request and to whom scaled, if to any one, and the scale mark placed thereon; the number of logs, and, when requested by the owner or any other person controlling the same, the number of pieces of logs or timber, together with the mark or marks thereon, and the number of feet therein contained, and shall sign the same; and thereupon he shall record such bill in the books of his office, and,

upon being paid his fees for such services, he shall deliver the original bill to the person for whom the logs or timber is scaled, if any; if not, then to the person requesting the survey. No state log scaler, or deputy scaler, shall in person survey any logs or timber owned wholly or in part by himself, but either may survey any such logs or timber owned wholly or in part by the other: *Provided*, That where logs which have been cut in any lumber district in this state have been run out of said district, it shall be lawful for the state log scaler of the district in which said logs were cut, when requested so to do as above provided, to scale said logs by himself or deputy. The said scalers and their deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten and crooked logs as would reduce and make them equal to good, sound and straight merchantable logs, and in surveying shall throw off all rotten, shaky or wany stuff, and make the same equal to good merchantable lumber. And the figures showing such survey shall, at the time of making the same, be entered by the scaler in pass books kept for the purpose, which books shall be preserved and filed by the state log scaler in his office for the inspection of all persons interested therein. The scale rule known as Drew's rule is hereby adopted as the only rule for the survey of logs in this state.

Scaler must have no interest in logs.

Allowance to be made for defects.

Drew's rule to be used.

SEC. 6. Any person considering any scale of the state log scaler or any of his deputies incorrect, whether he be the owner or the purchaser of the logs so scaled, may contest said scale by serving on the state log scaler of the district in which said logs were scaled a copy of a notice of his intention to contest such a scale and filing the original of such notice with the clerk of the court in the county in which said logs are situated, said notice to contain a statement of by whom and where the logs were cut, the mark thereon, the number thereof, when and where they were scaled and the amount of such scale, and where the logs are situated, and when and by whom moved from where they were originally scaled, if moved at all, and the clerk shall enter the same as an action entitled by naming the party giving the notice as plaintiff, and the state log scaler

Objection may be made to scaler's scale.

as defendant, three days after the serving and filing of said notice, upon the application of either party, the judge of the superior court of said county, shall in open court or at chambers appoint two disinterested scalers to re-scale said logs. Each of said persons so appointed shall forthwith scale said logs, and if they do not agree as to the quantity of lumber in said logs, then they shall be deemed to agree upon the sum of the smallest amount found by either of them plus one-half the difference between his and the other's scale, whereupon they shall make out a scale bill, as in this act provided, also stating thereon the amount of lumber each found to be contained in said boom, and the amount of fees due each, and sign and file the same with the same clerk of said court, and they shall each be entitled to receive for such services the fees allowed by this act for such services, and in event of there being a difference of more than 10 per cent. between the original scale of said logs by the state log scaler and the amount agreed upon by the parties appointed to re-scale said logs, then the court shall give judgment against the state log scaler for all costs of such proceedings, including the cost of re-scaling said logs, and order the state log scaler to correct the books of his office, so that they shall show said logs to contain the amount ascertained by the re-scale of said logs. In event of there not being more than 10 per cent. difference between the scale of said logs, then judgment shall be entered against the plaintiff for the cost of the proceeding, including the fees of the persons appointed to rescale said logs. In the event of the judgment of such proceedings being against the state log scaler, the person paying for the original scale of said logs shall be entitled to recover from said state log scaler or his bondsmen the amount he may have paid for such original scale and if he shall not have paid for such scale, then the state log scaler shall not be entitled to recover the same.

Manner of entering objection.

Re-scale.

Duty to scale when not requested in certain cases.

SEC. 7. It shall be the duty of the state log scaler, or his deputy, to scale all lots or booms of logs containing 50,000 feet or more, which may be offered for sale, whether requested to do so or not, if the same has not been scaled, and it shall also be the duty of the owner or pur-

chaser of any logs to notify the state log scaler of any logs in his possession that have not been scaled, and any person or association of persons who shall sell or remove any such logs from the state, that have been cut in the state, before the same shall have been scaled, shall be liable to the state log scaler for one-half the value of such logs, so sold or removed from the state without having been scaled, which sum shall be recovered by the state log scaler in a civil action, and when so recovered, one-half thereof, shall be paid by the state log scaler into the general school fund.

SEC. 8. The fees of the state log scaler shall be: For Scaler's fees. surveying, scale marking, making scale bills and recording the same and posting in the ledger, three and a half cents per thousand feet for all logs and timber required to be surveyed; twenty per cent. of the aforesaid fees shall be paid by the state log scaler, at least every three months, into the general fund of the state treasury; for recording any log mark, fifty cents; for making and certifying a copy of any matter which may be on record in his office, or for making duplicate scale bill, ten cents per folio, and fifty cents for each certificate thereon; for recording any instrument in writing authorized to be recorded in his office, other than scale bills, ten cents per folio, payable when such instrument is presented for record and before it is recorded, and no such instrument shall be deemed recorded until it is entered upon the index to the record. And for the purpose of securing to the state log scaler the Fees a lien. payment of his fees, whether the same are for surveying, making scale-bills, or recording the same, or for any or all such services, such state log scaler shall have a lien upon all such logs or timber surveyed and marked by him for the amount due for his services thereon, and may retain such lien by affixing the scale bill of such logs or timber and notify the same on the record of his office, before the delivery thereof, a true statement of the amount due him thereon, and that he claims a lien thereon for such amount and costs of collection; and any person who shall purchase, sell or remove said logs from the state shall be liable to the state log scaler for the payment of said fees, and at any time that he may deem himself in danger of losing

Lien may be foreclosed.

such lien, he may take possession of sufficient quantity of such logs to cover the amount of his lien and the costs of recovery, and if his bill is not paid within thirty days, after notice of [to] the owner or person in possession or in charge of said logs, then the state log scaler may sell at public auction enough of such logs or timber to pay the amount due him, with the costs of collection, first giving ten days' notice of such sale by posting up five written notices thereof, one in his office, and one in each of the four most public places in the town or city where the sale is to be made, and at such sale the state log scaler may become the purchaser. The sale may be made by the sheriff or any constable of the county. The only costs of collection allowed shall be ten per cent. on the amount payable to the state log scaler.

Sale under lien.

Books in office of log scaler.

SEC. 9. The books of record in the state log scaler's office shall be—

First: A book in which shall be recorded the scale bills of all logs, timber and lumber surveyed by the state log scaler.

Second: A book to be kept in ledger form, in which shall be posted and recorded as soon as any logs or timber is surveyed, separately and under their respective marks, all the logs and timber of each particular mark surveyed, together with the date of scale, the number of logs and the number of pieces of timber, for whom scaled, if to any one, and the number of feet; which book shall be kept posted up so that it will show the matter above stated concerning each mark of logs scaled during each month. And the state log scaler shall make and deliver to any person demanding the same a certified transcript of said record, as to mark or marks of logs or timber, upon being paid ten cents per folio, and the sum of fifty cents for his certificate of the same; and an index of the names and marks contained in each of said books shall also be kept. Any books of the description before named, which have been kept in the office of the state log scaler and which belong to said office, are hereby declared to be the records of said office, and to have and be of the same validity, force and effect as if the same had been kept by express authority of

law. All the books of record hereinbefore mentioned and authorized to be kept in the office of any state log scaler are hereby declared to be public records, and of as high degree of evidence as the original instrument therein recorded, and shall, in all courts and places in this state, be taken and held *prima facie* evidence of the matters therein stated, and such books shall not be removed from the state log scaler's office, but any paper purporting to be a copy of any matter or thing of record in such office, certified under the hand of the state log scaler or his deputy to be a correct transcript from the records in such office, shall, in all courts of this state, be received and read as *prima facie* evidence of the matters and things in such record contained and of the matters therein stated.

Books are public record.

SEC. 10. The state log scaler shall make a report of the total number of feet of logs which he has surveyed in his district for the year ending the last day of October, before the last day of November of each year, to the governor of the state.

Scaler shall report to governor annually.

Passed the House March 5, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXV.

[H. B. No. 418.]

RELATING TO INSURANCE.

AN ACT to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895.

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

SECTION 1. It shall be unlawful for any insurance company, corporation or association doing business in the State of Washington to write, place or cause to be written or placed any policy or contract for indemnity for insurance

Over-head writing prohibited.

on property situated or located in the State of Washington except through or by the duly authorized agent or agents of such insurance company, corporation or association residing and doing business in the State of Washington. At the time of the filing of the annual statement of every such company with the insurance commissioner, there shall be attached thereto the affidavit of the president, manager or chief executive officer in the United States that this section has not been violated: *Provided*, That this shall not apply to counties where there is no agent to write large policies.

Publication
of statement
of condition
required.

SEC. 2. Every insurance company, corporation or association doing business in the State of Washington shall cause to be published once each year, during the month of March or of April, in two daily papers of the largest general circulation, to be designated by the insurance commissioner, one in Western Washington and one in Eastern Washington, a full synopsis of its annual statement as prepared by the insurance commissioner: *Provided*, The secretary of the state shall under this act have the right to make a personal examination of the books and records of any such paper, when not satisfied with the affidavits, to determine which are the two papers of such largest circulation. The cost of such examination, when made, shall be paid by the newspapers whose books have been examined; and the refusal of the owner, manager or editor to permit of such examination will be considered *prima facie* evidence that such paper has not the largest paid circulation.

Penalty for
violation
of law.

SEC. 3. If any insurance company, corporation or association violates any of the provisions of this act, the insurance commissioner shall have power, upon notice and satisfactory proof thereof, to revoke the license of such company to do business in this state, and such insurance company shall not again be readmitted to transact business until it shall have paid into the state treasury the sum of five hundred dollars as a penalty for such violation.

SEC. 4. Section 11 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March

19, 1895, is hereby amended to read as follows: Sec.

11. Every insurance company, corporation or association doing business in this state shall, *first*, on or before the 15th day of February in each year file a statement with the insurance commissioner, verified by the oath of the principal executive officer, or manager, residing within the state, or by the principal executive officer of the company, which statement shall show the total business done in this state during the year ending the 31st day of December next preceding, and a complete list of agents or managers in this state; *second*, make and file with the said commissioner before the first day of March in each year a complete statement verified by the oath of the president and secretary of such company, corporation or association, showing the condition of every such insurance organization on the 31st day of December next preceding, and such statement shall show, (1) the amount of the capital stock of the company; (2) the property or assets held by the same; (3) the liabilities of the organization, which must include the reinsurance reserve; (4) the income of the organization during the preceding year; (5) the amount of risks written during the same period, the amount of risks expired during the same period, and the total amount at risk on the 31st day of December next preceding. If the provisions of this section are not complied with on or before the fifteenth day of March in each year, the commissioner shall revoke the certificate of authority to do business in this state, issued to the company, corporation or association failing to comply with the same.

Annual statements, when filed — to contain, etc.

Penalty for failure to report.

SEC. 5. Section 26 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 26.

Any existing insurance company, corporation or organization, or any company formed under the provisions of this act, may at any time increase the amount of its capital stock, after giving notice once a week for four consecutive weeks in any newspaper having a general circulation, published in the county where the organization is located, of such intention, and by filing with the insurance commis-

Capital stock, manner of increasing.

Affidavit of
publisher.

sioner a copy of such advertisement, subscribed and sworn to by the publisher or manager of said paper as having been so advertised, together with a declaration under its corporate seal, signed by its president and two-thirds of its board of directors, and by the stockholders representing three-fourths of its capital stock, of their desire to so increase the capital: *Provided*, That said increase in capital stock shall be fully paid for in legal tender money of the United States, dollar for dollar.

Face of
policy to be
paid, when.

SEC. 6. Section 29 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 29. Whenever any policy of insurance shall be hereafter written or renewed insuring real property, or any building or structure erected thereon or connected therewith, and the property insured shall be wholly destroyed, without criminal fault on the part of the insurer, or his assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property when insured, and the true amount of the loss and measure of damages when destroyed. In case there is a partial destruction of the property insured, no greater amount shall be collected than the injury sustained.

Annual tax,
when and
how paid.

SEC. 7. Section 33 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 33. All insurance companies, corporations or associations now doing business in this state, or that may hereafter do business in this state, must file with the commissioner annually, on or before the fifteenth day of February in each year, a statement under oath stating the amount of all premiums received by said company, corporations or associations during the year ending December 31st preceding in this state, and the amount actually paid policy holders during the same time, and if organized under the laws of the State of Washington, or any other state in the territory of the United States, shall pay into the state treasury a tax of two per centum on all such premiums collected, less the

amount of losses actually paid policy holders; and if organized in any state or nation outside the territory of the United States, they shall pay a tax of three per centum on all such premiums collected, less the amount of losses actually paid policy holders. The commissioner shall file such verified statement and schedule in his office and certify the amount of such gross receipts, less amounts of losses actually paid policy holders as aforesaid, to the state treasurer. Within ten days thereafter such insurance company, corporation or association shall pay or cause to be paid into the state treasury a tax of two per centum or three per centum, as the case may be, upon all such gross receipts, less such amounts of losses actually paid policy holders in the State of Washington, which payment, when so made, shall be in lieu of all taxes upon the personal property of such company, corporation or association, and the shares of stock therein. Any organization failing or refusing to render such statement and to pay the required tax of two per centum or three per centum, as the case may be, thereon for more than thirty days after the time so specified shall be liable to a fine of one hundred dollars for each additional day of delinquency, and the taxes may be collected by distraint and a fine recovered by an action to be instituted by the attorney general in the name of the state in any court of competent jurisdiction, and the commissioner shall revoke the license and authority of such delinquent company until such payment of taxes and fine, should any be imposed, is fully paid and notice thereof given to the insurance commissioner: *Provided*, That all real property, if any, of such company, corporation or associations shall be listed, assessed and taxed the same as real property of like character of individuals.

SEC. 8. Section 34 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 34. The words "insurance company or corporation, or association, or insurance organization," as used in this act, shall be held to mean and do mean and include any company, association or corporation engaged in or carrying on

Commissioner to certify amount of tax to treasurer.

Penalty for neglect or refusal to pay.

Terms used construed to mean, what.

in any manner the business of insurance of any character in this state: *Provided*, That the provisions of this act shall not apply to secret or fraternal societies, lodges or councils which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges or councils, nor to any mutual or benefit association organized or formed and composed only of members of any such society, lodge or council exclusively: *Provided*, That the provisions of this act pertaining to capital stock shall not apply to assessment, life and accident insurance companies maintaining an absolute and unimpaired reserve fund of at least twenty thousand dollars in cash or available securities.

Applications and exceptions.

Combinations and agreements prohibited.

SEC. 9. If a licensed insurance company shall enter into a contract or combination with other insurance companies for the purpose of controlling the rates to be charged for insurance upon property within this state, the commissioner shall forthwith revoke its license and those of its agents, and no renewal of the licenses shall be granted until after the expiration of three years from the date of final revocation.

Passed the House March 4, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXVI.

[S. B. No. 243.]

RELATING TO JUSTICES AND CONSTABLES.

AN ACT relating to justices of the peace and constables in cities having more than five thousand inhabitants, and fixing their number and salaries.

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

SECTION 1. There shall be elected at the general election to be held in November, 1898, and biennially thereafter

After November, 1898, in cities over 5,000, one justice only.

in cities of more than five thousand inhabitants only one justice of the peace and one constable and no more.

SEC. 2. The salaries of justices of the peace and constables elected at the general election to be held in November, 1898, and biennially thereafter in cities of more than five thousand inhabitants shall be as follows:

1. Salaries of justices of the peace, twelve hundred dollars per annum, payable as now provided by law.

2. Salaries of constables, seven hundred and twenty dollars per annum, payable as now provided by law.

Passed the Senate March 9, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXVII.

[S. B. No. 252.]

RELATING TO MONEYS RECEIVED IN SUPPORT OF THE SOLDIERS' HOME.

AN ACT relating to the disposition of moneys received from the United States for the support of the soldiers' home of the State of Washington, and repealing an act entitled "An act authorizing the state treasurer to receive from the United States any sum of money for the benefit of the Washington State Soldiers' Home, under the provisions of the act of congress approved August 27th, 1888, entitled 'An act to provide aid for state or territorial homes for the support of disabled soldiers and sailors of the United States,' and declaring an emergency," approved February 20th, 1893.

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

SECTION 1. The state treasurer is hereby authorized to receive any and all moneys appropriated or paid by the United States under the act of congress entitled "An act to provide aid to state or territorial homes for disabled soldiers and sailors of the United States," approved August 27, 1888, or under any other act or acts of congress for the benefit of such homes. Such moneys

United States
fund for
soldiers' home.

shall be kept in a separate fund to be designated upon the books of the state treasurer and state auditor as "United States fund for the maintenance of the soldiers' home," and said moneys shall be expended for the maintenance of the soldiers' home of this state in the same manner and under the same regulations as money appropriated by the legislature of this state for the maintenance of said home.

Unexpended
balance shall
not lapse.

SEC. 2. Any unexpended balance of said fund or of such moneys so received from the United States, now on hand or which may hereafter accrue, shall not lapse to the state, but shall be carried forward on the books of the said treasurer and auditor, and shall be taken into consideration in all appropriations by the state for the maintenance of such soldiers' home, and all appropriations by the state for such maintenance shall be deemed to be in addition to any unexpended balance of such fund or of such money so received from the United States, and in addition to the moneys to be thereafter so received from the United States.

Certain acts
repealed.

SEC. 3. The act entitled "An act authorizing the state treasurer to receive from the United States any sum of money for the benefit of the Washington State Soldiers' Home, under the provisions of the act of congress approved August 27, 1888, entitled 'An act to provide aid to state or territorial homes for the support of disabled soldiers and sailors of the United States,' and declaring an emergency," approved February 20, 1893, is hereby repealed.

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

Passed the Senate March 1, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXVIII.

[H. B. No. 417.]

REGULATING TRANSPORTATION RATES ON RAILROADS
AND OTHER COMMON CARRIERS.

AN ACT regulating common carriers, fixing maximum railroad freight rates in the State of Washington, prohibiting discrimination by railroad common carriers in the matter of such rates and of facilities for shipment, and providing for the due enforcement and observance of the rates so fixed, and of the regulations and prohibitions before referred to, and providing a method of determining the reasonableness of such rates and regulations, and making an appropriation therefor.

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

SECTION 1. No railroad company or other common carrier, its agents or employes, doing business within this state shall charge for hauling agricultural products, as defined in this section, in carload lots, from one point within this state to another point within this state, at a rate exceeding \$4.25 per ton for a distance of haul of 350 miles or over; and at a rate exceeding 90 per cent. of the rate actually in effect on the Northern Pacific railway, between the same points in the State of Washington, on January 2, 1897, for any distance within this state: *Provided*, That no charge for hauling freight aforesaid, in carload lots, in this section mentioned shall exceed \$4.25 per ton from any point within this state to another point within this state. "Agricultural products" mentioned herein is defined to be corn, grain of all kinds, flour, feed, mill stuffs, flax seed, hay compressed in bales, hops compressed in bales.

Maximum
rate on agri-
cultural pro-
ducts per ton.

Agricultural
products
defined.

SEC. 2. No railroad company or other common carrier, its agents or employes, doing business within the State of Washington, shall charge for hauling, in carload lots, fruit in boxes, barrels or crates; potatoes, onions and vegetables of all kinds in sacks, boxes or barrels; and eggs in boxes, barrels or cases; and butter in boxes, barrels or pails; and cheese, tallow and lard in barrels, kegs or cans; and wool in sacks, from one point within this state to another point within this state, at a rate exceeding 80 per cent. of the rate charged by said railroad or carrier for hauling or car-

Maximum
carload rate.

rying a like kind of freight on the second day of January 1897, on the basis of the rate charged by the Northern Pacific Railway Company on the second day of January, 1897. The said companies and carriers shall be required to receive and transport any or all the products mentioned in this section in mixed carload lots at the highest rate applicable to any product contained in any such mixed carload.

Carload defined.

SEC. 3. Not less than ten tons shall be required to make up a carload lot, as that term is used in this act: *Provided*, That not less than nine tons of hay or wool shall be required to make a carload.

Penalty for violation or evasion.

SEC. 4. Any agent or employé of any railroad company or other common carrier doing business within the State of Washington who shall violate or evade any of the provisions of the foregoing sections of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or may be imprisoned in the county jail for a period of not less than six months nor more than one year, or both such fine and imprisonment, and on the trial of any person or persons accused under this section of the offense aforesaid, it shall not be a defense to such charge of the violation of this section for such person or persons to prove that he or they were instructed or ordered to commit the acts charged in the information or indictment, by an officer or agent, or employé of the railroad company or other common carrier for which he or they were employed at the time the violation charged in the information or indictment occurred; and on said trial proof that the person accused in the information or indictment received money or issued freight bills or receipts for the railroad company or other common carrier mentioned in the information or indictment shall be *prima facie* proof of the agency charged in the information or indictment, and the court shall so instruct the jury in such case.

Agent's instructions no defense.

Receipt of freight charge *prima facie* proof of agency.

Maximum rate applies if shipment is over more than one line.

SEC. 5. The maximum freight rates established, fixed and provided by this act shall apply whether the haul be over one line, or over two or more connecting lines of rail-

road or other common carriers; and in cases where two or more connecting lines are employed in the haul and the companies cannot agree as to the proportionate amount of the rate in this act fixed to be retained by each of said companies for its service, then either company may commence an action in the nature of an action in equity in the superior court of the county in which the point of connection of said companies is made, against any company or companies having connecting lines with it, to determine the proportion which each company or other common carrier shall justly and equitably receive. Said action shall be tried by the court without a jury, and from the judgment in said action an appeal shall lie to the supreme court of this state as in other cases; in any such action the court shall by its decree fix the proportion of the rate which each connecting line that is a party to said action is entitled to receive for the transportation over its line of each of the commodities in this act named, and for that purpose the court may receive evidence showing the kind, character, nature and extent of the separate service rendered by each of the parties to the action in the performance of the joint service and of any other fact essential to the determination of the relative value of the services rendered by each, in proportion to the aggregate amount allowed to be charged under this act, and for this purpose the court may take the testimony of experts. The judgment rendered shall apportion to each company or other common carrier a fair proportion of the joint rate fixed by this act; such judgment shall be an adjudication and be binding on all companies or other common carriers who are made parties to said action, their successors and assigns, so long as the essential conditions surrounding traffic on the several roads or transportation lines of the several parties shall remain the same as at the date of said judgment. In such action the proportion which the length of the haul by each company or common carrier bears to the joint charge allowed by this act shall be *prima facie* evidence of the proportion to be awarded each, and until an adjudication to the contrary, each connecting railroad company or other common carrier doing business in this state shall settle with the

Question of proportion between lines, how settled.

The judgment of apportionment conclusive upon parties to action so long as conditions remain unchanged.

Manner of adjusting proportion.

other railroad company or other common carrier on the basis of the length of the haul made by each in performing the joint service; in such action no other question than the apportionment of the rate allowed to be charged by this act between the respective parties to said action shall be raised, litigated or determined. The action provided for by this section shall by any and all courts be held and construed to be a special action for the purpose of fixing the apportionment of the rates in this act allowed and prescribed, and for no other purpose whatever.

Railroad companies to provide ample facilities for transferring and transporting freight.

SEC. 6. All railroad companies and other common carriers doing business in the State of Washington, shall, according to their respective power, provide at the point of connection, intersection or bisection in this state, ample facilities for transferring cars or freight from the line or tracks of any other railroad or other common carrier to those of any other railroad or other common carrier, whose line of road or transportation line may connect, intersect or bisect with their own, and for receiving such cars and freight from other connecting, intersecting or bisecting lines, and forwarding the same on to their or its destination, without breaking bulk if possible, and for transferring, receiving and forwarding all freights in less than carload lots intended for continuous shipment, and it shall be the duty of such railroad and other common carrier lines to so transfer, receive and forward the loaded cars of either without breaking bulk if possible, and to receive, transfer and forward carload lots of all freights intended for continuous shipment for its proportion of the joint charge in this act provided for, and to receive, transfer and forward all other freights intended for continuous shipments in less than carload lots for its proportion of the joint charge herein in this act provided for. But any such railroad company or other common carrier receiving cars or freight from a connecting line to be forwarded over its line, shall be entitled, if it so demand, except in the cases hereinafter provided for, to have its proportion of the charge for the joint service to be rendered by it prepaid before accepting such cars or freight, and in such cases the line offering such cars or freight

As to transfer.

Connecting line may require prepayment, when.

shall pay the sum demanded, and to enable the latter company or line so to do, it may, except in the cases hereinafter provided, require the prepayment of the amount hereby in this act permitted to be charged for the entire haul or carriage: *Provided*, That nothing contained in this act shall require any railroad company or common carrier to deliver any freight to a competing line to be hauled to the point of destination when the carrier receiving such freight is able to haul or cause the same to be hauled at the same rate over its own line, or line or lines connecting by traffic agreement.

SEC. 7. Any railroad company or other common carrier, doing business in this state, which shall refuse to receive from a connecting line loaded cars or freight in carload lots, or loaded cars or freight in less than carload lots, intended for transportation as a continuous shipment from one point within this state to another point within this state by means in part of the line of the said railroad company or other common carriers contrary to the provisions of this act, or which shall require the prepayment of a higher proportionate rate than the rates provided in this act on such cars or freight before it will receive the same, shall be liable to any person injured by such wrongful action for all damages thereby inflicted upon the party so injured, recoverable in the superior courts of this state in the county where said refusal to receive cars or freight shall have occurred; and in said action the court shall, upon a recovery in favor of the plaintiff in said action, allow said plaintiff a reasonable attorney's fee in said action, to be taxed as a part of the costs of said action.

Connecting line refusing to accept freight shall be liable for damages.

SEC. 8. It shall be unlawful for any railroad company or other common carrier doing business in this state, having traffic arrangement with another company or common carrier whereby charges for a continuous haul or carriage is collected at the point of destination and accounted for by the railroad company or other common carrier collecting the same, with intent to annoy and harass the shipper or the other company or common carrier, or to obstruct the operation of this act, to refuse to receive cars loaded with valuable articles, or to refuse to receive valuable freight in

Same.

less than carload lots without prepayment, with intent to annoy and harass the shipper or the other company or common carrier, or, with like intent, to require prepayment from the shipper of such articles. Any railroad company or other common carrier doing business in this state violating any of the provisions of this section shall for each such violation forfeit unto the State of Washington the sum of \$1,000, to be recovered in the superior court of the county in which the violation occurred, and in such action proof that either of the companies or other common carriers has within three months prior to such violation collected and accounted to the other company or common carrier for freight carried by the joint service of both companies or common carriers shall be *prima facie* evidence of the traffic arrangement in this act designated. The several prosecuting attorneys of the several counties of this state are empowered and it shall be their duty to bring an action in the name of and in behalf of the State of Washington, and against any railroad company or other common carrier violating any of the provisions of this section, to recover the penalty herein forfeited to the State of Washington.

Penalty.

Duty of prosecuting attorney.

Short and long haul.

SEC. 9. It shall be unlawful for any railroad company or other common carrier doing business in this state, its agents or employes, to charge or receive any greater compensation for the transportation of like kind or class or quantity of freight for a shorter than for a longer distance over the same line, the shorter being included in the longer distance; but this shall not be construed as authorizing such railroad company or other common carrier, its agents or employes, to charge or receive any rates greater than those allowed and fixed by the provisions of sections 1 and 2 of this act.

Unlawful to give preference or advantage.

SEC. 10. It shall be unlawful for any railroad company or other common carrier doing business in this state, its agents or employes, on business wholly within this state, to make or give any unequal or unreasonable preference or advantage to any particular person or persons or company or corporation or copartnership or locality, or to any particular description of traffic in any respect whatever, or to subject any person or persons or corporation or com-

pany or copartnership or locality, or any particular description of traffic to any unequal or unreasonable prejudices or disadvantages in any respect whatever, and every railroad company or other common carrier doing business in this state, which permits any person or persons or company or corporation or any locality in this state to connect a side track with its track or line of transportation for the accommodation of any mine or warehouse or elevator or mill or manufactory, shall accord the same right on the same terms to every other person or company or corporation or copartnership anywhere on its line in this state soliciting such right or privilege; this right shall be compelled by the courts of this state by the writ of mandate at the suit of any person or persons entitled to such right under this act: *Provided*, That nothing herein contained shall prevent the classification of freight, as to kind, value and quality and the basing of rates thereon.

Side track facilities to be impartially accorded.

SEC. 11. It shall be unlawful for any railroad company or other common carrier doing business within this state, its agents or employés, to require or exact from any person or persons or any company or any corporation or copartnership on freight tendered to it to be carried wholly within this state, any release of any of the penalties provided by this act, or of any of the rights afforded by this act, or to exact or accept or receive any contract waiving any of the penalties or rights fixed and provided by this act, and if any railroad company or other common carrier, its agents or employés, as to such freight aforesaid, shall refuse to receive the same for carriage except such release or contract be executed, such railroad or common carrier, its agents and employés, shall be deemed and held to have refused to have received such freight for carriage within the provisions of this act, and any such release or contract in whatsoever form the same may be or appear shall be wholly null and void and shall not be permitted to be plead or set up by way of defense or in any other manner to any suit or criminal procedure authorized by this act or otherwise.

Unlawful to exact or receive contract waiving penalties of this act.

SEC. 12. Any agent or employé of any railroad company or other common carrier doing business in this state,

Penalty for violating provisions of sections 10 and 11.

who shall violate any of the provisions of sections 10 or 11 of this act, shall for each and every violation be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or may be imprisoned in the county jail for a period of not less than six months nor more than one year, or both such fine and imprisonment. And on the trial of any agent or employé accused under either of said sections for the offense aforesaid, it shall not be a defense to such charge of the violation of this section for such accused person to prove that he was instructed or ordered to commit the violation of said sections, or either of them, charged in the information or indictment filed against him, by an officer or agent or employé of the railroad company or other common carrier for which he was employed at the time the violation aforesaid occurred, and on said trial proof that the person accused received money or issued freight bills or receipts for the railroad company or other common carriers mentioned in the information or indictment, shall be *prima facie* proof of the agency of the accused as charged in the information or indictment, and the court shall so instruct the jury before whom said accused person shall be tried.

Instructions to agents no defense.

Shipper may replevin goods on which freight is overcharged.

SEC. 13. Any person or persons, or firm or company, or corporation or copartnership, whose property is withheld by any railroad company or other common carrier doing business in this state for the purpose of compelling the payment of a larger sum for the transportation of the same than is established or fixed by this act, or any other unlawful purpose as defined in this act, upon tendering (which tender must be kept good) unto such railroad or other common carrier the proper sum as fixed by this act for such transportation, may maintain an action in the superior courts of this state, in the nature of an action in replevin for the recovery of the possession of such property; the proceedings, pleadings and practice in said action shall be in all respects, so far as possible, like actions of replevin or claim and delivery in this state; the conditions of the bond given in such case shall, in addition to the conditions contained in bonds in actions of replevin or

claim and delivery, contain the condition that the plaintiff will pay whatsoever sum may be due to defendant for freight charges on account of the transportation of such property. A writ shall issue as in cases of replevin or claim and delivery in this state, and the officer executing the writ provided in this section shall seize the property wherever found within his county, and for that purpose, if it shall be concealed or enclosed in any depot, warehouse or other building, or in any railroad car, he shall have the right, and it shall be his duty whenever necessary, to break and open any seal, lock or door in order to take possession of the property in conformity with the directions of the writ. In such action the defendant shall not have the right to give a re-delivery bond or another bond and have the property returned to it, nor shall said defendant have the right to have or take other process and have such property returned to it. In any such action the court shall tax as a part of the costs of the case, if the plaintiff is successful, a reasonable attorney's fee.

Manner of procedure.

SEC. 14. In all actions between private parties and railroad companies or other common carriers doing business in this state, brought under this act, the rates prescribed and fixed by this act shall be held conclusive and deemed and accepted to be fair, reasonable and just, and in such respects shall not be controverted therein, until finally found otherwise in a direct action brought for that purpose in the manner in this act hereinafter prescribed and fixed.

In all actions rates fixed by this act to be held conclusive and deemed reasonable.

SEC. 15. If any railroad company or other common carrier mentioned in this act shall be dissatisfied with the rates fixed by this act, or with the other provisions of this act whereby rates may be determined, and shall claim that the same are unreasonable, such dissatisfied company or common carrier may file a complaint in the nature of a bill in equity setting forth the causes of objection to said schedule of rates or other provisions concerning rates, in the superior court of Thurston county, State of Washington, naming itself as plaintiff and the State of Washington as defendant; and for the purpose of such suit in such court and for the purpose of the other suits mentioned in this act and not otherwise, the State of Washington con-

Any company dissatisfied may file complaint.

Procedure.	sents that it may sue and be sued. Process in said action shall consist of a summons in the usual form and a certified copy of the complaint and shall be served upon the attorney general of the state. Said action shall have precedence over all other cases of different nature, and shall be tried and determined as other equitable causes in said court. The attorney general shall appear and answer, or otherwise plead to said complaint, within twenty days after service of process upon him. The complaint shall set forth the present value, or what the railroad could be built and equipped for at the time of suit, respective cost of the construction and equipment of the line of plaintiff's railroad or other common carrier; the present condition of the line and its equipments; the estimated cost of duplicating such line and equipments in their present condition at the present time; the extent of its mortgaged debt, if any, with the rate of interest thereon; how and when and for what purpose such indebtedness was contracted; the amount of its capital stock, and whether fully or partially, or at all, paid up, and if so, how and whether at par, or otherwise, and if otherwise, at what rate, and whether such stock is common or preferred, and if so, how much of each, and the terms upon which it was issued, and what, if anything, was paid therefor; its gross and net earnings for ten years last past, if it has been in operation for that length of time, and if not, for such length of time as it has been in operation; the items which constitute and which have constituted its operating expenses, and particularly the salaries paid to its officers and employes, giving the salaries of all its superior officers in detail; whether said line has received state or government aid, and if so, to what extent, and how fully it has profited by the same, and whether any portion of the grant yet remains to it, and the value of the same, and of what it consists; the extent to which it has gone into debt for terminal facilities at different points on its line or connections, and to what extent such facilities have enhanced the value of its properties; to what extent its present indebtedness is for betterments to the enhancement of the value of the property thereof; the total tonnage of merchandise transported by it for each year during the last five years; the
Complaint to contain.	
Cost of construction.	
Mortgaged debt.	
Capital stock.	
Gross and net earnings.	
Operating expenses.	
Government or state aid.	
Total tonnage for each of last five years.	

rate per ton per mile which it has received for transporting freight on the entire line of its road for each year during the last five years; the portion of its gross and net earnings during each of said years derived from the transportation of persons and property from points in the State of Washington to other points in the State of Washington; the number of passengers carried by it for each year of the last five years over its whole line, and at what rate per mile the same have been carried, and the number carried by it for each year of the last five years over its whole line, and at what rate per mile the same have been carried, and the number carried by it for each of such years wholly within the State of Washington, and at what rate per mile the same have been carried; the nature of the engineering difficulties encountered in building its road; the extent of its grades, and all other conditions tending to make operation lucrative or the reverse. And if it be a line of transportation extending beyond the limits of this state said complaint shall contain a fair statement of the difficulties of construction and operation on its several parts, so that the business of operating the line in this state may be compared with its operation of its line outside the state. And the said complaint shall state fully and in detail all the facts relied on as establishing the unreasonableness of rates fixed by this act. And said complaint shall also state what is a reasonable rate to be charged for hauling or carrying the several kinds of freight mentioned in this act for the several distances mentioned in this act, which is alleged in said complaint to be unreasonable, unfair or unjust; that the statement of the facts required in such complaint shall be by schedule as far as possible, for convenience of reference. In addition to such complaint such railroad company or other common carrier shall, at the time of filing said complaint, file therewith a bill of particulars, itemizing as near as may be the several amounts and facts and aggregate of figures given in the complaint, and contain a reference to any and all books of the company, and to any and all vouchers or papers of the company from which the same appear, and contain also a statement as to what officer or officers have possession of said books, vouchers and

Receipts from
Washington
business for
same time.

Engineering
difficulties.

State in detail
facts relied
upon to show
rate unrea-
sonable.

Bill of
particulars.

Answer.

Reply.

Judges to
sit at trial.

Judgment.

papers, and in what place the same then are, and also a statement as to what officer or officers, and each and every one of them, has knowledge of the facts stated therein and in the complaint, and from whom the same was derived for the purpose of drawing such complaint and bill of particulars. The answer of the attorney general shall be in the usual form of answers in an equitable action in this state, and shall contain either an admission or an express denial or a denial on information and belief, as required by the code of this state, of each and every one of the matters and things in the complaint alleged, and may, in addition thereto, set up any further or affirmative defense which by the code of this state and the rules of practice and pleading applicable to such action it may be essential to plead affirmatively in order to make proof of. And the plaintiff shall have the right to reply to such affirmative matter as in other like cases. On the trial of said cause the court shall take judicial notice of all reports published by authority of any state or any government concerning the regulation of any railroad freight rates or other common carrier, and of all recognized works dealing with railroad construction, management or operation, and the facts stated in such reports and statistical works shall, for the purpose of said trial, be taken to be *prima facie* correct. The judge of the superior court of Thurston county shall sit in the trial of said cause, and it shall be his duty to invite not more than eight of the superior judges of the other counties in this state to sit with him and assist in the determination of said cause, and it shall be the duty of the judges so invited to so sit, and the decision of the cause and of the several questions which may arise in the trial of the cause shall be determined by a majority vote of the members of the said court, and, in case of a tie, the determining vote shall be cast by the superior judge of Thurston county then presiding in the equity department. If any of the judges so invited should be unable to come, or for any reason should not be present, the cause shall proceed before the remainder of the judges constituting said court. The court shall determine and decree whether the rates fixed by this act

are reasonable or unreasonable in whole or in part, having due regard to the principles of law for the determination of such issue, and if such rates be found to be unreasonable in whole or in part, shall so pronounce and render judgment accordingly, which judgment shall bind the state and all litigants in its courts attempting to take advantage of the provisions of this act. If the court should determine that the rates so fixed are reasonable, they shall so determine and adjudge, which judgment shall be binding upon all litigants in all courts, in all litigation arising under the provisions of this act, until the same shall be reversed or set aside. Either party may appeal to the supreme court ^{Appeal.} of the state in the same manner and by the same procedure that other actions in equity are appealed thereto under the laws of this state. All the evidence and proceedings before the superior court shall be certified in the record to the supreme court, and that court shall hear and decide the cause *de novo* both upon the law and upon the facts, and said action so appealed shall have precedence in said court of all cases of a different character pending therein, and shall be there speedily heard under such direction as to the filing of briefs therein as the court may make. In all trials under this section the burden of proof shall rest upon the plaintiff, who must show and prove by clear and satisfactory evidence that the rates or provisions concerning rates complained of are unreasonable and unjust to it or them. ^{Burden of proof upon plaintiff.}

SEC. 16. Two or more railroad companies or other common carriers may join as parties plaintiff in the action provided for in section 17 [15] of this act, and in any such action the State of Washington shall be the sole party defendant. After any such action shall be commenced by any railroad company or other common carrier as provided in said section 17 [15] any other railroad company or common carrier interested may come in and join as co-plaintiff with such company or companies or common carrier or common carriers. In every case where two or more railroad companies or other common carriers join as plaintiffs originally, or where one or more railroad companies or other common carriers shall there- ^{Interested companies may join as co-plaintiffs.}

after come in as co-plaintiff, each railroad company or other common carrier shall file its separate complaint as hereinbefore in this act provided, and the rights of each railroad company or other common carrier shall be separately considered and adjudicated in such proceeding: *Provided, however,* That under no circumstances shall there be any other person or persons, firm, company, copartnership or corporation joined as co-defendant with the State of Washington, but in all proceedings or suits under said section 17 [15] the State of Washington shall be the sole defendant.

Attorney
general may
employ special
counsel.

SEC. 17. Whenever any action shall be brought by any railroad company or other common carrier against the State of Washington under the provisions of and for any of the purposes mentioned in section 17 [15] of this act, the attorney general of the State of Washington, if he shall deem it necessary, shall employ in behalf of and at the expense of this state special counsel to assist in defending said action or actions, and all such litigation shall be under the control and management of said attorney general and said special counsel, and for the purpose of paying said special counsel there is hereby appropriated of the moneys in the state treasury of the State of Washington not otherwise appropriated the sum of five thousand dollars, to be used in the payment of the said special counsel, or so much thereof as may be necessary. And the further sum of three thousand dollars, or so much thereof as shall be necessary, is hereby appropriated to pay for necessary witness fees of witnesses required by the state in the defense of any such actions. All bills for which appropriations are made in this act shall be audited by the state auditor, who shall draw warrants therefor: *Provided,* That the clerk of the court shall first certify to said auditor as to all witness fees.

Appropriates
for same.

Effect of judi-
cial decision
upon this act.

SEC. 18. No decisions of any court declaring any section or portion of this act invalid, shall have the effect of invalidating the entire act or law; it being the purpose and intent, now and here expressed, that no provision is vital to the purposes of this act, but that this act shall be administered at all times and by all courts as far as it can

and ought, according to the true intent and meaning of each and all its parts.

SEC. 19. All penalties recovered by the state under the provisions of this act shall be paid into the general school fund. Nothing in this act shall apply to any railroad within this state which does not exceed 150 miles in length, or to any extension or branches of such railroads, or new railroads hereafter constructed; and the building of extensions or branches of any such railroad shall not have the effect of bringing any such railroads within the provisions of this act, but this shall not be construed to exempt any railroad from the provisions of this act, as to any shipment consigned to any point in this state, beyond the line of such short road; any railroad or part of a railroad, which on the first day of March, 1897, would have been subject to the provisions of this act, shall be and continue to be subject to the same, notwithstanding any change in the operation, ownership or management thereof.

Penalties collected to be paid into the general school fund.

Exceptions.

Passed the House February 23, 1897.

Passed the Senate March 8, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXIX.

[H. B. No. 113.]

RELATING TO MUNICIPAL CORPORATIONS OF THE THIRD AND FOURTH CLASSES.

AN ACT providing for the dissolution of municipal corporations of the third and fourth classes, and declaring an emergency.

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

SECTION 1. Cities of the third and fourth class, having a population of less than four thousand inhabitants, and incorporated towns in the State of Washington, may be discontinued in the manner following:

Cities of 4,000 or less may disincorporate.

SEC. 2. Whenever a petition signed by a majority of the lawful registered voters of a city of the third and

Petition signed by majority of voters.

fourth class, containing less than four thousand inhabitants, shall be filed with the council of such city, or whenever a petition signed by a majority of the lawful registered voters of an incorporated town, shall be filed with the council of such town, it shall be the duty of such town to forthwith order an election to be held therein for the purpose of determining whether or not such corporation shall be dissolved, and for the further purpose of electing a receiver for the purpose of winding up the affairs of such city or town in case of dissolution: *Provided*, That in such cities and towns as may have no indebtedness or outstanding liabilities a receiver shall not be elected. The election provided for herein shall be at least thirty days after the filing of the petition upon which the election may be ordered.

Special election.

Where indebtedness, receiver to be chosen.

Twenty days notice.

SEC. 3. It shall be the duty of the city or town clerk, as the case may be, to give at least twenty days notice of such election. The notice shall contain a statement of the purpose or purposes for which the election is called, and the time at which it is to be held, and shall be published for at least two consecutive weeks in any weekly newspaper published in such city or town. If there be no such paper, then such notice shall be posted, and kept posted, in five of the most public places thereof for the period of at least twenty days previous to the day of election.

Form of ballots.

SEC. 4. The ballots for such election shall be printed at the expense of the corporation, and there shall be printed upon each of such ballots the words "For dissolution" in one line, and the words "Against dissolution" in another line, and in other and separate lines the names of each of the lawfully nominated candidates for receiver. In all other respects such ballots shall be in conformity with the law regulating elections in such cities and towns.

Manner of voting.

SEC. 5. Such election shall be conducted as other elections are required by law to be conducted in such cities or towns, excepting as is herein otherwise provided; and only such persons shall be qualified to vote thereat as would be competent to vote at a general municipal election thereof. The voter shall indicate his choice by affixing a designating mark after the words "For dissolution" or after the words

“Against dissolution,” as he may desire, and also by affixing such distinguishing mark opposite the name of the person for whom he desires to vote as receiver, if a receiver is to be voted for.

SEC. 6. The result of such election, together with the ballots cast, shall be certified by the election officers to the council of such city or town, which council shall canvass such returns at a meeting which shall be held one week from the day of such election, and shall declare the result, which shall be made of record in the journal of the council proceedings. If the vote “For dissolution” be a majority of the registered voters of such city or town, such corporation shall be deemed dissolved, and, except as otherwise herein provided, the powers and privileges of such corporation shall be deemed surrendered to the state, and, except as otherwise provided herein, it shall be absolved from any further duty to the state or its own inhabitants: *Provided*, That all the officers of such city or town shall continue in the exercise of all their powers until the receiver provided for in this act shall have qualified: *And provided further*, That in case no receiver is required, all the offices appertaining to such city or town shall, upon the entry of such result, forthwith cease to exist.

SEC. 7. In case of a dissolution of such corporation, the person receiving the highest number of votes for receiver shall be declared elected as such, and he shall within ten days thereafter qualify by filing with the county auditor of the county in which such city or town may be situated, a bond in penalty equal in amount to the audited indebtedness and established liabilities of such city or town, with sureties to the satisfaction of the board of county commissioners or the judge of the superior court of such county, if the commissioners be not in session, which bond shall run to the State of Washington and shall be conditioned for the faithful performance of his duties as such receiver, and the prompt payment in the order of their priority of all lawful claims against such city or town, as they may be finally established, and as funds may come into his hands with which to discharge them. Such bond shall be filed

by the county auditor and shall be a public record, and shall be for the benefit of any person who may be injured by the failure or refusal of such receiver to discharge his duty.

Procedure in
case receiver
fails to qualify.

SEC. 8. In case such receiver shall fail to qualify in the manner and form herein provided, within ten days after the result of the election shall have been declared, it shall be the duty of the council to file in the superior court of the county in which such city or town may be situated, a petition setting forth the fact of the election and the result thereof, and the failure of the receiver elected thereat to qualify within the time last above mentioned, and praying for the appointment of another person as a receiver, of which said petition, and of the time of making application thereupon, such receiver shall have three days' notice, if he be found within the county, otherwise no notice shall be required, and thereupon the court shall be deemed to have jurisdiction of the matter for all purposes, and unless good cause to the contrary be shown, such court shall appoint some suitable and proper person as such receiver, who shall in turn and within ten days qualify as prescribed in section seven of this act. In case the council do not file the petition and make the application provided for in section eight of this act, within the time herein provided, it shall be the privilege of any taxpayer or citizen of such city or town to file such petition and to make such application.

Receiver's
duties.

SEC. 9. Upon qualifying, as hereinbefore provided, it shall be the duty of the receiver to take possession, and the duty of the several officers of the late corporation to surrender to such receiver all the property, moneys, vouchers, records and books thereof, or in any manner appertaining to its business, and he shall forthwith proceed to wind [up] the affairs of such city or town; and for such purpose he shall have authority to pay:

All outstanding warrants and bonds.

All lawful claims against the city or town which have been duly audited and allowed by the council.

All lawful claims which may be presented to him within the time limited by law for the presentation of such claims,

but no claim shall be allowed or paid which is not presented within six months from the date of the election provided for in section five of this act.

All claims that by final adjudication may come to be established as lawful claims against the corporation.

All outstanding warrants and claims shall be paid in the order of their priority, having reference to the fund on which they are properly a charge, and all bonds shall be paid in the order of their maturity, having reference to the fund on which they are issued.

SEC. 10. For the purpose of enabling the receiver to pay such claims, he is hereby authorized to sell at public auction, after such public notice as the sheriff is required to give on sale of like property, all the property of such late corporation, excepting such as may be necessary to enable him to wind up the affairs thereof, and excepting also all such as may have been dedicated to public use. Personal property shall be sold for cash in hand, and real property may be sold either for cash in hand, or for one-half cash and the balance in deferred payments, the last payment not being later than one year from the date of sale, in the discretion of the receiver, he, however, to hold the title until the purchase price shall have been fully paid. The receiver shall further have the power to levy taxes on all property in the same manner and to the same extent as the proper authorities of the city or town could have done if such corporation had not been dissolved, and to receive such taxes when collected, and to apply the proceeds arising from such sales and taxes to the extinguishment of the obligations of such late corporation in the manner provided in section nine of this act, but after all the legal claims against such late corporation have been paid excepting bonds not yet due, the tax levy shall be no greater than sufficient to meet the accruing interest, until the maturity of such bonds or securities, when the levy may be sufficient to meet the same: *Provided*, That no levy greater than two mills on the dollar shall be made therefor.

SEC. 11. The receiver shall be entitled to deduct from any funds coming into his hands a commission of six per centum on the first thousand dollars, five per centum on

He may sell property to pay debts.

Terms of sale.

May levy tax.

Receiver's commission.

the second thousand, and four per centum on all moneys over two thousand, as his full compensation, exclusive of necessary traveling expenses and necessary disbursements, but not exclusive of attorneys' fees.

May sue and be sued.

SEC. 12. The receiver shall have the right to sue and be sued in all cases whatsoever necessary or proper for the purpose of winding up the affairs of the late corporation, and shall be subject to be sued in all cases wherein the city or town might have been sued, excepting as in this act otherwise provided.

May be removed for cause.

SEC. 13. The receiver shall proceed to wind up the affairs of the late corporation with diligence, and may, for negligence or misconduct in the discharge of his duties, be subject to removal by the superior court upon a proper showing made by a taxpayer of such late corporation, or by an unsatisfied creditor thereof. In case of the removal, death or resignation of a receiver, the court shall have power to appoint a new receiver and to take charge of the affairs of the late corporation, as in case of other receiverships.

How discharged.

SEC. 14. Upon the final payment of all lawful demands against such late corporation, it shall be the duty of the receiver to file a final account, together with all vouchers, with the county clerk, and any funds remaining in his hands shall be paid to the county treasurer for the use of the school district in which such city or town may be situated; and thereupon such receivership shall be deemed ended.

When no receiver elected, any interested person may petition superior court.

SEC. 15. In case an election should be ordered as provided in section two of this act, and no receiver should be elected, upon the supposition that there was no indebtedness or outstanding liabilities, and it should subsequently transpire that there was such indebtedness or liability, any person interested may, unless such indebtedness be paid, file a petition in the superior court, and the court shall appoint a receiver who shall qualify, and proceed in like manner and have like powers and authority as any other receiver provided for in this act.

In which case court may appoint.

SEC. 16. In case a petition be filed for the purpose of calling an election, as provided in section two of this act,

it shall be the duty of the council to appoint a suitable person to make an enumeration of the inhabitants of such city, and such enumeration, unless impeached for fraud, shall be conclusive: *Provided*, That if an enumeration shall have been made for the city, county, state or the United States within six months next previous to the filing of such petition, and such enumeration shows the population of such city to be less than four thousand inhabitants, then no other enumeration shall be necessary.

SEC. 17. Upon the dissolution of any incorporation, the streets and highways of such city or town shall revert to the control of the state, and shall remain public highways until closed in pursuance of law; and the territory embraced within such city or town shall be made into a new road district or annexed to adjoining districts, as may be ordered by the board of county commissioners of the county embracing such city or town.

SEC. 18. Nothing herein contained shall be construed as impairing the obligation of any contract; and in case any franchise may have been lawfully granted, which franchise shall not have expired at the time of the dissolution of such municipal corporation, nothing herein contained shall be construed as an impairment of such franchise, and no right shall be implied herefrom to interfere therewith to any greater extent than such city or town might lawfully have done had it remained incorporated.

SEC. 19. An emergency exists, and this act shall take effect immediately.

Passed the House February 24, 1897.

Passed the Senate March 10, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXX.

[S. B. No. 288.]

RELATING TO FEES TO BE COLLECTED BY THE SECRETARY OF STATE.

AN ACT fixing the fees to be paid to the secretary of state by corporations doing business in this state, and declaring an emergency.

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

Fees for filing and recording articles of incorporation.

SECTION 1. Every corporation incorporated under the laws of this state, or of any state or territory of the United States, or of any foreign state, having a capital stock divided into shares, shall pay to the secretary of state, for the use of the state, the following fees: Every corporation having a capital stock, \$10; the said fee to be due and payable upon the filing of the articles of incorporation in the office of the secretary of state, and no such corporation shall have or exercise any corporate powers, or be permitted to do any business in this state, until the said fees shall have been paid, and the secretary of state shall not file any articles of incorporation or their equivalent or give any certificate thereof, until the said fees shall have been paid.

Articles amendatory or supplemental.

SEC. 2. Every corporation desiring to file articles amendatory or supplemental, or certificate of increase or decrease of capital stock, shall pay to the secretary of state, for the use of the state, the fee of ten dollars.

Certified copies.

SEC. 3. The fee for furnishing a certified copy of articles of incorporation, with the seal of the state attached, shall be five dollars, payable to the secretary of state, for the use of the state, upon application therefor.

No folio charge except where there are more than 20 folios.

SEC. 4. There shall be no folio charge for recording articles of incorporation, or for preparing certified copies of the same, the fees herein prescribed covering all charges for filing and recording articles of incorporation, issuing a certificate thereof, and making and certifying to copies of the same: *Provided, however,* That where the articles to be recorded, or copied or certified to, shall exceed

twenty folios, there shall be a further charge of fifteen cents per folio for all such excess.

SEC. 5. Every corporation incorporated under the laws of this state, and every foreign corporation having its articles of incorporation on file in the office of the secretary of state shall, on or before the first day of July of each and every year, pay to the secretary of state, for the use of the state, the following license fees: Every corporation having a capital stock, ten dollars. Every corporation failing to pay the said annual license fee, on or before the first day of July of each and every year, and desiring to pay the same thereafter, and before the first day of January next following, shall pay to the secretary of state, for the use of the state, in addition to the said license fee, the following further fee, as a penalty for such failure: Every corporation, two dollars and fifty cents. Every corporation failing to pay the said license fees and penalties on or before the thirty-first day of December of any year shall forfeit the sum of five dollars for every day which it shall continue to do business as a corporation after said date, to be recovered in an action in any court of competent jurisdiction.

Annual tax
of \$10.00.

Penalty, \$2.50.

Further pen-
alty, \$5.00
per day.

SEC. 6. This act shall not apply to corporations not for pecuniary profit, or to corporations organized for religious, social, fraternal, charitable, benevolent or educational purposes, nor to such insurance companies as are required to pay an annual license under the insurance laws of this state.

Certain
corporations
excepted.

SEC. 7. An emergency exists, and this act shall take effect immediately.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXXI.

[S. B. No. 263.]

RELATING TO REVENUE AND TAXATION.

AN ACT to provide for the assessment and collection of taxes in the State of Washington.

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

All property shall be assessed.

SECTION 1. That all real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for the support of the state government, and for county, school, municipal, or such other purposes as shall be designated by law, upon equalized valuations thereof, fixed with reference thereto on the first day of March at 12 o'clock meridian, in each and every year in which the same shall be listed, except such property as shall be expressly exempted therefrom by the provisions of law.

When valuation made.

Realty defined.

SEC. 2. Real property for the purposes of taxation shall be construed to include the land itself, whether laid out in town lots or otherwise, and all buildings, structures and improvements, or other fixtures of whatsoever kind, thereon, and all rights and privileges thereto belonging, or in anywise appertaining, and all quarries and fossils in and under the same, which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, for the purposes of taxation.

Personalty defined.

SEC. 3. Personal property for the purposes of taxation shall be construed to embrace and include, without specially defining or enumerating it, all goods, chattels, moneys, stocks or estate; all improvements upon lands, the fee of which is still vested in the United States, or in the State of Washington, or in any railroad company or corporation, and all and singular of whatsoever kind, name, nature and description, which the law may define or the courts interpret, declare and hold to be personal property, for the purpose of taxation, and as being subject to the laws, and under the jurisdiction of the courts of this state, whether the same be any marine craft, as ships and vessels, or other

property holden under the laws and jurisdiction of the courts of this state, be the same at home or abroad; all credits, including accounts, notes, bonds, certificates of deposit, judgments, choses in action, and all other debts of whatsoever kind or nature, due or to become due (whether secured or not by mortgage or otherwise): *Provided, however,* That in making up the amount of money or credits which any person is required to list or have listed or assessed, he will be entitled to deduct from the gross amount thereof all debts in good faith owing by him, but no acknowledgment not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted shall be considered a debt within the intent of this section, but no person will be entitled to any deduction on account of any obligation of any kind given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation or company; and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds or other non-taxable property: *Provided,* That credits shall be assessed at their true and actual value: *Provided further,* That mortgages and all credits for the purchase of real estate shall not be considered as property for the purposes of this act.

SEC. 4. The term "money" or "moneys," wherever used in this act, shall be held to mean gold and silver coin, gold and silver certificates, treasury notes, United States notes, bank notes, and every deposit which any person owning the same or holding in trust, and residing in this state, is entitled to withdraw in money. The term "tract" or "lot," and "piece or parcel of real property," and "piece or parcel of lands," wherever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant, person or company. Every word importing the singular number only may be extended to or embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the

Credits.

Deduction of debits.

Debits defined.

Valuation of credits.

"Money" defined.

"Tract" or "lot" defined.

Number and gender.

- masculine gender only may be extended and applied to females as well as males. Whenever the word "oath" is used in this act, it may be held to mean affirmation, and the word "swear" in this act may be held to mean affirm. The term "person," wherever used in this act, shall be construed to include firm, company, association or corporation. The words "county auditor," when used in this act, shall be construed to mean register or recorder, whenever it shall be necessary to use the same to the proper construction of this act. The word "householder" shall be taken to mean and include every person, married or single, who resides within the State of Washington being the owner or holder of an estate, or having a house or place of abode, either as owner or lessee.
- Exemptions.** SEC. 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say —
- Churches and cemeteries.** *First:* All lands used exclusively for public burying grounds or cemeteries; all churches built and supported by donations whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity: *Provided,* That such grounds are used wholly for church purposes, and not otherwise.
- Public property.** *Second:* All property, whether real or personal, belonging exclusively to any school district, county, municipal corporation, the state, or to the United States.
- Property of fire departments.** *Third:* All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town or any fire company organized therein.
- Libraries and charitable institutions.** *Fourth:* All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions; and the grounds, wherever such libraries, or-

phanages, institutions, homes and hospitals are built, when used exclusively and not otherwise for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes, within the true intent of this act, the state board of health, the county and city authorities of the county and city wherein such institutions are respectively situated, shall have access to the books of said institutions, and the institution claiming exemption shall provide by its articles of incorporation that the mayor of the city and the chairman of the board of county commissioners wherein such institution is located, shall be *ex officio* trustees thereof, and shall be notified of each and every meeting thereof, and shall have the same powers as a trustee of such institution. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act, shall make oath before the assessor that all of the income and receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purposes. He shall also, under oath, make an annual report to the state board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived, and the objects to which disbursements have been applied, and shall further furnish, in the said report, full and complete vital statistics for the use and information of the state board of health, who may publish the same in its annual report.

Libraries defined.

Oath of manager of library.

Report.

Vital statistics.

Fifth: All fruit trees, except nursery stock, for four years after being transplanted from the nursery into the orchard.

Nursery stock.

Sixth: The personal property of each person liable to assessment and taxation under the provisions of this act, of which such individual is the actual and *bona fide* owner, to an amount not exceeding five hundred dollars: *Provided*, That each person shall list all of his personal property for taxation and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of this assessment and assess the remainder. And the assessor shall notify such person at

Personalty.

But all shall be listed.

the time that he is entitled to deduct the amount of his exemption therefrom; and the amount of said exemption shall there and then be entered upon such detail list.

Boats being constructed.

Seventh: All ships, vessels and boats in actual construction and all materials specially designed and set apart for the construction of any such ship, vessel or boat in process of building within this state shall be exempt from taxation.

Improvements on land.

Eighth: The improvements in and upon land of each person liable to assessment and taxation under the provisions of this act, of which such individual is the actual and *bona fide* owner, to an amount not exceeding five hundred dollars: *Provided,* That each person shall list all of his improvements for taxation and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of the assessment and assess the remainder.

But all shall be listed.

Realty listed every two years.

SEC. 6. All real property in this state subject to taxation shall be listed and assessed under the provisions of this act in the year 1900 and biennially thereafter on every even numbered year, with reference to its value on the first day of March preceding the assessment. All personal property in this state subject to taxation shall be listed and assessed every year with reference to its value on the first day of March preceding the assessment: *Provided,* That the assessed value of all real property in this state as fixed by the assessment of 1897 shall be the assessed value until the year 1900: *Provided further,* That real estate becoming subject to taxation since the last assessment, and improvements upon real estate made since the last assessment, shall be assessed and included in the assessment list and tax roll in every odd numbered year: *And provided further,* That the destruction or removal of improvements since the last preceding assessment shall be duly noted by the county assessor, and the assessment and tax rolls herein provided made to conform to such changes: *Provided further,* That all real estate subject to taxation shall be listed by the assessor each year in the detailed and assessment list, and in each odd numbered year the valuation of each tract for taxation shall be the same as the valuation thereof as

Personalty listed every year.

List of realty, 1897, continued.

Amendment of realty list.

Deduction for improvements destroyed.

Valuation in odd year.

equalized by the county board of equalization in the preceding year.

SEC. 7. The owner of personal property removing from one county to another between the first day of March and the first day of July shall be assessed in either in which he is first called upon by the assessor. The owner of personal property moving into this state from another state between the first day of March and the first day of July shall list the property owned by him on the first day of March of such year in the county in which he resides: *Provided*, That if such person has been assessed and can make it appear to the assessor that he is held for the tax of the current year on the property in another state or county, he shall not be again assessed for such year.

SEC. 8. Personal property shall be listed in the manner following: *First*, Every person of full age and sound mind, being a resident of this state, shall list all his moneys, notes, accounts, bonds or stock, shares of stock of joint stock or other companies (when the property of such company is not assessed in the state), franchises, royalties and other personal property; *second*, he shall also list separately, and in the name of his principal, all moneys deposited subject to his order; *third*, the property of a minor child shall be listed by his guardian or by the person having such property in charge; *fourth*, the property of an idiot or lunatic, by the person having charge of such property; *fifth*, the property of a person for whose benefit it is held in trust by the trustee of the estate of the deceased person, or by the executor or administrator; *sixth*, the property of corporations whose assets are in the hands of receivers, by such receivers or their agents; *seventh*, the property of a body politic or corporate, by the president or proper agent or officer thereof; *eighth*, the property of a firm or company, by a partner or agent thereof; *ninth*, money and property in litigation, in possession of any county officer, must be assessed to the custodian thereof, and the taxes thereon paid by the custodian thereof under the direction of the court.

SEC. 9. Personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed

Owner of
personalty
removing.

Manner
of listing
personalty.

Moneys, stocks
and credits.

Agent of
money
deposited.

Infants'
property.

Lunatics'
property.

Cestui
que trust.

Corporation
having
receiver.

Partners.

Property in
custody of
the law.

All personalty
not specified.

Place. and assessed in the county where the owner or agent resides. If there be no principal office or place of business in this state, then at the place in this state where any such corporation or person transacts business. The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.

Personalty of carriers. SEC. 10. The personal property of express, transportation and stage companies shall be listed and assessed in the county where the same is usually kept. All vessels of every class which are by law required to be registered, licensed or enrolled, must be assessed and the taxes thereon paid only in the county where the owner, or managing owner or agent thereof resides: *Provided*, That such interest shall be taxed but once. Vessels registered, licensed or enrolled out of, and plying in whole or in part in, the waters of this state, the owners, managing owners or agents of which reside in this state, must be assessed in this state, and in the county in which the owners, managing owners or agents reside, to the value of the respective share or shares owned by said person or persons. All boats and small craft not required to be registered must be assessed in the county where the same are kept.

Boats. Boats plying outside state. Small craft.

Personalty of gas, etc., companies. SEC. 11. The personal property of gas, electric and water companies shall be listed and assessed in the town or city where the same is located. Gas and water mains and pipes laid in roads, streets or alleys, shall be held to be personal property.

Pipes are personalty.

Street railroad and other roads. SEC. 12. The personal property of street railroad, plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, town or city where the same is located, and the track, road or bridge shall be held to be personal property.

Track or road is personalty.

Personalty of owner not residing on farm. SEC. 13. When the owner of live stock or other personal property connected with a farm does not reside thereon, the property shall be listed and assessed in the county or place where the farm is situated; if not listed in said county, then to be taxed where found.

Question of place, how determined. SEC. 14. In all questions that may arise under this act as to the proper place to list personal property, or where

the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties, or places in different counties, by the auditor of state; and when fixed in either case shall be as binding as if fixed by this act.

SEC. 15. Every person required by this act to list property shall make out and deliver to the assessor, when required, a statement, verified by his oath, of all the personal property in his possession or under his control, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; no person shall be required to list for taxation in his statement to the assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the auditor of state, or as otherwise required under the laws of this state.

List of personalty to be made under oath.

Stocks otherwise listed to be omitted.

SEC. 16. The auditor of state shall prepare and furnish county auditors with suitable blank forms of detail and assessment lists or schedules, to be paid for by the county at their cost to the state, to be used by the assessors for the listing and assessment and equalization of property, and upon which shall be entered by the assessor, or by the owner or holder, the agent or attorney, the partner, trustee, assignee, receiver, guardian, executor or administrator, or by the president, secretary or principal accounting officer of any company or corporation, a full, true and accurate statement or listing of all property, real and personal, as being owned, held or controlled as aforesaid, and as in such detail list directed, with any and all other property that may not be specified therein, if any such there be, that may be liable to assessment and taxation, and including all property that may or shall be deducted therefrom under exemptions. Such listing shall be verified under the oath of the owner or holder of any such listed property, or by

Blanks by state auditor.

Counties to pay for blanks.

List, how made.

List to be verified.

Amendment
of list.

the duly authorized agent making the same, and the true and fair value of such property having been determined and fixed by the assessor, such valuation shall be entered opposite each and every item as therein listed and verified, but to which detail and assessment list may and shall be added by the auditor, assessor or his deputy, any and all other taxable property that may at any time be hereafter created or discovered, not at present appearing therein, so that no property shall escape assessment and taxation. Said detail list shall be substantially in the following form:

DETAIL LIST AND ASSESSMENT OF REAL PROPERTY OF....., OF.....
COUNTY, WASHINGTON, 189...

Resident road district Resident school district
Character or designation of property. Description of lands and town property. (In describing lands state whether they are farming, grazing, mineral or timber lands; also, if city or town property, give the name of the town and plat, or addition, and give accurate description of all other designated real estate under this head.) Town or city property. No. lot. No. block. No. of section. No. of township. No. of range. No. of acres in each tract or parcel except lots. No. of acres in each tract or parcel improved. Property, road district. Property, school district. Full cash value of each tract, parcel, lot or block of land assessed. Full cash value of improvements on each tract, lot or parcel of land assessed. Full cash value of all real property assessed. Road poll. Bridge. Equalized value by county board. Consolidated tax. Special school tax. Special road tax. Municipal tax. Total tax.

RECAPITULATION.

Farm lands, unimproved (acres), Grazing lands (acres), Timber lands (acres), Mineral lands (acres), Improved lands (acres), Total acreage, Aggregate assessed value of real property, \$..... Aggregate assessed value of personal property, \$..... Total valuation of all property assessed, \$..... Total road poll tax, \$.....

DETAIL LIST OF PERSONAL PROPERTY.

A schedule of the numbers and amounts of all personal property in the possession or under control of, belonging to, on the first day of March, 189..., listed by, of the town of, county of, and State of Washington, as required by the general revenue law now in force in this state. Residence No. street; school district No.; road district No. (If residing in town or city, give name and number of street.)

<i>Items of property.</i>		No.....	Assessor's valuation.....
1. Horses:	{ One year old.....		\$.....
	{ Two years old.....		\$.....
	{ Three years old and over.....		\$.....
	{ Work horses.....		\$.....
	{ Stallions.....		\$.....
2. Cattle:	{ One year old.....		\$.....
	{ Two years old.....		\$.....
	{ Cows.....		\$.....
	{ All other cattle two years old and over.....		\$.....
3.	Mules and asses of all ages.....		\$.....
4.	Sheep of all ages.....		\$.....
5.	Hogs of all ages.....		\$.....
6.	Wagons and carriages of whatever kind.....		\$.....
7.	Sewing and knitting machines.....		\$.....
8.	Watches and clocks.....		\$.....
9.	Melodeons and organs.....		\$.....
10.	Pianofortes.....		\$.....
11.	Household and office furniture, full value.....		\$.....
12.	Agricultural tools, implements, machinery.....		\$.....
13.	Gold and silver plate and plated ware.....		\$.....
14.	Diamonds and jewelry and fire arms.....		\$.....
15.	Royalties and patent rights.....		\$.....
16.	Steamboats, sailing vessels, wharf boats, barges, etc.....		\$.....
17.	Goods and merchandise, lumber, saw-logs, wood, coal, wool, hides, etc.....		\$.....
18.	Manufacturers' materials and manufactured articles.....		\$.....
19.	Manufacturers' tools, implements and machinery, including engines and boilers.....		\$.....
20.	Moneys of banks (whose capital is not represented by shares of stock), bankers, brokers or stock jobbers.....		\$.....
21.	Credits of banks (whose capital is not represented by shares of stock), bankers, brokers or stock jobbers.....		\$.....
22.	Moneys other than of banks, bankers, brokers or stock jobbers, gold dust or bullion on hand or deposit.....		\$.....
23.	Bonds and stocks (other than bank stock).....		\$.....
24.	Shares of gas, wharf or water stock.....		\$.....
25.	Notes, accounts, warrants and other credits.....		\$.....
26.	Shares of capital stock of insurance or other companies and associa- tions not incorporated by the laws of this state.....		\$.....
27.	Stock and furniture of sample rooms, saloons and eating houses, includ- ing billiard, bagatelle and similar tables.....		\$.....
28.	Hay, wheat, oats, corn, barley or other farm products.....		\$.....
29.	The value of all elevators, warehouses and improvements on lands, the title of which is vested in any railroad company.....		\$.....
30.	The value of all improvements on lands held under the laws of the United States.....		\$.....
31.	Shares of stock of insurance or other companies or associations incor- porated under the laws of this state.....		\$.....
32.	Gas or water mains. Total number of feet and size.....		\$.....
33.	Gas or water pipe other than mains. Total number of feet and average size.....		\$.....
34.	Telegraph, telephone and electric light lines as per schedule marked "F" in addition to their personal property above listed.....		\$.....
35.	Cable, horse and electric railways as per schedule marked "F" in addi- tion to their personal property above listed.....		\$.....
36.	The value of all other articles of personal property not included in the preceding items.....		\$.....
Total value of all personal property listed by assessor under section 16 of revenue law.....			\$.....
			\$.....
			\$.....
Total exemptions.....			\$.....
Total value of all personal property assessed by assessor under section 16 of revenue law.....			\$.....

AFFIDAVIT OF PERSON LISTING THE WITHIN PROPERTY.

STATE OF WASHINGTON, COUNTY OF , SS.

I,, do solemnly swear that I am a resident of the
county of, that the within and foregoing detail lists contain

full and correct statements of all property subject to taxation in this county which I or any firm of which I am a member, or any corporation, association or company of which I am president, cashier, secretary or managing agent, owned, claimed, possessed or controlled on the first day of March, 189..., at 12 o'clock meridian, and which is not already assessed for said year, and that I have not in any manner whatever transferred or disposed of any property or placed any property out of said county or my possession for the purpose of avoiding any assessment upon the same, or of making this statement.

.....
Residence.....

Subscribed and sworn to before me this day of, 18.....
....., *County Assessor.*

Assessor may examine person making list under oath.

SEC. 17. When the assessor shall be of opinion that the person listing property for himself or for any other person, company or corporation, has not made a full, fair and complete list of such property, he may examine such person under oath in regard to the amount of the property he is required to list, and if such person shall refuse to answer under oath, and a full discovery make, the assessor may list the property of such person, or his principal, according to his best judgment and information.

Refusal to testify.

Consigned goods.

SEC. 18. Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this state for the purpose of being sold at any place within the state, shall be held to be a merchant, and when he is by this act required to make out and to deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The stock of nurserymen, growing or otherwise, shall be listed and assessed as merchandise.

"Merchant" defined.

Merchant's separate list.

Goods forwarded or stored not listed.

Nursery stock, how listed.

"Manufacturer" defined.

SEC. 19. Every person who purchases, receives or holds personal property of any description for the purpose of

adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making gain or profit by so doing, shall be held to be a manufacturer, and he shall, when required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as part of his manufacturer's stock, the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing, except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind used or designed to be used for the aforesaid purpose.

Manufact-
urer's list.

Manufact-
urer's ma-
chinery to
be listed.

Fixtures
excepted.

SEC. 20. The president, secretary or principal accounting officer or agent of any company or association, whether incorporated or unincorporated, except as otherwise provided for in this act, shall make out and deliver to the assessor a sworn statement of its property, setting forth particularly—*First*, The name and location of the company or association; *second*, the real property of the company or association, and where situated; *third*, the nature and value of its personal property. The real and personal property of such company or association shall be assessed the same as other real and personal property. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

Agent of
corporation
to make list.

Contents of
such list.

Refusal to
make list.

SEC. 21. All the shares of stock in banks, whether of issue or not, existing by authority of the United States or of the state, and located within the state, shall be assessed to the owners thereof in the cities or towns where such banks are located, and not elsewhere, in the assessment of all state, county and municipal taxes imposed and levied in such place, whether such owner is a resident of said city

Bank stock,
where listed.

Valuation of bank stocks.

or town or not; all such shares shall be assessed at their full and fair value in money on the first day of March in each year, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same rate, and no greater, than that at which other moneyed capital in the hands of citizens and subject to taxation, is by law assessed. And the persons or corporations who appear from the records of the banks to be owners of shares at the close of the business day next preceding the first day of March in each year shall be taken and deemed to be the owners thereof for the purposes of this section.

Ownership defined.

When and where corporation shall make payment.

SEC. 22. Every such bank or other corporation shall pay to the collector, or other person authorized to collect the taxes of the state, county, city or town in which the same is located, at the time in each year when other taxes assessed in the said state, county, city or town become due, the amount of the tax so assessed in each year upon the shares in such bank or other corporation. If such tax is not so paid, the said bank or other corporation shall be liable for the same.

Tax a lien on all stocks, etc.

SEC. 23. The shares of such banks or other corporations shall be subject to the tax paid thereon by the corporation or by the officers thereof, and the corporation and the officers thereof shall have a lien on all the shares in such bank or other corporation and on all the rights and property of the shareholders in the corporate property for the payment of said taxes, which lien may be foreclosed by a similar proceeding as under chattel mortgages, and the said tax, with interest thereon at the rate of fifteen per cent. per annum from the day when the tax became due, together with a reasonable attorney's fee, may be recovered as in a civil action brought by the treasurer of such county.

Foreclosure of lien — costs, attorney's fees.

Cashier's list of shareholders.

SEC. 24. The cashier of every such bank shall make and deliver to the assessor of the county in which such bank is located, on or before the fifteenth day of March in each year, a statement verified by the oath of such cashier showing the name of each shareholder, with his residence and the number of shares belonging to him at the close of the business day next preceding the first day of March, as

the same then appeared on the books of said bank. If the cashier fails to make such statement, said assessor shall forthwith, upon such failure, obtain a list of shareholders, with the residence of and number of shares belonging to each.

SEC. 25. Foreign banks and private bankers doing business in this state and having no fixed amount of capital paid in and used permanently in the conduct of such business shall be assessed on an amount equal to a general average of money used as exhibited by daily or monthly balance sheets during the year preceding the time of rendering such tax list to the assessor. If such bank or banker shall refuse to make such return of capital as above provided, then the assessor shall proceed to make an arbitrary assessment, which shall be as fair and as equitable as he may be able to make from the best information he possesses.

List of foreign and private banks.

Failure to list.

SEC. 26. Property held under a contract for the purchase thereof, belonging to the state, county or municipality, and school and other state lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same. And no deed shall ever be executed until all taxes and municipal charges are fully paid thereon.

Lands sold by state listed to contractee.

No deed until taxes paid.

SEC. 27. The assessor must assess all improvements on public lands as personal property until the settler thereon has made final proof. After final proof has been made, and a certificate issued therefor, the land itself must be assessed, notwithstanding the patent has not been issued.

Improvements on public lands to be listed.

Also, land after certificate issues.

SEC. 28. Every person, company or corporation owning, operating or constructing a railroad in this state shall return sworn lists or schedules of the taxable property of such railroads as hereinafter provided. Such property shall be listed and assessed with reference to the amount, kind and value, on the first day of March of the year in which it is listed.

Railroad company's list.

Valuation, when made.

SEC. 29. They shall, in the month of March of each year, make out and file with the county assessors of the respective counties in which the railroad may be located, a statement or schedule showing the property held for right-of-way in each county and in each city, town or village in

Railroad "right-of-way," where listed.

the county through or into which the road may run, and describing each tract of land, other than a city, town or village lot, through which the road may run, in accordance with the United States surveys, where the land is surveyed, giving the width and length of the strip of land held in each tract, and the number of acres thereof. They shall also state the value of improvements and stations located on the right-of-way. New companies shall make such statement in March next after the location of their roads.

Improvements on right-of-way.

"Track" defined.

SEC. 30. All land occupied and claimed exclusively as the right-of-way for railroads by railroad companies or corporations, with all the tracks and all the substructures and superstructures which support the same, must be assessed as a whole and as real estate, without separating the same into lands and improvements, at a certain sum per mile, which sum, like other lands, shall be full cash value thereof, and all such real estate, situated in the state, occupied and claimed by any railroad company as such right-of-way, shall be deemed to be the property of such company for the purposes of taxation: *Provided, however,* That all lands leased by railroad companies to private individuals for warehouse or commercial purposes, and all lands used by railroad companies for commercial purposes, shall be assessed as adjoining property is assessed, and not as right-of-way.

Buildings leased on right-of-way not included.

Improvements other than track, personalty.

SEC. 31. All railroad improvements, other than the track, substructures and superstructures which support the same, wherever situated, upon the land occupied as the right-of-way owned or occupied by any railroad company or person, used or occupied as such right-of-way, must be separately assessed as personal property.

Track, how assessed.

SEC. 32. The value of the "railroad track" shall be listed and taxed in the several counties in the proportion that the length of the main track in such county bears to the whole length of the road in the state, except the value of the side or second track, and all turnouts, and all station houses, depots, machine shops, or other buildings belonging to the road, which shall be taxed in the county in which the same are located.

SEC. 33. The movable property belonging to a railroad

company shall be held to be personal property and denominated, for the purpose of taxation, "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this state shall, in the month of March, annually, return a list or schedule to the county assessor of each county wherein they hold or own property, which shall contain a correct detailed inventory of the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, baggage cars, house cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars and all other kind of cars.

"Rolling stock" defined.

List of rolling stock.

SEC. 34. The rolling stock shall be listed and taxed in the several counties in the proportion that the length of the main track used or operated in such county bears to the whole length of the road used or operated by such person, company or corporation, whether owned or leased by him or them in whole or in part. Said list or schedule shall set forth the number of miles of main track on which said rolling stock is used in the State of Washington, and the number of miles of main track on which said rolling stock is used elsewhere.

Rolling stock, how assessed.

SEC. 35. All tools, machinery and material for repairs, and all other personal property of any railroad company, except "rolling stock," shall be listed and assessed as personal property in the county wherever the same may be on the first day of March of each year. All the real estate other than that denominated railroad track and right-of-way, belonging to any railroad, shall be listed as lands or lots, as the case may be, in the county where the same are located, and shall be assessed with the improvements in the same manner as other similar property is assessed.

All personalty not rolling stock, where assessed.

All realty not track and right-of-way, where assessed.

SEC. 36. The proper officer of each railroad shall return to the assessor of the county a copy of the schedule or list of the real estate and of the personal property pertaining to the railroad; and such real and personal property shall be assessed by the assessor. Such property shall be treated in all respects, in regard to assessment and equalization, the same as other similar property belonging to

Other property of railroad.

railroads under the terms "lands," "lots" and "personal property."

List of rail-
road to each
assessor.

SEC. 37. At the same time that the lists or schedules as hereinbefore required to be returned to the county assessor, the person, company or corporation running, operating or constructing any railroad in this state shall return to the state auditor sworn statements or schedules as follows:

Miles of road
within and
without
the state.

1. The whole number of miles of railway in the state, and where the line is partly out of the state; the whole number of miles without the state and the whole number within the state, owned or operated by such corporation, person or association.

Value of that
within the
state.

2. The value of the roadway, roadbed and rails of the whole railway, and the value of the same within the state.

3. The width of the right-of-way.

Entire roll-
ing stock.

4. The number of each kind of all rolling stock used by such corporation, person or association in operating the entire railway, including the part without the state.

Rolling stock
used without
the state.

5. Number, kind and value of rolling stock owned, but used out of the state, either upon divisions of road operated by the party making the returns, or by and upon other railways.

Also showing in detail for the year preceding the first of January —

1. The gross earnings of the road.

2. The gross earnings of the road in the state, and where the railway is let to other operators, how much was derived by the lessor as rental.

3. The cost of operating the entire road, exclusive of sinking fund, expenses of land department, and money paid to the United States.

4. Net income for such year, and amount of dividend declared.

5. Capital stock authorized.

6. Capital stock paid in.

7. Funded debt.

8. Number of shares authorized.

9. Number of shares of stock issued.

10. Any other facts the state board of equalization may require.

11. A description of the road, giving the points of entrance into and the point of exit from each county, with a statement of the number of miles in each county. When a description of the road shall once have been given, no other annual description thereafter is necessary, unless the road shall have been changed. Whenever the road, or any portion of the road, is advertised to be sold for taxes, either state or county, no other description is necessary than that given by, and the same is conclusive upon, the corporation, person or association giving the description. No assessment is invalid on account of a misdescription of the railway or the right-of-way for the same. If such statement is not furnished as above provided, the assessment made by the state board of equalization upon the property of the corporation, person or association failing to furnish the statement is conclusive and final.

Description of road.

Description in case of sale for taxes.

Assessment by state board final, when.

SEC. 38. If any person, company or corporation owning, operating or constructing any railroad shall neglect to return to the county assessors the statements or schedules required to be returned to them, the property so to be returned and assessed by the assessor shall be listed and assessed as other property. In case of failure to make returns to the state auditor, as hereinbefore provided, the state auditor, with the assistance of the county assessors, when he shall require such assistance, shall ascertain the necessary facts and lay the same before the state board of equalization. In case of failure to make such statements, either to the county assessor or state auditor, such corporation, company or person shall forfeit, as a penalty, not less than ten thousand dollars for each offense, to be recovered in any proper form of action in the name of the State of Washington and paid into the state treasury.

Failure to make list to assessor.

Failure to make list to state auditor.

Penalty.

SEC. 39. When any railroad company shall make or record a plat of any contiguous lots or parcels of land belonging to it, the same may be described as designated on such plat, and shall be assessed in the same manner as adjoining property; and when any part of its right-of-way has been or is platted into town lots, such lots, whether wholly or partly within such right-of-way, shall be assessed as lots, and not as part of the right-of-way.

Lots of railroad company, how assessed.

List of telegraph, etc., companies.

Capital stock and shares.

Valuation of stock.

Indebtedness.

Length of lines.

Particulars of list.

Forms by state auditor.

Report of assessor to state auditor.

All property subject as that of individuals or other companies.

Any person failing to give list.

Penalty.

SEC. 40. Any person, company, power company or corporation using or operating a telegraph, telephone, electric line or electric light line in this state shall annually, in the month of March, return to the county assessor a map and a schedule or statement, under oath, as follows: *First*, The amount of capital stock authorized and the number of shares into which said capital stock is divided; *second*, the amount of capital stock paid up; *third*, the market value, or if no market value, then the actual value of the shares of stock; *fourth*, the total amount of all indebtedness, except current expenses for operating the line; *fifth*, the length of the line operated in each county, and the total length in the state; *sixth*, the total assessed valuation of its tangible property in this state. Such schedule shall give the date, character, extent and value of such franchise, the gross income, the number of poles per mile, the number of wires, and every electric light company shall give the kind of lights and the number of each kind supplied, the location and value of the electric plant, whether the ground is owned or leased, and if leased, the owner's name, and the value of the plant separate from such ground. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the state auditor, and with reference to amounts and values on the first day of March of the year for which the return is made, and it shall be the duty of the county assessor to transmit a copy of such schedule to the state auditor on or before the first Monday in July of each year. All property, real and personal, owned by such person, company or corporation and situated in this state must be listed and assessed for taxation and shall be subject to the same levies as the property of individuals and the same rules that govern other companies and corporations.

SEC. 41. If any person or corporation shall give a false or fraudulent list, schedule or statement required by this act, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand dollars, to be recovered in

any proper form of action in the name of the State of Washington on the complaint of any person, such fine, when collected, to be paid into the county treasury to the credit of the general fund.

SEC. 42. All property shall be assessed at its true and fair value in money. In determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon, and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair, voluntary sale for cash. Taxable leasehold estates shall be valued at such a price as they would bring at a fair, voluntary sale for cash. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof.

All valuations in money.

Money value defined.

Land, improvements and crops valued separately.

Valuation of mine or quarry.

Valuation of leaseholds.

Money entered at full value.

SEC. 43. The assessor shall list all real property according to the largest legal subdivision, as near as practicable. When several lots in any block, or several blocks in any plat of any addition, subdivision or townsite, or several tracts of land shall be owned by any one person, firm, syndicate or corporation, the assessor shall group such lots and blocks and tracts so far as practicable. The assessor shall make out in the detail and assessment list book, in

Realty by largest subdivision—grouping of parcels.

Names of owners of realty.

Order of list may be changed.

Extension of roll.

Delivery of blanks to assessors.

Assessor's bond.

Conditions.

numerical order, complete lists of all lands or lots subject to taxation, showing the names of owners, if to him known, and if unknown, so stated opposite each tract or lot; the number of acres and lots or parts of lots included in each description of property, and the values per acre or lot: *Provided*, That the board of county commissioners of any county may by order direct that the property be listed numerically according to lots and blocks or section, township and range, in the smallest platted or government subdivision, and when so listed the value of each block, lot or tract, the value of improvements thereon and the total value thereof, including improvements thereon, shall be extended after the description of each lot, block or tract, which last extension shall be in the column headed "Total value of each tract, lot or block of land assessed with improvements, as returned by the assessor." In carrying the values of said property into the column representing the equalized value thereof, the county auditor shall include and carry over in one item the equalized valuation of all lots in one block, or lands in one section listed consecutively, which belong to any one person, firm or corporation, and are situated within the same road and school district or municipal corporation, and in the assessed value of which the county board of equalization has made no change. Where assessed valuations are changed the equalized valuation must be extended and shown by items. The detail and assessment lists and blanks shall be in readiness for delivery to the assessors on the third Monday of January of each year.

SEC. 44. Every person elected or appointed to the office of assessor shall file with the board of county commissioners, within the time provided by law, his bond, payable to the State of Washington, with two or more good freehold sureties, to be approved by the said board, in the penal sum to be fixed by the board of county commissioners, conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by law; and he shall, moreover, take and subscribe on said bond an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this act; and if any per-

son so elected or appointed fails to give bond or fails to take the oath required within the time prescribed, such failure shall be deemed a refusal to serve.

Failure to give bond.

SEC. 45. Any assessor who deems it necessary, to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, may appoint one or more well qualified citizens of his county to act as his assistants or deputies, and assign them to such portion of his county as he thinks proper; and each assistant so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors by the provisions of this act; and each of such deputies shall receive for his services while actually employed in such work the sum which may be designated and allowed by the board of county commissioners, not exceeding three and one-half dollars per day: *Provided*, That no assessor shall appoint any deputy unless the same be actually necessary, and then for no longer time than may be actually needed: *Provided further*, That the county commissioners may limit the number of deputies to be employed by the assessor.

Deputy assessors.

Oath of deputies.

Pay of deputies.

Number of deputies.

SEC. 46. The assessor shall begin the preliminary work for each assessment not later than the first day of February of each year in all counties from the first to the sixteenth class, inclusive, and not later than the first day of March in all other counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each even numbered year, and in the following manner, to wit: He shall actually determine as nearly as practicable the true and fair value of each tract or lot of real property listed for taxation and shall enter the value thereof, including the value of all improvements and structures thereon, opposite each description of property. He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property, and the

Assessor shall begin work.

When he shall complete work.

Extension of roll.

List of owners of personalty, with residence.

Lists to be verified by owner of property.

assessor shall thereupon determine the value of the property included in such statement and enter the same in assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and postoffice address of the party listing the property, and if the party reside in a city the assessor shall give the street and number or other brief description of his residence or place of business.

Extension
of person-
alty roll.

How assessor
shall procure
lists.

SEC. 47. The assessor shall call at the office, place of doing business or residence of each person required by this act to list property, and list his name, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this act; and every person so required shall enter a true and correct statement of such property in the form prescribed, which statement shall be signed and verified by the oath of the person listing the property, and shall deliver to the assessor, who shall thereupon assess the value of such property and enter the same in his books: *Provided*, If any property is listed or assessed on or after the fourth Monday of May, and before the return of the assessor's books, the same shall be legal and binding as if listed and assessed before that time: *Provided further*, That if from any reason the assessor shall fail to visit any such person, firm or corporation, said failure shall not impair or invalidate such assessment.

Amendments
to lists legal.

Omitted prop-
erty listed.

SEC. 48. The assessor, upon his own motion, or upon the application of any taxpayer, shall enter in the detail and assessment list of the current year, any property shown to have been omitted from the assessment list of any preceding year, at the valuation of that year, or if not then valued, at such valuation as the assessors shall determine from the preceding year, and such valuation shall be stated in a separate line from the valuation of the current year.

List of sick or
absent person.

SEC. 49. If any person required by this act to list property shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office, or usual place of residence or business of such person, a written or printed notice requiring such person to make out and leave at the place named by said assessor, on or

before some convenient day named therein, the statement or list required by this act. The date of leaving such notice and the name of the person required to list the property, shall be noted by the assessor in his assessment book.

SEC. 50. In every case where any person whose duty it is to list personal property for taxation has refused or neglected to list the same when called on by the assessor for that purpose, or to take and subscribe an oath in regard to the truth of his statement of personal property, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person, in an appropriate column, the words "refused to list," or "refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent or unable from sickness to list the same, the assessor shall list the property of such person and enter opposite the name of such person, in an appropriate column, the words "absent or sick." The assessor is hereby authorized to administer oaths to all persons who, by the provisions of this act are required to swear, or whom he may require to testify in any case, and he may examine upon oath any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or to verify his list of personal property. The assessor shall report to the county board of equalization all cases where the owner or agent of property assessed was, at the time of assessment, either absent or sick, or refused to make a sworn statement in reference thereto.

"Refused to list" to be entered in roll.

"Refused to swear" to be entered in roll.

"Absent or sick" to be entered in roll.

Any person having knowledge shall list another's property.

Assessor shall report sick and absent persons.

SEC. 51. It shall be the duty of assessors, when assessing real or personal property, to designate the number of the school district and road district in which each person and each description of property assessed is liable for tax, which designation shall be made by writing the number of the districts opposite each assessment, in a column provided for that purpose in the detail and assessment list. When the real and personal property of any person is assessable in several school districts and road districts, the amount in each shall be assessed on separate detail and assessment lists, and all property assessable in incorporated

School and road districts to be entered in roll.

Separate lists.

cities shall be assessed in consecutive books, where more than one book is necessary, and separate from outside property and separately, and the name of the owner, if known, together with his postoffice address, placed opposite each amount.

Map of school and road districts.

SEC. 52. The county commissioners of each county shall furnish the assessor with a map of the county, showing the boundaries of each road and school district therein numbered. And the board of county commissioners, in fixing, changing or revising the boundaries of any road district or districts, shall, wherever practicable, make the boundaries of such district or districts conform to the boundaries of the school district nearest coincident thereto, to the end that the several school and road districts in each county shall correspond in territory one with the other: *Provided*, That any road district may include more than one school district.

School and road districts to be made coincident.

Failure to obtain list of personalty.

SEC. 53. In all cases of a failure to obtain a statement of personal property, from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property and assess the same at such amount as he believes to be the true value thereof. The assessor, when requested, shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor.

Copy of estimated list to be given, when.

Footings of lists.

SEC. 54. The assessor shall add up and note the amount of each column in his detail and assessment lists, which he shall have bound in book form. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on or before the first Monday in August he shall file the same, properly indexed, with the clerk of the county board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

Lists filed with county board of equalization.

STATE OF WASHINGTON, COUNTY, SS.

I,, assessor of, do solemnly swear that the books No. 1 to No., to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

....., Assessor.

Subscribed and sworn to before me this day of, 18....

[L. S.] Auditor of County.

Provided, That the failure of the assessor to attach his certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county and state board of equalization, the same shall be delivered to the county auditor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided.

Failure to attach oath.

After equalization, lists delivered to county auditor.

SEC. 55. If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such person or his agent having charge of such property, may, at any time before the close of the session of the board of equalization, make out and deliver to said board a statement of the same as required by this act, and the board shall, in such case, make an entry thereof, and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the said board from any person who refused or neglected to make oath to his statement when required by the assessor as provided herein; nor from any person unless he makes and files with the said board an affidavit that he was absent from his county, without design to avoid the listing of his property, or was prevented by sickness from giving the assessor the required statement when called on for that purpose.

Lists may be corrected before equalization.

Will not be corrected if person has refused list.

SEC. 56. The county auditor shall carefully examine the assessment books when returned to him by the assessor,

County auditor's duty in case of error.

and if he discovers that the assessment of any property has been omitted, shall enter the same upon the proper list and forthwith notify the assessor making such omission, who shall immediately proceed to ascertain the value thereof and correct his original return; in case of the inability or neglect of the assessor to perform his duty, the auditor shall ascertain the value of such property and make the necessary corrections.

Who may administer oaths.

SEC. 57. Any oath authorized to be administered under this act may be administered by any assessor or deputy assessor, or by any other officer having authority to administer oaths. Any person willfully making a false list, schedule or statement under oath shall be liable as in case of perjury.

To falsify list is perjury.

County board of equalization.

SEC. 58. The county commissioners, or a majority of them, shall form a board for the equalization of the assessment of the property of the county. They shall meet for this purpose annually, on the first Monday in August, at the office of the auditor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county, and proceed to equalize the same so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, subject to the following rules: *First*, They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent; *second*, they shall reduce the valuation of each tract or lot which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof; *third*, they shall raise the valuation of each class of personal property which in their opinion is returned below its fair and true value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever

Sessions.

Oaths.

Duties.

Valuations raised.

Valuations lowered.

May raise by item or total.

they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof; *fourth*, they shall, upon complaint in writing of any party aggrieved, being a non-resident of the county in which his property is assessed, reduce the valuation of each class of personal property enumerated in section 16 aforesaid, which, in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individuals who, in their opinion, have been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property. The county auditor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and a copy of such published proceedings shall be transmitted to the auditor of the state, with the abstract of assessment hereinafter required. The county board of equalization may continue in session and adjourn from time to time during three weeks, and shall remain in session not less than three days, commencing on the said first Monday of August, but after final adjournment the county commissioners shall not have power to change the assessed valuation of the property of any person, or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, but may correct errors in description or double assessments: *Provided*, That no taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

Lower non-resident's valuation.

May lower valuation in the aggregate.

Records of board.

Copy sent to state auditor.

Time of session.

Power after adjournment.

Extension, when made.

SEC. 59. The county auditor shall make due record of the changes of the descriptions and assessed values determined by the county board of equalization, and make cor-

Record of changes.

Duplicate of corrected values— one copy to state auditor.

Abstract of rolls for state auditor.

Failure to furnish abstract.

Amount due, how paid.

State board of equalization constituted.

Sessions.

Expenses.

Duties.

rections accordingly. Having made such corrections of the real and personal lists, or both, as the case may be, he shall make duplicate abstracts of such corrected values, one copy of which he shall file in his office, and one copy he shall forward to the auditor of state on or before the first Monday of September following each county equalization.

The county auditor shall, also, on or before the fifteenth day of January in each year, make out and transmit to the auditor of state, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized, and the total amount of taxes levied in the county for state, county, town and all other purposes, for that year. Should the auditor of any county fail to transmit to the state auditor the first abstract provided for in this section by the time the state board of equalization convenes, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the state board of equalization shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and the state auditor shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge; said sum shall be due and payable immediately by warrant in favor of the state on the general county fund of said county.

SEC. 60. The secretary of state, the commissioner of public lands and the auditor of state shall constitute the board of equalization. The auditor shall be president of the board, and they shall remain in session not to exceed twenty days; may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors: *Provided*, That the expense of such board shall not exceed the sum of \$500 in any one year. The said board shall meet annually on the first Tuesday of September, at the office of the auditor of state, and shall

examine and compare the returns of the assessment of the property in the several counties of the state, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state. *First*, They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal and uniform, so far as possible, in every part of the state, for the purpose of ascertaining the just amount of tax due from each county for state purposes. *Second*, The secretary shall keep a full record of the proceedings of the board, and the same shall be published in the biennial report of the auditor of state. *Third*, They shall have authority to adopt rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in relation to return of county assessments, and to the equalization of values by said board. The said board of equalization shall apportion the amount of tax for state purposes as required by law, to be raised in the state among the several counties therein, in proportion to the valuation of the taxable property therein for the year as equalized by the board. It shall be the duty of the county auditor in each county, when he shall have received the report of the state auditor, as provided in section 61 of this act, to determine the rate per cent. necessary to raise the taxes required for state purposes, as determined by the state board of equalization, and place the same on the tax rolls of the county as provided by law.

Classify property.

Fix valuations.

Records of board.

Rules.

Levy on counties.

County auditor to extend rolls.

SEC. 61. When the state board complete their equalization, the auditor of state shall transmit to each county auditor a transcript of the proceedings of the board, within ten days after said board adjourns, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and the county auditor shall compute the required per centum on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, and shall extend such taxes in the

Rolls to be extended.

Allowance for delinquents. proper columns of such books: *Provided*, That the rate so computed shall not be such as to raise a surplus of more than five per cent. over the amount required by the state board.

Rates, how fixed.

SEC. 62. All county taxes shall be levied or voted in specific amounts, and the rates per centum shall be determined from the amount of property as equalized by the county board of equalization each year, except such general taxes as may be definitely fixed by law. The amount of state tax shall be levied by the state board of equalization and the rate be ascertained by the several county auditors on the valuation in their respective counties: *Pro-*

Rate for state purposes.

vided, That the amount levied in any one year shall not, for general state purposes, exceed three mills on a dollar, property valuation of the entire state. The amount of

County to be notified.

levy, as determined annually by the state board, shall be certified by the auditor of state to each county auditor on or before the last Monday of September of each year. The county taxes shall be levied by the county commissioners between the first and second Mondays of October of each year.

Levy by county commissioners.

The tax for payment of county current expenses shall be based upon an itemized statement of the estimated county expenses for the ensuing fiscal year, which statement shall be included in the published proceedings of the said board, and no greater levy of county tax shall be made upon the taxable property of any county than will be equal to the amount of such estimated expenses, with an excess of fif-

Amount of levy.

teen per cent. of the same. The tax for the payment of county indebtedness shall be based upon the indebtedness of the county, taking into consideration the amount of unpaid taxes, interest and penalty thereon, and all other assets applicable to the payment of such indebtedness:

Allowance for delinquents.

Assets against levy to pay indebtedness.

Provided, That this shall not be construed to affect any existing provisions of law relating to the levy of taxes for payment of any funded or bonded indebtedness or the interest thereon. The rate per centum of all taxes, except the state tax and such other taxes, the rates of which may be fixed by law or the county commissioners, shall be calculated and fixed by the county auditor according to the limitations hereinafter prescribed: *Provided*, That all col-

Except as to bonds.

County auditor to fix rate.

lections made on and after the first day of February, 1898, for delinquent county taxes for the year 1896 and prior years, be credited to the county indebtedness fund, and with the taxes collected from the levy for payment of county indebtedness shall be paid and applied upon the county indebtedness outstanding on said 1st day of February, 1898, the payment of which is not otherwise provided for by law, and on and after said 1st day of February, 1898, all salaries, court expenses, and all other current expenses of the county shall be paid out of moneys collected from the levy of taxes for payment of county current expenses: *And provided further*, That all revenues other than taxes accruing to the county after the first day of February, 1898, and payable under laws enacted heretofore into the "general" or "county fund" or "salary fund," shall be paid into said county current expense fund.

How delinquent taxes to be applied.

SEC. 63. For the purpose of raising a revenue for the state, county indebtedness, county current expense, school, road, and other purposes, the board shall, at said October session, levy a tax on all taxable property in the county, as shown by the assessment roll, sufficient for such purposes: *Provided*, That state tax shall not exceed the amount levied by the state board of equalization; the tax for payment of county indebtedness shall not exceed five mills; the tax for payment of county current expense shall not exceed eight mills; the school tax shall not exceed eight mills; the road tax shall not exceed five mills; the bridge tax shall not exceed three mills, and all other taxes shall be in accordance with the laws of the state.

Levy shall be sufficient for all funds.

Rate for indebtedness.

Rate for current expenses.

Rate for roads and bridges.

SEC. 64. The county auditor shall extend the taxes upon the assessment books in the form herein prescribed. The rate per cent. necessary to raise the required amount of the total tax for state, county indebtedness, county current expense, road, bridge, school, and all other county and state purposes, shall be computed on the assessed valuation as equalized by the county board of equalization as a whole, under the head of consolidated tax. The rate per cent. necessary to raise the required amount of any special district tax shall be computed as to the attested valuation

Form of rolls.

Rate, how computed.

Special district tax, computed how.

of property within such district, as equalized by the county board of equalization; all taxes assessed against any property shall be added together and carried to the total column. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills, it shall be made one cent, and whenever it amounts to five mills or less than five mills, it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate per cent. of consolidated tax and of such special tax at the head of the proper columns. On the first day of each month the county treasurer shall distribute *pro rata*, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor.

Totals.

Fractions of one cent in rolls.

Treasurer's distribution.

Auditor's certificate.

SEC. 65. It shall be the duty of the county auditor to make in each assessment book or list a certificate in the following form, viz.:

I, A..... B....., auditor of county, State of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand eight hundred and

Witness my hand and seal this day of

.....
County Auditor.

Assessment year.

SEC. 66. The assessment year contemplated in this act shall commence on the first day of March and end on the last day of February in each year, and the fiscal year contemplated in this act shall commence on January 1st and end on December 31st of each year.

Rolls delivered to treasurer.

SEC. 67. On the first Monday of December next succeeding the date of levy of taxes the county auditor shall deliver to the county treasurer the assessment books of his county for such assessment year, with his warrant thereto attached, authorizing the collection of said taxes, taking his receipt therefor, and said books shall be preserved as a public record in the office of the county treasurer. The amount of said taxes due upon said books shall be charged to the treasurer in an account to be designated as treasurer's "Tax Roll Account" for, and said books with the warrants for collection shall be full and sufficient au-

Treasurer charged with amount.

thority for the county treasurer to receive and collect all taxes therein levied: *Provided*, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the first Monday of said February following.

When collection to be made.

SEC. 68. The county treasurer shall be the receiver and collector of all taxes extended upon the tax books of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes made payable by the provisions of this act shall be due and payable to the treasurer as aforesaid, on or before the thirty-first day of May in each year, after which date they shall become delinquent, and interest at the rate of fifteen per cent. shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, however*, When the amount of such tax is equal to one dollar or more against any one description, then if one-half of said taxes be paid on or before said thirty-first day of May, then the time of payment of the remainder thereof shall be extended, and said remainder shall be due and payable on or before the thirtieth day of November following; but if the remaining one-half of said taxes be not paid on or before the thirtieth day of November, then such remaining half shall be delinquent, and thereafter upon such taxes interest at the rate of fifteen per cent. per annum shall be charged until paid.

Treasurer is collector of all taxes.

When taxes delinquent.

Rate of interest.

Semi-annual payments.

SEC. 69. On receiving the tax books from the county auditor the treasurer shall post all real property taxes from said assessment books to the treasurer's tax roll or ledger, and shall then give notice by publication in some newspaper having general circulation in the county, once in each of three consecutive weeks, that the tax books have been turned over to him for the collection of taxes thereon, on and after the first Monday of February. He shall, when requested, notify each taxpayer in his county, at the expense of the county, having printed on said notice the name of each tax and the levy made on the same, of the amount of his real and personal property, and the total

Real property ledger.

Notice of collection.

Treasurer to be collector of delinquent taxes.

amount of tax due on the same; and from and after the taking effect of this act the county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax lists of the county, and all other county officers having tax lists in their possession are hereby directed to deliver up said lists to the treasurer of their respective counties, to the end that such treasurer shall be the sole collector of all taxes levied therein.

Receipt for taxes.

SEC. 70. The county treasurer, upon receiving any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, city or town lot, or other real and personal property on which the tax so paid was levied according to its description on the treasurer's tax roll and the year for which the tax was levied. Such receipts shall be numbered consecutively for such year and such numbers and amount of taxes paid shall be immediately entered upon the treasurer's tax roll opposite or under each and every piece of property therein for which such receipt was given; it shall contain the name of the party paying, with the amount and date of payment and the description of the property paid on. Such receipt shall be made out with a stub, which shall be a summary of the receipt. He shall post such collections into his cash or collection register, provided for that purpose, to thus keep an accurate account not only of the gross amount of collections, but also the amount collected upon the consolidated fund and upon each and every separate fund. The treasurer shall also keep a separate register for the purpose of entering therein all collections made on account of delinquent taxes.

Receipts numbered, and how made out.

Collection register.

Collection register delinquent taxes.

Distrain for personalty tax.

SEC. 71. On and after the first Monday of February succeeding the levy of taxes the county treasurer shall proceed to collect all personal property taxes, and if such taxes are not paid on thirty days' notice, unless secured by real estate, he shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with interest, together with all accruing costs, and shall immediately proceed to advertise the same by posting written notices thereof in three public places in the county in which such property has been levied upon, stating the time when and the place

Sale.

where such property will be sold; and if the taxes for which said property is distrained, and the costs which accrue thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as will be sufficient to pay such taxes, interest and costs, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall immediately pay any such overplus to the owner of the property so sold, or to his legal representatives: *Provided*, That if any personal property, on which the taxes have been levied but not paid, is about to be removed from the county where the same has been assessed, the county treasurer may demand such taxes without the notice provided for in this section, and if necessary, may distrain and sell sufficient goods and chattels to pay the same: *Provided further*, That the tax levied for the year 1896 on personal property

Removal of property.

Personalty tax, 1896, paid semi-annually.

SEC. 72. If the county treasurer is unable, for the want of goods or chattels whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or any executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of June following, a list of such taxes, with an affidavit of himself or of the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected. The county auditor shall then certify to the state auditor the amount of state tax thus found to be delinquent and uncollectible, which

Personalty tax not collectible.

State shall give county credit.

amount shall be deducted from the amount to be paid by such county to the state treasurer on account of such taxes.

Treasurer
liable for
failure to
collect.

SEC. 73. If any county treasurer shall willfully refuse or neglect to collect any taxes assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as herein provided, he shall be held, in his next settlement with the auditor, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his salary and applied to the several funds for which they were levied.

Delinquent
tax to be
collected
at any time.

SEC. 74. The power and duty to levy on property and collect any tax due and unpaid shall continue in and devolve upon the county treasurer and his successors in office after his return to the county auditor, and until the tax is paid; and the warrant attached to the assessment roll shall continue in force and confer authority upon the treasurer to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected thereon. This section shall apply to all assessment rolls and the warrants thereto attached, which have been heretofore issued, upon which taxes may be due and unpaid, as well as those hereafter issued.

Fees in dis-
training
goods.

SEC. 75. The county treasurer, or his deputy, shall tax the same fees for making distress and sale of goods and chattels for the payment of taxes as are allowed by law to constables for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making the distress.

Mileage.

Treasurer's
settlements
with county
auditor.

SEC. 76. On the first Mondays of January, April, July and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes, from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which said settlement is made, notify the state auditor of the result of the quarterly settlement made with the county treasurer as above specified, and the state auditor shall immediately certify to the state treasurer the amount of state funds in the hands of the several county treasurers, as shown by

County au-
ditor's report
to state
auditor.

the quarterly reports of the several county auditors, and the state treasurer is hereby authorized to immediately draw a bank draft, payable at sight, on each county treasurer, respectively, for the amount of state funds in his hands or possession. Should any county treasurer fail or refuse to honor such draft or make payment of the amount thereon (except in case of manifest error or other good and sufficient cause), he shall be guilty of nonfeasance in office, and upon conviction thereof shall be punished according to law.

State treasurer's sight draft.

SEC. 77. On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund. He shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with his collections and credits on account of errors and double assessments, should balance his roll account as he stands charged. He shall then report the amount of collections on account of interest since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. He shall also, at the same time, file with the auditor his collection registers, showing all taxes collected by him since the last preceding annual settlement of current and delinquent taxes. The county auditor shall thereupon proceed to compare the stub tax receipts of the treasurer with the treasurer's tax rolls and the collection registers filed in his office, and shall note if the tax rolls are properly marked opposite each tract or tax with the word "paid," and the number of the treasurer's receipt that he gave in discharge of any tax is properly entered to the credit of each tract or tax described in such receipt, and if the description, amount, names and numbers and funds agree, the auditor shall also compare such receipts with the treasurer's cash book or collection register, upon which he is required to post them, and if properly credited to the several funds,

Report of county treasurer to county auditor.

Report of delinquents, errors, etc.

Reports to be verified.

Collection registers to be filed with county auditor.

Checking registers.

and also coincides in all respects with the tax rolls, he shall then test the footings upon the treasurer's collection register to see that no errors have been made or frauds perpetrated. He shall then satisfy himself that the collections of the interest required to be added after taxes have become delinquent have been collected and properly accounted for, and if so to charge the treasurer with the same. If the treasurer's receipts in all respects are correct and true, and the collections fully and properly accounted for on the same, the auditor shall enter the credits and debits upon the treasurer's roll accounts and properly balance the same up to date.

Lien of taxes.

SEC. 78. All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real estate upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this act, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which said real estate may become charged or liable.

Priority of lien.

Interested person may pay taxes and take receipt.

SEC. 79. Any person being the owner or having an interest in an estate or claim to real estate against which taxes shall have been unpaid may pay the same and satisfy the lien at any time before execution of a deed to said real estate. The person or authority who shall collect or receive the same shall give a certificate that such taxes have been so paid to the person or persons entitled to demand such certificate.

How this act affects present proceedings.

SEC. 80. All lots, tracts and parcels of land heretofore sold to counties for delinquent taxes, which taxes are due and remaining unpaid at the date of the approval of this act, or for the collection of which suit has been instituted, but no judgment ordering such property sold for said taxes has been rendered, as shown by the register of unpaid taxes on file in the offices of the several county treasurers, shall be deemed to be delinquent; and payment of such unpaid

taxes, together with penalty, interest, costs and expenses, shall be enforced under the provisions of this act.

SEC. 81. When any tax on real estate is paid by or collected of any occupant or tenant, or any other person, which, by agreement or otherwise, ought to have been paid by the owner, lessor or other party in interest, such occupant, tenant or other person may recover by action the amount which such owner, lessor or party in interest ought to have paid, with interest thereon at the rate of ten per cent. per annum, or he may retain the same from any rent due or accruing from him to such owner or lessor for real estate on which such tax is so paid; and the same shall, until paid, constitute a lien upon such real estate.

Occupant paying may collect of owner.

Rate of interest.

Lien.

SEC. 82. Any person who has a lien, by mortgage or otherwise, upon any real property upon which the taxes have not been paid, may pay such taxes and the interest, penalty and costs thereon; and the receipt of the county treasurer shall constitute an additional lien on such land, to the amount therein stated; and the amount so paid and the interest thereon, at the rate specified in the mortgage or other instrument, shall be collectible with, or as a part of, and in the same manner as the amount secured by, the original lien. Any person desiring to pay taxes upon any part or parts of real estate heretofore or hereafter assessed as one parcel or tract may do so by paying to the county treasurer of the county where such land is situated an amount equal to twice the amount of that part of said taxes applicable to such part of said tract, dividing said taxes equally over said whole tract according to area. The county treasurer shall receive such payment and shall give receipt in full for such taxes upon the part for the release of which such payment is made, and shall apply one-half of such payment to the full payment of the taxes upon such part and the remaining one-half of such payment to the reduction of the taxes upon the remainder of the property contained in such original tract. If the property covered by the original assessment for said taxes has improvements thereon separately valued or assessed, the part of said taxes applicable to said improvements shall be paid in full in addition to the amount above provided for the

Mortgagee may pay tax.

Lien for amount so paid.

Payment on part of tract.

release of part of the tract before any part of such tract is released.

Life of lien.
Lien between
grantor and
grantee.

SEC. 83. The taxes assessed upon real property shall be a lien thereon from and including the first day of March in the year in which they are levied until the same are paid; but as between a grantor and grantee such lien shall not attach until the first Monday of February of the succeeding year. The taxes assessed upon personal property shall be a lien upon all of the real and personal property of the person assessed, and also upon the property so assessed if the possession thereof shall have been transferred, from and after the first Monday of February next succeeding the date of the levy of such taxes.

Lien of per-
sonalty tax.

Recent arrival
shall notify
assessor.

SEC. 84. Whenever any person, firm or corporation shall, subsequently to the time fixed by law for the completion of the annual valuation and assessment of local taxes in any county of this state, bring or send into such counties any stock of goods or merchandise, to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee, or person in charge of the said goods, or merchandise, shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon such valuation the said owner, consignee, or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon duly paid to the collector.

Assessment
shall be made.

Forfeiture
for failure
to notify.

SEC. 85. That in case any such owner, consignee or person in charge of such stock of goods and merchandise as is mentioned in the foregoing section, shall fail or neglect to notify the proper assessor, or to pay the said tax as herein required, or shall proceed to sell or dispose of such stock, or any portion thereof, before the payment of the tax levied on account thereof, the owner of such goods or mer-

chandise shall forfeit to such taxing district a sum equal to twice the amount of tax assessable as aforesaid on account of such stock. Such forfeiture may be recovered in the same manner as delinquent personal property tax in any court having jurisdiction to the amount thereof, and in such action the said penalty shall be preferred before all other debts or claims. Any mistake in the name of the owner of the said goods or merchandise shall not affect the right to recover such penalty.

Mistake of name of owner not fatal.

SEC. 86. If the county treasurer has reason to believe, or is informed, that any person has given to the assessor a false statement of his personal property, or that the assessor has not returned the full amount of property required to be listed in his county, or has omitted or made erroneous return of any property which is by law subject to taxation, or if it shall come to his knowledge that there is property which has not been listed for taxation for the current year, he shall proceed, at any time before the final settlement with the county auditor, to correct the return of the assessor and to charge the owner of said property on the tax list with the proper amount of taxes, at the valuation of the year or years omitted as near as the same can be ascertained. To enable him to do this he is hereby authorized and empowered to issue compulsory process and to require the attendance of any person whom he may suppose to have a knowledge of the articles, or value of the property, and to examine such person on oath in relation to such statement or return; and the treasurer shall in all such cases notify every such person, before making the entry upon the tax list, that such person may have an opportunity of showing that his statement, or the return of the assessor, is correct; the county treasurer shall in all cases file in his office the statement of facts or evidence upon which he made such corrections, and when so made the assessment and the levy shall have the same force as if made in the first instance.

Treasurer's duty if false list has been made.

Or omission.

Compulsory process to get information.

Notice to person not giving list personally.

SEC. 87. If any tax heretofore or hereafter levied on any property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous

Failure of taxation.

proceeding, or other cause, the amount of such tax which such property should have paid shall be added to the tax on such property for the next succeeding year, and if any tax is adjudged void for want of form or manner of procedure on the part of the taxing officers, the county commissioners shall cause such property to be placed on the assessment and tax roll of the current year, to be collected as other taxes of that year are collected: *Provided*, There shall be if necessary a re-listing, re-assessment and a re-levy of the proper tax in the manner and by the person now authorized by law to list property and levy and assess a tax: *Provided further*, That such re-listing, re-levying and sale shall take place within five years from the date such tax would have been delinquent, had such property been properly listed, assessed and tax levied thereon: *Provided further*, That if the question is raised in the courts as to the legality of such tax then said five years shall not commence to run until such question is finally determined by such court or courts.

Property re-listed.

Re-listing must be done within five years.

Limitation.

Exemptions of realty designated.

SEC. 88. At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of section five of this act, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitle it to exemption, and he shall require from every person claiming such exemption proof of the right to such exemption.

Failure or connivance of county officers.

SEC. 89. Every county auditor, county assessor and county treasurer who in any case refuses or knowingly neglects to perform any duty enjoined on him by this act, or who consents or connives at any evasion of its provisions whereby any proceeding herein provided for is prevented or hindered; whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered on the tax roll at less than its true cash value shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of compe-

tent jurisdiction upon the complaint of any citizen who is a taxpayer; and the county attorney shall prosecute such suit to judgment and execution.

SEC. 90. Whenever a civil action is commenced against any person holding the office of county treasurer, county auditor, or any other officer, for performing or attempting to perform any duty authorized or directed by any statute of this state for the collection of the public revenue, such treasurer, auditor or other officer may, in the discretion of the court before whom such action is brought, by an order made by such court and entered in the minutes thereof, be allowed and paid out of the county treasury, reasonable fees of counsel and other expenses for defending such action.

Counsel fees and expenses to county officer in civil suit.

SEC. 91. The assessor of each county shall, on or before the first day of March of each year, obtain from the commissioner of public lands, and from the local land offices of the state, lists of public lands sold or contracted to be sold during the previous year in his county, and certify them for taxation, together with the various classes of state lands sold during the same year, and it shall be the duty of the commissioner of public lands to certify a list or lists of all public lands sold or contracted to be sold during the previous year, on application of the assessor of any county applying therefor.

Assessor shall obtain list of public lands sold.

SEC. 92. The auditor of state shall prescribe the forms of all blanks and books required under the provisions of this act, and, except as hereinafter provided, shall have all detail lists, schedules, assessment and tax books to be used in connection with the assessment and collection of the public revenue printed and, when necessary, bound at the expense of the state, and furnished in sufficient size and quantities to the several counties as may be required: *Provided*, That in preparing tax rolls the state auditor shall follow, substantially, the following form: [See Form A. This form is on file in the office of the state auditor.]

All blanks and forms prescribed by state auditor.

Form of rolls.

And provided further, That counties may provide their own assessment and tax books and blanks, the expense of such books and blanks to be paid by the county. In which case the form of the assessment or tax roll may be sub-

County may furnish its own blanks.

Form of roll.

stantially as follows: [See Form B. This form is on file in the office of the state auditor, from whom copies may be obtained.] And in that event, the county assessor shall list the property upon the assessment or tax roll in this section provided for, and said assessment or tax roll, together with the detail lists, shall be delivered to the county board of equalization, in the same manner and under the same certificate hereinbefore required for the detail lists, and the county board of equalization shall equalize the values of, and the county auditor shall extend the taxes levied upon the equalized valuation of said property, upon said rolls in the manner provided for in the proviso in section 43 of this act, and such equalization and extension shall be deemed to be in lieu of and take the place of the equalization and extension herein otherwise provided for to be made upon the detail lists. The detail and assessment lists and blanks shall be in readiness for delivery to the assessor on the first Monday of March in each year. The state auditor shall decide all questions that may arise in reference to the true construction or interpretation of this act, or any part thereof, in connection with the advice and opinion of the attorney general of the state, and such decision shall have force and effect until annulled by the judgment or decree of a court of competent jurisdiction.

Rolls to be delivered to board of equalization.

County auditor to extend rolls.

Blanks furnished to assessor.

State auditor and attorney general shall construe law.

Personalty tax charged to realty, how.

Abbreviations.

SEC. 93. When it becomes necessary, in the opinion of the county treasurer, to charge the tax on personal property against real property, in order that such personal property tax may be collected, such county treasurer shall select for that purpose some particular tract or lots of real property owned by the person owing such personal property tax, and in his tax roll and certificate of delinquency shall designate the particular tract or lots of real property against which such personal property tax is charged, and such real estate shall be chargeable therewith. In all proceedings relative to the levy, assessment or collection of taxes, and any entries required to be made by any officer or by the clerk of the court, letters, figures and characters may be used to denote townships, ranges, sections, parts of sections, lots or blocks, or parts thereof, the year or the years for which the taxes were due, and the amount of

taxes, assessments, penalties, interest and costs. Whenever the abbreviation "do." or character ".,," or any other similar abbreviations or characters shall be used in any such proceedings, they shall be construed and held as meaning and being the same name, word, initial, letters, abbreviations, figure or figures, as the last preceding such "do." and ".,," or other similar characters.

SEC. 94. Any day after the taxes charged against real property are delinquent, the treasurer shall have the right, and it shall be his duty, upon demand and payment of the taxes and interest, to make out and issue certificates of delinquency against such delinquent property, and such certificates shall be numbered and have a stub, which shall be a summary of the certificate and shall contain a statement:

1. Description of the property assessed.
2. Year or years for which assessed.
3. Amount of tax and interest due.
4. Name of owner or reputed owner, if known.
5. The rate of interest the certificate shall bear.
6. The time when a deed may be had, if not sooner redeemed.
7. When a certificate of any preceding year is outstanding and unredeemed, it shall be stated in subsequent certificates issued, and the principal sum due, with date of issue.

8. A guaranty of the county or municipality to which the tax is due that if for any irregularity of the taxing officers this certificate be void, then such county or municipality will repay to the holder the sum paid thereon with interest at the rate of six per cent. per annum from the date of its issuance.

SEC. 95. Certificates of delinquency shall bear interest, from the date of issuance till redeemed, at the rate of fifteen per cent. per annum, and shall be sold to any person applying therefor, upon the payment of the value in principal and interest thereof: *Provided*, That when, from the failure of the taxing officers to do or perform any act in listing or assessing property, or in issuing such certificate, the same is declared void and the same is redeemed by the

Sale for delinquent taxes.

Certificate and its contents.

Guarantee to indemnify.

Certificates of delinquency to bear interest at rate of 15 per cent.

Interest if indemnity is paid.

county or municipality issuing the same, such rate of interest shall be six per cent. per annum.

Certificates as evidence.

Certificates of delinquency shall be *prima facie* evidence that—

1. The property described was subject to taxation at the time the same was assessed.
2. The property was assessed as required by law.
3. The taxes or assessments were not paid at any time before the issuance of the certificate.
4. Such certificate shall have the same force and effect as a judgment execution and sale of and against the premises included therein.

Foreclosure of certificate.

SEC. 96. Three years after the first day of December next following the date of delinquency, the holder of any certificate of delinquency shall give notice to the owner of the property described in such certificate that he will apply to the superior court of the county in which such property is situate for a judgment foreclosing the lien against the property mentioned. Such notice shall contain—

Summons and its contents.

1. The name of the holder of the certificate, the name of the owner of the property, if known, the title of the court of the county in which the action is brought.
2. A statement of contents of the certificate of delinquency, the amount due thereon, including all prior and subsequent taxes paid and interest due thereon.
3. A direction to the owner summoning him to appear within sixty days after service of the summons, exclusive of the day of service, and defend the action or pay the amount due.
4. A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien for such taxes, assessments and cost against the lands and premises named.
5. The summons shall be subscribed by the holder of the certificate of delinquency, or by some one in his behalf and residing within the State of Washington, and upon whom all process may be served.

Service of summons.

SEC. 97. Summons shall be served in the same manner as summons in a civil action is served in the superior court.

SEC. 98. When any property remains on the assessment

rolls for which no certificate of delinquency has been sold, the treasurer shall issue the same to the county or municipality entitled thereto and deliver them to the clerk of the county, and thereupon the same proceedings shall be had in the name of such county or municipality as when held by an individual. The county prosecuting attorney, or the attorney for the municipality entitled to the certificate, shall prosecute all cases to final judgment.

Foreclosure by municipality.

Duty of attorneys of municipality.

SEC. 99. Any person owning an interest in lands or lots upon which judgment is prayed, as provided in this act, may in person or by agent pay the taxes, assessment, penalties, interest and costs due thereon to the county treasurer of the county in which the same are situated, at any time before the execution of the deed; and for the amount so paid he shall have a lien on the property liable for taxes, assessments, penalties, interest and costs for which judgment is prayed; and the person or authority who shall collect or receive the same shall give a receipt for such payment, or issue to such person a certificate showing such payment.

Interested person may pay before execution of deed.

Lien.

Certificate of payment.

SEC. 100. Any person before the execution of a deed offering to pay the amount due on each tract or lot for the least quantity thereof shall be the purchaser of such quantity, which shall be taken from the east side of such tract or lot. In determining such piece or parcel of such tract or lot a line is to be drawn due north and south, far enough west of the eastern point of tract to make the requisite quantity, and such person shall succeed to all the rights of the certificate holder to the lands or lots selected, and the remainder shall be discharged from the lien.

Payment on part of lot.

SEC. 101. The county treasurer, on judgment being entered, shall make out and deliver to the purchaser of any lands or lots or any portion thereof, as aforesaid, a deed describing the land or lot or portion thereof as the same was described in the certificate of delinquency, the date of such judgment, the amount of taxes, assessments, penalties, interest and costs for which the same was adjudged delinquent, and that no payment has been made therefor. If any person shall become entitled to more than one tract or

Deed to lands.

Several parcels in one deed.

lot, he may have the whole or one or more of them included in one deed.

Redemption
of certificates.

SEC. 102. Real property sold under the provision of this act may be redeemed at any time before the expiration of three years from the date of delinquency, by payment, in legal money of the United States, to the county treasurer of the proper county for the benefit of the owner of the certificate of delinquency against said property, the amount for which the same was sold, together with fifteen per cent. per annum thereon from the date of delinquency until payment. The person redeeming such property shall also pay the amount of all taxes, assessments, penalties, interest and costs accruing after the issuance of such certificate of delinquency, with fifteen per cent. per annum interest thereon from the day the same were due until paid, unless such subsequent taxes or assessments, penalties, interest or costs have been paid by or on behalf of the person for whose benefit the redemption is made, and not being the purchaser of the delinquent tax certificate or his assignee. No fee shall be charged for any redemption after the passage of this act. If the real property of any minor heir, or insane person, be sold for non-payment of taxes or assessments the same may be redeemed at any time after sale and before the expiration of one year after such disability has been removed upon the terms specified in this section on the payment of interest at the rate of 15 per cent. per annum on the amount for which the same was sold, from and after the date of sale, which redemption may be made by themselves or by any person in their behalf. Tenants in common, or joint tenants, shall be allowed to redeem their individual interests in real property sold under the provisions of this act in the same manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making the same to be reimbursed by the person benefited.

Rate of
interest.

Subsequent
taxes.

No fee for
redemption.

Redemption
by minor, etc.

Redemption
by tenants
in common.

To whom
benefit
redemption
inures.

SEC. 103. The court shall examine each application for

judgment of forfeiture, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as it may deem necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. The court shall give judgment for such taxes, assessments, penalties, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application, and such judgment shall be considered as a several judgment against each tract or lot, or part of a tract or lot, for each kind of tax or assessment included therein, including all penalties, interest and costs, and the court shall order and direct the clerk to make out and enter an order for a deed of such real property against which judgment is made or vacate and set aside the certificate or make such other order or judgment as in law and equity may be just.

Said order shall be signed by the judge of such superior court and attested by the clerk thereof, and a certified copy of said order, together with a certified list of the property therein ordered sold, shall be served upon the county treasurer, and the said service shall be full and sufficient authority for him to proceed to execute a deed to said property for said sums set forth in said order, and to take such further steps in the matter as are provided by law. In all judicial proceedings of any kind for the collection of taxes, assessments, and the penalties, interest and costs therein, all amendments may be made which, by law, can be made in any personal action pending in such court, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment roll, or on account of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or

Court shall examine judgment of forfeiture.

Pleadings.

Continuances.

Judgments, how entered.

Order for deed.

Judgment according to law and equity.

Order shall be signed by judge.

Attested by clerk.

Certified copy.

Service on county treasurer.

Deed by treasurer.

Amendments as in personal actions.

Irregularities shall not invalidate assessment.

on account of the property having been charged or listed in the assessment or tax list without name, or any other name than that of the original owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax, or the assessment thereof, and any irregularity or informality in the assessment rolls or tax lists, or in any of the proceedings connected with the assessment or levy of such taxes, or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to law by the court: *Provided*, The treasurer shall, upon the making of such order and judgment of the court to execute such deed, first offer the property condemned for sale, for the taxes, interest, charges and costs.

All sales shall be made on Saturday, between the hours of nine o'clock in the morning and four o'clock in the afternoon, after first giving notice of the time and place where such sale is to take place, for ten days successively, by posting notice thereof in three public places in such county. Such notice shall contain a statement that, by order of the court duly made, the property described was, on the day of,, adjudged forfeited for non-payment of taxes for the year, levied against such property, with interest and costs (stating the same), and that such treasurer will offer the same for sale to the highest and best bidder therefor. At such sale, the holder of the certificate shall be deemed a bidder to the amount of his claim, and upon such sale the treasurer shall execute the deed as in the order of the court decreed. The treasurer may include in one notice any number of separate tracts or lots for the same year's taxes.

Offer of sale before deed.

Time of sale.

Notice of sale.

Form of notice.

Execution of deed.

Several tracts in one notice.

Appeals to supreme court.

Bond.

SEC. 104. Appeals from the judgment of the court may be taken to the supreme court at any time within six months after the rendition of said judgment, on the party praying an appeal executing a bond to the State of Washington, with two or more sureties to be approved by the court, in some reasonable amount to be fixed by the court,

conditioned that the appellant will prosecute his said appeal with effect, and will pay the amount of any taxes, assessments, penalties, interest and costs which may finally be adjudged against the real estate involved in the appeal by any court having jurisdiction of the cause. But no appeal shall be allowed from any judgment for the sale of lands or lots for taxes, nor shall any writ of error to reverse such judgment operate as a *supersedeas*, unless the party praying such appeal, or desiring such a writ of error, shall, before taking such appeal, or suing out such a writ of error, deposit with the county treasurer an amount of money equal to the amount of the judgment and costs. If in case of an appeal, or suing out a writ of error, the judgment shall be confirmed in whole or in part, the supreme court shall enter judgment for the amount of taxes, with damages, not to exceed twenty per cent., and order that the amount deposited with the treasurer aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the supreme court shall transmit to said county treasurer a certified copy of the order of affirmance, and it shall be the duty of such county treasurer, upon receiving the same, to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the supreme court, and to account for the same as collected taxes. If the judgment of the superior court shall be reversed, and the cause remanded for a re-hearing, and if, upon the re-hearing, judgment shall be rendered for the sale of the land or lot for taxes, or any part thereof, and such judgment be not appealed from, or writ of error prosecuted with *supersedeas* issued thereon, as herein provided, the clerk of such superior court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit the said judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and

Conditions
of bond.

Supersedeas.

Damages on
affirmance.

Execution.

Remittitur to
county
treasurer.

Reversal of
judgment,
cause
remanded.

Proceedings.

Treasurer's
certificate to
county clerk.

Clerk's credit
on judgment.

accountable for the amount so credited as collected taxes. Nothing herein done shall be construed as requiring an additional deposit, in case of more than one appeal or writ of error being prosecuted in said proceedings. If, upon a final hearing, judgment shall be refused for a deed to the lands or lots for the taxes, penalties, interest and costs, or any part thereof, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representatives, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the premises in respect of which such deposit shall have been made.

One deposit for all appeals.

Treasurer to remit balance to appellant.

Deed suspended during appeal.

SEC. 105. If judgment is rendered by any court at any time against any lands or lots for any taxes, assessment, penalty, interest or costs, the county treasurer shall proceed to execute such judgment by the execution of a deed to the lands and lots against which such judgment has been rendered: *Provided, however,* That in case of an appeal from any such judgment the county treasurer shall not issue such deed until such appeal is disposed of.

Lands worth less than taxes, sale to be made.

SEC. 106. Whenever the county treasurer shall certify to the superior court of his county that the taxes, penalties, interest and costs on heretofore or hereafter forfeited lands equals or exceeds the actual value of such lands, the treasurer shall, upon receipt of an order issued to him from the superior court, offer for sale to the highest bidder the tract or lands or lots in such order described, after first giving ten days' notice by advertising, in some paper of general circulation in his county, the time and place of sale, together with the description of the tracts or lands so to be offered. And a certificate of purchase shall be issued to the purchaser at such sale as in other cases in this act provided, and the county treasurer shall receive credit in his settlement with the county auditor for the amount on the several funds not realized by such sale. All collections made under the provisions of this act shall be paid into the several funds *pro rata* by the county treasurer, and accounted for in the same manner as all other moneys received by him.

Certificate of purchase.

Treasurer's credit.

Pro rating proceeds.

SEC. 107. If any purchaser of delinquency certificates

shall suffer a subsequent tax, on the same property to become delinquent, or a subsequent certificate to issue for taxes before the expiration of the last day for a deed therefor, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the subsequent certificate, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this act; but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him. The second purchaser, if any, shall be entitled to the redemption money as provided for in the preceding section: *Provided, however,* It shall not be necessary for any municipal corporation which shall bid in its own delinquent special assessments at any sale, in default of other bidders, to protect the property from subsequent forfeitures or sales, as above required in this section.

Purchaser of delinquency becoming delinquent.

Second purchaser.

Public corporation does not become delinquent.

SEC. 108. The books and records belonging to the office of county treasurer, certified by said treasurer, shall be deemed *prima facie* evidence to prove the issuance of any certificate, the sale of any land or lot for taxes or assessments, the redemption of the same or payment of taxes or assessments thereon. The county treasurer shall, at the expiration of his term of office, pay over to his successor in office all moneys in his hands received for redemption from sale for taxes on real estate.

Copies of treasurer's books as evidence.

Treasurer shall turn over all moneys to successor.

SEC. 109. Whenever it shall be made to appear to the satisfaction of a county treasurer that any tract or lot was sold which was not subject to be taxed or upon which taxes or assessments have been paid previous to the sale, he shall make an entry opposite to such tracts or lots in the sale or redemption record that the same was erroneously sold, and such entry shall be *prima facie* evidence of the fact therein stated.

Erroneous sales.

SEC. 110. When the purchaser at such erroneous sale, or any one holding under him, shall have paid any taxes or assessments, together with the penalty, interest and costs, upon the property so sold, which has not been paid by the owner of the property, he shall have the right to recover from such owner the amount he has so paid, with 10 per

Rights of purchaser at erroneous sale.

cent. interest from the time of payment, as money paid for the owner's use.

Effect of redemption.

SEC. 111. The receipt of the redemption money of any tract of land or lot by any purchaser, or by the county treasurer for the benefit of such purchaser, or the return of the certificate of purchase for cancellation, shall operate as a release of all the claim to said tract under or by virtue of the purchase, and the county treasurer, upon the receipt of any such redemption money, shall immediately endorse upon the sale or redemption record the fact that such taxes, penalties, interest and costs have been paid, and the property therein described has been redeemed from sale by said payment, and shall deliver to the person redeeming the same a certificate of redemption therefor.

Publications required are costs.

SEC. 112. In case any person shall be compelled to publish a notice in a newspaper under the provisions of this act, then, before any person who may have a right to redeem lands or lots from sale shall be permitted to redeem, he shall pay to the officer who by law is authorized to receive such redemption money the amount paid for publishing such notice for the use of the person compelled to publish such notice, as aforesaid, the fee for such publication.

Number of tracts in one deed.

SEC. 113. When any person shall hold more than one certificate of purchase at the same sale and for the same year's tax or assessment, the treasurer shall, on the request of the holder of such certificates, include as many tracts or lots described therein, not exceeding ten separate descriptions, in the deed of conveyance as such person may desire, and for which deed the county treasurer shall have and receive, for the benefit of the county, a fee of fifty cents for each certificate embraced therein: *Provided*, That no greater fee than five dollars shall be charged upon any one deed. The deed so made by the county treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the absolute title to the property therein described, without further acknowledgment or evidence of such conveyance.

Fees.

Deed—seal—title.

Deed as evidence.

SEC. 114. Deeds executed by the county treasurer, as

aforesaid, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs and assigns, to the real estate thereby conveyed of the following facts: *First*, That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law; *second*, that the taxes or assessments were not paid at any time before the issuance of deed; *third*, that the real estate conveyed had not been redeemed from the sale at the date of the deed; *fourth*, that the real estate was sold for taxes, assessments, penalties and costs, as stated in the deed; *fifth*, that the grantee in the deed was the purchaser, or assignee of the purchaser; *sixth*, that the sale was conducted in the manner required by law. And any judgment for the deed to real estate sold for delinquent taxes rendered after the passage of this act, except as otherwise provided in this section, shall estop all parties from raising any objections thereto, or to a tax title based thereon, which existed at or before the rendition of such judgment, and could have been presented as a defense to the application for such judgment in the court wherein the same was rendered, and as to all such questions the judgment itself shall be conclusive evidence of its regularity and validity in all collateral proceedings, except in cases where the tax or assessments have been paid, or the real estate was not liable to the tax or assessment.

Deed and judgment as estoppel.

SEC. 115. Unless the holder of the certificate of delinquency for real estate purchased under this act takes out a deed as entitled by law, and files the same for record within one year from and after the time he is entitled to such deed, the said certificate or deed, and the sale on which it is based, shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction, or order of any court, or by the refusal of the treasurer to execute the same, the time he is so prevented shall be excluded from the computation of such time. Certificates of purchase and deeds executed by the county treasurer shall recite the qualifications required in this section.

Deed shall be taken out within one year.

Limitation raised.

Certificates must show above requirements.

Operation of this act on proceedings instituted.

SEC. 116. All lots, tracts and parcels of land heretofore forfeited or sold to counties for delinquent taxes due and remaining unpaid at the date of the approval of this act, or for the collection of which suit has been instituted, but no judgment ordering such property sold for taxes has been rendered, as shown by the registers of unpaid taxes now on file in the offices of the several county treasurers of the state, shall be deemed to be delinquent under the provisions of this act, and the same proceedings may be had to enforce the payment of such unpaid taxes, together with penalty, interest and costs, and payment enforced under and by virtue of the provisions of this act. Certificates of delinquency against the delinquent taxes of [levied in] 1893, 1894 and 1895 shall, on application, be issued by the county treasurer on or before January 31, 1898, at the time and in the manner specified in this act, and all subsequent taxes remaining unpaid shall be collected under the provisions herein set forth.

This act applies to future proceedings.

Detail sheets for 1897.

SEC. 117. The board of county commissioners may, for the year 1897, direct the assessor to prepare and bind with the detail sheets for such year supplementary sheets, properly ruled for extending and equalizing the taxes thereon, and such taxes shall be extended and equalized thereon and shall be transcribed from such detail lists in the manner in this act provided to the tax roll.

Remission of penalties and interest.

SEC. 118. All costs, penalties and interest, in excess of six per cent. per annum from the date of delinquency on all state, county, school district, road district and municipality taxes levied for the year 1895 and previous years, and which have not been sold at tax sale to parties other than the county or municipality for which the original tax was levied be and are hereby remitted, and the county treasurers of the respective counties in this state are authorized to receive and receipt for the net amount of such taxes, as originally levied, with six per cent. interest per annum from the date of delinquency: *Provided*, That in order to receive the benefit of the remission herein provided for, all such delinquent taxes shall be paid on or before the 30th day of November, 1897, with interest as aforesaid, and if not so paid, then all the penalties, costs

Proviso.

and interest, now charged against the same shall be and remain a charge against such delinquent property, and the said treasurer shall thereupon issue certificates of delinquency against any and all of the said property, in the same manner and to the same effect, as provided for in this act in relation to certificates of delinquency, and the treasurer is hereby authorized to enter such remission upon his tax receipts, when issued, as discount.

SEC. 119. 1. The treasurer shall, upon the issuance of a certificate of delinquency, collect fifty cents. ^{Fees of officers.} 2. For making a deed, including all services rendered, including sales and posting notices, \$3.00. 3. The clerk of the court shall, upon filing application for judgment, and for all services rendered to and including judgments, collect \$2.00. 4. From each contestant at time of filing such contest, \$5.00.

SEC. 120. If any property owner shall pay taxes on the property of another by mistake of any kind, and the owner of such property fails or refuses, after thirty days' demand, to reimburse such payor before the date on which the delinquency certificates are issued, as provided in this act, the payor, or his assignee, may surrender the tax receipt given for such tax payment to the county treasurer and take a certificate of delinquency in lieu thereof, on payment of the accrued interest thereon. ^{Taxes paid by mistake.}

SEC. 121. All elections for the validation of any debt, created by any city, which has since become consolidated with any other city, shall be by, and the vote shall be taken in the new consolidated city as the same is constituted at the time of any such election. ^{Indefinite.}

SEC. 122. An emergency exists, and this act shall take effect immediately.

Passed the Senate March 5, 1897.

Passed the House March 9, 1897.

Approved by the Governor March 15, 1897.

CHAPTER LXXII.

[S. B. No. 273.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1897, and ending March 31, 1899.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys from the several funds of the state treasury, for the payment of the salaries provided by law for certain officers and employes of the state, and for other purposes hereinafter expressed, for the fiscal term beginning April 1, 1897, and ending March 31, 1899, viz.:

OUT OF THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE.

For salary of the governor, at \$4,000 per year.....	\$8,000 00
For private secretary of governor, at \$1,200 per year....	2,400 00
For stenographer in the governor's office, at \$720 per year	1,440 00
For postage, stationery, traveling expenses and incidentals	1,000 00
For publishing the governor's proclamation.....	300 00
For extradition expenses.....	2,000 00
For rewards authorized to be paid by the governor in certain cases.....	1,000 00
For the suppression of riots, insurrections or invasions, to be used by the governor for this purpose only	5,000 00
For deposit required for cost of survey of school and indemnity lands.....	17,000 00
Total for governor's office.....	<u>\$38,140 00</u>

FOR LIEUTENANT GOVERNOR'S OFFICE.

Salary of lieutenant governor, at \$1,000 per year.....	\$2,000 00
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FOR SECRETARY OF STATE'S OFFICE.

Salary of secretary of state, at \$2,500 per year.....	\$5,000 00
Salary of chief clerk, at \$1,200 per year.....	2,400 00
Salary of insurance clerk, at \$1,200 per year.....	2,400 00
Salary of recording clerk, at \$820 per year.....	1,640 00

SESSION LAWS, 1897.

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For transcribing old indexes of records.....	\$500 00
<i>Providing, That the appropriation herein shall be taken from the unexpended balance in the distribution of session laws fund of 1895 (\$137.15), and the unexpended balance in the traveling expense fund of insurance department (\$362.65) of appropriation of 1895.</i>	
Salary of recording clerk, at \$820 per year.....	1,640 00
Salary of bookkeeper and stenographer, at \$720 per year	1,440 00
For extra clerk hire	500 00
For traveling and incidental expenses, insurance department, at \$200 per year.....	400 00
For postage and incidentals	1,000 00
For distribution of session laws and journals	400 00
For indexing session laws	200 00
For furniture for secretary of state's office.....	500 00
For indexing House journal	200 00
For indexing Senate journal	200 00
For publishing constitutional amendments.....	1,500 00
Total for secretary of state's office.....	<u>\$19,920 00</u>

FOR STATE AUDITOR'S OFFICE.

Salary of state auditor, at \$2,000 per year.....	\$4,000 00
Salary of deputy state auditor, at \$1,200 per year	2,400 00
Salary of bookkeeper, at \$1,000 per year.....	2,000 00
For extra clerk hire, \$500 per year.....	1,000 00
Salary of stenographer, at \$720 per year.....	1,440 00
For postage	300 00
Telegraphing and incidentals.....	300 00
For expressage and distributing revenue forms.....	300 00
Total for state auditor's office.....	<u>\$11,740 00</u>

FOR STATE TREASURER'S OFFICE.

Salary of state treasurer, at \$2,000 per year.....	\$4,000 00
Salary of deputy state treasurer, at \$1,200 per year.....	2,400 00
For postage and incidentals.....	300 00
For extra clerical help.....	600 00
Total for treasurer's office	<u>\$7,300 00</u>

ATTORNEY GENERAL'S OFFICE.

Salary of attorney general, at \$2,000 per year	\$4,000 00
Salary of assistant attorney general, at \$1,800 per year..	3,600 00
For stenographing and clerk hire, at \$500 per year.....	1,000 00
For traveling expenses, at \$750 per year	1,500 00
For stationery, postage and incidentals	400 00
Total for attorney general's office.....	<u>\$10,500 00</u>

FOR OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salary of superintendent, at \$2,500 per year.....	\$5,000 00
For clerk hire, at \$500 per year.....	1,000 00

Salary of deputy state superintendent, \$1,000 per year..	\$2,000 00
For postage, expressage and telegraphing.....	300 00
For traveling expenses.....	500 00
For expenses of state board of education.....	1,000 00
Total for office of superintendent of public instruction.....	\$9,800 00

FOR SUPREME COURT.

Salary of supreme judges, at \$4,000 each per year.....	\$40,000 00
Salary of clerk of supreme court, at \$2,000 per year.....	4,000 00
Salary of supreme court reporter.....	4,195 00
Contingent expenses, supreme court.....	6,000 00
Total, supreme court.....	\$54,195 00

FOR SALARY AND EXPENSES OF SUPERIOR JUDGES.

For salaries of superior judges.....	\$63,000 00
For traveling expenses of superior judges whose jurisdiction contains more than one county.....	1,500 00
For payment of salary and expenses of superior judges <i>pro tem</i>	800 00
Total, superior judges.....	\$65,300 00

FOR OFFICE OF COMMISSIONER OF PUBLIC LANDS.

Salary of commissioner of public lands, at \$2,000 per year	\$4,000 00
Salary of chief clerk, at \$1,200 per year.....	2,400 00
Salary of chief engineer, at \$1,200 per year.....	2,400 00
Salary of stenographer, \$720 per year.....	1,440 00
Salary of bookkeeper, abstractor and recorder, at \$900 per year.....	1,800 00
For extra engineering help.....	800 00
For expense of appraisement, sale and lease of school, granted, tide and other lands.....	7,500 00
For salary and fees of agents in selecting state lands....	8,000 00
For advertising sale of state lands.....	500 00
For traveling expenses, commissioner of public lands and board of state land commissioners.....	1,000 00
For postage and incidental expenses.....	300 00
For contingent fund for defending state's title to school, granted and other lands before the courts and the several United States land offices of the state and the secretary of the interior.....	3,000 00
For procuring plats and abstracts of entries from the United States land office.....	300 00
For furniture and other office material.....	500 00
For expense of having school and other lands of the state certified by the secretary of the interior as non-mineral in character, and advertising of the same.....	2,000 00
For fees due agents for selecting state lands.....	2,300 00
Total for commissioner of public lands.....	\$38,240 00

FOR OFFICE OF FISH COMMISSIONER.

For salary of fish commissioner, at \$2,000 per year.....	\$4,000 00
Deputy fish commissioners, at \$750 per year.....	1,500 00
For traveling and incidental expenses of fish commissioner.....	1,500 00
Total for fish commissioner's office.....	<u>\$7,000 00</u>

OUT OF FISH HATCHERY FUND.

For maintenance of fish hatcheries.....	\$20,000 00
* For the construction of a fishway in the Skokomish river.....	500 00
* For the construction of a fishway in the Des Chutes river.....	500 00
* For the construction of a fishway in the Spokane river.....	500 00
Total from fish hatchery fund.....	<u>\$21,500 00</u>

* If considered feasible by the fish commissioner.

FOR STATE LIBRARY.

For salary of state librarian, \$1,000.00 per year.....	\$2,000 00
For salary of assistant state librarian.....	800 00
Total for state library.....	<u>\$2,800 00</u>

FROM STATE LIBRARY FUND.

For postage and incidental expenses.....	400 00
For purchase of maps and books for state library.....	2,000 00
Total from library fund.....	<u>\$2,400 00</u>

FOR COAL MINE INSPECTORS.

For salaries of coal mine inspectors.....	\$3,000 00
For traveling expenses of coal mine inspectors.....	500 00
For coal mine examiner.....	400 00
Total for coal mine inspectors.....	<u>\$3,900 00</u>

FOR WESTERN WASHINGTON HOSPITAL FOR THE INSANE.

Maintenance.....	\$145,000 00
Furniture.....	1,250 00
Repairs to wooden ward for patients.....	600 00
General repairs.....	500 00
Repairs to heating system.....	600 00
Library.....	200 00
Safe.....	100 00
Total for Western Washington hospital for insane.....	<u>\$148,250 00</u>

FOR EASTERN WASHINGTON HOSPITAL FOR THE INSANE.

Maintenance.....	\$90,000 00
Library.....	100 00

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Dynamo and fixtures.....	\$1,000 00
Windmill and cistern.....	300 00
Repairs and improvements ..	500 00
Rebuilding boiler house	4,000 00
Total for Eastern Washington hospital for in-	
sane	\$95,900 00

FOR STATE REFORM SCHOOL.

Maintenance.....	\$24,000 00
Salary fund	14,000 00
Furnishing and repairs.....	2,000 00
Transporting juvenile offenders to school.....	3,000 00
Total for state reform school.....	\$43,000 00

FOR STATE PENITENTIARY.

Maintenance.....	\$110,000 00
Transporting convicts to penitentiary.....	10,000 00
For improvement of cell wing, and for kitchen and din-	
ing room purposes.....	500 00
Total for state penitentiary.....	\$120,500 00

FOR SCHOOL FOR DEFECTIVE YOUTH.

Maintenance.....	\$58,060 00
For electric light plant and dynamo.....	1,800 00
	\$59,860 00

For the purchase of three hundred copies each of vol-	
ume 16, 17, 18, 19, 20, 21, Washington Reports.....	\$4,500 00

DAIRY COMMISSIONER.

For salary.....	\$2,400 00
Traveling and incidental expense.....	1,000 00
Per diem and expenses of deputies.....	1,600 00
	\$5,000 00

FOR ELLENSBURG NORMAL SCHOOL.

Maintenance.....	\$25,000 00
Ceiling, plastering and cementing basement	1,000 00
Pedagogical library	1,000 00
Apparatus for gymnasium.....	250 00
Cementing and slating blackboards.....	200 00
Chairs for two recitation rooms.....	225 00
Electric program apparatus.....	150 00
	\$27,825 00

FOR CHENEY NORMAL SCHOOL.

Maintenance.....	\$25,000 00
Fencing and sidewalk	500 00
Total for Cheney normal school	\$25,500 00

Vetoed.

FOR NEW WHATCOM NORMAL SCHOOL.

Maintenance.....	\$17,500 00	Vetoed.
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FOR STATE UNIVERSITY.

Maintenance.....	\$78,000 00
Apparatus and books.....	2,500 00
	<u>\$80,500 00</u>

FOR SOLDIERS' HOME.

Maintenance.....	\$20,000 00
Incidental expenses.....	3,000 00
	<u>\$23,000 00</u>

FOR AGRICULTURAL COLLEGE.

Maintenance, two years.....	\$27,500 00
Reimbursement of Morrill fund.....	1,500 00
Total for agricultural college.....	<u>\$29,000 00</u>

FOR BOARD OF HEALTH.

Salary and expenses state board of health.....	\$500 00
Total for board of health.....	<u>\$500 00</u>

PRINTING AND BINDING.

For public printing and binding.....	\$45,000 00
For furnishing legislature and state offices with desk supplies.....	5,000 00
For revolving fund.....	10,000 00
Total for state printing.....	<u>\$60,000 00</u>

Rent of state offices, light, etc.....	\$12,800 00
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FOR STATE BOARD OF HORTICULTURE.

Salary and expenses.....	\$3,000 00
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FOR GRAIN INSPECTOR.

Salary of inspector.....	\$3,600 00
For clerk hire.....	2,000 00
Total for grain inspector.....	<u>\$5,600 00</u>

For cost bills in convictions for felony before the supe- rior courts.....	\$25,000 00
For the payment of the judgment of Daniel Bagley against the state.....	908 40
For transporting insane persons to hospitals for the in- sane.....	12,000 00

FROM NORMAL SCHOOL FUNDS.

For equipment and improving grounds of New What- com normal school.....	\$20,000 00	Vetoed.
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FROM THE MILITARY FUND.

For maintenance of the national guard, at \$3,000 per annum, from April 1, 1897, to March 31, 1899.....	\$6,000 00
<i>Provided</i> , That no pay shall be allowed for stated parades, and not more than \$300.00 per annum allowed to companies for armory rent and incidental expenses.	
For Washington state fair	\$5,500 00
Passed the Senate March 9, 1897.	
Passed the House March 10, 1897.	

NOTE BY THE GOVERNOR.—The appropriation of \$25,500.00 for the Cheney normal school, \$17,500.00 for maintenance of Whatcom normal school, and \$20,000 for equipment and improving grounds of the said Whatcom school are hereby objected to and disapproved. The reason for such disapproval being that such appropriations are opposed to a just public policy at the present time. With these exceptions the bill is hereby approved.

J. R. ROGERS, *Governor*.

Approved March 15, 1897.

CHAPTER LXXIII.

[S. B. No. 258.]

FOR THE PROTECTION OF STURGEON.

AN ACT for the protection of sturgeon in the waters of this state.

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

SECTION 1. Hereafter it shall not be lawful for any person or persons to take, capture, kill or have in their possession after the same has been taken, captured or killed, any sturgeon between the first day of March and the first day of November in each and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured, killed or had unlawfully.

SEC. 2. It shall not be lawful at any time to take or kill any young sturgeon under three feet and a half in length, or fish for the same by any device or appliance whatever,

Sturgeon protected between March and November.

Sturgeon under 3½ feet protected.

in the waters of this state; and any person or persons fishing with gill nets, pound nets, set nets, fish wheel or other fishing apparatus whatever in the waters of this state, who, on lifting, drawing, taking up or removing any of said nets or other fishing apparatus shall find young sturgeon under four feet in length entangled or caught therein, shall immediately with care and with the least possible injury to the fish, disentangle and let loose the same, and transmit the fish to the water without violence; any person or persons violating any of the provisions of this section or having in their possession young sturgeon under four feet in length, either for consumption or sale, or who is known willfully to destroy the same, for so offending, shall on conviction thereof be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed, and in default of paying such fine, on being convicted thereof, shall be imprisoned in the county jail for thirty days.

Disposition of
when caught.

Penalty.

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

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXIV.

[S. B. No. 231.]

TIME ALLOWANCE FOR GOOD BEHAVIOR OF CONVICTS.

AN ACT to amend section 20 of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891, being section 1160 of the first volume of the General Statutes and Codes of Washington, as arranged and annotated by William Lair Hill.

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

SECTION 1. That section 20 of an act entitled "An act to define, regulate and govern the state penitentiary, and

declaring an emergency," approved March 9, 1891, the same being section 1160 of the first volume of the General Statutes and Codes of the State of Washington, as arranged and annotated by William Lair Hill, be amended to read as follows: "Sec. 20. The board of penitentiary directors shall require of every able-bodied convict confined in the penitentiary as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the penitentiary. Every convict who shall have no refraction of the rules and regulations of the penitentiary or laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned him, shall be allowed from his term, instead and in lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of his term, and *pro rata* for any part of the year where the sentence is for more or less than a year. Each convict shall be entitled to these deductions unless the board of directors shall find that for misconduct or other cause he should not receive them. But if any convict shall commit any assault upon his keeper or any foreman, officer, convict or person, or otherwise endanger life, or shall be guilty of any flagrant disregard of the rules of the penitentiary, or commit any misdemeanor, or in any manner violate any of the rules and regulations of the penitentiary, he shall forfeit all deductions of time earned by him for good conduct before the commission of such offense, or that, under this section, he may earn in the future, or shall forfeit such part of such deductions as to the board of directors may seem just; such forfeiture, however, shall be made only by the board of directors after due proof of the offense and notice to the offender, nor shall any forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the directors shall be sole judges. The board shall have power to restore credits forfeited, for such reasons as to them may seem proper."

Able-bodied convicts must work.

Time allowance for good behavior.

May forfeit.

Forfeiture, how ordered.

May be restored.

SEC. 2. The warden of the penitentiary shall report to

the governor at least once in three months the names of convicts who by their faithful performance of duty, good and meritorious conduct, he believes entitled to executive clemency, stating the time of conviction, for what crime convicted, length of sentence, and reasons for favorable consideration; which report shall be kept on file in the governor's office for reference.

Passed the Senate March 5, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXV.

[S. B. No. 97.]

RELATING TO CLAIMS AGAINST ESTATES OF INFANTS, INSANE AND INCOMPETENT PERSONS.

AN ACT relating to claims against the estates of infants, insane and incompetent persons.

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

SECTION 1. No holder of a claim, demand or judgment against an estate of a person under guardianship shall maintain an action thereon or enforce the same, unless the claim, demand or judgment shall have been first presented to such guardian and by him rejected in whole or in part. A failure or neglect to allow a claim for thirty days after the same is presented, shall be deemed a rejection thereof.

SEC. 2. No judgment entered against the estate or person of a ward, except for the foreclosure of a mortgage or lien, shall be a lien against or upon the estate of such ward, but such judgment shall be presented and paid as other claims of the same class or grade.

Passed the Senate February 16, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXVI.

[S. B. No. 62.]

RELATING TO COUNTY BOUNDARIES.

AN ACT relating to county boundaries.

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

County may
bring suit to
establish
line.

SECTION 1. Whenever the boundary line between two or more adjoining counties in this state shall be in dispute, or shall have been lost by time, accident or any other cause, or shall have become obscure or uncertain, one or more of said counties, in its corporate name, may bring and maintain suit against such other adjoining county or counties, in equity, in the superior court of this state, and such court as a court of equity shall hear and determine all such suits, and by decree establish the location of such boundary line or lines.

Before whom.

SEC. 2. Said suit shall be tried before a judge of the superior court who is not a resident of a county, a party to such suit, or of a judicial district embracing any such county.

Residents of
disputed ter-
ritory may
intervene.

SEC. 3. A majority of the voters living in the territory embracing such disputed, lost, obscure or uncertain boundary line may, by petition, duly verified by one or more of them, intervene in said suit, and thereupon said court shall have jurisdiction and power, in locating and establishing said boundary line or lines, to strike or transfer from one county to another a strip or portion of such territory not exceeding two miles in width.

SEC. 4. The term territory, as used in this act, shall be held and construed to mean and include that part or section of said counties lying along said line and within one mile on either side thereof.

SEC. 5. The boundaries of such territory, the number of voters living therein, and the sufficiency of such petition are questions of fact to be determined by said court.

Court may
move bound-
ary line.

SEC. 6. The court shall have power to move or establish such boundary line on any government section line or subdivisional line thereof, of the section in or through which said disputed, lost, obscure or uncertain boundary

line may be located, or if such boundary line is in unsurveyed territory, then the court shall have power to move or establish such boundary line so it will conform to extensions of government section lines already surveyed in that vicinity.

SEC. 7. The practice, proceedings, rules of evidence, Practice. and appeals to the supreme court as in civil actions, is preserved under this act.

SEC. 8. The clerk of the court in whose office a decree Copies of decree to be furnished certain officials. is entered under the provisions of this act, shall forthwith furnish certified copies thereof to the secretary of state, and to the auditors of the counties, which are parties to said suit; and said secretary of state, and said county auditors, shall file and record said copies of said decree in their respective offices.

Passed the Senate March 11, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXVII.

[S. B. No. 106.]

RELATING TO PURCHASE OF CERTAIN SUPPLIES.

AN ACT providing for the purchase of stationery, desk supplies and furnishings required by the state legislature and the state officers located at the capital.

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

SECTION 1. That all stationery, desk supplies and furnishings required by the state legislature and the state officers located at the capital shall hereafter be purchased All supplies bought through the printing board. and provided and accounted for in the same manner and under the same rules and regulations as govern the purchase and provision and accounting of the supplies for public printing.

Passed the Senate February 10, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXVIII.

[S. B. No. 170.]

RELATING TO DEPOSITIONS.

AN ACT to amend section 1672 of volume II of Hill's Annotated Statutes and Codes of Washington, relating to depositions, and declaring an emergency.

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

SECTION 1. That section 1672 of volume 2 of Hill's Annotated Statutes and Codes of Washington be and the same is hereby amended to read as follows: "Sec. 1672.

Superior judge
may grant
commission
to take
depositions.

Any superior court in this state, or any judge thereof, is authorized to grant a commission to take depositions within or without this state. The commission must be issued to a person or persons therein named, by the clerk,

Notice
necessary.

under the seal of the court granting the same, and depositions under it may be taken upon written interrogatories or upon oral questions or partly upon oral and partly upon written interrogatories. Before any such commission shall be granted, the person intending to apply therefor shall serve upon the adverse party a notice of his intention to make such application, stating the time when and the place where such application will be made, which notice shall be served in the same manner and for the same time as provided in section 1668, unless the court or judge, for sufficient cause shown by affidavit, prescribe a shorter time.

Judge to
settle the in-
terrogatories.

At the time the application is presented, the court or judge shall settle the interrogatories, if any have been served and the parties have not settled the same. The clerk, upon issuing the commission, shall attach the interrogatories thereto, if any have been agreed upon or settled by the court, and immediately forward the same to the commissioner. At least five days' notice must be given to the party or witness to be examined out of the state, in case such examination shall be had upon oral interrogatories, and the person before whom the deposition of the witness shall be taken shall have the same power to compel the attendance of such parties or witnesses as any person authorized to take such deposition within this state."

Time allowed.

SEC. 2. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the Senate March 11, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXIX.

[S. B. No. 174.]

RELATING TO DISORGANIZATION OF IRRIGATION DISTRICTS.

AN ACT providing for the disorganization and liquidation of irrigation districts which have no bonded indebtedness, and the winding up of their affairs.

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

SECTION 1. Any irrigation district, organized and existing by virtue of the laws of this state, which has no bonded indebtedness outstanding, may be disorganized and its business and affairs liquidated and wound up in the manner hereinafter provided. Irrigation district may disorganize.

SEC. 2. A petition signed by one-third or more holders of title or evidence of title to lands within said district who shall be qualified electors thereof, reciting the fact that said district has no bonded indebtedness and praying that said district be disorganized under the provisions of this act, shall be delivered to the secretary of the board of directors of said district or to one of the directors thereof. Petition for.

SEC. 3. Upon the delivery of said petition the board of directors of said irrigation district shall, at their next succeeding regular monthly meeting, order an election, the date of which election shall be within twenty days from the date of said meeting of the board of directors and which election shall be conducted as other elections of irrigation districts are conducted. At said election the qualified electors of said irrigation district shall cast ballots which shall contain the words "Disorganize, Yes," or Election ordered. Ballots.

Electors. "Disorganize, No." No person shall be entitled to vote at any election held under the provisions of this act unless he is a qualified voter under the election laws of the state, and holds title or evidence of title to land in said district.

Three-fifths vote necessary. SEC. 4. If three-fifths of the votes cast at any election under the provisions of this act shall contain the words "Disorganize, Yes," then the board of directors shall present to the superior judge of the county in which said irrigation district is located an application for an order of said superior court that such irrigation district be declared disorganized and dissolved, and that its affairs be liquidated and wound up, as provided for in this act, and reciting that at an election of such irrigation district, held as provided in this act, three-fifths of the votes cast contained the words "Disorganize, Yes," and such petition shall be certified to by the directors of said district. They shall also file with said superior court a statement, sworn to by the directors of said irrigation district, showing all outstanding indebtedness of said irrigation district, or if there be no such indebtedness, then the directors shall make oath to that effect. Notice of said application shall be given by the clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in a newspaper of the county printed and published nearest to said irrigation district, once each week for four weeks, or if no newspaper is published in the county, by publication in the newspaper nearest thereto in the state. At the time and place appointed in the notice, or at any other time to which it may be postponed by the judge, he shall proceed to consider the application, and if satisfied that the provisions of this act have been complied with he shall enter an order declaring said irrigation district dissolved and disorganized.

Disposition of vote.

As to any indebtedness.

Publication notice.

Directors shall be trustees. SEC. 5. Upon the disorganization of any irrigation district under the provisions of this act, the board of directors at the time of the disorganization shall be trustees of the creditors and of the property holders of said district for the purpose of collecting and paying all indebtedness of said district, in which actual construction work has been done, and shall have the power to sue and be sued. It

shall be the duty of said board of directors, and they shall have the power and authority, to levy and collect a tax sufficient to pay all such indebtedness, which tax shall be levied and collected in the manner prescribed by law for the levying and collection of taxes of irrigation districts. Any balance of moneys of said district remaining over after all outstanding indebtedness and the cost of the proceedings under this act have been paid shall be divided and refunded to the assessment payers in said irrigation district, to each in proportion to the amount contributed by him to the total amount of assessments collected by said district. Said board of directors shall report to the court from time to time as the court may direct, and upon a showing to the court that all indebtedness has been paid, an order shall be entered discharging said board of directors. Upon the entry of such order said board of directors and all the officers of said district shall deliver over to the clerk of said court all books, papers, records and documents belonging to said district, or under their control as officers thereof: *Provided*, That nothing herein contained shall be construed to validate or authorize the payment of any indebtedness of said district exceeding the legal limitation of indebtedness specified by law for irrigation districts; or any indebtedness contracted by such irrigation district or its officers without lawful authority.

Tax may be levied.

Discharge.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXX.

[S. B. No. 152.]

RELATING TO HOUSE DRAINAGE AND PLUMBING.

AN ACT to regulate the sanitary construction of house drainage and plumbing, in cities of first class.

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

Plumber must
be licensed.

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

Board of health
to examine
and license.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, in any city of 5,000 or more, shall apply to the president of the board of health or other officer having jurisdiction in the locality where he intends to engage in or work at such business, and shall at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm or corporation, the examination or licensing of any one member of such firm or the manager of such corporation shall satisfy the requirements of this act.

City of first
class shall
have a board of
examiners.

SEC. 3. There shall be in every city of the first class, having a system of water supply and sewerage, a board of examiners consisting of the president of the board of health, the inspector of plumbing of said city or town, if any there be, and three members who shall be practical plumbers (two shall be master plumbers, one shall be a journeyman plumber); the president of the board of health and the inspector of plumbing shall be members, *ex officio*, of said board and serve without compensation: *Provided*, That in localities where the required number of plumbers cannot be secured, such vacancies may be filled by the appointment of reputable physicians. Said members shall be appointed by the board of health; if there be no board

Appointed by
board of
health.

of health or health officer of said city or town, the mayor of said city or town shall, within three months from and after the passage of this act, appoint said board of examiners for the term of one year, said appointment to date from the first day of July, 1897, and thereafter annually, and said appointed members of such board shall serve without compensation: *Provided*, That if in any city or town there is no inspector of plumbing, said board of health shall appoint a fourth member of said board of examiners, who shall be a practical plumber, and whose term of office shall be the same as heretofore provided for said three members.

SEC. 4. Said board of examiners shall, within ten days after the appointment of said members, meet and organize by the selection of a chairman, and shall designate the time and place for the examination of applicants desiring to engage in or at the business of plumbing within their respective jurisdictions. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicant, shall so verify to the board of health. Such board shall thereupon issue a license to such applicant, authorizing him to engage in or at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be \$5; for journeyman plumber shall be \$1. Said license shall be valid and have force in district where issued, and shall be renewed annually upon payment of one dollar.

SEC. 5. The board of health of each city mentioned in section three of this act shall, within three months from and after this act, appoint one or more inspectors of plumbing (if such appointment has not already been made), who shall be practical plumbers, and shall hold office until removed by such board of health for cause, which must be shown. The compensation of such inspectors shall be determined by the city council of said city, and be paid from the treasury of their respective cities. Said inspectors so appointed shall inspect all plumbing work for which permits are hereafter granted within their respective jurisdic-

Duties of board.

License fees

Compensation of board.

Inspectors.

tion, in process of construction, alteration or repair, and shall report to said board of health all violations of any law, ordinance or by-law relating to plumbing work, and also perform such other appropriate duties as may be required by said board.

Rules and regulations.

SEC. 6. The board of health of each city of the first class in this state having a system of water supply and sewerage shall, within three months from the passage of this act, prescribe rules and regulations for the construction, alteration and inspection of plumbing and sewerage placed in or in connection with any building in such city or town, which shall be approved by ordinance by the council of such city or town, and the board of health shall further provide that no plumbing work shall be done, except in the case of repairs or leaks, without a permit being issued first therefor, upon such terms and conditions as such board of health of said city or town shall prescribe.

Penalty.

SEC. 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine not exceeding fifty (\$50) dollars, nor less than five (\$5) dollars, for each and every violation thereof. The license of any master or journeyman plumber may be at any time revoked for incompetency, dereliction of duty or other sufficient causes, after a full and fair hearing by a majority of the examining board; but an appeal may be taken from said examining board to the state board of health, and license may be revoked by the examining board provided for in section three (3) of this act.

License moneys.

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

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXI.

[S. B. No. 93.]

PROVIDING FOR A BOUNTY ON BEET SUGAR.

AN ACT granting a bounty for the encouragement of the production and manufacture of sugar in the State of Washington.

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

SECTION 1. There shall be paid out of the state treasury to any person, firm or corporation engaging in the manufacture of sugar in this state from beets, grown in the State of Washington the sum of one cent per pound upon each and every pound of sugar so manufactured under the conditions and restrictions of this act.

One cent per pound bounty on native sugar.

SEC. 2. No bounty shall be paid upon sugar not containing at least ninety per cent. of crystallized sugar, and only upon sugar produced from beets for which not less than four dollars per ton has been paid to the producer. The quantity and quality upon which said bounty is claimed shall be determined by the president of the state agricultural college, with whom all claimants shall, from time to time, file verified statements showing the quantity and quality of sugar manufactured by them and the price paid the producer for beets and the amount of sugar manufactured upon which said bounty is claimed. The president of the agricultural college shall, without unnecessary delay, visit or cause to be visited by such persons as he shall designate in writing as inspectors, the factory where said sugar has been produced or manufactured, and inspect the sugar so manufactured, and take such evidence by sworn testimony of the officers or employes of such factory or others as to the amount and quality of sugar so manufactured and the price paid for the beets as to him or the person designated by him shall appear satisfactory and conclusive.

Must have 90 per cent. crystallized sugar.

Duty president agricultural college.

SEC. 3. When any claim arising under this act is filed, verified and proven to the satisfaction of the president of the agricultural college as herein provided, he shall certify the same to the auditor of the state, who shall draw a warrant upon the state treasurer for the amount due thereon

He shall certify to state auditor.

Limit of
bounty.

This act a
contract.

payable to the party or parties to whom the said sum or sums are due: *Provided*, That no greater sum than fifty thousand dollars shall be paid out of the state treasury as a bounty in any one year.

SEC. 4. The benefits of this act shall accrue to any person, firm or corporation that shall erect and complete a sugar manufactory or manufactories within the state prior to November first, 1899, and the bounty herein provided shall be paid said person, firm or corporation for a period of three years from the time such factories shall have been completed and in operation. This act shall be taken and considered to be a contract and irrevocable with all such persons, firms, or corporations as shall complete the erection of such manufactory or manufactories prior to November first, 1899.

Passed the Senate February 16, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXII.

[S. B. No. 259.]

REGULATING THE CATCHING OF SALMON.

AN ACT prohibiting the maintenance, construction and use of fixed appliances and seines for the catching of salmon in certain waters and in parts of certain waters in the State of Washington, and regulating the licensing and use of the same in certain other of the waters of said state, including the Columbia river, and for licensing of the use of all salmon fishing gear and salmon canneries, and providing for the disposition of the funds arising therefrom, and repealing an act of the legislature of the State of Washington, approved March 10, 1893, entitled "An act regulating fish traps, pound nets, weirs, set nets, fish wheels or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries and Puget Sound; for providing for the licensing thereof, and the disposition of the funds arising therefrom, and declaring an emergency."

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

Trap limits
defined.

SECTION 1. Hereafter it shall be unlawful to construct, own, operate and maintain within any of the rivers of this

state flowing into Puget Sound, or Gray's Harbor, and within said bodies of water a distance of three miles from the mouth of any such river, and also within that arm of Puget Sound and body of water known as Decéption Pass, or within one-half mile of the west entrance thereof, and in any of the other salt waters of this state of greater depth than sixty-five feet at low tide, any pound net, trap, weir, fish wheel, or other fixed appliance for the purpose of catching salmon. And for the purpose of enforcing the provisions of this section, the fish commissioner shall indicate the mouths of said rivers by driving piles therein, between which piles an arbitrary line shall be drawn. It shall also be unlawful hereafter to use any purse net, drag seine or other seine within three miles from the mouth of any of said rivers, or within said rivers.

Fish commissioner to indicate locations.

SEC. 2. Any person violating any of the provisions of section one of this act shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. Any such fishing appliance or part thereof found in any of the waters of this state wherein the same are prohibited by the terms of said section, the same being placed therein for the purposes of illegal fishing, is hereby declared to be a public nuisance and shall be subject to abatement as a public nuisance, and it shall be the duty of the fish commissioner to enforce the provisions of this section.

Penalty.

To abate as a public nuisance.

SEC. 3. The use of pound nets, traps, weirs, fish wheels and other fixed appliances, and purse nets, drag seines and other seines for catching salmon is hereby authorized in all the waters of this state wherein the same is not prohibited by section one of this act, subject to the regulation and license herein provided for or otherwise required by law, and the use of set nets and gill or drift nets, subject to said license and regulation for said purpose, is authorized in all the waters of this state, except as otherwise provided by law: *Provided, however,* That none of said appliances shall be constructed, operated or maintained upon any of the waters of this state or the Columbia river or its tributaries by any person whomsoever, without such person shall have first obtained a license so to do from the fish commis-

Where pound nets, traps, etc., may be used.

Must first obtain a license.

sioner of this state of the proper district, who is hereby authorized to issue said licenses under the regulations provided by law. A separate license shall be required for each trap, pound net, weir, set net, fish wheel or any other fixed appliance, and for every purse net, drag seine or other seine, gill net or drift net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, set net, weir, fish wheel, other fixed appliance, seine, gill net or drift net, which shall be designated by the said commissioner, and it shall also contain the name of the person to whom such license shall be granted.

No license to other than citizens of the United States.

No license shall be issued to any person who is not a citizen of the United States, unless such person has declared his intention to become such, one year prior thereto; and is and has been for one year immediately prior to the time of the application for license an actual resident of the State of Washington, or to any corporation, unless such corporation shall be authorized to do business in this state: *Pro-*

Exceptions.

vided, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors or Indians, who are residents of this state, and who have resided in this state for one year next preceding the application for license, nor the renewal of any licenses by persons now holding the same. No more than three licenses shall be issued to any one person or corporation. Licenses may be assigned or

Limitation of licenses and assignments thereof.

transferred to any person or corporation entitled to hold licenses under the provisions of this act when any of the aforesaid mentioned appliances for fishing are sold or transferred; but notice must be given to the fish commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment.

Meshes not less than three inches.

No person or corporation shall own, operate or construct, or cause to be constructed or operated any pound net, trap, weir, fish wheel or other fixed appliance for the catching of salmon on the waters of the Columbia river or its tributaries, or in any of the waters of the State of Washington, the meshes of which are less than three inches stretch measure. Any person violating any of the provisions of

Fines.

this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars

nor more than one hundred dollars for each and every offense.

SEC. 4. Any person operating or using any pound net, trap, weir, fish wheel or other fixed appliance for taking salmon, shall cause to be placed in a conspicuous place on said pound net, trap, weir, fish wheel or other fixed appliance, the number designated by the fish commissioner at the time of issuing the license for the operation thereof; said number to consist of black figures, not less than six inches in length, painted on white ground; any person owning or operating or using any seine, purse net, gill net or set net for the purpose of taking salmon, shall cause to be branded the corks of each end of the seine, purse net, gill net or set net, and upon the cork nearest the center thereof, the number designated by the fish commissioner at the time of issuing the license for the operation of said seine or net, said number to consist of figures not less than one-half inch in length, and shall also cause to be placed upon each side of the bow of the boat used to operate such seine or net such license number, preceded by a capital "W" the same to consist of black figures not less than six inches in length, painted on white ground.

License number to be conspicuously displayed.

Seines and nets to be branded.

Boats to be numbered.

SEC. 5. No lead of any pound net, trap, set net, fish wheel or other fixed appliance used or operated in the waters of the Columbia river or its tributaries in this state for catching salmon shall exceed eight hundred feet in length, and in the waters of Puget Sound two thousand five hundred feet in length. There shall be an end passage way of at least thirty feet, and a lateral passage way of at least nine hundred feet, between all pound nets, traps, set nets, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of Columbia river and its tributaries within this state, and there shall be an end passageway of at least six hundred feet and a lateral passageway of at least twenty-four hundred feet between all pound nets, traps, weirs or other fixed appliances hereafter constructed and placed within the waters of Puget Sound in this state. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any

sum not less than fifty dollars nor more than one hundred dollars for each and every offense.

Boats, seines, nets, etc., may be confiscated by state.

SEC. 6. Any and all appliances used in violation of any of the provisions of this act, viz., boats, traps, nets, weirs, fish wheels, or other appliances, shall be subject to execution for the payment of the fines herein provided. Such appliances may be seized by the fish commissioner and shall be forfeited to the state, and the proceeds turned into the fish hatchery fund, and the superior court of the state shall have exclusive jurisdiction in all such cases.

SEC. 7. Upon application therefor by any person, an annual license shall be issued by the fish commissioner for fixed and other appliances for catching salmon as herein provided, which shall entitle the holders to fish only in the waters of this state and in the waters over which this state has concurrent jurisdiction, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the fish commissioner and paid over to the state treasurer the first of each month, and by him turned into the fish hatchery fund, to wit:

License fees.	For each drag seine not exceeding 250 feet in length.....	\$2 50
	For each drag seine more than 250 feet and less than 500 feet in length.....	10 00
	For each drag seine upwards of five hundred feet in length,	15 00
	For each purse seine.....	25 00
	For each gill net or drift net.....	2 50
	For each set net.....	1 00
	For each pound net, trap or weir on the Columbia river.....	15 00
	For each pound net, trap or weir on Willapa harbor.....	10 00
	For each pound net, trap or weir (except on the Columbia river or on Willapa harbor).....	25 00
	For each scow fish wheel.....	15 00

Stationery fish wheels shall pay \$25.00 for first class wheels, and \$15.00 for second class wheels; the classification to be determined by the fish commissioner.

Cannery fees. There shall also be paid by each cannery in this state the following license:

For each cannery packing from 10,000 to 20,000 cases.....	\$50 00
Each cannery packing from 20,000 to 30,000 cases.....	60 00
Each cannery packing from 30,000 to 40,000 cases.....	75 00
Each cannery packing over 40,000 cases.....	100 00

(Rates on all canneries to be based upon pack of each preceding year.)

Provided, however, That any person or corporation, after

having obtained a license as provided for in this act, shall indicate locations for traps or pound nets made under such license, by driving at least three substantial piles thereon, which must extend not less than ten feet above the surface of the water at high tide, one of said piles to be driven at each end of the location claimed, and upon said terminal piles there must be posted the license number, and if the locator fails to construct his appliance during the fishing season covered by his license, such location shall be deemed abandoned.

Must indicate locations.

SEC. 8. Any person or corporation owning, operating or maintaining or using any pound nets, traps, set nets, weirs, fish wheels, or other fixed appliances, or any seines, gill nets or drift nets for the purpose of catching salmon within or upon any of the waters of this state without first having obtained a license so to do, as provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, and any assignee of a license shall be deemed without a license to operate, own, maintain or use such appliances unless notice of such assignment, as required by this act, has been given to the fish commissioner.

Failure to obtain license a misdemeanor.

SEC. 9. All moneys collected for licenses and fines under the provisions of this act shall be turned into the state treasury and placed in the fish hatchery fund.

Fish hatchery fund.

SEC. 10. The act of the legislature of the State of Washington approved February 10, 1893, entitled "An act regulating fish traps, pound nets, weirs, set nets, fish wheels or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries and Puget Sound, for providing for the licensing thereof, and the disposition of the funds arising therefrom, and declaring an emergency," and each and every part thereof, is hereby repealed, except that all licenses now existing under said act shall be continued in full force and effect the same as if said act remained unchanged and in full force and effect, until the expiration of said licenses, and which said licenses shall be renewed upon application and upon the payment of license fees as provided by this act.

Definition
of salmon.

SEC. 11. Whenever the term salmon is used in this act it shall be construed to include and apply to chinook, steelhead, blueback, silverside, and all other species of salmon.

SEC. 12. Nothing in this act shall be construed so as to prevent the taking of salmon by the fish commissioner or proper officers of the United States for propagating purposes.

Reports must
be made to
state fish
commissioner.

SEC. 13. It shall be the duty of all persons who purchase salmon from fishermen, or takers or catchers of salmon, for the purpose of selling them or the product of the same for profit, to report to the fish commissioner, on or before the 15th day of November of each year hereafter, the number of every species of fish, stated separately, so purchased by them, or if purchased by weight, the number of pounds of each species, and the average price per pound; such statement or report shall be made under oath.

Fish commis-
sioner may
administer
oaths.

SEC. 14. The fish commissioner is hereby authorized to administer oaths, and may require any statement made to him in application for license, or in any report submitted to him, or in any matter connected with the discharge of his official business, to be made to him under oath.

Terms
defined.

SEC. 15. The term "person or persons," when used in this act, shall be taken to include partnerships, associations and corporations. The term "seine," in this act, is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, draw nets, bag nets, drag nets, drift nets and dredge nets.

SEC. 16. An emergency exists, and this act shall be in effect immediately.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXIII.

[S. B. No. 268.]

RELATING TO MONUMENTS AND NOTICES ON MINING CLAIMS.

AN ACT entitled "An act to prevent the destruction, mutilation or defacement of land marks, monuments and notices upon mining claims, and providing a penalty therefor."

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

SECTION 1. Any person who shall willfully and maliciously deface, remove, injure or destroy any location stake, side post, corner post, land mark or monument, or any other land boundary monument, the same having been erected or implanted for the purpose of designating the location, boundary or name of any mining claim, lode or vein of mineral, or for posting the name of the discoverer, locator or owner or date of discovery thereon; or any person who shall so deface, obliterate, remove or destroy any notice having been placed or posted upon any mining claim for the purpose of marking or identifying the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding one year: *Provided, however,* That the provisions of this act shall not apply to abandoned mining claims.

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

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXIV.

[S. B. No. 208.]

RELATING TO TAXES AND FUNDS OF MUNICIPAL CORPORATIONS.

AN ACT relating to the taxes and funds of municipal corporations having less than twenty thousand inhabitants.

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

Creating a
"current ex-
pense fund."

SECTION 1. In all municipal corporations, having less than twenty thousand inhabitants, there shall be maintained a fund to be designated as "current expense fund," and, after the first day of February, 1898, a fund to be designated as "indebtedness fund."

License
moneys.

SEC. 2. All moneys collected by such corporations from licenses for the sale of intoxicating liquors and from all other licenses shall be credited and applied by the treasurer to said "current expense fund:" *Provided*, That this act shall not exempt such corporations from paying ten per cent. of all money collected for liquor licenses, to the state.

Municipal
levies.

SEC. 3. Such municipal corporations shall levy and collect annually a property tax for the payment of current expenses, not exceeding ten mills on the dollar; a tax for the payment of indebtedness (if any indebtedness exists) not exceeding six mills on the dollar, and all moneys collected from the taxes levied for payment of current expenses shall be credited and applied by the treasurer to "current expense fund;" and all moneys collected from the taxes levied for payment of indebtedness shall be credited and applied to a fund to be designated as "indebtedness fund."

Basis for
tax levy.

SEC. 4. The levy of tax for current expenses shall be based upon an estimate of the expenses for the ensuing year, which estimate shall be adopted by a majority vote of the councilmen present at the meeting at which the levy is made, and shall be entered in the record of the proceedings of the council, and in making such estimate, the probable revenues from licenses and from all sources, other than from taxes shall be taken into consideration, and the

levy shall not exceed, by more than twenty per cent., the amount of such estimate. Current expenses shall be deemed to include all salaries, the expenses of the various departments of the city government, the making, improvement and repairs of streets and sidewalks (excepting such improvements, the cost of which is to be assessed against any specific property), the making and improvement of sewers, and any and all other expenses necessary to be incurred in maintaining the corporation and in its government in accordance with its charter and the needs of its inhabitants.

SEC. 5. The tax for payment of indebtedness shall be based upon a statement of such indebtedness, which shall be prepared by the clerk and approved by the council by a majority vote, at the meeting at which the levy is made, which statement shall be entered in the record of the proceedings of the council. In making the levy, consideration shall be taken of all outstanding warrants, certificates and all other obligations and indebtedness of the city, with the interest thereon, for the payment of which no provision is made by law, by the levy of a special tax, or otherwise than by a general tax, and this act shall not affect existing laws relating to the levy or collection of any tax, or the maintenance of any fund, for the payment of any bonded or funded indebtedness, or of the interest thereon.

Tax for indebtedness to be fixed by council.

SEC. 6. On the first day of February, 1898, or as soon thereafter as practicable, all moneys in the hands of the treasurer to the credit of the street fund, or the sewer fund in excess of the amount necessary to pay any and all warrants outstanding against said funds, shall be transferred and credited and applied to the credit of the current expense fund.

Surplus in street fund and sewer fund to go to current expense fund.

SEC. 7. All moneys collected on and after the first day of February, 1898, from taxes of the year 1896, and previous years, and from penalty and interest thereon, shall be paid into the indebtedness fund.

Certain moneys.

SEC. 8. From and after the first day of February, 1898, any and all moneys which, by any law enacted prior hereto, are payable into the general fund, except taxes, shall be credited and applied to the current expense fund.

SEC. 9. All moneys in the current expense fund shall be paid and applied upon current expenses and from and after the first day of February, 1898, all current expenses shall be paid out of said current expense fund.

Separate funds maintained, when.

SEC. 10. Any such municipal corporation maintaining water works, lighting plants, cemetery or other public works or institutions, from which rents or other revenues or income are derived, shall maintain separate funds for each of said public works or institutions, designated as "water works fund," "lighting fund," "cemetery fund,"

Special works and institutions.

or otherwise, as the case may be. No special tax shall be levied for the maintenance of such water works, electric lighting plant, cemetery or other public works or institutions, but the expense of such public works or institutions, less the rents or other revenues or income therefrom, shall be considered in levying the taxes for payment of current expenses, and any deficit in the maintenance of such public works or institutions shall be paid out of the current expense fund, and any surplus in said "water works fund," "lighting fund," "cemetery fund," or other like funds, shall, at the end of each fiscal year, be paid and transferred to the current expense fund: *Provided*, That this act shall not affect existing laws relating to any funded or bonded indebtedness incurred in the construction or purchase of such public works or institutions, or to the levy and collection of taxes for the payment of such funded or bonded indebtedness: *Provided*, That if the council shall find, and enter such finding in the record of their proceedings, that it is necessary to retain such surplus, or any part thereof, in such fund, for the purpose of extending or repairing such public works or institutions, or for the purpose of paying interest or principal of any indebtedness incurred in the construction or purchase of such public works or institutions, or for the purpose of creating or adding to a sinking fund for the payment of such indebtedness, then such surplus, or any part thereof, may be so retained or paid upon such indebtedness or interest thereon, or may be transferred to such sinking fund.

Where corporate limits changed.

SEC. 11. In all cases where the limits of such corporations have been or shall be extended, and additional terri-

tory annexed, it shall be the duty of the council and officers of the corporation to arrange and keep and maintain the accounts and funds of the corporation in such a manner that the interests of the inhabitants and taxpayers of the several districts of the corporation in the various funds and property of the city shall be clearly shown, and in all transactions these different interests shall be considered and protected.

SEC. 12. All elections for the validation of any debt created by any city, which has since become consolidated with any other city, shall be by [ballot], and the vote shall be taken in the new consolidated city as the same is constituted at the time of any such election.

SEC. 13. An emergency exists, and this act shall take effect immediately.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXV.

[H. B. No. 398.]

PROPOSED AMENDMENT TO CONSTITUTION.

AN ACT to provide for voting on a constitutional amendment at the general election to be held in November, 1898, relative to taxation.

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

SECTION 1. There shall be submitted to the qualified electors of the State of Washington, at the next general election, in November, 1898, for their approval or rejection, the following amendment to the constitution of the State of Washington, which, when ratified by a majority of those voting thereon, shall be valid as a part of the constitution, to wit: Section 2 of article VII of the constitution of the State of Washington shall be amended so as to

Election November, 1898.

Method of
taxation.

read as follows: Sec. 2. The legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to his, or her or its property: *Provided*, That a deduction of debts from credits may be authorized: *Provided further*, That it shall be optional with each municipal corporation in the state to fix and determine by majority vote of the qualified electors voting thereon the class or classes of property upon which taxes for municipal purposes shall be levied, which tax shall be uniform as to persons and class: *Provided still further*, That the property of the United States and the state, counties, school districts and other municipal corporations, and such other property as the legislature may by general laws provide, may be exempt from taxation.

Property
taxed optional
with municip-
alities, etc.

Publication.

SEC. 2. The secretary of state shall cause the foregoing amendment to be published for three months next preceding said election to be held in November, 1898, in some weekly newspaper in each county within this state wherein a newspaper is published.

Ballot.

SEC. 3. That there shall be printed on each of the ballots supplied for said election the words "For proposed amendment to section 2, article VII, of constitution, relating to taxation," "Against proposed amendment to section 2, article VII, of constitution, relative to taxation."

Passed the House February 26, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXVI.

[S. B. No. 171.]

RELATING TO NEGOTIABLE PAPER.

AN ACT relating to negotiable paper.

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

SECTION 1. That as to all bills, notes, drafts, checks and other negotiable paper, the time intervening between Saturday at twelve o'clock noon and Sunday at twelve o'clock midnight, be and the same is hereby declared to be a legal holiday.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXVII.

[S. B. No. 204.]

GRANTING JUDGMENT DEBTORS RIGHT OF POSSESSION
DURING PERIOD OF REDEMPTION.

AN ACT granting to judgment debtors the right of possession, rents, issues and profits of real estate and premises sold under execution, during the period of redemption, and declaring an emergency.

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

SECTION 1. That in all cases hereafter wherein any real estate or other property is sold, either under execution, foreclosure or other judicial proceedings, which is at the time of such sale by law subject to redemption, the judgment debtor, or those claiming by, through or under him, shall, as against the purchaser, or those claiming by, through or under him, be entitled to the possession and to the rents, issues and profits of such real estate or property during the full period provided by law for the redemption of the same.

SEC. 2. An emergency is hereby declared to exist, and this act shall be in full force from and after its passage and approval.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXVIII.

[H. B. No. 126.]

FOR THE RELIEF OF THE ILWACO RAILWAY AND NAVIGATION COMPANY.

AN ACT for the relief of the Ilwaco Railway and Navigation Company, and granting to said company the right to construct, equip, maintain and operate its railroad and wharf over and upon certain tide lands in front of the town of Ilwaco, Pacific county, Washington.

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

SECTION 1. That, upon its payment of the appraised value of tract fifteen (15) of the tide lands hereinafter described, there is hereby granted to the Ilwaco Railway and Navigation Company, a corporation organized and existing under and pursuant to the laws of the State of Washington, its successors and assigns, the right and privilege of constructing, equipping, maintaining and operating its railroad and wharf where the same are now maintained and operated upon the tide lands in front of the town of Ilwaco, Pacific county, Washington, and along the waterway known as the Holman waterway, as established by the harbor line commissioners of the State of Washington, and over, along, through and across tract No. 15 (fifteen) as surveyed by the board of tide land appraisers of Pacific county, Washington, and marked and delineated upon the map and plats of the tide lands in front of said town of Ilwaco on file in the office of the commissioner of public lands of the State of Washington, said tract number fifteen

(15) being an alleged extension of First street of the town of Ilwaco, upon such tide lands and over, along, through and across the tide lands situate between said tract number fifteen (15) and the harbor area in front of said town of Ilwaco: *Provided*, That if the said Ilwaco Railway and Navigation Company, its successors or assigns, shall cease to maintain and operate its railroad, and maintain its wharf, then, in that event, the rights and privileges granted under this act shall cease.

Passed the House February 26, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXXIX.

[H. B. No. 224.]

RELATING TO PUBLIC LANDS OF THE STATE.

AN ACT to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency.

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

SECTION 1. The commissioner of public lands, the secretary of state and the superintendent of public instruction shall constitute the board of appraisers, harbor line commission, and for the purpose of selection, appraisalment, sale or lease of school, granted and other lands, the establishment of harbor lines, lease of harbor area and selection and which have been granted, or may hereafter be granted to the State of Washington by the United States, and who, for the purposes of this act, shall be generally known and designated as the board of state land commissioners.

Board of state land commissioners; how constituted and duties.

Records of
board, etc.

SEC. 2. Said board and commission shall keep a full and complete record of their proceedings in separate records, one relating to appraisement, sale, lease and selection of lands; one relating to harbor lines, harbor areas, tide and shore lands. A clerk in the office of the commissioner of public lands shall act as the secretary of said board and commissions, and their office shall be in the office of the commissioner of public lands, and all records relating to said board and commissions of public lands of the state shall be kept in the office of the commissioner of public lands, and shall be subject to public inspection.

Rules and
regulations.

SEC. 3. Said board of state land commissioners shall make all rules and regulations for carrying out the provisions of this act, not inconsistent with law, and the commissioner of public lands shall act as chairman of said board and commissions.

Classification
of public lands.

SEC. 4. That for the purpose of this act all lands belonging to and under the control of the state shall be divided into the following classes:

(1) *Granted Lands*: (a) Common school lands and lieu and indemnity lands therefor. (b) University lands and lieu and indemnity lands therefor. (c) Other educational land grants. (d) Lands granted to the State of Washington for other than educational purposes, and lieu and indemnity lands therefor. (e) All other lands, including lands acquired or to be hereafter acquired by grant, deed of sale, or gift, or operation of law, including arid lands.

(2) *Tide Lands*: All lands over which the tide ebbs and flows from the line of ordinary high tide to the line of mean low tide, except in front of cities where harbor lines have been established or may hereafter be established, where such tide lands shall be those lying between the line of ordinary high tide and the inner harbor line, and excepting oyster lands.

(3) *Shore Lands*: Lands bordering on the shores of navigable lakes and rivers below the line of ordinary high water and not subject to tidal flow.

(4) *Harbor Lines and Areas*: Such lines and areas as are described in article 15 of the constitution of the State of Washington and which have been established according

to law. All of which outer harbor lines so established as aforesaid are hereby ratified and confirmed, also all such harbor lines and areas as may and shall be hereafter established.

SEC. 5. All lands described in section four are “public lands” and the terms “public lands” and “state lands” shall be defined and deemed to be synonymous whenever either is used in this act. Defining terms.

That the selection, inspection and appraisal of land as hereinafter provided for in this act may be made by one of the members of the said board or commission; but when it is deemed advisable and for the best interests of the state, the commissioner of public lands may employ two or more citizens of the state, familiar with such work, to personally inspect, appraise or select lands, harbor areas, etc. Inspection, etc., of lands.

The word “improvements” used in this act, when referring to school or granted lands, shall be interpreted to mean fencing, diking, draining, ditching, houses, barns, shelters, wells, slashing, clearing or orchards, and also breaking that has been done prior to application for purchase or lease, and all things that would be considered fixtures in law. When referring to tide or shore lands and harbor areas, the word “improvements” shall be interpreted to mean all fills or made ground of a permanent character, and all structures erected or commenced on said lands or actually in use for purposes of trade, business, commerce or residence prior to March 26, 1890, and completed before January 1, 1891: *Provided*, That ordinary capped piles or similar structures or fixtures shall not be considered an improvement. Improvements, how defined.

SEC. 6. The compensation of such inspectors so appointed by the commissioner of public lands shall not exceed four dollars per diem for time actually employed, and necessary expenses, which shall be submitted to the commissioner of public lands in an itemized and verified account, to be approved by the commissioner of public lands. Compensation of inspectors.

SEC. 7. Said state land inspectors shall, immediately upon their appointment, under the direction of the commissioner of public lands, inspect such unsurveyed lands Duties of inspectors.

or townships as the board may designate, with a view of determining whether it is desirable to have them reserved for the selection of lands to complete the grant of public lands to the state. They shall report the result of their inspection without delay, showing approximately the number of acres arable, the amount, quality, character and value of timber, the nearest practicable route for removing the same, the number of settlers in the township and the value of the improvements. Upon the recommendation of the board the governor shall, if he concurs, cause an application to be filed with the surveyor general for the survey of such township or townships, and shall cause due notice thereof to be published in accordance with the act of congress providing for the reservation and survey of such townships and under such rules and regulations as may be made by the secretary of the interior.

Survey of townships.

How defrayed.

Whenever the United States surveyor general shall have made an estimate of the cost of survey, and it shall appear, under the decision and rulings of the department of the interior, that there is no federal government appropriation for the survey of any township applied for by the state, the governor is authorized and empowered to execute a voucher to the state auditor for the amount of such estimate, and the state auditor is authorized and directed, upon the filing of such voucher, to issue a warrant on the general fund for the amount of the same, and the state treasurer shall pay said warrant out of the moneys appropriated for said purpose. Upon the receipt of such warrant the governor shall deposit the same to the credit of the United States, in accordance with such rules and regulations as may be prescribed by the department of the interior.

Inspectors' bond and oath.

SEC. 8. The said state land inspectors, before entering upon their duties, shall each enter into a bond unto the State of Washington, in the penal sum of five thousand dollars (\$5,000), conditioned to well and faithfully perform their duties as such, to be approved by the commissioner of public lands, and shall take and subscribe an oath before some officer authorized to administer oaths, according to the laws of the state, in substance as follows: "I, A B, do solemnly swear that I will well and truly perform

the duties of land inspector for the State of Washington, in the selection, inspection and appraisal of the lands granted thereto, to the best of my knowledge and ability; and further, that I will not communicate to any person not a member of the board, or commission, or the commissioner of public lands, any information in relation to location, character and value of the public lands examined by me, or disclose to any one anything in relation to such public lands except to such board or commission or commissioner of public lands; that I will, when directed, personally and carefully examine each parcel or tract of land to be listed by me, and make an appraisal and value of the same and the timber thereon; that I am not nor will I become interested directly or indirectly in the sale or purchase of said lands, and that I will report every material fact connected with said lands directly to the board of state land commissioners, to enable it to determine the situation, value and character of the timber thereon and the lands selected by me; in investigating, appraising, or in the prosecution of any trespass, I do solemnly swear that I will act according to the best of my knowledge and ability, and will protect the interests of the State of Washington." That upon filing such bond and affidavit the inspector may be authorized and commissioned by said commissioner of public lands to view, select and appraise lands as herein-after provided for.

SEC. 9. The said commissioner of public lands may instruct the said state land inspector to view and examine the said lands subject to selection by the smallest legal subdivisions of forty acres each, and shall classify such lands into grazing, farming and timbered lands, and estimate the value of each tract so viewed; said state land inspector shall also in timbered lands estimate the amount and value of the standing timber thereon and the value thereof after the timber is removed; he shall make a report thereof to the commissioner of public lands as amply and expeditiously as possible on blank lists to be furnished by said commissioner of public lands for that purpose; that said report shall be made under oath, to the effect that the inspector has personally examined the tracts mentioned in

Inspectors' duties and reports.

each forty acres thereof, that said report and appraisement is made from such personal examination and is to the best of affiant's knowledge and belief true and correct, and that the lands are not occupied by any *bona fide* settler. They shall also separately appraise all valuable material thereon, improvements, etc.

Lists of selected lands.

SEC. 10. Upon receipt of such report or reports the board of state land commissioners shall arrange and classify the lands so selected into several lists for filing in the general United States district land offices of the United States in this state, and shall classify the lands and apportion them to the several specific grants under said act of congress referred to, so that there may be lands of nearly as equal value as possible apportioned to the several grants.

Triplicate lists.

Said list shall be made in triplicate, one for filing in said local land offices, one for transmission by it to the secretary of the interior, and one to be filed in the office of the commissioner of public lands. Said lists shall state the grant for which the same is made. The commissioner of public lands shall file said lists so arranged, classified and duly certified under the rules and regulations of the secretary of the interior, in the several United States district land offices throughout the state having jurisdiction thereof: *Provided*, That if it be found, upon the filing of said lists, that any of the lands described therein have been filed upon or applied for, then the commissioner of public lands is authorized to eliminate therefrom such lands: *And provided further*, Said commissioner of public lands or board of state land commissioners may decline to list any lands reported by the inspectors which may not by them be deemed desirable.

Penalty for disclosing information.

SEC. 10 $\frac{1}{2}$. If any state land inspector knowingly or willfully shall make a false oath concerning the appraisement on said lands, or knowingly or willfully divulge anything, or give any information in regard to such land other than to the board of state land commissioners, or commissioner of public lands, he shall forthwith be removed from office and be deemed guilty of perjury and subject to the penalties thereof, and it shall be and is hereby made the duty of

the board of state land commissioners, or the commissioner of public lands, to prosecute him therefor.

SEC. 11. That any person or company may make written application to the board of appraisers for the appraisal and sale of any lands belonging to the state, and said board shall cause to be prepared blank applications containing such instructions as will inform and aid intending purchasers in making applications for the appraisal and sale of any lands. Each application must be accompanied with certificate of deposit or certified check upon any bank of this state, made payable to the state treasurer and equal in amount to ten cents per acre for the land described in such application: *Provided*, That such deposit may be made in cash or by postoffice money order, but in no case shall such deposit be less than ten dollars. In case the lands described in such application are sold at the time they are offered for sale, in accordance with such application, the amount of such deposit shall be returned to such applicant. If such lands be not sold, through fault of said applicant at such sale, such deposit shall be forfeited to the state, and shall be so declared by the said board, and the state treasurer shall thereupon place said forfeited money to the credit of the general fund of the state.

That when, in the judgment of the board of appraisers or the commissioner of public lands, a sufficient number of applications have been received for the appraisal and sale of any lands belonging to the state, said commissioner of public lands shall cause any of such lands so applied for to be personally inspected and appraised as to its character, topography, agriculture, timber, coal, mineral, stone or rock quarries, or grazing; its distance from any city, town, railroad, river, irrigation ditch or other water ways, when irrigation is required, and fully report the same to said board or commissioner of public lands, together with the commissioner's or appraiser's judgment as to its present and prospective value, which said report shall be considered, and thereupon a price per acre fixed for each quarter section and subdivision thereof, or lot or block, which shall not be less than ten dollars per acre for lands granted for educational purposes: *Provided*, That no more than one

Applications
for appraise-
ment and sale.

Deposit.

Land, when
and how
classified.

Minimum
price.

Maximum
acreage.

Lands in cor-
porate limits.

hundred and sixty (160) acres of any school or granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town, or within two miles of the boundary of such incorporated city or town, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars (\$100.00) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel, and said board is hereby authorized to plat such lands into lots and blocks, and all plats shall be filed in the office of the commissioner of public lands: *Provided further*, That whenever application is made to purchase less than a section, the said commissioner of public lands may order the inspection of an entire section or sections.

Valuable
material.

SEC. 12. That when applications are made for the purchase of timber, stone, fallen timber, hay or gravel, or other valuable materials situated upon public lands of the state, the same inspection shall be had as for application to purchase lands: *Provided*, That no standing timber or stone shall be sold for less than ten dollars per acre, and such timber, stone, hay and gravel may be sold separate from the land when, in the judgment of the board, it is for the best interest of the state to sell the same: *And provided further*, That the full purchase price of such valuable material shall be paid for in cash when sold separate from the land. That in every appraisement of land granted to this state the board of appraisers shall be and serve as the board of appraisers mentioned in section 2 of article xvi of the state constitution, and in every appraisement under this act the said board shall separately appraise all improvements placed upon any land of the state and found on such land at the time of the appraisement; and shall also appraise all damages and waste done to the said land by the cutting and removal of timber, or the removal of stone or other materials by the person or persons claiming such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said lands, shall be considered in the appraise-

Board of
appraisers.

Damage
and waste.

ment, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised; and every such appraisement shall be recorded in the proceedings of said board of appraisers: *Provided*, That this section shall not be considered to affect the right of the state to the value of such land: *Provided further*, That if the purchaser of such land from the state be not the owner of the improvements he shall deposit with the state treasurer, through the board of appraisers, within thirty days after the sale, the appraised value of such improvements; and if it be found by the said board that the owner of said improvements was not holding adversely to the state or improving said land, or that said improvements were placed on said land in good faith by a lessee from the state or territory, and that said lessee had in all respects complied with the terms of his lease and his leasehold interest, not forfeit or subject to a forfeiture, then the board of appraisers shall direct the state treasurer to pay, and he shall pay to the owner of said improvements such sum so deposited; but if it be found by said board of appraisers that the said improvements owned or made on said land by parties holding or claiming the land adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the state treasurer to pay over such sum so deposited into the permanent school fund. In case the purchaser shall not deposit the appraised value of the improvements in the manner described above, the sale may be disapproved by the board of appraisers: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser, the sum so deposited shall be returned, in the manner described above, to the state: *Provided further*, That in determining the value and nature of such improvements, the board is hereby authorized to compel by subpoena the attendance, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well.

Disposition of
improvements.

SEC. 13. That immediately upon the appraisement and

Certificate of
appraisement.

inspection provided for in this act being made of land in any county of the state, the commissioner of public lands shall prepare a certificate of such appraisalment showing in detail the facts reported in such appraisalment, and he shall file one copy of the same in his office and shall certify one copy and forward it to the auditor of the county in which said land is situated, and the said county auditor shall post it in a conspicuous place in his office; and the said commissioner of public lands shall notify the applicant of the appraisalment and of the notice to the auditor, and that said board will allow the applicant thirty (30) days in which to show wherein such appraisalment is defective, excessive or unjust, which protest, if any be made and filed, shall be considered by the said board, and notice of their action shall be sent to the applicant.

Posting.

Public sale.

SEC. 14. That whenever the said board of appraisers shall have decided to sell any tract or tracts of granted lands, it shall, through the chairman, notify the auditor of the county in which said lands are situated of that fact, specifying which of said lands are for sale, and order the sale thereof, and thereupon the said county auditor shall, under the direction of the said board, forthwith fix the date of sale and give notice thereof by advertisement published once a week for five weeks next before the time he shall name in said notice, in at least one newspaper of general circulation published in said county, which notices shall specify the place, time and terms of sale, describing with particularity each parcel of land to be sold and the appraiser's value thereof, and by conspicuously posting such notice in the office of the county auditor of the county wherein such lands are situated. Proof of publication shall be made by affidavit of the publisher or person in charge of the said paper, and by the affidavit of the person posting such notice as aforesaid, which shall be at once sent to and filed in the office of the commissioner of public lands, and the said board is hereby authorized to expend any sum of money not exceeding fifteen dollars in advertising such sale, as the said board shall determine to be for the best interests of the state. Such sales shall take place on the day advertised, between the hours of ten

Proof of publication.

o'clock in the forenoon and four o'clock in the afternoon, in front of the court house, or of a building in which the superior court is held in counties in which there is no court house, and shall be [sold] at public auction to the highest bidder, and on the terms specified in the notice hereinbefore prescribed, and no land shall be sold for less than its appraised value; and that no more than two adjournments of such sale shall be had, nor any adjournment for more than one week. Such sale shall be conducted under the Method of sale. direction of the board of appraisers by the county auditor of the county in which the lands sold are situate, and such auditor shall at once deliver to the purchaser, under his hand and seal, a memorandum of his purchase, containing a description of the land purchased, the price bid and the terms of sale, upon the delivery to such auditor, by the purchaser, of a certified check upon some bank, or in cash for an amount equal to one-tenth of the price of the land by him purchased, payable to the order of the treasurer of the State of Washington, and such auditor shall at once send to the commissioner of public lands such certified check and a copy of the memorandum delivered to the purchaser: *Provided, however,* That the powers and duties By whom conducted. hereinbefore conferred or imposed upon county auditors may, any or all of them, be performed by any member of the board of appraisers or the commissioner of public lands when it is convenient and is deemed advisable by said board or the commissioner of public lands, but the commissioner performing such or any of such duties shall not be entitled to make any charges or incur any expense in performing such duties other than in this act hereinbefore provided.

That if any land offered for sale pursuant to the order Lands unsold re-offered. of the board of appraisers be not bid off at the sale held thereunder, the same may again be advertised for sale as provided in this act whenever, in the opinion of the board, it shall be expedient to do so; and such land shall be again advertised for sale, as provided in this act, whenever any person shall apply to said board in writing, to have such land sold, and shall agree to bid at least the appraised price therefor, and shall deposit with the state treasurer at the time of making said application, a sufficient sum of

money to pay the cost of advertising for such sale, as provided for in making original application.

Confirmation
of sale.

SEC. 15. That the member of the said board of appraisers, or the county auditor conducting the sale, shall, upon making sale of any school land, or stone, mineral or timber thereon, report such sale to the said board of appraisers, as provided in this act, together with other information touching the same as the said board shall have prescribed, and within thirty days from the date of the reception of such report, if no affidavit showing that the interests of the state in such sale were injuriously affected by fraud or collusion shall have been filed with said board, and if it shall appear from such report that the sale was fairly conducted, and that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the said board shall be satisfied that the land sold would not, upon being readvertised and sold, sell for at least twenty-five per cent. more than the price at which it shall have been sold, and that the payment required by law to be made at the time of making sale has been made, the said board shall confirm the sale, and thereupon the chairman of the said board shall issue to the purchaser a contract of sale, as in this act hereinafter provided.

Terms of sale.

SEC. 16. That all state lands shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth annually thereafter on the first day of March in each year until the full purchase price has been paid: *Provided*, That any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent. per annum. The first installment of interest shall become due and payable on the first day of March next after the date of sale, and thereafter all interest shall become due and payable annually on the first day of March in each year. All remittances for payment of either principal or interest must be forwarded to the commissioner of public lands and be made payable to the state treasurer. That all coal lands not within the limits of incorporated cities and towns, or within two miles thereof, shall be sold only in tracts of not less than one

Coal lands,
how sold.

hundred and sixty acres, unless such land in a body is of less area, and only on the following terms: One-tenth cash on the day of sale and the balance of the purchase price within five days thereafter. That when the entire purchase price of any land shall have been fully paid, such fact shall be certified by the commissioner of public lands to the governor, whereupon he shall cause a patent to be issued to the purchaser. Patents shall be signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, and shall be recorded in the office of the commissioner of public lands, and no fee shall be required other than the fee provided for in this act.

Patents or deeds.

SEC. 17. The purchaser of land under the provisions of this act, except in cases where this act prescribes cash payment, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf of the state, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payment of principal and interest when due: *Provided*, All interest shall be computed from date contract is issued, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on a failure to make the payments prescribed in this act when due, and for six months thereafter, that he will, on demand of said board or other authorized officer of the state, surrender the said premises, and upon such failure for six months all rights of the purchaser under the said contract may, at the election of said board of state land commissioners, acting for the state, and without notice to said purchaser, be declared to be forfeited, and when so declared forfeited the state shall be released from all obligation to convey the land. When the payments provided for in this act for land, stone, minerals or timber shall have been made in full, the commissioner of public lands shall procure the proper deed of conveyance to be made to the purchaser, but in no case shall final deed of conveyance be issued until after all of the purchaser's price and accrued interest has been paid. The contract provided for by this

Contracts of sale.

Interest from date of contract.

Forfeiture.

Contracts
executed in
duplicate.

section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands. All contracts provided for in this section shall be signed by the purchaser and also by the commissioner of public lands on the part of the state, with the seal of the state attached thereto. The commissioner of public lands may, as he deems advisable, extend the time for payment of principal and interest on the contract heretofore issued and contracts to be issued under this act.

Notice of de-
linquency and
extension
of time.

SEC. 18. The commissioner of public lands shall notify the purchaser of the land in each instance when payment on his contract is over due, and that he is liable to forfeiture if payment is not made within six months from the time the same became due, unless the time be extended by the commissioner on a satisfactory showing as above provided.

LEASE OF STATE LANDS.

Term of lease.

SEC. 19. That all school and granted lands of the State of Washington may be leased for a term of five years or less to the highest bidder at public auction in the following manner: Any person or persons desiring to lease any of such lands shall make application in writing to the commissioner of public lands of this state; each application shall be accompanied with a deposit equal to ten cents per acre for the lands so applied for, but in no case shall such deposit be less than \$10; such deposit shall be in the form of a certified check or certificate of deposit on some bank in this state, or may be paid in cash.

Application.

Deposit, dis-
position of.

In case the lands so applied for shall be leased at the time they are offered for lease, then such deposit shall be returned to such applicant by the commissioner of public lands; but if the land shall not be leased when so publicly offered for lease, then such deposit shall be declared forfeited to the state and the commissioner of public lands shall pay the said deposit over to the state treasurer who shall place the same to the credit of the current school fund of the state.

Lists to county
auditors.

SEC. 20. When, in the judgment of the commissioner of public lands, a sufficient number of applications have been

received from any one county, the said commissioner shall then certify a list of such lands so applied for, and any other lands he may deem advisable to offer for lease at the same time, to the auditor of the county in which such lands are situated; fixing the date when such lands shall be offered for lease and the character of the land, whether agricultural, pastoral or scab: *Provided*, The agricultural lands shall not be leased for less than ten cents per acre. Classification and minimum rent.

SEC. 21. Upon receipt of such list so certified, the county auditor shall proceed to post said list for a period of thirty (30) days prior to the date of leasing, in some conspicuous place in his office and elsewhere in the county, as the commissioner may direct. Posting.

SEC. 22. The person or persons leasing any of such lands, shall pay over to the county auditor the first year's rent, in accordance with his bid, which payment shall be in the form of a certified check or certificate of deposit on some bank in this state, or may be paid in cash; all rent thereafter shall be paid annually in advance to the commissioner of public lands. Yearly rental in advance.

SEC. 23. When any of such lands shall have been so leased by the county auditor, the said auditor shall at once proceed to certify a list of such lands to the commissioner of public lands, giving the name of the lessee, the postoffice address, term of lease, lease price per annum, amount paid on lease, and any other information required by the commissioner of public lands; the auditor shall also remit all moneys so paid to him on lease to the said commissioner, who shall pay the same over to the state treasurer, who shall issue his receipt in duplicate therefor; the original receipt to be sent to the lessee and the duplicate thereof to be kept in the office of commissioner of public lands: *Provided*, That lands held under lease shall not be offered for sale or sold except to the lessee if the lessee shall keep his lease in good standing. Returns of county auditors. Lessee's prior right to purchase.

SEC. 24. Upon receipt of such certified list and moneys paid from the county auditor, the commissioner of public lands shall proceed to issue a lease to the lessee, upon a form to be prescribed by the attorney general. All leases shall be in duplicate, both to be signed by the lessee and Leases executed in duplicate.

by the commissioner of public lands on behalf of the state, with the seal of the commissioner of public lands attached thereto; the original lease to be forwarded to the lessee and the duplicate to be kept in the office of the commissioner of public lands.

Notice of delinquency and forfeiture.

SEC. 25. The commissioner of public lands shall keep a full and complete record of all leases so issued and payments made thereon, and on the first of each and every month the commissioner of public lands shall cause notice to be served on lessees of public lands who may become delinquent on annual payment within sixty days, and therefore subject to forfeiture, and the commissioner shall forthwith, if no response be had, declare a forfeiture of the lease, and may eject the lessee therefrom.

Bids, rejection of.

SEC. 26. The commissioner of public lands or the auditor may reject any and all bids when the interests of the state shall justify it: *Provided*, That if the commissioner of public lands or the auditor shall reject any such bid he shall forthwith return to the lessee any moneys paid, upon the return of any and all receipts issued to the lessee.

Contracts subject to forfeiture, when.

SEC. 27. All contracts issued by the State of Washington to purchasers of school or other lands which are found to be delinquent in payment of interest two years from time of first payment, and which have not been extended by law, shall be declared forfeited by the commissioner of public lands unless such delinquent interest shall be paid to the state in accordance with notice hereinafter provided; that the commissioner of public lands shall notify the holder of such contract in each instance where payment of interest is overdue, and that unless payment is made within six months from the date of said notice, his contract will be canceled and the land shall revert to the state.

Principal, extended to.

SEC. 28. The time for making payment of principal on any of such contracts where one-tenth or more of the purchase price has been paid is hereby extended to January 1, 1905: *Provided*, That all delinquent interest due is paid as stated in section 27 of this act and all interest falling due on such contracts thereafter is paid annually on the dates stated in such contracts.

If interest is paid.

SEC. 29. The owner of improvements placed on lands held under contracts from the state, where such contracts are forfeited to the state, shall have a preference right to lease any of such lands for a period of ninety days from the cancellation of such contracts by the state in the following manner:

Improver's
preference
right to lease.

The owner of such improvements shall make application in writing, certifying under oath as to the character and value of such improvements, for the lease of such lands, setting forth the amount bid for the lease of same, which bid shall be considered by said commissioner, and if deemed sufficient and to the best interest of the state to accept said bid, the said commissioner shall proceed to issue a lease to such bidder as provided in section 23 of this act upon receipt of the first year's rent in accordance with such bid: *Provided*, That if such lands are not leased as above provided in this section the same may be leased or sold as provided for the lease or sale of other school and granted lands.

Application to
commis-
sioners.

Conditions
of bid.

SEC. 30. The prior lessee may, if he so desires, exercise the preference right to release at the highest rate bid: *Provided*, That the appraisal of said lands shall be made once every five years, or oftener when deemed necessary: *And provided further*, That no land shall be appraised that has not first been formally applied for.

Lessee's prior
right to re-
lease.

SEC. 31. That improvements made upon school, granted and other lands by lessees from the state in cases in which the lessee yields his lease to the state prior to any application to purchase the lands so leased, such as are capable of removal without damage to the land, may be removed by the original lessee, or at his option may remain subject to purchase or hire in accordance with this law, by any purchaser who shall apply to purchase the land within a period of three years from the expiration of said lease.

Removal of
improvements.

SEC. 32. That the commissioner of public lands shall cause full and correct abstracts to be made and kept in the office of the commissioner of public lands of all the lands owned or that shall be owned by the state, which abstracts shall be in suitable and well bound books. Such abstracts shall show in proper columns and pages the section or part

Abstracts or
tract books,
how kept.

of section, lot or block, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements and the value of damages, and the total value, the several values of stone, minerals and timber thereon, the date of sale, date of lease, name of purchaser, name of lessee, price per acre, amount of lease per acre, amount of cash paid, amount unpaid and when due, amount of annual interest, and such other columns as may be necessary to show a full and complete abstract of the conditions and circumstances of each tract or parcel of land from the time title was acquired by the state until final payment by the purchasers, and the issuance of a deed by the state to the land.

Non-mineral
certificates.

SEC. 33. That the commissioner of public lands be and hereby is authorized and directed to cause publication of notices of application to the interior department for certification that state school land or other granted land is non-mineral in character, in accordance with the rules of the general land office.

Logging
right-of-way.

SEC. 34. That any person, corporation or association engaged in the business of logging shall have a right-of-way over public lands when necessary, for the purpose of hauling or removing timber from other lands, but permission shall be first obtained in writing from the board of state land commissioners: *Provided*, That all timber on said right-of-way shall be appraised, and before permission is granted, shall be paid for in cash by the person, corporation or association desiring the right-of-way.

Public road
right-of-way.

SEC. 35. Rights-of-way may be granted by the board of state land commissioners over public lands to any county or city desiring to construct a public road across the same: *Provided*, That a duly attested and sworn copy of the official plat, made by the official county or city surveyor or engineer, shall first be filed with the board, together with a petition from the county or city officials setting forth the reason for the same, and the aforesaid plat, when

How acquired.

approved by said board of appraisers, shall be and form the official plat of said road, and the said plat shall show the amount of land taken up by the proposed road, and

shall show the remainder of land in each portion of each legal subdivision bisected by said proposed road, and said plat shall be retained in the office of the commissioner of public lands: *Provided further*, That all timber on said right-of-way shall be appraised and paid for in cash by the said county or city. Timber thereon.

SEC. 36. All appraisements of school and granted lands heretofore made under existing laws, where sales have not yet been made, are hereby annulled, and all such lands shall be appraised and sold or leased as herein provided. Old appraisements void.

SEC. 37. All funds arising from the sale of lands granted to the State of Washington, for any purpose, shall be held intact for the purpose for which they were granted. Lands, when selected and assigned to said grant, shall not be transferred to any other grant, nor shall the moneys derived from said lands be applied to any other purpose than for that of the grant to which they have been assigned. Funds, how kept.

SEC. 38. If any person shall cut down, destroy or injure any timber standing or growing upon any of the lands of the State of Washington before patent shall have been issued by the state therefor, as herein provided, or shall take or remove from any such lands any timber or wood, or shall dig, quarry, take or remove any mineral, earth or stone from such lands, or otherwise injure or damage such lands, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month, nor more than one year, or by fine of not less than fifty nor more than one thousand dollars, or both: *Provided*, That nothing in this act shall be so construed so as to prevent any purchaser who shall purchase said lands for purposes of a home from cutting such timber as may be necessary for domestic use, or to clear land for actual cultivation: *Provided further*, That the state shall not be required to prove title to the lands in question, and the fact that said lands have been selected by the state, or that it is a portion of section 16 or 36 in any township, shall be accepted as *prima facie* evidence of the state's title: *And provided further*, That the terms of this section shall not apply to any purchaser of standing or fallen timber, stone, mineral, natural hay, or gravel, or grantee of a right-of-way Removing valuable material.

Penalty therefor.

who shall have complied with all the provisions of this act relating to such purchasers or grantees, and nothing in this section shall be construed to prevent prospecting by miners upon said state lands, or the removal of mineral therefrom for assaying purposes.

TIDE AND SHORE LANDS.

Tide and shore lands, classification.

SEC. 39. The tide and shore lands of the State of Washington, which are not reserved from sale by the constitution and laws of the state, shall be divided into two classes:

(1) Tide and shore lands of the first class, which shall comprise all tide and shore lands within or in front of the limits of any incorporated city or town, or within two miles thereof on either side, including submerged lands lying between the line of mean low tide and the inner harbor line, wherever harbor lines have been established or shall be established.

(2) All tide and shore lands in the state not included in the above class shall be known as second class tide and shore lands, and shall be leased and sold as in the manner provided in this act.

Harbor line commission, its duties.

SEC. 40. It shall be the duty of the harbor line commission provided for in this act to survey, plat, examine and appraise any tide or shore lands of the first class not heretofore platted and appraised, and may establish harbor lines in front of incorporated cities and towns where such harbor lines have not been heretofore established under the provisions of art. xv of the constitution of this state.

Laying out streets, etc.

SEC. 41. In surveying tide or shore lands of the first class the said harbor line commission shall have power to act, and it shall be their duty to lay out streets and alleys which shall thereby be dedicated to the public use, subject to the control of cities, with due regard to the convenience of commerce and navigation: *Provided*, That all alleys, streets, avenues, boulevards and other public thoroughfares heretofore located and platted on the tide or shore lands of the first class by boards of tide land appraisers or the board of state land commissioners are hereby validated as public highways and dedicated to the use of the public for the purposes for which they were intended, and no im-

prover, upland owner or other person shall have the right to buy the whole or any part of any such alley, street, avenue, boulevard or other thoroughfare. And in appraising said lands said commission shall appraise each lot, tract or piece of land separately, and shall enter in a well bound book a description of the lot, tract or piece of land, its full appraised value, the area and the rate per acre at which it is appraised; and if said lot is covered in whole or in part by improvements in actual use for commerce, trade or business, on or prior to March 26, 1890, the said commission shall designate the owner of said improvements, of what they consist, the area of land covered by them, the portion of each lot, tract or piece of land and the appraised value of the land covered thereby with and exclusive of the improvements. Appraising.

SEC. 42. Said commission shall prepare plats showing all shore and tide lands surveyed and appraised by them in the respective counties, on which shall be marked the location of all such lands, extending the lines of United States survey over the same, and shall prepare and keep in a well bound book a record of their proceedings, including a list of said shore and tide lands and their appraisal of the same, which plat and book shall be in duplicate. Official plats or maps.

SEC. 43. When the said commission shall have discharged their duties as aforesaid they shall deposit one copy of the plat and record as aforesaid with the county auditor in the respective counties, who shall file and safely keep the same in his office, and they shall deliver one copy of the plat and record to the commissioner of public lands. Where deposited.

SEC. 44. The harbor line commission shall, before delivering said plat and record to the commissioner of public lands, cause a notice to be inserted for a period of four consecutive weeks in a newspaper of general circulation in the county wherein the lands are situate that said plat and record describing it is complete and subject to inspection at the office of the commission and will be filed on a certain day to be named in said notice. Any person claiming a preference right of purchase of any of said lands, and who feels aggrieved at the appraisement fixed by the commission upon said land or any part thereof, may within Publishing.

Appeals, how taken.

sixty (60) days after the filing of such plats and records by said commission (which shall be done on the day fixed in said notice) appeal from said appraisement to the superior court of the county in which said tide lands are situated. Said appeal shall be taken in the manner prescribed in section 1630 of Hill's Annotated Statutes and Codes of Washington, providing for appeals from justice courts. The prosecuting attorney of any county or city attorney wherein such lands are situated shall, at the request of the governor or of ten freeholders of the county wherein such lands are situated, appeal on behalf of the state from any appraisement as hereinbefore provided, which appeal shall be taken in the manner provided above. Notice of such appeal shall be served on the harbor line commission, whose duty it shall be to immediately notify all interested.

Bond for costs on appeal.

The party other than the state or city appealing shall execute a bond to the opposite party with sufficient surety, to be approved by the state land commissioner, in the sum of two hundred dollars conditioned for the payment of the costs on appeal.

Upland owners' preference rights.

SEC. 45. The owner or owners of lands abutting or fronting upon tide or shore lands of the first class shall have the right for sixty (60) days following the filing of the final appraisal of the tide and shore lands with the commissioner of public lands to apply for the purchase of all or any part of the tide or shore lands in front of the lands

Improvers' exclusive right.

so owned: *Provided*, That if valuable improvements, and in actual use prior to March 26, 1890, for commerce, trade, residence or business have been made upon said tide or shore lands by any person, association or corporation, the owner or owners of such improvements shall have the exclusive right to apply for the purchase of the land so ap-

Adjoining land necessary to improvements.

proved for the period aforesaid: *Provided*, That the owners of such improvements shall have the right in all cases to purchase, in addition to the tide lands covered by such improvements, unoccupied and unimproved tide lands adjoining such improvements sufficient for the necessary and convenient use and enjoyment of such improvements, and the right of the owner of such improvements to purchase such adjoining, unoccupied and unimproved tide lands as

may be requisite and necessary for the proper and convenient use of such improvements and business shall be prior and superior to that of the upland owner or others claiming under, by or through such upland owner, except in cases where, prior to the passage of this act, a contract for the sale of such unimproved tide land has been actually made by the state land commissioner with such upland owner. The owner of such improvements shall make application to the state land commissioner for leave to purchase such additional and adjoining tide lands, and set forth in his application the business, purpose and use for which said additional land is wanted, and which said land shall be fully described by metes and bounds, and an accurate plat of the same shall be attached to the application; and shall also show the land as surveyed and platted by the state with reference to the plat on file in the county where the tide land is situated. The commissioner of public lands shall advertise such application as required for applications to purchase tide lands of the second class in this act, and after hearing the case of the applicant, the harbor line commission shall determine the applicant's rights, but in no case shall such applicant be allowed more land than is necessary for the convenient and proper use of his improvements and business. All applications of such improvers for such additional tide land shall be filed with the commissioner of public lands on or before ninety days from the passage of this act.

Such application shall be in writing and filed with the commissioner of public lands within the sixty days preference right given upland owners and improvers. If at the expiration of sixty days from and after the filing of final appraisal with the commissioner of public lands there being no conflicting applications filed the applicant shall be deemed to have the right of purchase. If at the expiration of said sixty days two or more applications shall have been filed for any tract, conflicting with each other, the harbor line commission shall forthwith order a hearing to determine the rights of the parties applying for said tract. They shall require each applicant, within a time stated, to submit under oath a full statement of the facts whereby he

Applications,
how made.

Conflicts, hearing and determination of.

claims a preference right of purchase, and such statement shall be the only pleading required and will be deemed denied by all other applicants. In case any applicant shall fail within the time limited to file such statement he shall, unless good excuse be shown therefor, be deemed to have waived his right of purchase of the tract under his application. At the hearing, which may be upon oral or written testimony, the board shall determine who has the first right of purchase to the whole or any portion of the lot or tract involved, and such award shall be certified to the commissioner of public lands, who shall, unless an appeal be taken from the appraisal or finding to the superior court, proceed to sell and dispose of said lands in accordance with such finding.

Conveyance
of preference
right.

SEC. 46. When the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser any portion of the tide or shore lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed.

Unsold lands,
how dis-
posed of.

SEC. 47. Any tide or shore lands of the first class remaining unsold, and where there be no pending application for the purchase of same, shall be sold on the same terms and in the same manner as provided for the sale of school and granted lands: *Provided*, That none of such lands shall be sold for less than the appraised value heretofore fixed, or that may hereafter be fixed, on said lands; but when it is deemed advisable and for the best interest of the state, such lands may be reappraised in the same manner as provided for the appraisal and sale of school and granted lands.

Price of unap-
praised lands.

SEC. 48. All tide and shore lands other than first class shall be sold at five dollars per lineal chain measured on the United States meander line bounding the inner shore limit of such tide or shore lands, and each applicant shall furnish a copy of the United States field notes, certified to by the surveyor general of the State of Washington, of

said meander line, with his application, and shall deposit one-tenth of the purchase price with his said application.

SEC. 49. Tide or shore lands of the second class which are separated from the upland by navigable waters, shall be sold at five dollars per acre; the applicant, at his own expense, shall survey and cause to be filed with his application a plat of the surveys of the land applied for. Such surveys shall be connected with, and the plat shall show, two or more connections with the United States survey of the upland. The applicant shall also file the field notes of the survey of said land with his application. The commissioner of public lands shall examine and attest said plat and field notes of survey, and if found incorrect or indefinite, he shall cause the same to be corrected or may reject the same and cause a new survey to be made. All applications for second class tide or shore lands shall be made in writing to the commissioner of public lands, and shall be advertised for a period of five weeks in some newspaper of general circulation published in the county where such lands are situated.

Detached
tide lands.

SEC. 50. Tide and shore lands which have not been sold, and for which applications to purchase have not been theretofore filed and are pending, may be leased in the same manner as provided for the lease of arid lands: *Provided*, That when application is made for the lease of tide or shore lands of the second class, adjacent to upland, the same shall be leased per lineal chain frontage and the United States field notes of the meander line shall accompany each application as required for the sale of such lands: *And provided further*, When such lands are separated from the upland by navigable waters, each application shall be accompanied by the plat and field notes of survey of such land applied for as required when making application for the purchase of such lands.

Leased as
other granted
lands.

SEC. 51. All tide and shore lands, except as herein expressly provided, shall be sold upon the terms provided for the sale of school and granted lands, and within twenty days after the expiration of the sixty days limited in which to file applications for the purchase of tide or shore lands, the applicant shall pay to the commissioner of public lands

Sold as other
granted lands.

one-tenth of the purchase price thereof, and thereupon the purchaser shall enter into a contract with the state as provided for the sale of school, granted and other lands of this act: *Provided*, That where an appeal is taken the purchaser shall in all cases have twenty days from the day on which the final judgment of the superior court is certified to and filed with the commissioner of public lands, in which to make said payment and enter into said contract: *And provided further*, That in case different persons make application to purchase a lot, tract or piece of tide or shore land within sixty days, and no appeal is taken from the determination of the commission as to which person has the first right of purchase, then the findings of the commission shall be final, and the successful applicant shall have thirty days from the time when served with notice of such finding, which notice shall be served by mailing a registered letter addressed to the party at his address, which shall be stated in the application to purchase.

Notice of
award.

Appeal from
board to su-
perior court.

Notice and
procedure.

SEC. 52. Any person who is an applicant to purchase any tide or shore lands may appeal from any finding or decision of the said commission as to the prior right to purchase such tide or shore lands or any part thereof, which appeal shall be to the superior court of the county in which such tide or shore lands are situate. Such appeal shall be taken by the party desiring to appeal serving upon the party in whose favor said decision and determination is made, and also upon all other parties who have appeared in the contest before said commission, or upon their attorneys, a notice in writing that he appeals from said decision and determination to the said superior court, which said notice of appeal must be served as aforesaid, and, together with the proof or admission of service endorsed thereon or attached thereto, must be filed with the said harbor line commission within thirty days from and after said decision and determination is filed in writing or entered in the records of said harbor line commission. At the time of filing such notice of appeal, or within five days thereafter, the party appealing shall also file with said commission a bond in the penal sum of two hundred dollars, payable to the adverse party, executed by the ap-

Bond for costs
on appeal.

pellant and two or more sureties, who shall justify as bail upon arrest; which bond shall be conditioned that the party appealing shall pay all costs that may be awarded against him on the appeal or on the dismissal thereof, and shall be approved by the chairman of said commission. Within thirty (30) days after said notice of appeal and proof of service has been filed with said commission as aforesaid, said commission shall prepare and certify under the hand of its secretary and the seal of such commission, a true copy of all the pleadings and papers and record entries connected with said contest, except the evidence used in said contest before said commission, to the clerk of the superior court of the county to which said appeal has been taken. The hearing and trial of said appeal in said court shall take place *de novo* before the court without a jury, upon the pleadings so certified. The court or judge, for cause deemed satisfactory, may order the pleadings to be amended. The cause shall be tried and determined and judgment rendered in the same manner as if such cause had been commenced before said court, in accordance with the rules of law and evidence governing the trials of causes in said court, so far as the same are applicable. Should judgment be rendered against the party so appealing, the costs on appeal shall be taxed against him and the sureties on the appeal bond shall be included in the judgment, and execution may issue from said superior court for the collection thereof. Any party feeling himself aggrieved by the judgment of said court may appeal therefrom to the supreme court of the state in the same manner and within the same time as is now or may hereafter be provided by law for appealing from judgments in actions at law to such supreme court. Unless an appeal be taken within the time aforesaid from the judgment of said superior court, the clerk of said court shall certify under his hand and seal of such court, a true copy of such judgment to the commissioner of public lands, which judgment shall thereupon have the same force and effect as if rendered by said commission.

Transcript
on appeal.

Trial *de novo*
and with-
out jury.

Appeal to su-
preme court.

Certification of
judgment to
commissioner.

SEC. 53. The harbor line commission shall have the power to lease the right to build and maintain wharves,

Harbor line
areas, how
utilized.

docks and other structures upon or within any harbor line area abutting upon tide or shore lands which have been sold, or which may hereafter be sold or leased as provided in this act, for a term not exceeding thirty years, upon such covenants and conditions as the commission shall prescribe. The said commission in any and all such leases, shall reserve to the State of Washington the right to regulate, either under rules of the commission or legislative enactment, or by both methods, the rates of wharfage, dockage and other tolls to be imposed by the lessee upon commerce for any of the purposes for which said leased area may be used, and the right, as above mentioned, to prevent extortion, discrimination and exclusive privileges.

Power to lease, regulate rates, etc.

Lessee's bond.

Said commission shall require a bond with sufficient surety, to be approved by the commission, in such sum as may be prescribed by the commission, conditioned for the faithful performance by the lessee of all the terms and conditions of the lease under such rules and regulations as the commission may prescribe. The said commission shall have power at any time to summon sureties upon any bond and to examine into the sufficiency of the bond, and if found by the commission to be insufficient, the commission shall require the lessee to file a new and sufficient bond within thirty days after receiving notice from the commission, under penalty of immediate forfeiture of the lease. The commission shall have power to annul or cancel any lease upon a breach of its conditions by the lessee. The state hereby reserves the right to cancel any and all leases upon payment to the lessee of the value of his improvements made on any leased area: *Provided*, That this section shall not be held to apply to the cancellation of leases by the commission for fraud or breach of any covenants of the lease or failure to file and keep a good and sufficient bond with said commission; but in all such cases the improvements, if any, shall become the property of the state.

Lessee's plans and specifications.

Any lessee desiring to erect any wharf, dock or other structure upon any such leased area shall prepare and file with the said commission plans and specifications of such proposed improvement and showing its proposed location on the leased area, and no such wharf, dock or structure

shall be constructed until such plans, specifications and location shall be approved by said commission. There shall not be any artificial filling in of such area or any deposit of rock, earth, ballast, refuse, garbage or other matter within such area, except as may be provided by law, or upon approval in writing by said commission. If the person, association or corporation having the preference right to lease any of the harbor line areas does not exercise such right within such time as may be prescribed by the commission and under its rules and regulations, then the said commission may, in its discretion, provide for the leasing of such harbor area to the highest and best bidder: *Provided*, That the commission may reject any and all bids, when in its judgment the sum bid is too low. The rent derived from such leases shall be paid into the state treasury under such regulations as the state commission may prescribe, and shall constitute a fund to be used as the legislature may direct: *Provided*, That after the expiration of one year, if the parties who have leased any of said areas do not commence to build wharves, docks or make such other improvements as provided in this act, the commission may cancel the lease and re-lease the same under the provisions of this act.

SEC. 54. In leasing harbor line areas the owner or lessee of the tide or shore lands abutting the portion of the harbor line area sought to be leased shall have a preference right to lease said areas under the conditions prescribed in the next preceding section.

Abutting holder's preference right to lease.

SEC. 55. Whenever it appears that the inner line of any harbor areas heretofore located has been so established as to overlap or fall inside of the government meander line, or for any other good cause, said commission is empowered to relocate and reestablish said inner line so erroneously established and outside of said meander line, and said inner line so reestablished and relocated may be sold as other tide lands of like class in accordance with the provisions of this act. And any owner of upland having improvements situated on the tide lands in front of and abutting on said upland, not being tide lands of the first class, shall have a

Power to relocate inner harbor lines.

Improver's rights.

preference right to purchase said tide lands at five dollars (\$5) per lineal chain measured along the United States meander line until July 1, 1897, whether applications have been filed or contests exist therefor or not: *Provided*, That this act shall not apply to tide lands sold or conveyed by contracts or patents already issued.

Present board
successor
of old.

SEC. 56. The state board of land commissioners shall, from the date of the assumption of its official duties, possess and exercise over all the lands and areas of the state all the authority, power and functions and perform the duties which the present board of state land commissioners now possess, and is hereby constituted its successor, and all the provisions of law applicable to said board, not inconsistent with the provisions of this act, are hereby made applicable to the board created by this act.

Power to ex-
pend harbor
improvement
fund.

SEC. 57. Said harbor line commission shall have full power and authority to expend the moneys appropriated under an act entitled "An act relating to the improvement of harbors and waterways of the State of Washington," approved March 10, 1891; and all powers vested by the act last mentioned in the harbor line commission therein mentioned are hereby transferred in and devolved upon said harbor line commission provided for in this act, hereby created, and said commission is hereby authorized to draw warrants upon the state treasurer against the harbor improvement fund of the proper city for the amounts of all expenditures made by them in the improvement of harbors in pursuance of said act last mentioned, or of any law in force for the time being, and are hereby vested with all powers and authority necessary to carry into effect the full intent and purpose of said act, and of all provisions of law relative to the improvement or leasing of harbor areas; and the necessary and actual expenses of the said commission or any of its members in discharge of such duties, whether for traveling expenses or for materials, or for clerical, expert or other assistance, shall be audited by the state auditor on properly authenticated vouchers, and paid by the state treasurer on the warrant of the said auditor out of said harbor improvement fund.

SEC. 58. The said board of state land commissioners is

hereby empowered to accept, in the name of the State of Washington, by deed of sale or gift, or by operation of law, any or all lands of whatsoever nature, and said lands shall be inspected, appraised, managed, leased or sold in the same manner as is prescribed herein for granted lands, and the proceeds of the lease or sale of all such lands shall be converted into the general school fund in the manner prescribed by law, or shall be applied to such specific purpose as may be prescribed by any grantor or testator. This section shall apply especially to all lands that are or may be escheated to the state.

Board may accept lands by gift, etc., on behalf of state.

SEC. 59. All hearings pertaining to the public lands of the State of Washington, or any part thereof, as provided by this act, the board of state land commissioners shall, in their discretion, have power to issue subpoenas and compel thereby the attendance of witnesses at such time and place as may be fixed by the board, to be stated in the subpoenas, and to conduct the examination thereof. Said subpoenas may be served by the sheriff of any county, or by any other officer authorized by law to serve process, or by any person over the age of twenty-one years, competent to be a witness, but who is not a party to the matter in which said subpoena is issued. Each witness subpoenaed by the board as witness on behalf of the state shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund. And any person duly served with a subpoena, as herein provided, and who shall fail to obey the same, without legal excuse, such failure to obey shall be considered a contempt, and the board shall certify the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof such witness shall suffer the same penalties as are now provided in like cases in the courts in this state, as prescribed in section 1655 of the second volume of Hill's Annotated Statutes and Codes of the State of Washington: *And it is further provided,* That the certificate of the board shall be considered by the court as *prima facie* evidence of the guilt of the party charged with contempt.

Board empowered to issue subpoenas, etc.

Service, how made.

Can punish for contempt.

Commissioner
custodian of
all maps and
records.

SEC. 60. All maps, plats and field notes of surveys required to be made by this act shall, after approval by the state board or commissioner of public lands, be deposited and filed in the office of the commissioner of public lands, and all maps, plats and field notes now filed with the board of state land commissioners shall be by them deposited with the commissioner of public lands, who shall keep a careful and complete record and index of all maps and plats in his possession in well bound books, which shall at all times be accessible to the public.

Commissioner's
seal.

SEC. 61. That all notices, orders, contracts, certificates, rules and regulations, or other documents or papers made and issued by or on behalf of the board of appraisers or commissions provided for in this act, or the commissioner of public lands, shall be authenticated by a seal whereon shall be the vignette of Washington, with the words "Seal of the commissioner of public lands, State of Washington:" *Provided*, Where improvements have been made on tide lands or lands under water in front of towns or cities, prior to the location of harbor lines in such towns or cities, by the state board of harbor line commissioners, and the reserved harbor area as located includes such improvements, no distraint or sale of such improvements for taxes shall be had until six months after said lands shall have been leased or offered for lease from or by such board, as shall be authorized by law to execute leases of tracts embraced within the reserved harbor area of the state: *Provided*, That this act shall not apply to any tract or tracts that said board shall decide not to lease or otherwise dispose of, and shall not affect or impair the lien for taxes on said improvements.

Harbor area
improvements
exempt from
taxation,
when.

Commissioner's
fees.

SEC. 62. That the commissioner of public lands, for services performed by him as such, may charge and collect the following fees: (1) For a copy of any document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, one dollar; (3) for each contract of sale or deed issued, if for one quarter section or less, one dollar; (4) for each copy of the plat of township, or any portion thereof, two dollars. All transcripts under the hand and seal of the commissioner, and otherwise duly

authenticated, shall be received in evidence in any court of this state.

SEC. 63. That the commissioner of public lands shall keep a fee book, in which must be entered all fees received by him, with the date paid and the name of the person paying the same, and the nature of the services rendered for which the fee is charged, which book must be verified monthly by his affidavit entered therein; and all fees so collected by him shall be paid into the state treasury monthly, and the receipt of such treasurer taken, to be retained in the office of said commissioner of public lands as a voucher.

Their disposition.

SEC. 64. That said board of land commissioners be and it is hereby directed and empowered to investigate all trespasses on and damage to state lands, and prosecute the same under the law; that said board shall also appear before the United States land offices in all cases involving the validity of the selections of any of the state's granted or school lands, and shall be authorized and empowered to summon witnesses and pay necessary witness fees and clerical hire in such contested cases.

Board's action in trespass cases.

SEC. 65. In all cases of contest or appeal arising under the provisions of this act, and to which the state may be a party, it shall be the duty of the attorney general to appear for and represent the interests of the state when directed so to do by the board of appraisers, harbor line commission, arid land commission or commissioner of public lands.

Duties of attorney general.

SEC. 66. Any person, firm, corporation or association cutting or removing, or causing to be cut or removed, any timber growing or being upon any state, school or granted lands, or manufacturing the same into logs, bolts, shingles, lumber or other articles for domestic use or commerce, shall be liable to the State of Washington in treble the value of the timber or other articles so cut or removed, to be recovered in a civil action; and, moreover, shall forfeit all interest in and to the article into which said timber is manufactured.

Removing valuable material, penalty.

SEC. 67. That the board of appraisers or commissions, or commissioner of public lands, shall have the right to

Board's power to review and reconsider official acts.

review and to reconsider any of its official acts relating to lands of the state until such time as a lease or contract for purchase of any of said lands shall have been made, executed and signed by the commissioner of public lands or by the board itself.

SEC. 68. This act shall not be construed to affect any vested right in any of the public lands as herein defined of any person, firm or corporation acquired under existing laws, or any preference right of purchase or finding by the board of state land commissioners under existing laws, or cases now pending before said board or in the courts, but the same are hereby confirmed, subject only to such rules and regulations for the government of said rights as may be hereafter defined by the board of state land commissioners.

Investment of school funds.

SEC. 69. That whenever there shall be in the state school fund applicable to investment the sum of five thousand dollars or more, the board of state land commissioners may invest the same in national, state, municipal or other county bonds, at par, of the United States, this state, or of the counties or school districts, bearing not less than five per cent. interest per annum, or in warrants drawn upon the State of Washington. Upon such investment being made, the bonds or warrants purchased shall be deposited with the state treasurer, and thereupon the duties and powers of the board of state land commissioners, as to their duties to such funds or securities, shall cease, and the state auditor is hereby authorized to draw his warrant on said school fund for the amounts so purchased.

Repealing section.

SEC. 70. An act entitled "An act for appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890; an act entitled "An act to provide for the selection of lands granted to the State of Washington, under an act of congress approved February 22, 1889, for the purpose of the erection of public buildings and the penitentiary, the use and support of agricultural, scientific and normal schools and state charitable, penal and reformatory institutions, also providing for the selection of lands granted to the State of Washington under sections 1947, 2275 and 2276

of the Revised Statutes of the United States," approved March 10, 1891; an act entitled "An act to provide for the selection, survey, management, lease and disposition of the state's granted, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, creating a board of state land commissioners, defining their duties, and authorizing them to act as the commission provided for in article xv of the state constitution, and declaring an emergency," approved March 26, 1895; an act entitled "An act accepting the terms of the act of congress, approved August 18, 1894, providing for the reclamation, settlement and disposition of the one million acres of arid land granted therein, making appropriation therefor, and declaring an emergency," (excepting section one of said last mentioned act), approved March 22, 1895, are hereby expressly repealed; an act entitled "An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor," approved March 10, 1891, is hereby repealed.

SEC. 71. Whereas, under existing laws the state is sus- Emergency.
taining great and irreparable loss in the appraisalment, sale, lease and disposition of its lands, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the House March 1, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XC.

[H. B. No. 355.]

FOR THE RELIEF OF CREDITORS OF STATE NORMAL
SCHOOL AT NEW WHATCOM.

AN ACT for the relief of W. B. Davey, and other creditors of the state normal school at New Whatcom, and making an appropriation therefor.

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

SECTION 1. That there be and hereby is appropriated from the state normal school fund the sum of four thousand one hundred eighty-nine dollars and five cents (\$4,189.05) for the relief of W. B. Davey and other creditors of the state normal school at New Whatcom.

SEC. 2. The state auditor is hereby authorized and instructed to examine and audit the unpaid claims and accounts outstanding on account of the construction of the state normal school building at New Whatcom, and to draw his warrants upon the aforesaid appropriation of four thousand one hundred eighty-nine dollars and five cents (\$4,189.05) in favor of the creditors, and the state treasurer is hereby directed to pay said warrants out of any money in the state normal school fund not otherwise appropriated.

Passed the House March 10, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCI.

[S. B. No. 290.]

RELATING TO LEGAL PUBLICATIONS.

AN ACT relating to the publication of notices of sales of property on execution or order of sale.

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

SECTION 1. All notices of sales of property on execution or order of sale, required by law to be published in any newspaper, shall be so published in a newspaper of the county which shall be selected by the sheriff, and if there is no newspaper published in the county, then such notice shall be published in the newspaper published in this state nearest to the place of sale: *Provided*, That if the person at whose instance the execution or order of sale is issued, or his attorney, shall present to the sheriff a receipt of the publisher of any newspaper showing full payment for the publication, then the notice shall be published in that newspaper: *And provided further*, That the charge for any such publication shall not exceed seventy-five cents per square for first insertion, and thirty-seven and one-half cents per square for each subsequent insertion.

Passed the Senate March 11, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCII.

[H. B. No. 354.]

RELATING TO THE BOARD OF HORTICULTURE.

AN ACT to provide for the publishing of the third biennial report of the state board of horticulture, and declaring an emergency.

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

SECTION 1. That there be and hereby is ordered to be printed, under the supervision of the state printing board

five thousand (5,000) copies of the third biennial report of the state board of horticulture, two hundred (200) of which shall be bound in cloth, and the remaining four thousand eight hundred (4,800) to be inclosed in paper covers; the whole number to be at the disposal of the secretary of the state board of horticulture, and by him to be judiciously distributed to the fruit growers of the state, upon application, and to other like institutions and bodies in the other states.

Passed the House March 2, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCIII.

[H. B. No. 534.]

RELATING TO ROADS, CYCLE PATHS AND WALKS.

AN ACT authorizing the acquiring, receiving, condemnation, laying out, grading and improvement of boulevards, or composite highways and walks, cycle paths and parks in connection therewith, by cities of the first class, and by counties where the said boulevard or highway and the walks, cycle paths and parks extend beyond the limits of such cities of the first class; and to provide for levying upon the property benefited thereby, and collecting special assessments to pay therefor, and for the issuance of bonds, payable in ten annual installments with interest, to provide means for carrying out said work.

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

Improvement
of boulevards,
cycle paths
and highways.

SECTION 1. That there be and is hereby conferred upon cities of the first class within the State of Washington, full power and authority to acquire, receive, condemn, lay out, grade and improve boulevards or composite highways, and walks, cycle paths and parks in connection therewith and prescribe and limit the use thereof to specified kinds of traffic; and also full power and authority to levy and provide for the collection by the county treasurer of an assessment or assessments upon all lots or parcels of land benefited

thereby, and full power and authority to defray the full cost and expense thereof, including the cost of all necessary lands for right-of-way, whether obtained by purchase or condemnation, by issuing local improvement district bonds, as hereinafter provided, which said assessments and bonds shall become and remain a lien upon said lands until the said assessments and bonds shall have been paid, except as is herein otherwise provided; and the same full power and authority is hereby conferred upon counties where the said boulevards or composite highways, walks, cycle paths and parks extend from and beyond the limits of any such city of the first class into such county, and prescribe and limit the use thereof to specified kinds of traffic; the authority and power hereby conferred shall be exercised in the manner pointed out by this act, but any failure of power herein or informality may be supplied from the general power possessed by cities and counties to lay out, grade, improve, and protect and repair roads, bridges and highways; said boulevards or composite highways shall, with the walks, cycle paths and parks connected therewith, be in no case less than one hundred feet wide, nor more than two hundred feet in general width.

By local improvement bonds.

Beyond city limits.

Not less than 100 feet wide nor more than 200 feet wide.

SEC. 2. Whenever the owners of property to be benefited along the line of any proposed boulevard or composite highway, shall desire to improve the same under the provisions of this act, at the expense of such property benefited, and by the issuance of serial bonds to be payable in ten annual installments, with interest, they must present to the city council of such city of the first class a petition setting forth a general description of the route of the said improvement within said city, giving its terminal points, and a general description of the character of improvements desired, together with the general plan of the various roadways, walks, cycle paths and contemplated parks; if any portion of such proposed boulevard or composite highway shall extend beyond the limits of such city, a similar petition shall be filed with the board of county commissioners of the county into which it so extends covering the portion of same outside of the city; before any such petition shall be allowed and favorably acted upon, it must appear there-

Petition for improvement.

from that the owners of a majority in area of the lands to be benefited along said proposed boulevard or composite highway have signed the same and requested the work to be done under the provisions of this act; and any administrator, executor or guardian may, upon consent of the court appointing him, sign the same, and his signature shall bind the property of the estate or ward.

Survey and estimate to be made.

Petitioners to advance cost.

Notice by publication.

Opportunity for remonstrance.

Hearing of remonstrance.

SEC. 3. Whenever any such petition shall be filed, signed by a majority of the property owners as aforesaid, a council or board, as the case may be, shall cause a survey, plan and estimate of the entire cost within the said district to be made, which shall be filed with the city clerk or county auditor, as the case may be: *Provided*, That no such survey, estimate and plan shall be made without the said petitioners shall advance the cost thereof, which shall be afterwards included as a part of the expense of the improvement, and refunded if it be made; immediately after the said survey, plan and estimate is made and filed, the city clerk or county auditor, as the case may be, shall cause a notice of such filing to be published daily for ten days in the newspaper doing the city or county printing, which notice shall state that such petition has been filed, and shall give a brief and general description of the improvements proposed, the terminal points of the same and the proposed width of the same, together with the estimated cost and expense thereof, and also a description of the property included within the proposed district. Said notice shall fix a time and place at which all persons interested in the said property may appear before the said council or board and show cause, if any there be, why the said improvement ought not to be made as petitioned for. Said time shall not be less than eight days nor more than twenty days from the date of said notice. All owners who shall not make and file objections to the granting of such petition within the time mentioned shall be deemed to have assented thereto, in the same manner as if they had signed the said petition. If any remonstrance shall be made thereto, the council or board shall hear the same, and if it shall appear that the law has not been complied with in the securing [of] a sufficient number of signers to the said petition, or

that the requisite notice has not been given, or that the proposed improvement will not be a benefit to the property in the said district, or that for any other similar reason the work ought not to be done at the expense of the property owners, the said council or board shall so find, and decline and refuse to proceed further with the matter; but if it appears that the law has been in the aforesaid particulars complied with, and that the proposed improvement will be a benefit to the property in the said district, and will be a public convenience and benefit, the said council or board shall so find and shall authorize the improvements.

SEC. 4. Whenever any such petition shall have been presented to the city council, and upon notice as aforesaid shall have been examined and the proposed improvement found to be a proper one to be made by local assessment, the council shall by ordinance order such improvement to be made within any city district, and shall by such ordinance create a local improvement district, which shall embrace the lands and lots described in the said notices, and which will be benefited by such improvement; such ordinance shall provide in full for the levy and collection of such assessments, the issuance and sale of the bonds, and the general outline of the improvements and the proposed method of paying therefor; when a portion of said boulevard or composite highway shall lie outside of the city limits, the board of county commissioners shall upon like petition, notices and finding, make similar provisions for the improvement within its jurisdiction, by an order entered upon its records; the district lying within the city limits shall be known as District A, and that outside of the city, if any, as District B, and a different series of bonds shall issue in each, and the property in District A shall not be responsible for the payment of the bonds issued on District B, nor shall the property in District B be responsible for the payment of the bonds issued on District A.

By ordinance.

To create local improvement districts.

When proposed improvements lie beyond city limits.

SEC. 5. Each local improvement district shall include all property between the terminal points of said improvement; in case the line thereof extends beyond the city limits, the line of the city limits shall be one of the ends of

What constitutes a frontage.

termini of the inner and outer districts; the inner or local improvement District A shall include all property between its termini parallel to and within three hundred feet on each side of the average central line of the said boulevard or composite highway; and all property included within said limits shall be considered and held to have a frontage upon such improvement, and shall be the property benefited by said local improvement, and shall be the property to be assessed to pay the cost thereof, which cost shall be assessed by the said city council upon all the property so benefited in proportion to the benefits obtained thereby; the outer or local improvement District B shall include all property between its terminal points, one of which shall be the line of the city limits, and all property parallel thereto and within six hundred and sixty feet on each side of the average central line of the said composite highway; and all property included within said limits shall be considered and held to have a frontage upon such improvement, and shall be the property benefited by the said local improvement, and shall be the property to be assessed to pay the cost thereof, which cost shall be assessed by the said board of county commissioners upon all the property so benefited in proportion to the benefits obtained thereby; and no lot or parcel of land in any district shall be assessed or charged for but one proportionate part thereof, regardless of any angle or change of direction in the line of improvement.

Relating to
street car
tracks and
right-of-way.

SEC. 6. In arranging and laying out any such boulevard or composite highway it shall be proper and lawful to arrange for the location and right-of-way of a street car track or tracks therein, but the lands upon which the same are built, or to be built, shall not be improved by such special assessment, but only at the expense of the parties owning the lands or the franchise thereon, and said land shall also be assessed in proportion to other property in the district to pay for the local improvement.

Assessment
rolls and
exhibits.

SEC. 7. The city council or board of county commissioners, as the case may be, shall make out and certify to an assessment roll, which shall show and exhibit in separate columns, 1st, the name of the owner of each separate

lot, piece, parcel or subdivision of land assessed and lying within the assessment district, which shall be set opposite the inscription [description] thereof, and if the name of the owner be unknown the word "unknown" shall be written in its place; 2d, a brief description by lot, block, or by metes and bounds, of each subdivision of land therein; 3d, the assessment number of each subdivision of land separately assessed; 4th, the amount assessed separately against each subdivision within said district, which shall be the sum, also, that the said lot, piece or parcel of land is benefited by the said improvement; 5th, a plat or map showing the line or lines of said proposed improvement, and the lots, blocks, pieces and parcels of land lying in said district to be assessed for such improvement, each of which subdivisions of land shall be marked with its assessment number on its face.

SEC. 8. Upon the completion of such assessment roll it shall be filed with the city clerk or county auditor, as the case may be, whereupon such clerk or auditor shall forthwith give notice by publication for five days in a daily paper doing the city or county printing, that said assessment roll is on file in his office, where it may be seen and examined by all parties interested, and the said notice shall state a time at which the council or the board, as the case may be, will hear any objections to the said assessment roll, which time shall not be less than one nor more than ten days after the last publication of the said notice.

To be filed with clerk or auditor.

Notice by publication.

SEC. 9. At the time appointed for hearing objections to the said assessment roll and the assessments therein, the council or board, as the case may be, shall hear and decide upon all objections which shall have been filed by any party interested, to the regularity of the proceedings in making said improvements or in levying said assessments, or to the correctness of the amount of said assessment, or of the amount levied upon any particular lot or parcel of land; and if the proceedings are found by them to have been regular, they shall correct any errors which may be found in the assessment, and shall pass an order approving and confirming said proceedings, and said assessment so corrected by them, and their decision and order shall be a

Board or council to hear objections.

Final confirmation of assessment rolls.

final determination of the regularity, validity and correctness of said assessment, and of the amount thereof levied upon each lot or parcel of land, and shall bar all persons appearing and objecting or failing to appear from any further recourse in law.

Assessments a lien upon the property.

SEC. 10. All such assessments shall be liens upon the property assessed, and all such liens shall relate back to and take effect as of the date when the council or board, as the case may be, found the work a proper one to be undertaken under the law and the petitions presented, and sustained the petitions against the objections made, or proceeded with the work without such objection, when none was made.

County treasurer to collect.

SEC. 11. The city or county clerk, as the case may be, shall, within five days after the confirmation of said assessment roll as aforesaid, certify and annex to the said roll a true copy of the order of confirmation, and issue and annex to the said roll a warrant directing the county treasurer to receive and collect the amount or amounts due thereon, in the manner and at the times hereinafter pointed out, and shall thereupon deliver said roll, order of confirmation and warrant to the said county treasurer, who shall thereupon be authorized to receive and collect the same, as by this law provided; the clerk shall, if the district lies within the city, also notify the city controller of the amount of the said roll, and if a district lies outside of the city the county auditor shall be so notified of the amount thereof, and the treasurer shall be charged therewith; the treasurer, within ten days after receiving the said roll, shall give notice by three weekly publications in the official newspaper of the city or county that such assessment roll is in his hands for collection, that the assessments are payable, and the date at which the same will become delinquent for the non-payment of the first installment of principal and interest; no demand shall be necessary for any such assessment, but it shall be the duty of every person whose property is assessed for improvements as herein provided, to pay all such assessments levied upon such property before the same become[s] delinquent.

Date of delinquency.

SEC. 12. The said assessments shall be due and payable

on the date of the order confirming the said assessment roll, and may be paid at any time thereafter as herein provided. Any person may at any time within thirty days after said order of confirmation redeem his said property by paying the full amount of such assessment without interest; if the said property is redeemed after said thirty days the owner shall pay the full amount of such assessment and the interest up to the succeeding first Monday in July or January, as the case may be. If the order confirming the said assessment roll shall be made more than thirty days next before the first Monday in July or January, or if not then, on the first Monday in July or January first thereafter, the first installment of one-tenth of the principal, and interest for one year on the whole sum due, shall be and become due and delinquent; and thereafter, annually, on the said first Monday in July or January, corresponding to the first date of delinquency, one-tenth of the principal sum, and one full year's interest on the whole sum due, shall be and become due and delinquent; upon the failure of any such owner to make payment of any installment and interest before delinquency, and upon such delinquency, the whole sum due on the said lot, piece or parcel delinquent shall also be and become due, payable and delinquent, and any sale of the said property for delinquency shall be for the full amount of the said assessment not then paid and interest to the next succeeding first Monday in July or January, as the case may be, and the costs of sale.

When assessments are due and payable.

Interest and installments.

SEC. 13. The said county treasurer shall be and he is hereby empowered and authorized, by virtue of the law and the warrant to collect, to sell at public auction to the highest bidder for cash, all the lots, pieces and parcels of land described in the said assessment roll, and upon which assessments are levied, whether in the name of the owner or in the name of an unknown, to satisfy all delinquent and unpaid assessments, with interest and costs; on the day of the delinquency a penalty of five per cent. on the principal sum due shall accrue to such assessment in addition to the interest thereon, and must then and thereafter

Property may be sold to satisfy assessments levied.

Penalty on delinquency.

be collected therewith; such treasurer's warrant shall, for the purpose of making sale of said real estate on which assessments are delinquent and unpaid, be deemed and taken as an execution against said real property for the amount of the said assessments with interest, penalty and costs, and the treasurer shall, within sixty days after said date of delinquency, commence the sale of the said real property, and continue such sale from day to day thereafter, until all the lots and parcels of land described in said assessment roll on which any such assessment or installment is delinquent and unpaid are sold; such sales shall take place at the front door of the court house, and such sales may take place from year to year if other delinquencies on said roll occur; the treasurer shall give notice of such sales by publishing a notice thereof once a week for three consecutive weeks, in the official city or county newspaper, as the case may require; such notice shall contain a list of all lots and parcels of land upon which such assessments are delinquent, with the amount of the assessment, interest, penalty and costs, to the date of sale, including the costs of advertising due upon each of such lots or parcels of land, together with the names of the owners thereof, or the words "unknown owner," as the same may appear on said assessment roll, and shall specify the time and place of sale, and that the several lots or parcels of land therein described will be sold to satisfy the assessment, interest, penalty and costs due upon each.

Notice by
publication.

When sale
shall take
place.

SEC. 14. All such sales shall be made between the hours of 10 o'clock A. M. and 3 o'clock P. M.; each lot or parcel of land shall be sold separately and in the order in which the same appears on the assessment roll, commencing at the head thereof; all lots and parcels of land sold for delinquent assessments shall be sold to the highest bidder, and whenever any such lot is sold for more than the sum sufficient to satisfy the delinquent assessment, with interest, penalty and costs, the surplus shall be kept by the treasurer in a separate fund, and thereafter the owner or his legal representatives shall, on application, be entitled, upon proving their right thereto, to receive the same; if there be no bidder for any lot or parcel of land of a sum

sufficient to pay the delinquent assessment, interest, penalty and costs, the said treasurer shall declare the said property sold to the city, if the district is within the city, or to the county, if without the city, and the city or county in such case shall be a trustee of the title for the benefit of the bondholders; the said lands so stricken off to the said city or county may be disposed of as hereinafter provided, by a sale of the certificates of sale, or held, if not sold, to await the action of the bondholders, who shall be held to be the equitable owners thereof in proportion as their interests may appear.

Sale to city or county.

SEC. 15. Immediately after and upon the passage of the order confirming the assessment roll, the city council or the board of county commissioners, as the case may be, shall be and they are hereby authorized to cause the said improvement to be made at the expense of the said district: *Provided*, That the said contractor, laborers, material men or sub-contractors shall in all cases look only to the fund to be raised by such special assessment for their compensation: *And provided*, That neither the city nor county shall be responsible therefor in any degree except as trustee for the said district and bondholders.

Council to cause improvements to be made.

SEC. 16. The city controller shall be the custodian of all certificates of purchase for lots or parcels of land so sold to the city, and the county treasurer shall continue in the custody of all such certificates so sold to the county, and either shall, at any time prior to the issuance of a deed for such property and prior to the redemption of the lot or parcel of land therein described, sell and transfer any such certificate to any person who will pay to the county treasurer the amount for which the lot or parcel of land therein described was stricken off to the city or county with the interest subsequently accrued thereon; within ten days after the completion of the sale of all the lots and parcels of land described in such assessment roll and sold as aforesaid, the treasurer must make a return to the city council, or the board of county commissioners, of his doings thereon, showing all lots and parcels of land sold by him, to whom sold, and the sum paid therefor.

County treasurer or the controller custodian of such lands.

May sell, when.

SEC. 17. The purchaser at improvement assessment

Purchaser's lien.

sales acquires a lien on the lot or parcel of land sold for the amount paid by him at such sale, as well as for all delinquent taxes and improvement assessments, and all costs and charges thereon, whether levied previously or subsequently to such sale, subsequently paid by him on the lot or parcel of land, and shall be entitled to interest thereon at the rate of twelve per cent. per annum from the date of such payment.

Redemption.

SEC. 18. Every lot and parcel of land sold for any delinquent assessment as aforesaid, shall be subject to redemption by the former owner, or his grantee, mortgagee or heir, within one year within the date of the certificate of purchase, on payment to the county treasurer, for the purchaser, of the amount the same was sold for, with twelve per cent. interest per annum, together with all taxes and improvement assessments and costs and charges thereon paid by the purchaser on such lot or parcel of land since such sale, with like interest thereon, and on such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor and pay over the amount received from such redemptioner to the purchaser or his assigns; should no redemption be made within the period of one year, the treasurer shall, on demand by the purchaser, or his assigns, and the surrender of the certificate, execute to him a deed for the lot or parcel of land therein described: *Provided*, That no such deed shall be executed until the holder of said certificate shall have notified the owner of the said lot or parcel of land that he holds said certificate and that he will demand a deed thereof; and if, notwithstanding said notice, no redemption be made within ninety days from the service of said notice, said holder shall be entitled to said deed. Said notice may be given by personal service upon said person, or by publication in a weekly newspaper published in said city or county for three weeks; such notice and return thereto, with the affidavit of the person claiming said deed, stating that said service was made, shall be filed with the treasurer; such deed shall be executed only for the lot or parcel of land named in the certificate, and after the payment of all subsequent taxes and assessments thereon; the

Notice
published.

deed shall be executed in the name of the city or county, as the case may be, and shall recite in substance the matters contained in the certificate, the notice to the owner, and that no redemption has been made of the property within the time allowed by law; such deed shall be signed and acknowledged before a notary public by the treasurer as such; the deed shall be *prima facie* evidence that the property was assessed as required by law, that the improvement assessment was not paid, that the property was sold as required by law, that it was not redeemed, that notice had been given, and that the person executing the deed was the proper officer, and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment inclusive up to the execution of the deed.

Deed, execution of.

SEC. 19. If any property within such assessment district shall be offered for sale, and no person shall bid a sum sufficient to pay the assessment, the interest, penalty and costs, the said property shall be stricken off to the city, if the district is within the city, or to the county, if the assessment district is within the county, and in either case the city or county, as the case may be, shall hold the said property as a trustee for the use and benefit of the holders of the bonds against the said district; but neither the said city nor county shall be required to pay any money out of its treasury upon the said bonds or interest thereon otherwise than as the same shall have been received from the said assessments: *Provided*, That if there shall not be a sufficient fund to pay the bonds and interest the said lots or lands so stricken off to the trustee may be utilized by the bondholders, as a common fund for further payments.

Sale to city or county.

SEC. 20. All work authorized by this act in laying out, grading and finishing the said composite highway or boulevard, or walks, cycle paths or parks in connection therewith, shall be done under the same supervision as other improvements in said city or county, and shall be done by days' work or by contract, at the discretion of the council or board: *Provided*, That if the petition for doing the work in the first place shall designate the manner of making the improvement, whether by days' work or contract,

Improvements, how made.

then the improvement must be done as requested in said petition: *And provided further*, That in no case shall the cost of any such improvement exceed the estimate made by the engineer; and before awarding any contract authorized by this act the same proceedings shall be had and the contract shall be let in like manner as other contracts in said city or county.

Contracts for improvements.

Bonds given.

SEC. 21. All contracts shall be drawn under the supervision of the city or county attorney and shall have attached thereto detailed specifications of the work to be done, which shall be referred to and made a part of the contract, and the maps, estimates and all of the proceedings in the matter of creating the said assessment district shall be considered a part of the said contract; each contract shall be signed in duplicate, the contractor taking one and the proper city or county official keeping the other; at the same time with the execution of said contract the said contractor shall execute a bond to the city or county, as the case may be, and deliver the same to the clerk of the council or board; said bond shall be jointly and severally in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the council or board; or the contractor may deposit with the county treasurer a certified check, upon some solvent bank, for said amount, for the faithful performance of said contract, which check shall be drawn payable to the said county treasurer; such sureties shall justify in a sum equal to the amount of the bond, and such bond shall be conditioned that such contractors shall pay all laborers, mechanics and material men and persons who shall supply such contractor with provisions or goods of any kind, all just debts due to such persons, or to any person to whom any part of such work is sub-contracted or given; which bond shall be filed with the clerk of the city or county, as the case may be. The contract for work shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor; in case of failure on the part of the contractor to complete his contract within the time fixed, his contract may be by the council or board declared void, and the council or

board may relet any unfinished portion of said work: *Provided*, That no contractor shall be paid any sum to exceed eighty per cent. until the whole of the said contract shall have been completed and accepted by the board or council; the work shall be done to the satisfaction of the city engineer, if within the city, or to the county surveyor, if without, and shall be done according to the plans and specifications.

SEC. 22. That whenever any improvement aforesaid shall be made under this act, provision for its payment shall be made by the issuance, by the council or board, of improvement district bonds, payable in ten annual equal installments, none of which bonds shall draw interest at a higher rate than ten (10) per cent. per annum; such bonds may be issued to the contractor at par, if he agrees to accept the same, or the council or board may sell the same at not less than par value, net, and pay the proceeds to the contractor. Such bonds shall not be issued in amount in excess of the contract price of the work or improvement together with the cost of all lands for right-of-way therefor, whether acquired by purchase or condemnation, and also all incidental expenses incurred by the city or county for said improvement: *Provided*, That when the annual tenth is paid the interest upon the whole sum shall also be paid; the bonds shall be of such denominations as the council or board shall determine, and shall be numbered from one to the highest number; the county treasurer, whenever he shall have received a sum sufficient from the redemption of any piece or pieces of property by the owners paying his assessment together with the interest to the next semi-annual date of interest payment, to pay one of the bonds in full, shall call the said bond, beginning at the first in number: *Provided*, That no such call shall be made and no such payments received after the eighth annual payment; the installments of principal and interest shall be paid on the third Monday in July and January; the principal annually and the interest semi-annually, and the bonds may provide for paying the same at the fiscal agency of the State of Washington in New York city.

Payment for
improvements.

Bonds issued
therefor.

Lien of
assessment
transferred to
bondholders.

SEC. 23. Such bonds, when issued to the contractor constructing the improvement in payment therefor, or when sold as above provided, shall transfer to the contractor or other owner or holder all the right and interest of such city or county in and with respect to every such assessment, and the lien thereby created against the property of such owners assessed as shall not have availed themselves of the provisions of this act in regard to the redemption of their property as aforesaid, shall authorize said contractor and his assigns and the owners and holders of said bonds to receive, sue for and collect or have collected every such assessment embraced in any such bond by or through any of the methods provided by law for the collection of assessments for local improvements. And if the city or county shall fail, neglect or refuse to pay said bonds, or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover, in addition to the amount of such bonds and interest thereon, five per centum, together with the costs of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs, and any number of owners of the property on which the same are a lien may be joined as defendants in such suit. And such bonds shall be equal liens upon the property for the assessments represented by such bonds without priority of one over another to the extent of the several assessments against the several lots and parcels of land.

In case refusal
to pay bonds.

In case
invalid
assessments.

SEC. 24. That in all cases of special assessment for local improvements of any kind against any property, persons or corporations whatsoever, wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality or irregularity, or non-conformance with the laws governing such assessments, the city council or other authorized board or body shall be and they are hereby authorized to re-assess such special taxes or assessments and to enforce their collection in accordance with the provisions of law existing at the time the re-assessment is made: *And it is further provided,* That whenever, for

any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay the cost of the improvement made and enjoyed by owners of property in the local assessment district where the same is made, that it shall be lawful, and the city council or other authorized board or body is hereby directed and authorized, to make re-assessments on all the property in said local assessment district sufficient to pay for such improvement, such re-assessment to be made and collected in accordance with the provisions of the law or ordinance existing at the time of its levy.

SEC. 25. That nothing herein shall be construed as re-pealing or modifying any existing manner and method for cities of the first class or counties to make improvements as herein provided for, but shall be construed as an additional and concurrent power and authority. The holder of any bond issued under the authority of this act shall have no claim therefor against the city or county by which the same is issued, in any event, except from the collections of the special assessment made for the improvement for which such bond was issued; but his remedy, in case of no payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on the face of each bond so issued.

Construction
this act.

SEC. 26. An emergency is hereby declared to exist, and this law shall take effect and be in force immediately.

Passed the House March 9, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCIV.

[S. B. No. 210.]

RELATING TO STREET CAR COMPANIES.

AN ACT requiring street cars to be provided with pilots, fenders or aprons.

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

SECTION 1. Every street car run or used on any street car line in the State of Washington shall be provided with

Cars to have
fenders.

good and substantial aprons, pilots or fenders, and which shall be so constructed as to prevent any person from being thrown down and run over or caught beneath or under such car.

Penalty.

SEC. 2. The owners or managers operating any street car line failing to comply with the provisions of this act shall forfeit and pay to the State of Washington a penalty of not less than twenty-five dollars for each and every violation of this act and each car run shall be considered a separate violation of this act and every period of five days shall be deemed a separate violation of this act; and all moneys collected under and by virtue of this act shall be paid into the common school fund.

SEC. 3. It shall be the duty of the prosecuting attorneys of the various counties of this state to see that the provisions of this act are complied with.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCV.

[S. B. No. 96.]

AMENDING SECTION 822, VOLUME 2, HILL'S CODE.

AN ACT amending section 822, volume 2, Hill's Annotated Statutes and Codes of Washington, relating to notice to a party after appearance in an action.

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

SECTION 1. That section 822, volume 2, Hill's Annotated Statutes and Codes of Washington, be amended to read as follows: Sec. 822. When a party to an action has appeared in the same, he shall be entitled to at least three day's notice of any trial, hearing, motion, application, sale or proceeding therein; which notice shall be in writing specifying the time and place where the same will be had or made, and which shall be served on him or his

attorney, but if neither such party nor his attorney reside in the county in which the action or proceeding is pending or where such application or motion is made, then service by mail may be had on such party or his attorney by mailing to either of them a copy of such notice, properly addressed with postage thereon fully prepaid, at least ten days before the time appointed for such hearing, application or sale.

Passed the Senate February 17, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCVI.

[S. B. No. 236.]

COMPENSATION FOR OFFICERS AND MEMBERS OF STATE BOARD OF HEALTH.

AN ACT to amend section 2615 of volume 1, Hill's Annotated Statutes and Codes of Washington, relating to state board of health.

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

SECTION 1. That section 2615 of volume 1, Hill's Annotated Statutes and Codes of Washington, relating to state board of health, be and the same is hereby amended to read as follows: Sec. 2615. They shall elect a secretary, who shall perform the duties prescribed by the board, and by this chapter. He shall receive a salary of one hundred dollars per annum. He shall also receive his actual traveling expenses incurred in the performance of his official duties. The other members of the board shall receive no compensation for their services, but their traveling and other expenses, while employed on business of the board, shall be paid. The president of the board shall quarterly certify the amount due the secretary as salary, and all other accounts due, and on presentation of his certificate, with the proper vouchers, the auditor of state shall draw his warrant on the treasurer for the amount.

Secretary
board health.

Salary, \$100
per annum.

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

Passed the Senate March 6, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCVII.

[S. B. No. 260.]

RELATING TO CORPORATIONS IN THE HANDS OF RECEIVERS.

AN ACT providing for the service of summons and complaint upon corporations which have been doing business in this state when such corporations are in the hands of a receiver and there are no officers in this state upon whom summons and complaint can be served.

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

Service on
receiver.

SECTION 1. That whenever any domestic or foreign corporation, which has been doing business in this state, has been placed in the hands of a receiver and the receiver is in possession of any of the property or assets of such corporation, service of all process upon such corporation may be made upon the receiver thereof.

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

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCVIII.

[S. B. No. 233.]

RELATING TO SETTLEMENT OF ESTATES OF DECEDENTS.

AN ACT to amend section 1443 of the Code of Washington of 1881, the same being section 955 of the second volume of Hill's Annotated Codes of Washington, and in regard to settlement of estates of decedents.

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

SECTION 1. That section 1443 of the Code of Washington of 1881, being section 955 of the second volume of the laws of Washington, arranged and annotated by William L. Hill, be amended to read as follows: Sec. 1443. In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that letters testamentary or of administration shall not be required, and where it also duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the coming in of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit to probate such will, and to file a true inventory of all the property of such estate in the manner required by existing laws. And after the probate of such will and the filing of such inventory all such estates may be managed and settled without the intervention of the court, if the said last will and testament shall so provide: *But provided*, That in all such cases the claims against such estates shall be paid within one year from the date of the first publication of notice to creditors to present their claims, unless such time be extended by the court, for good cause shown, for a reasonable time: *Provided, however*, In all such cases, if the party named in such will as executor shall decline to execute the trust, or shall die or be otherwise disabled from any cause from acting as such executor, then letters testamentary or of administration shall issue as in other cases: *And provided further*, If the party named in the will shall fail to execute the trust faithfully and to take care and promote the inter-

Letters testamentary or of administration.

Not issued in certain cases.

Claims paid during first year.

Creditor or heir may petition for administration in certain cases.

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

Inventory to
be filed within
thirty days.

SEC. 2. All executors and administrators of estates that have not been fully settled and closed, and who shall not have filed an inventory of all the property as required by the existing laws, shall, within thirty days after the taking effect of this act, file a true inventory of all the property of any such estate, and in case it appears to the court by any such inventory or other proof that any such estates are insolvent, such estates shall be settled by the court as in cases of intestacy, and the court shall make an order requiring the executor or administrator to make a report of his acts to the court.

Sale of
property.

SEC. 3. Such executors, who have been heretofore acting under wills dispensing with letters testamentary or of administration, and those who may hereafter act under such wills, shall have power, after the filing of an inventory of the estate, if the said estate has been adjudged to be solvent according to the provisions of section 2 of this act, to sell and convey the real and personal property of their testator, where the will authorizes them so to do, without an order of the court for that purpose, and without notice or confirmation of sale.

Performance
of contracts.

SEC. 4. Such executor, after the order referred to in section 2 of this act has been made, declaring the estate solvent, shall have the power to carry out and perform all

the contracts and undertakings of his testator, which he might be required by law to execute, and it shall not be necessary to obtain an order of the court authorizing the same or an order confirming the same.

SEC. 5. That upon a publication of notice to creditors to present their claims to such executor, for a period of time and in the manner required of executors and of administrators holding letters testamentary and of administration under the laws of this state, said creditors shall be required to present their claims to the said executor within one year from the date of the first publication of said notice, and if they fail to do so their claim shall be barred.

Passed the Senate March 2, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCIX.

[S. B. No. 242.]

FOR THE RELIEF OF THE CAPITAL CITY ABSTRACT AND TITLE INSURANCE CO.

AN ACT for the relief of the Capital City Abstract and Title Insurance Co.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of forty-seven and sixty-five one-hundredths dollars (\$47.65) for the relief of the Capital City Abstract and Title Insurance Co. for making tracings of maps of New Whatcom, Fairhaven and Blaine, and locating applications for purchase in order to show conflicts in applications; said maps being made in October, 1892, by order of the state board of equalization and appeal for Washington, and the state auditor be authorized to draw his warrant

for the amount, and the treasurer is hereby authorized to pay the same.

Passed the Senate March 11, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER C.

[S. B. No. 49.]

AMENDING SECTION 1662, VOLUME 2, HILL'S CODE.

AN ACT to amend section 1662 of the second volume of Hill's Annotated Code of the State of Washington, in regard to the discovery of facts and documents by interrogatories.

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

SECTION 1. That section 1662 of the second volume of Hill's Annotated Code of the State of Washington is hereby amended so as to read as follows: Sec. 1662. Such interrogatories shall be served in the manner provided by law for the service of summons, or by service upon the attorney of the party to be interrogated, and the answers thereto shall be served and filed within twenty days after such service unless for cause shown a further time be allowed by the court. A private corporation may be interrogated in the same manner as individuals, and it shall not be excused for a failure to answer any proper interrogatory unless it shall show that no one in its employ or connected with, or interested in it, can give the desired answer or information.

Passed the Senate February 16, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER CI.

[H. B. No. 459.]

PROVIDING FOR A STATE ROAD FROM MARCUS TO
MARBLE MOUNT.

AN ACT providing for a state wagon road beginning at a point on the Columbia river opposite the town of Marcus, Stevens county, thence following the state road as near as practicable as at present laid out, to a point on the east bank of the Methow river opposite the mouth of the Twisp river; thence over and across the summit of the Cascade mountains on the line as already laid out and established to a point on the west bank of the Skagit river, and connecting with the present county road at or near Marble Mount, in Skagit county, and making an appropriation therefor, and declaring an emergency.

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

SECTION 1. That there be laid out, established, constructed and maintained for the use of the public a state wagon road, beginning at a point on the Columbia river opposite the town of Marcus, Stevens county, thence following the state road as near as practicable as at present laid out to a point on the east bank of the Methow river opposite the mouth of the Twisp river; thence over and across the summit of the Cascade mountains on the line as already laid out and established to a point on the west bank of the Skagit river, and connecting with the present county road at or near Marble Mount, in Skagit county, and before beginning construction the commission shall decide on a road of such width and grades that it may be constructed from the present terminus of the wagon road on Sherwood or Dead Man's Creek, in Stevens county, westward to a point on the east bank of Methow river opposite the mouth of the Twisp river, and, after a careful examination of said route, shall select the most feasible route and shall proceed to lay out, establish and determine the location of such road, and shall superintend the opening and construction thereof, and may employ a competent surveyor and other assistance when necessary and purchase such material and supplies as may be necessary to carry out the full intent of this act.

Wagon road
from Marcus to
Methow river.

Route.

Commission of three.

SEC. 2. That a commission of three members is hereby created, one of which shall be a resident of Stevens county, one of Okanogan county, and one of Skagit county, to be appointed by the governor and to be known as a board of state road commissioners.

Governor to appoint and may remove.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until the road is completed or the appropriation made by this act is exhausted, unless sooner removed. Should a vacancy occur in said commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor. The governor is hereby empowered to remove at any time, any member of such commission if, in his judgment, he shall deem it best to do so.

Must take oath and give bond for \$2,500.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as a member of such commission. Each of said commissioners shall execute a bond unto the State of Washington in the sum of two thousand five hundred (\$2,500) dollars, to be approved by the governor conditional for the faithful performance of his duty as a member of the board of state road commissioners, which bond shall be filed with the secretary of state.

Same powers as county commissioners in respect to roads.

SEC. 5. Said board of commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners of the several counties and the viewers generally relating to the control and management of county roads, and shall proceed as nearly as may be practicable in conformity with the laws provided for the establishment of county roads.

Right-of-way.

SEC. 6. That said commissioners are hereby empowered to take deeds of right-of-way in the name of the state and to cause them to be filed with and recorded by the auditors of the proper counties where said deeds can be obtained, without expense to the state other than may be necessary for the drawing and recording of the same, and when deeds of right-of-way cannot be so obtained said commission is

hereby empowered to cause, when necessary, the right-of-way for said wagon road to be appropriated and condemned by the state in the same manner as is or may be provided by law for the appropriation and condemnation of real estate for county or public roads.

SEC. 7. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state wagon road there is hereby appropriated the sum of twenty thousand (\$20,000) dollars, or so much thereof as may be necessary. \$20,000 Appropriated.

SEC. 8. Each member of said board of commissioners shall receive three (\$3) dollars per day for each and every day employed in the discharge of his work. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties provided for in this act and present their vouchers to the state auditor, who is authorized to audit said bills and if found correct to draw his warrant on the treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no expense shall be incurred for the payment of which no appropriation shall have been made. Per diem of board. Expenses.

SEC. 9. All letters, papers and documents relating to the establishment of such road, together with a full and complete report of all transactions and proceedings and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office of each of the several counties within whose boundaries portions of the road extend. Records of board filed with state auditor.

SEC. 10. After the completion of said road, and when the time of office of such board of commissioners shall have expired, it shall become the duty of the board of county commissioners respectively of the counties in which said road extends to keep such portions of the road as are situated in like manner as though the same were a county road. After completion, county commissioners to keep in repair.

SEC. 11. The said board of state road commissioners

Application
of money
appropriated.

shall expend the sum of four thousand (\$4,000) dollars for the widening into a wagon road of that part of the present four-foot road from a point seven miles from Marble Mount to Gilbert Landre's cabin, to make said road available for heavy wagon traffic; one thousand (\$1,000) dollars for improvement of the trail between Landre's cabin and Pershall's cabin; two thousand and two hundred (\$2,200) dollars for the widening into a wagon road of the present four-foot road from Pershall's cabin, near Cascade Pass, to the mouth of Bridge creek, including the construction of a bridge at the latter point; one thousand (\$1,000) dollars for the improvement of the trail from the mouth of Bridge creek to Twisp Pass; two thousand five hundred (\$2,500) dollars for the widening into a wagon road of the present four-foot roadway from the mining camp of Gilbert to the mouth of the Twisp, including a bridge across Twisp river near the latter point; one thousand two hundred (\$1,200) dollars for extending the wagon road on the Colville Indian reservation from Crow's Nest, its present terminus on Granite creek, to Eureka camp; eight thousand one hundred (\$8,100) dollars for the construction of a wagon road from Curfew lake, on the Colville reservation, to the present terminus of the wagon road on Sherwood (or Dead Man) creek.

Cascade state
road outfit
available,
also funds.

SEC. 12. All instruments, camp equipage, material, tools, horses and supplies now belonging to the state and accounted for by the last state road commission for the Cascade state road shall be turned over to the commissioners appointed by the governor under this act and all funds in the treasury belonging to the Cascade state road shall be credited to the road fund created under the provisions of this act and be subject to the order of said commissioners.

SEC. 13. All previous acts to provide for a state wagon road through the Cascade mountains and making an appropriation therefor are hereby repealed.

SEC. 14. An emergency exists, and this act shall take effect immediately.

Passed the House March 6, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER CII.

[H. B. No. 302.]

RELATING TO THE MINERAL LANDS OF THE STATE.

AN ACT to regulate the leasing of mineral lands belonging to the State of Washington, and declaring an emergency.

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

SECTION 1. The commissioner of public lands of the State of Washington is hereby authorized to execute leases and contracts for the mining of gold, silver, copper, lead, cinnabar or other valuable minerals except coal, from any land now belonging to the state or from any lands to which the state may hereafter acquire title, subject to the conditions hereinafter provided.

Empowering
commissioner
to lease.

SEC. 2. Any citizen of the United States finding precious minerals upon any lands belonging to the State of Washington may apply to the commissioner of public lands for a lease of any amount of land not to exceed the amount of land allowed by the United States mining laws for locating and recording mining claims, and same dimensions.

Limitations.

SEC. 3. The manner of locating a mineral claim upon state land shall be similar to the state law regulating locating mineral claims on government land: *Provided*, That any citizens that have found minerals on state lands previous to the passage of this act and have posted up notice setting forth the dimensions according to the mining law of the United States and the State of Washington, shall have prior right to lease the same, and shall have ninety (90) days after the passage of this act to make application to the commissioner of public lands for a lease.

According to
United States
mining laws.

SEC. 4. The lessee may cut and use the timber found upon said premises for fuel and construction of buildings, required in the operation of any mine or mines on the premises; also the timber necessary for drains, tramways and supports for such mine or mines, and for no other purpose.

Necessary
timber
privileges.

SEC. 5. Before any lease shall be granted the applicant shall pay to the state treasurer the sum of five dollars (\$5).

License fee.

Two years
to develop.

The holder of a mineral lease, secured, as above, shall have two years to develop said mine or mines: *Provided*, That no more than five tons of ore shall be removed therefrom, for assaying or testing purposes, until a contract as hereinafter provided shall have been executed.

Providing
for contracts.

SEC. 6. At any time prior to the expiration of said lease the lease holder, or any assignee thereof, shall have the right to obtain from the said commissioner of public lands a contract which shall bind the State of Washington, as the party of the first part, and the person, persons, or corporation to whom said contract shall issue, as the party of the second part, in a mutual observance of the obligations and conditions as specified therein.

Terms for
leasing.

SEC. 7. The terms and conditions on which the same may be mined shall be agreed upon by the commissioner of public lands and the lessee: *Provided*, That the royalty or tax to be paid by the lessee shall be graduated. All claims or mines that do not yield a net income of more than \$2,000 shall pay a tax of ten dollars per year; over \$2,000 and not to exceed \$10,000, shall pay fifty dollars; from \$10,000 to \$100,000, five per cent.; all above \$100,000, ten per cent. Where the lessee commits fraud the penalty shall be the forfeit of the mine or mines, and all property pertaining thereto.

Emergency.

SEC. 8. There being no law of this state governing this subject, an emergency is declared to exist, and this law shall be in full force and effect on and after its approval by the governor.

Passed the House March 8, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CIII.

[H. B. No. 310.]

PROVIDING FOR A FISH HATCHERY ON THE CHEHALIS RIVER.

AN ACT to establish and maintain a fish hatchery on the Chehalis river or one of its tributaries, and appropriating funds therefor.

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

SECTION 1. That the fish commission (created by section 1 of chapter 4 of the laws of 1895, being an act entitled "An act to establish and maintain state fish hatcheries, making an appropriation therefor, and declaring an emergency") is hereby authorized and empowered, and it is hereby made the duty of said commission to establish and maintain a state fish hatchery on the Chehalis river or one of its tributaries in Chehalis county.

SEC. 2. For carrying out the provisions of this act there is hereby appropriated the sum of five thousand dollars (\$5,000), to be paid out of any moneys in the fish hatchery fund in the state treasury not otherwise appropriated in the general appropriation bill of this session.

Passed the House March 9, 1897.

Passed the Senate March 9, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CIV.

[H. B. No. 43.]

FOR THE RELIEF OF SNOHOMISH COUNTY.

AN ACT for the relief of Snohomish county.

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

SECTION 1. The state auditor is authorized to audit the cost bills of Snohomish county in criminal cases heretofore presented and not allowed and to draw warrants on the

treasurer for the amounts found due thereon in favor of the treasurer of Snohomish county, and the sum of two hundred ninety-five and $\frac{70}{100}$ (\$295.70) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated to pay the amounts found to be due by the state auditor.

Passed the House February 10, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CV.

[H. B. No. 318.]

RELATING TO ROAD DISTRICT FUNDS.

AN ACT providing for the disposition of certain funds collected for road purposes from the property subsequently included within the corporate limits of any city or town, and declaring an emergency.

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

SECTION 1. That in all cases where the treasurer of any county in this state has heretofore collected, or may hereafter collect, taxes, penalty and interest levied and assessed for road purposes on the taxable property of any road district, or any portion thereof, which has been included within the limits of any municipal corporation organized subsequently to said road district, said funds realized from said taxes, penalty and interest so collected, or so much thereof as has been collected, from the taxable property within the territory subsequently included in a city or town, which funds shall not have been paid out or expended before the organization of said city or town shall, upon demand of said city or town, be paid over to said municipal corporation, and shall be applied by the authorities of the same for street purposes.

SEC. 2. There being certain funds in many cases so collected heretofore and now being in the hands of the treas-

Disposition
of certain
road taxes.

urers of the various counties of this state, which said funds were collected for road purposes in certain road districts that have subsequently been abandoned by virtue of the incorporation of the territory of said road districts within the corporate limits of certain cities and towns of this state, an emergency is declared to exist, and this act shall be enforced from and after its passage.

Passed the House March 1, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CVI.

[H. B. No. 393.]

AUTHORIZING CITIES AND TOWNS TO DISPOSE OF CERTAIN PUBLIC PROPERTY.

AN ACT to authorize cities and towns which have purchased or constructed water works, or gas or electric light works, to lease or sell the same, and to ratify and confirm leases or sales of the same heretofore made by such cities and towns.

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

SECTION 1. Whenever any city or town in this state shall have purchased or constructed a system of water works, or a gas or electric light works, it shall be lawful for such city or town to sell such water works, or gas or electric light works, or to lease the same for a term of years, in the manner hereinafter prescribed.

Municipality
may sell or
lease water or
light plant.

SEC. 2. The council of such city or town shall ascertain, and by resolution declare, that the system of water works, or gas or electric light works, which it is proposed to sell or lease, cannot be operated by such city or town, so as to repay the cost and expense of operation, and interest on the capital invested therein, and the necessary depreciation thereof, and that the same is, or threatens to become, a burdensome charge upon the taxpayers of such city or town.

SEC. 3. After the passage of such resolution, and at any time before the next general election of officers for such city or town, it shall be lawful for the legislative authority of such city or town, by ordinance, to provide for the lease of such water works, or gas or electric light works, upon such terms and conditions as such ordinance may prescribe, and after the passage of such resolution, the legislative authority of such city or town shall, by ordinance, submit to the qualified electors thereof at the general city election, the question whether such water works, or gas or electric light works shall be sold or not; and if at such election a majority of said electors voting upon said question shall vote in the affirmative, it shall be lawful for such legislative authority to provide for the sale of, and to sell such water works, or gas or electric light works, upon such terms and conditions as such ordinance may prescribe.

SEC. 4. Whereas, certain cities and towns in this state have heretofore sold or leased their water works and electric light works, all such sales and leases are hereby ratified and confirmed in so far, only, as that no question as to the validity of such sales or leases shall be hereafter raised upon the ground that at the date of such sales or leases there was no lawful authority for the making of the same in the charter of such city or town.

Passed the House March 10, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CVII.

[H. B. No. 162.]

RELATING TO OYSTER BEDS.

AN ACT to secure to the public the continued use of natural oyster beds.

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

Board of oyster
land commis-
sioners.

SECTION 1. It shall be the duty of the governor to appoint, upon petition of the county commissioners of any

county, a board to be known as the "Board of Oyster Land Commissioners." Said board shall consist of three persons, who shall be residents of the county in which they serve. They shall also have been engaged in the cultivation of oysters for at least five years, and shall be, during their terms of office, so engaged. If a member of the board shall at any time cease to fulfill the foregoing conditions of eligibility, the governor shall, on determination of the fact, declare the place vacant and fill the same by appointment. The official term of one member shall expire the first day of January succeeding his appointment; the official term of another shall expire the first day of the second January following his appointment; the official term of the third member shall expire the first day of the third January following his appointment. Their successors shall be appointed for terms of three years each. The board first appointed shall enter at once on its duties, and the governor, in appointing the members thereof, shall specify the length of time for which the several members are appointed. The board shall elect its own chairman and other officers.

How constituted.

Terms of office.

SEC. 2. In case of application to purchase oyster lands, the state commissioner of public lands shall, at the time of publication of notice of application to purchase, require the county board of oyster land commissioners to immediately inspect the land applied for and report to the commissioner of public lands their findings as to the following facts:

Oyster land applications.

First: Whether the land or any portion thereof is a natural oyster bed.

Findings.

Second: Whether it be necessary in order to secure adequate protection to any natural oyster bed, to retain in the public domain the land the application for the purchase of which has been made, or any portion thereof.

Third: Whether the land or any portion thereof, having been a natural oyster bed within ten years past, may reasonably be expected to again become such within ten years in the future.

SEC. 3. In case one or more of the above three questions be answered affirmatively, the commissioner of public lands

Hearings to determine whether natural beds or not.

shall investigate the matter at a public hearing in the county where the lands in question are situated.

The commissioner of public lands shall publish notice of such hearing in some paper of general circulation in the county, at the expense of the applicant, not less than one week nor more than four weeks before the date of hearing. Unless at such hearing it be conclusively shown to the commissioner of public lands that in the matters at issue the county oyster land commissioners were in error, they shall refuse to sell such lands or such portion thereof as may be determined by the foregoing restrictions.

Limitation to re-apply.

Application for the purchase of lands thus withheld from sale may not be made again within six years, except that the person last making application may repeat the application during the three months next preceding the expiration of the six years.

No compensation except mileage.

SEC. 4. For performing the duties prescribed in section two of this act the members of the board of oyster land commissioners shall receive no compensation except a mileage of ten cents per mile, each way to and from between their residences and the lands inspected, said mileage to be paid by the intending purchaser.

Descriptions, how definite.

SEC. 5. All applications for the purchase of oyster lands shall, in addition to the surveyor's description by metes and bounds, make description in such terms of local geography as shall suffice to convey a knowledge of its location with reasonable accuracy to persons acquainted in the vicinity.

And mapping of natural beds.

SEC. 6. It shall be the duty of the commissioner of public lands, upon the advice of the county oyster land commission and in his discretion, to cause to be surveyed and platted any natural beds of oysters, together with such adjacent lands as may be necessary to the protection and continuance of said natural oyster beds. One copy of the plat shall be filed with the records of the commissioner of public lands, and one in the office of the auditor of the county in which the lands are situated.

Reservation of natural oyster beds.

SEC. 7. On completion of the survey provided for in the last foregoing section, the commissioner of public lands shall declare such lands to constitute a natural oyster

bed reserve, and to be thereby perpetually reserved from sale, lease or conveyance by the state to any other party.

SEC. 8. The term "natural oyster bed" shall in the How defined. foregoing parts of this act be construed as meaning a natural bed upon which are natural oysters in sufficient quantities to be of practical value as a source of oyster supply. Neither in the foregoing parts of this act nor elsewhere shall it be material to the definition of the term "natural bed of oysters" that the bed must have been planted originally by the unaided processes of nature, but it shall be equally considered a natural bed if originally seeded with oysters or shells by human industry while the land was in the public domain and not used for private purposes, or having been used for private purposes, was later abandoned.

SEC. 9. The creation of any "natural oyster bed reserve" Requirements of application. shall not be construed to declare that lands in the vicinity but not included in the reserve, are not natural oyster beds, and persons purchasing oyster lands or tide lands shall be required, as in other cases, to show that the lands which are applied for do not contain any natural oyster bed or otherwise violate the condition of sale by the state. No part of this act shall be construed to remove any heretofore existing restrictions of the sale of oyster lands or tide lands. Laws restricting and regulating the taking of oysters from natural beds shall apply equally to beds within and without the natural oyster bed reserve.

SEC. 10. The sum of one thousand dollars, or so much Appropriation. thereof as may be needed, is hereby appropriated out of any funds of the state not otherwise appropriated, for carrying into effect section six of this act.

SEC. 11. It shall be the duty of the board of oyster land Board's power to arrest and prosecute. commissioners to discover and prosecute any violation of the laws of the state protecting and regulating the oyster industry, and they are hereby constituted police officers of the state with full power to make arrests for any such violation.

SEC. 12. The board shall issue, to persons not otherwise And to issue licenses. prohibited by the laws of the state, license to take oysters from the natural beds. It shall be unlawful for any per-

son not in possession of such license to gather or remove oysters from the natural beds, either for himself or on account of another, in the county over which the board has jurisdiction; and upon conviction therefor he shall be fined in any sum not less than twenty nor more than one hundred dollars.

Penalty.

Licensee's fee.

SEC. 13. The board shall require of each applicant for license, as provided in the last foregoing section, a fee of two dollars, which shall be full compensation for their services in all respects except in mileage when examining lands as hereinbefore provided. Each applicant shall take oath to observe all the laws of the state protecting and regulating the oyster industry, and the members of the board are hereby authorized to administer such oath. No license shall be required of minors under eighteen when working with their parents. All licenses shall expire the fifteenth day of February of each year.

And oath.

Starfish, etc.,
how removed.

SEC. 14. In addition to the license the board may, in their discretion, require of all licensees an equal amount of labor, not to exceed three days each, to be applied, under the direction of the board, to the removal of starfish and other pests from the natural beds, or otherwise increasing the productiveness of the beds. This work shall not be required to be done during the season when it is lawful to take oysters from the natural beds, except at the pleasure of the licensee. The board may revoke the license of any licensee failing to perform the required work within thirty days of the time of his notification, and may withhold future license till the work is done.

Power of
revocation.

Reservation of
smaller
beds on ex-
haustion of
larger.

SEC. 15. When it shall appear that any natural oyster bed has become so depleted as to greatly impair its utility as a source of supply, or that any other natural oyster ground which is a source of small supply may, through a period of disuse, become a source of large supply, the fish commissioner may reserve it from public use for a term of years, not to exceed four, by causing to be posted in a conspicuous place at each of the three postoffices nearest said lands a plainly printed notice of such act of reservation, such notice stating the time during which and the limits within which such reservation is in force. The description

How reserved.

of the limits of such reservation need not be by surveyed metes and bounds, but may be by such local terms of description as shall be sufficient to secure general knowledge of the same by persons acquainted in the locality. In addition to the posted notice of reservation, the fish commissioner shall, when practicable, publish the same in a newspaper published in the county.

SEC. 16. The county oyster land commissioners shall constitute an advisory board to the fish commissioner in the exercise of the powers granted in the last preceding section. Also, the fish commissioner may delegate such powers to the board, within prescribed times and limits, in which case and within which limits the board shall have full executive powers for making such reservations. Such powers shall vest *de facto* in the board in case of vacancy in the office of fish commissioner for more than thirty days and until such vacancy be filled, but in such case reservation may not be made to be in force longer than one year contrary to the discretion of the succeeding fish commissioner. In the event of the abolishing of the office of fish commissioner, such powers shall vest in the persons provided by law to succeed to his powers; and if no such provision be made, such power shall vest wholly in the county board.

Board to act with fish commissioner, and vice versa.

SEC. 17. The county board may direct the manner and place of returning young oysters to the natural beds as heretofore provided in the laws of the state. Such direction shall in all cases, within reasonable bounds, be observed, and for non-observance thereof the same penalties shall attach as for not returning the oysters to natural beds or planting on private beds.

Replenishing natural beds.

SEC. 18. The county board shall hold meetings the first Tuesdays in October and February, and at such other times as the chairman may direct. He shall notify other members of the board of special meetings.

Meetings, when held.

SEC. 19. The county board shall keep a plain record of all their transactions, which shall be subject to public inspection at all reasonable times.

Records..

SEC. 20. For neglect of duty or abuse of trust and authority the governor may remove any member of the county board.

Removal.

Board may designate power to sell.

SEC. 21. The restrictions which the county board is by this act empowered to place on the sale of oyster lands shall obtain whether the control and sale of such lands remain with the state commissioner of public lands or shall be elsewhere vested.

Natural oysters, how lawfully gathered.

SEC. 22. It shall at all times be unlawful to gather with any tool or implement, or in any way whatever, any oysters from any natural oyster bed, except the person so gathering shall be on and working from a boat or water craft of some kind, said water craft being afloat during the time he is gathering. Any person violating any provision of this section shall, on conviction thereof, be fined in any sum not less than one hundred dollars nor more than four hundred dollars, and, at the discretion of the court, be imprisoned in the county jail not less than two months nor more than six months; one-half the aforesaid fine to be paid by the state to the informer.

Penalty for violation.

Passed the House March 6, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CVIII.

[H. B. No. 364.]

CREATING A STATE BOARD OF AUDIT AND CONTROL.

AN ACT to abolish the boards of trustees, respectively, of the Washington state reform school, the Western Washington hospital for the insane, the Eastern Washington hospital for the insane, the Washington soldiers' home, and the board of directors of the state penitentiary, as now constituted, and to create a state board of audit and control for the government, control and maintenance of said institutions.

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

Certain boards abolished.

SECTION 1. The boards of trustees, respectively, of the Western Washington hospital for the insane, the Eastern Washington hospital for the insane, the Washington state

reform school, the Washington soldiers' home, and the board of directors of the state penitentiary, are hereby abolished, and the said boards of trustees and board of directors shall go out of existence and cease to discharge their respective duties on the 1st day of April, 1897.

SEC. 2. There is hereby created a state board of audit and control for the government, control and maintenance of the before mentioned institutions. Said board shall have and possess all the powers, and may exercise all the functions heretofore exercised and possessed by the boards of trustees and board of directors abolished by section one of this act, and shall be appointed as follows, to wit: The governor shall appoint, by and with the advice and consent of the Senate, five citizens of the state, as members of said board, four of whom shall serve without compensation, and the fifth shall be specially appointed and shall be known as commissioner of public institutions. The said commissioner of public institutions shall perform all the duties hereinafter prescribed in addition to those devolved on him as a member of said board, and shall receive the compensation hereinafter provided.

Board of audit and control created.

SEC. 3. The members of said state board of audit and control shall serve without compensation, except the commissioner of public institutions. The governor shall be *ex officio* chairman of the board. Said state board of audit and control shall enter upon the duties prescribed in this chapter on the 1st day of April, 1897.

Governor *ex officio* chairman.

SEC. 4. It shall be the duty of said state board of audit and control to maintain and control the Eastern Washington hospital for the insane, the Western Washington hospital for the insane, the state penitentiary, the Washington state reform school and the Washington soldiers' home. All the powers and duties now conferred by law upon the respective boards of trustees and board of directors of said institutions are hereby conferred, devolved and charged upon the board of audit and control hereby created: *Provided*, Said board shall not visit the public institutions herein placed under its charge except when necessary, but that all its inspection and examination shall be done by the

Duties board.

commissioner of public institutions hereinafter provided for. The said board shall make to the legislature, on or before the first Tuesday after the convening of each regular session of the legislature, a full report on all matters herein prescribed, showing the condition of all the said institutions, the expenses of the same, and the expenses and the work of the board.

Traveling auditor.

SEC. 5. The governor shall appoint some person, who shall be a citizen of this state, as its traveling auditor, who shall be known as commissioner of public institutions. The said commissioner of public institutions shall visit all the institutions under the control and management of said board at least once in every quarter, and as much oftener as said board by its regulations may direct. He shall at each visit to said institutions, audit the accounts of the institution, examine all books thereof and scrutinize its management. He shall act as secretary of said board, and shall be paid a compensation of fifteen hundred dollars per annum and all actual expenses incurred in the prosecution of his duties as commissioner of public institutions, which expenses not exceeding fifteen hundred dollars per annum. He shall give bond before entering upon his duties as such officer to the state in the sum of twenty thousand dollars, the same to be approved by the governor. He shall be removable at the pleasure of the said board, and shall make reports to the board of his visits, auditing and examination of accounts, books and management of the institutions herein mentioned, at least once in every quarter, and as often in addition as said board may direct.

His duties.

His compensation.

May be removed.

Offices of.

SEC. 6. The commission authorized to lease state offices by act approved March 7, 1891, shall furnish said board with office room at the state capital, and all proper furniture for office purposes, and said board of audit and control shall meet in its said office at least once in every quarter, and may meet as often otherwise as its chairman may direct.

Clerk.

SEC. 7. Said board shall have power to expend a sum not to exceed ten hundred dollars per annum for clerk hire. All bills incurred by said board in the management of public institutions under its charge shall be rendered to the

board under oath, and when allowed by the board, a list of the claims so allowed, giving the name of the claimant and for what institution the debt was incurred, shall be made out and certified under the direction of said board by its chairman or secretary, which list so certified shall be filed as often as once a quarter, and may be filed as often as once a month if the board so direct, with the state auditor, who shall audit the same according to law, and shall then draw his warrants on the state treasurer to be paid out of the proper fund in favor of each of said claimants, and deliver the same to the secretary of said board to be by him transmitted to the proper parties, and the personal expenses of the commissioner of public institutions shall be audited directly by the state auditor.

Audit of
accounts.

SEC. 8. The board of control shall require of each and every superintendent or manager of the respective institutions under the management and control of said board, an itemized statement of the receipts and disbursements for each and every month of the institution for which he is manager or superintendent; said statement must be filed with the said board on or before the 10th day of each and every month; and any superintendent, manager or officer violating this provision shall be discharged.

Report to,
by state
institutions.

SEC. 9. An emergency exists, and this act shall take effect immediately.

Passed the House March 4, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CIX.

[H. B. No. 402.]

RELATING TO HORTICULTURE.

AN ACT to promote and protect the fruit growing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture; to repeal certain laws in conflict therewith.

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

Commissioner
to be appointed
by governor.

SECTION 1. A commissioner of horticulture shall be appointed by the governor. It is hereby provided, prior to appointment, the applicant must furnish a certificate from the faculty of the college of agriculture that he is a skilled horticulturist; on such certificate the governor may make the appointment. Before entering upon the discharge of his duties said commissioner shall take and subscribe an oath to support the constitution of the United States, and the constitution and laws of the State of Washington, and to faithfully discharge the duties of his office, which said oath, together with the aforesaid certificate, shall be filed with the secretary of state. Said commissioner shall keep his office at Tacoma, which shall be open to the public during normal office hours, every day excepting Sunday and legal holidays and days when he may be necessarily absent attending to official duties in other parts of his district.

Office at
Tacoma.

Duties of
commissioner.

SEC. 2. The object for which said commissioner is appointed is to maintain and exercise a supervisory directory over the horticultural industries of the state, to enforce the laws relative to the importation, transfer and sale of fruit, fruit trees, plants or nursery stock within the state, and to give such instruction to fruit culturists regarding cultivation, and the extermination of fruit pests, as the nature of the case may demand. The official term of the commissioner of horticulture shall begin on the first day of April, 1897, and continue for four years and until his successor is appointed and qualified. Said commissioner shall receive annually, in full consideration of his official services, the sum of \$1,000, and for incidental expenses of

Salary of
commissioner.

his office, such as necessary traveling fare, stationery and postage, the sum of \$500, or so much thereof as shall be actually expended. Each of said sums shall be due and payable in monthly installment in warrants drawn by the state auditor on the state treasurer.

SEC. 3. Said commissioners may be removed from office at any time for cause, such as inefficiency, neglect of duty or immoral conduct, but no removal from the office of commissioner of horticulture shall be made for political reasons. Vacancies occurring in the office of commissioner during a term shall be filled by the governor making an appointment for the unexpired term, under rules and regulations as prescribed in section 1 of this act for full term appointments.

May be removed.

SEC. 4. Fruit culturists in any county in this state are hereby authorized and empowered to organize into a county horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate a qualified person for county inspector of fruits, trees and plants, and of insect pests destructive to the fruit interests of the county. The nomination shall be made to the board of commissioners (of the county wherein said society is organized), who are hereby authorized to appoint such person as county fruit inspector, deliver to him a certificate of his appointment, and mail a duplicate copy of such certificate to the said state commissioner of horticulture; said county inspectors shall be entitled to a per diem of two dollars for each day's actual service, to be paid by the county in which said inspector is appointed.

Horticultural societies.

SEC. 5. No person, firm or corporation shall engage or continue in the business of selling within the state, or importing fruit trees, plants or nursery stock into this state, without first having obtained a license to carry on such business in this state, as in this act provided: [*Provided,*] That this section shall not apply to any person or persons who may from time to time sell or give away any fruit trees, plants or nursery stock the growth of which shall be the result of his or their own industry, and where such sales are made without canvassing, soliciting, advertising or the employment of agents.

License for selling nursery stock.

Bond.

SEC. 6. Any person, firm or corporation may obtain a license to engage or continue in the business of selling and importing fruit trees, plants or nursery stock into this state by submitting his application therefor to the commissioner of horticulture, together with a satisfactory bond in the sum of \$1,000, to be approved by the said commissioner, conditioned that the principal and his or their agents will faithfully obey the provisions of this act and the laws of the State of Washington, and that the said principal will pay the cost of inspection and destruction of all infested nursery stock or other material or goods imported into or sold within such district of this state, by the said principal or his or their agent. Licenses granted under this act shall be for two years or less, at the discretion of the commissioner.

License for two years.

Notice to commissioner of shipments.

SEC. 7. It shall be the duty of every person, firm or corporation licensed to do business under this act to notify the commissioner of horticulture of his intention to ship an invoice of fruit trees, plants or any nursery stock from one point to another within the state, or to import an invoice of similar goods from without to any point within the state, whether for the purpose of sale or for personal use. Such notice shall contain the name and address of both the consignor and consignee, and a descriptive invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered and the name or title of the transportation company from whom the consignee is to receive such goods. Such notice shall be mailed at least twenty-four hours before the day of such shipment.

Penalty.

SEC. 8. Any person, firm or corporation who shall sell, within this state, or import into this state, any fruit trees, plants or nursery stock, in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined for each offense in any sum not less than twenty-five nor more than one hundred dollars.

Penalty for agent.

SEC. 9. Any person who shall offer for sale, or solicit persons within this state to purchase from him, any fruit trees, plants or nursery stock belonging to any person or firm not licensed under the provisions of this act, shall be

deemed guilty of a misdemeanor, and fined in any sum not exceeding one hundred dollars (\$100). All fines imposed for violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and placed to the credit of the general fund of such county.

SEC. 10. For the purpose of preventing the introduction and spread of contagious diseases, fruit pests, spores and fungus growth among fruit trees and plants and other nursery stock, and for the disinfection and cure of fruit tree diseases, and the extirpation of fruit pests, spores and fungus growth, the commissioner of horticulture shall prescribe such remedies as he shall deem best; describe and formulate such remedies, with their proper mode of application, with such additional instructions as he may deem necessary, into a circular or bulletin, which he shall have printed and distributed to the several county horticultural societies and inspectors in his district; he shall include also in said bulletin the rules and regulations under which a person, firm or corporation may lawfully sell, import into this state and sell or authorize to be sold, fruit trees, plants or nursery stock, and the penalties to be incurred for a violation of these rules; he shall prepare also a poster which shall contain said rules, regulations and penalties, which shall be distributed with the said bulletins. County inspectors are directed to put up said posters in not less than three conspicuous places in their county, one of which places must be in front of the county court house. The commissioner of horticulture shall hear and promptly decide all appeals from the county inspectors, and his decisions shall have full force and effect until set aside by the courts of the state. In all cases of appeal he shall disregard technicalities; decide each and every case on its merits. All appeals from county inspectors to the commissioner shall be under forms and regulations as prescribed by the commissioner. He shall approve or reject all bonds required by law to be submitted to him, and he shall file and safely keep all bonds and other papers by law required to be filed with him. He shall examine all fruits, specimens of fruit trees, shrubbery or plants sub-

Means for preventing spread of contagious diseases, etc.

Bulletins
published.

mitted to him for examination; enter the result of his examination in a register to be kept by him for that purpose, and send a copy of such result to the person asking for the examination. He shall, from time to time, as he may deem for the best interests of the horticultural industry of the state, publish bulletins which shall be sent free to the various county horticultural societies in the state; such bulletins to contain a brief *résumé* of the discoveries of science of interest to horticulture, or any other matter which the commissioner shall deem of importance to such interests. And unless there be urgent or special need therefor, no bulletin shall contain any matter that has appeared in any previous bulletin.

County
inspectors.

SEC. 11. County fruit inspectors who shall be appointed under and by authority of this act are hereby authorized and empowered to enforce the provisions of this act to prevent the introduction and spread of fruit tree and plant diseases, insect pests, fungi spores, eggs or larvæ of insects injurious to the fruit interests of his county or of this state.

Commissioner
shall inspect in
certain cases.

SEC. 12. It is hereby made the duty of the county fruit inspector, if from his personal observation, complaint or other credible information, he has reason to suspect that any person, company or corporation has an orchard, trees or nursery of trees, vines or garden, fruit packing house, storeroom, or that any other place or material in his county is infected with, or is a repository for, eggs, larvæ, of any noxious insects injurious to fruits and plants, or that any trees, fruits or plants are in transit to his county from outside of this state, or about to be disseminated within his county, which are known or are suspected to be from localities that are infested with any disease or pests injurious, or that may become injurious to the fruit interests of his county or state. He shall without delay inspect the premises, property or materials so suspected, and if the same is found to be infected as aforesaid, he shall notify, in writing (prescribing the manner of disinfection), the owner, his agent, or the person in charge of the same, to treat and disinfect the said premises or property within five days. If any person so notified shall neglect or fail

to disinfect such said premises or property in the manner and in the time prescribed in said notice, the person so notified and failing to disinfect the infected property or premises shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) and costs of action in court, which fine and costs shall be a judgment lien upon said premises or property. After the expiration of said ten days and the failure on the part of the owner or person in charge to disinfect the said premises or property as aforesaid, then, to prevent the spread of insect pests or disease, it will be the duty of the county inspector to enter on such premises or property and disinfect the same. The cost of such disinfection shall be a lien against said premises or property, the payment of which shall be collectible, with costs, in any court of the state.

Owners must
disinfect.

Penalty.

SEC. 13. Any person or persons who shall bring into the state, sell, offer for sale, distribute or give away fruit trees, plants, shrubs, fruit or other material infested with any kind of insect pests injurious to fruit, fruit trees or plants, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than sixty days nor more than one year: *Provided*, That for each repeated offense the person or persons convicted, as aforesaid, may be punished by a fine of one hundred to two hundred dollars (\$100 to \$200), or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute or give away any tree or trees, root or roots, grafts, cuttings or scions, infested with insect pests, spores or fungus growth, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine [of] not less than five dollars (\$5) nor more than twenty-five dollars (\$25), or by imprisonment in the county jail not less than ten days nor more than thirty days. A repetition of the offense shall subject the offender to increased penalty, not over the maximum above stated. Any nursery trees, shrubs or plants which have been shipped from and to any place within the state

Sale infected
stock.

Penalty.

for distribution or for planting, and which are infested with any injurious insects, larvæ, or fungus growth, shall be disinfected under the direction of the inspector of the county whereto such trees and plants are taken, and the cost of said disinfection shall be charged to the owner of said articles, and shall be a lien on said trees, shrubs or plants until paid; and the person in possession of said articles being held subject to lien shall have a legitimate claim against the party from whom he received the articles for reimbursement of cost, including cost of collection, and may be enforced in any of the courts of the state. It is provided that if the cost of said disinfection is more than five dollars (\$5), the expenses shall not exceed the rate of five cents per tree; and said lien to be foreclosed upon like notice and manner as in the case of sales of personal property on execution.

Inspector shall have access.

SEC. 14. The county fruit inspector shall, in the performance of his duty as such inspector, have on any day (except Sundays) free access to orchards, nurseries, gardens, hop fields, packing houses, fruit stands and store rooms where fruit may be kept; fruit boxes, full or empty, or any other materials or place suspected of being infested with insect pests or diseases injurious to the fruit interests of the state. If he find any nursery, orchard, garden or other place or material infected with insects or fungus growth, larvæ or spores injurious to the fruit interests, he shall forthwith notify in writing the owners, occupants or persons in possession thereof that the same is infected, and direct the manner in which the same shall be disinfected. If the owner, occupant or person in possession of said orchard, garden, store room, fruit stand or other place or infested material, shall not within ten days disinfect the same in the manner by the county inspector required, or shall not have appealed from the decision of the county inspector to the commissioner of horticulture, if the premises infected be an orchard or nursery of fruit trees, a garden, fruit stand or store room, and the person or persons in charge thereof having neglected or refused to disinfect the said premises within the time specified in said notice, nor have appealed as aforesaid, then the county inspector shall

Infected property.

enter on and disinfect any of the said premises so neglected, and the costs thereof shall be a legitimate charge and lien, with interest until paid, upon the real property of the owner of such premises so disinfected; such lien shall be collectible, with costs of suit, in any of the courts of the state, as other lawful claims are collectible. If the infected property be transportable materials, the county inspector shall notify in writing the person in charge thereof to disinfect the same within twenty-four hours, and prescribe the manner of disinfection. If the person in charge of said infected materials neglect or refuse to disinfect the same as notified, or failed to appeal, then the inspector shall destroy such infected materials as fruits, fruit boxes, baskets, wrappings and portable fruit stands by burning the same. If an appeal be taken the inspector shall (after the twenty-four hours notice) take immediate possession of such moveable property and safely keep the same until the appeal is decided; if the decision of the commissioner be in favor of the appellant the property shall be returned to him; on an adverse decision the property will be destroyed by the inspector. All appeals from the action or demands of the county inspector shall be taken to the said state commissioner of horticulture.

Its disposition by commissioner.

SEC. 15. A certain act approved March 7, 1891, entitled "An act to create a state board of horticulture, and appropriate money therefor," and an act amendatory thereto approved March 11, 1895, and all other laws or parts of laws inconsistent or in conflict with the provisions of this act are hereby repealed.

Passed the House March 5, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CX.

[H. B. No. 414.]

RELATING TO STREET IMPROVEMENTS IN CITIES OF
THE FIRST CLASS.

AN ACT providing for the assessment and collection of the cost of improving street intersections forming a part of any local improvement in any city of the first class, upon the property included in the district established for the payment of the cost of such local improvement, and declaring an emergency.

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

Cost of im-
provements
to street
intersections,
how levied.

SECTION 1. That whenever any local improvement is hereafter ordered in any incorporated city of the first class in this state, the cost of which is payable in whole or in part by an assessment upon the property abutting or proximate thereto, a like proportion of the cost of that portion of said improvement included within the limits of any street intersection space or spaces, shall be included in the amount of total cost to be assessed and levied upon and collected from the property included within the local improvement district established for the purpose of providing for the cost of such local improvement. For the purposes of this act any improvement made, either upon or under the surface of any street, avenue, alley, square or other public place, the cost of which is payable, in whole or in part, by an assessment upon the property abutting or proximate thereto, shall be deemed to be a local improvement.

SEC. 2. Before exercising the powers granted by this act, or any of them, the legislative body of any incorporated city of the first class shall by general ordinance declare it to be the intention of said city to make improvements of the character herein described, or any of them, under the provisions hereof, and nothing herein shall be construed as repealing or modifying any existing manner and method for cities of the first class to make improvements as herein provided for, but shall be construed as an additional and concurrent power and authority: *Provided*, That all improvements of the character authorized in this act shall not be initiated or ordered by the legislative body of any city, except in accordance with the procedure required by the

charter of said city governing the initiation of local improvements in such city.

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

Passed the House March 6, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CXI.

[H. B. No. 503.]

RELATING TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

AN ACT in relation to assessments for local improvements, providing for the enforcement thereof and the refunding of warrants issued therefor.

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

SECTION 1. Whenever any suit or action, or suits or actions, have been commenced by any city in this state, to foreclose or enforce or recover upon any assessment or assessments made or levied or attempted to have been made or levied for any local improvement within such city, the city may petition the superior court of the county where such suits or actions are pending for an order consolidating all actions that have been instituted for the enforcement of the special assessment levied in the particular district, and for a summary hearing of the consolidated proceeding. A copy of the petition shall be served upon the parties who have appeared, or their attorneys.

City may petition for consolidation of actions of foreclosure.

SEC. 2. Upon the hearing of such petition the court shall make an order consolidating all suits or actions theretofore instituted for the foreclosure or enforcement of such assessments and shall further order that in all such suits where summons has not issued, or, if issued, has not been served, that summons forthwith issue and service thereof be made immediately in the manner provided by law, personally or by publication, and no failure to issue or serve

Action to consolidate suits.

summons in any suit or action, where the complaint has heretofore been filed in the district court of the former territory or in the superior court of this state for the proper county, shall create any valid objection to the issuance and service of summons as hereinbefore provided, nor shall any such suit or action abate or be dismissed because of such failure.

Default.

SEC. 3. When summons shall have been issued and served as above provided, and any party or parties fail to appear on or before the return day, the court shall enter the default of all parties so failing to appear, and such default shall be final and conclusive as to all subsequent proceedings had under the provisions of this act: *Provided*, That the summons issued and served shall contain, in addition to the matters now provided by law, a further recital in substance to the effect that all actions for the enforcement of the particular assessment will be consolidated into one proceeding and a decree or judgment rendered establishing the assessment as a first and paramount lien on the property described in the complaint, together with interest, penalties and costs, and the whole thereof will bear interest at eight per cent. per annum and be payable in five equal annual installments, and if any installment remains unpaid for six months after it becomes due, the whole lien and all the installments shall mature and become immediately collectible and bear twelve per cent. interest per annum from maturity.

Judgment.

Order.

SEC. 4. The court shall thereupon issue an order setting forth that all actions for the enforcement of the assessment in the particular district have been consolidated and directing all persons who have appeared to show cause on or before a day and hour in said order named, which shall not be less than five nor more than ten days from the date thereof, why the assessment against their property should not be established and declared a valid first lien thereon, together with all accrued interest, penalties and costs, and a decree entered therefor making such charge payable in five annual installments, with eight per cent. interest and twelve per cent. interest upon default in such payments.

Service.

SEC. 5. A copy of said order shall be served on all

parties who have appeared or upon their attorneys at least five days before the return day. On or before the return day of said order the parties served shall file an answer thereto setting forth in concise language and separately each objection they may desire to urge to the enforcement of the assessment in whole or in part, and no objection not so specified shall be urged or heard.

SEC. 6. At the day and hour named in the aforesaid order the court shall forthwith proceed to hear and determine all matters both of law and of fact arising on the objections filed by the parties defendant. All motions and demurrers or other dilatory pleas shall be summarily heard and determined and the consolidated proceeding disposed of on the merits. The hearing thereof shall have precedence over all other civil proceedings.

SEC. 7. The assessment roll, or an authenticated copy thereof, shall be *prima facie* evidence of the regularity and legality of the assessment and of all proceedings connected therewith, and the burden of proof shall be upon the defendants.

SEC. 8. In any such consolidated proceeding if it shall appear to the court on the trial thereof that the local improvement has been made and the property of the district has received the benefits thereof, the court shall by decree establish the lien of the assessment, against each lot or parcel of land assessed, to the extent of the proportion of the reasonable value of such improvement justly chargeable to such premises, notwithstanding any defect, informality or irregularity in the proceedings. But in such case if the defects, informalities or irregularities in the assessment or the improvement are prejudicial to the party objecting on account thereof, the court in its discretion may disallow any part or the whole of the costs of the city, or the accrued interest or any part thereof or the penalties or costs, interest and penalties, and may also reduce the amount of the charge against the premises.

SEC. 9. No defects, informalities or irregularities either in the assessment or the levy thereof, or in the inception of the improvement or subsequent procedure, or in the improvement itself, shall be fatal to the enforcement of the

Objections,
if any.

Assessment
roll as
evidence.

Judgment
lien.

No defect shall
be fatal to
enforcement
of lien.

assessment and establishment of a lien therefor, except in case of the entire absence of such notice to the property owner, by publication or otherwise, as may have been required by law, of the assessment or of the proposed improvement at the time such assessment was made or improvement ordered.

SEC. 10. Upon the trial of such consolidated proceeding, if the assessment be sustained in whole or in part, the court shall make a decree charging against each lot or parcel of land within the particular district, the amount assessed against it, including interest, penalties and costs, or such amount of the assessment or interest, penalty or costs as the court may deem just, and shall establish the amount so charged by decree as a first and paramount lien against the property.

Amount lien shall bear interest.

SEC. 11. The amount of the assessment so established as a lien against each particular lot or parcel of land in the district shall bear interest from the date of the decree at the rate of eight per cent. per annum, and shall be payable in five equal annual installments, the first due one year from the date of the decree, together with all accrued interest on the whole amount of the lien, and so on each year until fully paid and discharged.

Discharge of lien.

SEC. 12. At any time within three months from the date of the decree any property owner may pay off and discharge the entire amount of the lien against his property by the payment of the face thereof with the interest accrued to the date of payment; but after the expiration of three months if any person desires to pay and discharge the entire lien, he shall pay in addition to the face of the lien all interest accruing thereon up to the time for the payment of the next annual installment.

Default on one installment, whole assessment due.

SEC. 13. If any installment is not paid when due it shall bear interest from the time it becomes payable at the rate of twelve per cent. per annum, and if it shall remain unpaid for more than six months after it matures, then the entire amount of the lien shall mature and become payable, and from the time of its maturity shall bear interest at the rate of twelve per cent. per annum.

SEC. 14. At any time after the expiration of six months

as provided in the preceding section of this act, the city or any holder of any of the warrants provided for herein, may by motion apply to the court for an order of sale against the property on which the lien remains unpaid. Such order of sale shall issue to the sheriff of the county and the property therein described shall be sold in the same manner as other real property is sold under special execution and all provisions of law applicable to sales of real property upon execution shall be applicable to such sale, except as to stay of execution, appraisement, and that the period of redemption allowed shall be one year from the date of sale, after the expiration of which time a deed shall issue from the sheriff or his successor to the purchaser or assignee or representative of the purchaser and the absolute fee simple title to the property shall pass to the purchaser at such sale, or to his assigns, as many lots or parcels of land may be included in one order of sale as are delinquent.

Warrant holder may apply for order of sale.

SEC. 15. If, after the expiration of six months and before an order of sale shall have been issued, the delinquent installment is paid together with all accrued interest at the rate of twelve per cent. on the entire lien up to the date of payment, the increased interest and right of sale shall cease until another default in payment be made.

No sale if lien discharged.

SEC. 16. Either the city, any warrant holder interested in the fund or other person may become a purchaser at any sale made under the provisions of this act, but if the city become a purchaser, it shall hold the title to the property as a trustee for the warrant holders and shall not be chargeable with the amount bid therefor.

City or warrant holder may buy.

SEC. 17. The city shall have power through its mayor and clerk to sell, assign, transfer or otherwise dispose of by deed of quit claim any property purchased at such sale, and the proceeds thereof shall be placed in the fund of the particular district, and be in lieu of the property, and absolute title to the property shall vest in the assignee or vendee of the city when the period of redemption shall have expired.

City may sell property bought at sale.

SEC. 18. The failure to bring into the proceeding all of the owners of property within the district subject to assessment shall in no wise affect the power of the court to

proceed as to the parties brought in. In such case a subsequent petition may be filed and like proceedings had thereon as hereinbefore provided.

SEC. 19. If a portion of the property within the district be from any cause whatsoever released or discharged from the assessment, the court shall nevertheless proceed to establish the lien against the property not discharged.

Petition to set aside decree.

SEC. 20. If in the enforcement of any assessment for a local improvement, decrees of foreclosure have been entered or in cases where sales have been made under such decrees of the property assessed, and it has been bought in by the city, upon application made to the court by the city, an order shall be issued by the court directing the several defendants to show cause why the decrees and sales (if sales have been made in the several actions) should not be set aside, the several suits consolidated, and a new decree entered charging said property with the assessment and establishing a lien, in the same manner and form as hereinbefore provided. A copy of said order to show cause shall be served upon the parties interested, personally or by publication, as summons is served and shall be returnable not less than five nor more than ten days from its date.

Procedure.

SEC. 21. Upon the return day at the hour therein named the court shall proceed summarily to hear and determine the matter as hereinbefore specified in section 6 of this act: *Provided*, That no objections or defenses to the assessment or any part thereof, shall be urged or heard which were or could have been adjudicated in the original proceeding.

SEC. 22. Upon the hearing the court shall enter a decree setting aside the former decrees and sales, if sales have been made, and establishing the charge as a first and paramount lien upon the several lots and parcels of land in the same manner and form as hereinbefore provided for.

Notice published.

SEC. 23. Before making application for consolidation and the establishment of liens by decree as hereinbefore provided, the city shall cause a notice to be published in the official newspaper of the city, directed to the holders of the warrants issued against the fund of the particular district which it is desired to refund, that the city is about to refund the warrants of that district into six per cent.

warrants, to be issued under the provisions of this act, to the amount of the outstanding and unpaid assessments in the district; that such new warrants will be issued of such denominations as may be determined by the mayor and clerk of the city, not exceeding fifty dollars each, numbered from one upwards, and will be called in the order of their number; the numbers of the new warrants issued to the several holders of old warrants will be relatively the same as the surrendered warrants, and shall be issued in proportion to the amount of their holdings. Such notice shall further specify that all outstanding warrants against the fund must be deposited with the city treasurer within sixty days from the first publication thereof. The notice shall be published for four weeks in each regular issue of the official paper of the city.

SEC. 24. If at the expiration of sixty days all the war-
Redemption warrants.

rants have not been deposited for exchange as provided in the notice, the city may at its option pay into the fund for the redemption of the undeposited warrants the amount thereof, principal and interest, and immediately call the same for payment: *Provided*, The face of the undeposited warrants does not exceed ten per cent. of the face of the warrants then outstanding against the particular fund. If
Returned in certain cases.

ninety per cent. of the outstanding warrants are not deposited for refunding within sixty days, then the warrants which may have been deposited shall be returned to the owners thereof, on demand: *Provided*, That if before such demand be made a sufficient number of the outstanding warrants be further deposited so as to make the amount required by this act, the city may proceed in the same manner as if the proper amount had been deposited within sixty days. If ninety per cent. or more of the warrants are deposited as before provided and funds supplied by the city for the redemption of the unsurrendered warrants, then the city shall proceed as hereinbefore provided, for the establishment of the lien of the assessment, and when the decree therefor has been entered, the mayor and clerk
New warrants against special fund, when.

or controller are hereby authorized to issue warrants against the special fund to the amount of the total charge established by the decree as a lien against the property

within the district, which warrants shall be payable only out of the special fund, and the holder of any warrant or coupon for interest issued under the authority of this act shall have no claim therefor against the city by which the same is issued, in any event, except from the collections of the charge established as a lien on the property within the particular district, but his remedy in case of non-payment shall be confined exclusively to the enforcement of the decree. Upon the issuance of such new warrants the surrendered warrants shall be canceled.

Not issued in case of appeal.

SEC. 25. In case of appeal from the decree establishing the lien, new warrants shall not be issued until the determination thereof.

City shall receive in certain cases.

SEC. 26. In cases where the city may supply funds for the redemption of undeposited warrants it shall be entitled to receive warrants of the new issue to the amount of the funds so supplied upon the same conditions as the holders of surrendered warrants.

SEC. 27. The warrants shall be in form substantially as follows:

Form of refunding warrant.

No., Washington, day of , 189..... \$.....
 The city of will pay to the order of the sum of dollars, with six per cent. interest, payable annually out of the local improvement fund of street originally provided for by ordinance No. The lien of the assessment for supplying said fund has been established by decree of the superior court of county, dated day , 189.....

This warrant is a refunding warrant issued under the provisions of an act of the legislature of the State of Washington entitled "An act in relation to assessments for local improvements, providing for the enforcement thereof and the refunding of warrants issued therefor, and declaring an emergency," approved [March 17, 1897].

Each of said warrants shall have attached thereto five interest coupons for the amount of each year's interest upon the face of the warrant and shall recite that it is payable only out of the special fund described in the warrant and is for interest on a warrant drawn against such fund.

Application of special fund.

SEC. 28. All money paid into the special fund shall first be applied to the payment of the interest accruing on the warrants, and at the end of each year any money remaining in the fund shall be applied to the payment of the warrants in the order of their number, which shall be called

by the city treasurer through a notice published in the official newspaper of the city in each issue thereof for the period of one week, and all warrants called shall cease to bear interest from the date of the last day of the call, but no interest shall be paid until the coupon therefor is surrendered and canceled.

SEC. 29. This act shall apply to all assessments for local improvements and to the warrants issued therefor, whether original assessments or reassessments and whether collectible by suit or by summary sale, as other city taxes are collected. And in any case where it is desired to refund the warrants against a special fund the assessment for which is collectible as other city taxes are collected, the city may proceed as hereinbefore provided by petition to the proper superior court for a decree establishing the lien of the assessment, and upon such application an order shall issue to the several parties whose property is charged with the assessment, in substantially the same form as hereinbefore provided, to show cause why a decree should not be entered. Such order shall be made returnable as hereinbefore provided, and all subsequent proceedings shall be in conformity with this act so far as they are applicable; and like procedure shall be had with reference to the warrant holders as in this act hereinbefore provided.

This act applies to all assessments for local improvements.

SEC. 30. Nothing in this act shall be construed to repeal, change or modify any existing act, charter or ordinance affecting the enforcement of assessments for local improvements or the issuance of warrants therefor, but shall be construed as an additional and concurrent procedure or remedy.

This act not repealing, but concurrent and additional.

SEC. 31. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the House March 8, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CXII.

[H. B. No. 411.]

RELATING TO PUBLIC WORKS IN CITIES AND TOWNS.

AN ACT authorizing cities and towns to construct, condemn and purchasé, purchase, acquire, add to, maintain, conduct and operate water works, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric and other rail-ways, with all land and property required therefor, providing for payment therefor, repealing an act entitled "An act relating to and authorizing cities and towns to purchase, construct and maintain water works, systems of sewerage, gas and electric light plants and to issue bonds to pay therefor, and declaring an emergency," approved February 10th, 1893, and declaring an emergency.

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

SECTION 1. That any incorporated city or town within the state be and is hereby authorized to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate water works within or without its limits for the purpose of furnishing such city or town, and the inhabitants thereof, and any other persons with an ample supply of water for all uses and purposes, public and private, including water power or other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; and to construct and maintain systems of sewerage, with full jurisdiction and authority to manage, regulate and control the same, within and without the limits of the corporation; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof and any other persons with gas, electricity and other means, power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate cable, electric or other railways within the corporate limits of such city or town, for the transportation of freight and passengers, with full authority to regulate and control the

Municipality may buy, construct, operate and sell water works.

Also sewerage system.

Also light, heat, fuel or power plants.

Also cable, electric and other railroads.

use and operation thereof, and to fix, alter, regulate and control the fares and rates to be charged thereon.

SEC. 2. Whenever the city council or other corporate authority of any such city or town shall deem it advisable that the city or town of which they are such officers shall exercise the authority conferred upon them in relation to water works, sewerage, works for lighting, heating, fuel and power purposes, or cable, electric or other railways, any or all thereof, the corporation shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as

May provide therefor by ordinance.

may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city or town at a special election, of which thirty days notice shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time: *Pro-*

Submitted for ratification.

vided, That if the said city or town is to become indebted and issue bonds or warrants for such water works, sewerage system, lighting, heating, fuel and power works or railways, the said proposition and authority to become so indebted shall be adopted and assented to by three-fifths of the qualified voters of said city or town voting at said election, except as to the adoption or rejection of the system or plan of said improvements, which may be adopted by a majority vote. When such system or plan has been

Three-fifths vote necessary when debt is to be incurred.

adopted, and no indebtedness is to be incurred therefor, the corporate authorities may proceed forthwith to construct and acquire the improvements or lands contemplated, making payment therefor from any available funds. When the system or plan has been adopted and the creation of an indebtedness by the issuance of bonds or warrants assented to as aforesaid, the said corporation shall be authorized and empowered to construct and acquire the improvements or lands contemplated, and to create an indebtedness and to issue bonds or warrants therefor, or for combinations thereof, as hereinafter provided, to wit:

Otherwise a majority vote.

(a) General city or town bonds may be issued to an amount not exceeding five (5) per cent. of the taxable property, as shown on the last assessment roll of the city or town made for general municipal purposes; such bonds to

Shall acquire real estate for plant.

Bonds for same.

be additional to all other outstanding indebtedness of the city or town created within constitutional limits. The said bonds shall be issued in denominations of not less than one hundred or more than one thousand dollars; shall be numbered from one up consecutively, shall bear the date of their issue, shall be payable not more than twenty years from date, and shall bear interest not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town. There shall be levied each year a tax upon the taxable property of such city or town as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity thereof, an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes. Said bonds shall be printed, or engraved, or lithographed on good bond paper, and a duly authenticated copy of this act, together with the ordinance of the city or town authorizing and directing such special election, shall be printed on each bond, together with a printed copy of a signed statement by the mayor and clerk showing the result of said election. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, of each and every bond executed, issued or sold under the provisions of this subdivision.

Levy to pay interest and create sinking fund.

Sale of bonds.

Special fund created.

(b) A special fund may be created for the sole purpose of defraying the cost and expense of the construction or acquirement of each class of improvements or lands contemplated or any combination thereof, together with such interest as shall accrue upon the obligations issued therefor, into which said fund the authorities of said city or town may obligate and bind the said city or town to set aside and pay a fixed proportion of the revenues or proceeds to be derived from the plan or system, lands or uses of which

the said improvement forms the whole, or part, so long as any obligations are outstanding against said fund. In fixing said proportion the authorities of such city or town shall have due regard to the cost of operation and maintenance of the plan or system as constructed or added to, and shall not set aside into the special fund a greater proportion of the revenues or proceeds than, in their judgment, will be available over and above such cost of maintenance and operation. The city or town authorities may from time to time, by ordinance, transfer to any such special fund any other available funds of said city. Bonds or warrants may be issued against any such special fund to the amount of the costs or charges to be met therefrom. Such bonds or warrants shall be issued in denominations of not less than one hundred or more than one thousand dollars, shall be numbered from one up consecutively and shall bear interest not exceeding six per cent., payable semi-annually, the principal of any such bonds or warrants being payable upon call of the city or town treasurer in the order of their numbers whenever there is in such special fund, after payment of interest on all outstanding bonds or warrants, a sufficient balance to pay the same. And any such bonds or warrants issued against any special fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and the fixed proportion of special revenues obligated to be set aside therein, and shall not constitute an indebtedness of such city or town within the meaning of the constitutional provisions and limitations. The principal and interest of any such bonds or warrants shall be made payable at such place as may be designated. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming said fund and the ordinance creating it. Said bonds or warrants shall be printed, or engraved or lithographed on good bond paper, and a duly authenticated copy of this act, together with the whole or a summary of the ordinances of the city or town authorizing and directing the special election and creating the special fund, shall be printed on each bond or warrant, together with a printed copy of a signed statement by the mayor and clerk show-

Proportion,
how fixed.

Bonds against
special fund.

Form of
bonds.

Sale of bonds.

ing the result of such election. Said bonds or warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, or the corporate authorities may provide in any contract for the construction or acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at the par value thereof. A register shall be kept of all bonds and warrants, which register shall show the number, date, amount, interest, name of payee and where payable, of each and every bond or warrant issued or sold under the provisions of this subdivision. Upon the creation of any such special fund and the issuance of any such obligation against same, the fixed proportion of revenue shall be set aside and paid into said special fund as provided in the ordinance creating said fund, and in case any city or town shall fail to thus set aside and pay such fixed proportion as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against said city or town and compel such setting aside and payment.

Previous
action of
municipality
validated.

SEC. 3. That in case the qualified electors of any city or town have heretofore at any election ratified any plan or system of improvements of the character set forth in this act, and have assented to an indebtedness therefor, which said election and ratification was held and made substantially in accordance with the provisions of section 2 of this act, such ratification of plan and assent to indebtedness shall be held to be sufficient without the necessity of another election; and the construction and acquirement of any such plan, system or lands, and the issuance of bonds or warrants in payment therefor, may be proceeded with by the corporate authorities of said city or town under the further provisions of this act.

Act 1893
repealed.

SEC. 4. That the act entitled "An act relating to and authorizing cities and towns to purchase, construct and maintain water works, systems of sewerage, gas and electric light plants, and to issue bonds to pay therefor, and declaring an emergency," approved February 10, 1893, be and the same is hereby repealed: *Provided*, That this repeal shall in no wise affect any proceedings, contracts or

indebtedness commenced, made or incurred in accordance therewith, which shall be completed and satisfied in accordance with the terms thereof.

SEC. 5. There being no adequate law in this state to authorize cities and town[s] to construct, condemn and purchase, purchase, acquire, add to, maintain and operate water works, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric or other railways, and to provide for the payment therefor, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the House March 4, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CXIII.

[S. B. No. 15.]

ABOLISHING MUNICIPAL COURTS.

AN ACT to repeal an act entitled "An act creating and establishing municipal courts in cities of the State of Washington, having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure and providing judges and clerks therefor, and declaring an emergency," approved February 28, 1891, and all acts amendatory thereof, and abolishing the courts and offices thereby created.

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

SECTION 1. That an act entitled "An act creating and establishing municipal courts in cities of the State of Washington, having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure and providing judges and clerks therefor, and declaring an emergency," approved February 28, 1891, and all acts amendatory thereof, be and the same are hereby repealed, and the courts and offices thereby created be, and the same are, hereby abolished: *Provided,*

however, That the municipal courts created by the act hereby repealed, shall continue to exist, as by said act created, until January 1, 1898, and the officers thereof shall, until that time, continue to perform the duties of their offices and receive the salaries as in said act specified.

Passed the Senate March 9, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CXIV.

[H. B. No. 209.]

IN RELATION TO RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

AN ACT relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon, and to provide for the payment of the charges of such suretyship on the same as part of the lawful expense and costs of the principal or principals on the same, and repealing an act of the legislature of the State of Washington entitled "An act relating to official bonds of state, county, city, town and precinct officers," approved March 20th, 1895, and all other inconsistent acts, and declaring an emergency.

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

SECTION 1. Whenever any bond, recognizance, obligation, stipulation, or undertaking is by law, state, municipal or otherwise, or by the rules or regulations of any board, court, judge, body or organization, or officer, state, municipal or otherwise, required or permitted to be made, given, tendered or filed, for the security or protection of any person or persons, corporation, municipality, state, or any department thereof, or any other organization whatever, conditioned for the doing or not doing of anything in such bond, recognizance, obligation, stipulation or undertaking, specified, any and all heads of departments, public officers, state, county, town or municipal, and any and all boards, courts, judges and municipalities, now or hereafter required

Guarantee
and surety
companies
may go on
all bonds.

or permitted to accept or approve of the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may, in the discretion of such head of department, court, judge, public officer, board or municipality, accept such bond, recognizance, obligation, stipulation, or undertaking, and approve the same, whenever the same is executed, or the conditions thereof are guaranteed, solely by a corporation, with net assets or paid up unimpaired capital of not less than three hundred and fifty (\$350,000) thousand dollars, incorporated under the laws of the United States, or of any state, and authorized under its charter or articles of incorporation to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings in law or equity: *Provided*, That such corporation has complied with all the provisions of this act. And whenever any such bond, recognizance, obligation, stipulation or undertaking is so required to be made, given, tendered or filed with one surety, or with two or more sureties, the execution of the same or the guaranteeing of the performance of the conditions thereof, shall be sufficient when executed or guaranteed solely by such corporation so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, ordinance, rule or regulation, that such bond, undertaking, recognizance, obligation or stipulation shall be executed or guaranteed by one surety or by two or more sureties, or that such sureties shall be residents, householders, or freeholders, or both, and a full and complete compliance with every other requirement of every law, ordinance, rule or regulation, relating to the same, and no justification by such company shall be necessary or required, and any and all heads of departments, courts, judges, public officers, boards and municipalities whose duty it may be, or shall hereafter be to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may accept and approve the same, when executed or guaranteed solely by such corporation, and all such corporations, are hereby vested with full power and au-

thority to execute and guarantee such bonds, recognizances, stipulations, obligations and undertakings, whether given under the laws of this state or of the United States, or of any state or country.

Certain officers may include as expense cost of bond.

SEC. 2. Any receiver, assignee, trustee, committee, or other fiduciary, except a guardian, executor, or administrator, required by law to give bond as such, may include as a part of his lawful expenses, such reasonable sum paid to such a corporation for such suretyship not exceeding one per cent. per annum on the amount of said bond, as the head of department, court, judge, or officer by whom, or the court or body by which he was appointed, allows, and in all actions and proceedings, the party entitled to recover costs may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any bond or undertaking therein, as may be allowed by the court or judge before whom the action or proceeding is pending.

SEC. 3. That any corporation which shall execute or guarantee any bond, recognizance, stipulation, obligation or undertaking under the provisions of this act, shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute or guarantee such instrument, or assume such liability.

Same rules apply to corporate bondsmen as to individuals.

SEC. 4. Any corporation executing any bond, recognizance, obligation, stipulation or undertaking, and any such surety may be released from its liability on the same terms and conditions as are or may be by law prescribed for the release of individuals upon any such bond, recognizance, obligation, stipulation or undertaking; it being the true intent and meaning of this act to enable corporations created for the purpose to execute and become surety on bonds, recognizance, obligations, stipulations or undertakings required or permitted by law, state or municipal or otherwise, or by the rules or regulations of any court, judge, officer, board, city charter, village, town organization or otherwise.

SEC. 5. The secretary of state must cause every corporation before engaging in business in this state as a surety

or a guaranty corporation under the provisions of this act, to file in his office as follows: *First*, If incorporated under the laws of this state, a copy of the articles of incorporation, or charter of the corporation, together with any amendments or alterations made therein; *second*, if incorporated under the laws of any other state or country, a copy of its articles of incorporation or charter, duly certified by the officer having the custody of such articles and such certificate to show that such corporation is organized under the laws of such state or country, and that it is authorized to do business therein as a surety corporation; *third*, a certificate signed by the president of such corporation showing that said corporation has net assets, or paid up unimpaired capital of not less than three hundred and fifty thousand (\$350,000) dollars.

Certain prerequisites to the exercise of the right.

SEC. 6. The secretary of state shall issue to any surety corporation his certificate of authority to transact business in this state under the following conditions: When said corporation has complied with all the provisions of this act, and when he is satisfied that said corporation has net assets or paid up and unimpaired capital of not less than three hundred and fifty thousand (\$350,000.00) dollars.

Secretary state to issue his certificate of authority, when.

SEC. 7. It shall be unlawful for any corporation to transact business as a surety corporation in this state, unless the corporation shall have complied with all the provisions of this act, and shall have obtained a certificate of authority from the secretary of state as herein provided.

SEC. 8. If any surety corporation, its agent, or attorney shall do business as such in this state without having complied with the provisions of this act, said corporation, its agents or attorneys so doing business shall be guilty of a misdemeanor and [shall] be subject to a fine of not less than one hundred dollars or more than five hundred dollars.

Misdemeanor for surety company or its agents to do business without authority.

SEC. 9. Every certificate of authority granted pursuant to the provisions of this act, to a surety corporation to do business in this state, shall expire on the 31st day of December, after date of issue. If the secretary of state is not satisfied that the net assets or paid up unimpaired capital remain not less than three hundred and fifty thousand (\$350,000.00) dollars, and that said corporation may

Certificate authority expires December 31st after its issue.

be safely entrusted with the continuance of its authority to do business in this state, he shall revoke its certificate of authority.

Appointment by foreign corporation of agent must be in writing.

SEC. 10. Every such corporation organized outside of this state, shall constitute and appoint an agent who shall reside in this state, to be designated as hereinafter required. Such appointment shall be in writing, signed by the president or chief officer of such corporation, and shall be attested by its corporate seal, and shall contain the name of the agent and his place of residence, in this state, and shall authorize such agent to accept service of process in any action or suit pertaining to the property, business, or transactions of such corporation within this state, in which such corporation may be a party, the signature of such president or chief officer attested by the corporate seal to such written appointment, shall be sufficient proof of the appointment of such agent. Such appointment, when duly executed, shall be filed for record in the office of the secretary of state by such corporation, and shall be there recorded, and such corporation shall have and keep continually some resident agent, empowered as aforesaid, during all the time such corporation shall conduct or carry on any business within this state, and service of any process, pleading, notice, or other paper on such agent shall be taken and held as due service on such corporation. If any attorney of any surety corporation, appointed under the provisions of this act, shall remove from the state, or become disqualified in any manner from accepting service, valid service may be made on such corporation by service upon the secretary of state: *Provided*, That in such case the secretary of state shall immediately notify such corporation, and the principal agent for the Pacific coast, inclosing a copy of such service by mail, post paid: *And provided further*, That in such case no proceeding shall be had within forty days after such service on the secretary of state. Such corporation may change its agent from time to time by filing and recording with the secretary of state a new appointment, stating the change of such agent.

Filed with secretary of state.

Fees secretary state.

SEC. 11. The secretary of state shall require in advance the following fees: *First*, For filing articles of incorpora-

tion or certified copies of articles, by-laws or other certificates required to be filed in his office, \$25; issuing certificates of authority to do business, \$10; for each renewal certificate of authority, \$10: *Provided*, That all fees so collected shall be paid into the state treasury.

SEC. 12. When the license of authority of any surety corporation doing business in this state has been revoked by the secretary of state, the same shall be published four times in some newspaper of general circulation published in this state. When license revoked.

SEC. 13. That if any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond or undertaking made or guaranteed by it under the provisions of this act, from which no appeal has been taken for three months after the rendition of such judgment or decree, it shall forfeit all right to do business under this act. Failure to pay judgment.

SEC. 14. That an act of the legislature of the State of Washington entitled "An act relating to official bonds of state, county, city, town and precinct officers," approved March 20, 1895, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 15. Whereas, existing laws of this state relating to sureties on bonds, recognizances, obligations, stipulations, and undertakings are defective and insufficient, an emergency is hereby declared to exist; and, therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the House March 4, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CXV.

[H. B. No. 485.]

PROVIDING FOR A STATE ROAD.

AN ACT to provide for the establishment and maintenance of a state road along the bank of the Columbia river from the town of Wenatchee, in Kittitas county, thence northerly on the west bank of said Columbia river *via* the bridge of said Wenatchee river (the same formerly being a ferry) to the mouth of the Methow river; thence along the west bank of the Methow river to the mouth of the Twisp river, in the county of Okanogan.

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

SECTION 1. That there be laid out, established and maintained for the use of the public a state road, commencing at the town of Wenatchee, in Kittitas county, running thence in a northerly direction along the west bank of the Columbia river, *via* the bridge nearest the mouth of the Wenatchee river, the same being formerly the location of a certain ferry, running thence by the best practicable route, along the west bank of said Columbia river to the mouth of the Methow river; thence running north in a westerly direction by the best practicable route along the west bank of said Methow river to the mouth of the Twisp river, which last point shall be the terminus of said road.

SEC. 2. That a commission consisting of three members, one of whom shall be a practical surveyor, is hereby created, to be appointed by the governor: *Provided*, That the governor may, if he see fit, select the boards of county commissioners of Okanogan county and Kittitas county as such commissions to perform the work within their respective counties; and such boards shall employ each a competent surveyor and such other assistants as may be necessary; and such boards of county commissioners shall be authorized and empowered, and it is hereby made their duty, to discharge all the duties required in this act of such commission, and, together with the surveyors, shall receive for such work the remuneration provided in this act.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until the road is completed

State road
from Wenatchee to Columbia river.

Commission
appointed by
governor.

or the appropriation exhausted. Should a vacancy occur in such commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the remaining members of such commission: *Provided*, That such person appointed to fill such vacancy shall continue as a member thereof during the time specified in this section.

Commissioners to hold office until the completion of road.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized to administer the same, to faithfully and impartially discharge the duties of his office as a member of said commission. Each of said commissioners shall make a bond unto the State of Washington in the sum of one thousand dollars, to be approved by the governor, conditioned for the faithful performance of his duties as a member of the board of state road commissioners, which bond shall be filed with the secretary of state.

Oath of commissioners.

Bond.

SEC. 5. That the commissioners shall, as soon as practicable, and with the utmost diligence and economy, proceed to lay out, survey and determine the width of such road, and shall superintend the opening and construction thereof; and shall employ a clerk and a competent surveyor, and such assistance as may be necessary, and purchase such material and supplies as may be necessary to carry out the full intent of this act: *Provided*, That the surveyor provided for in this section of this act shall be a member of said commission, and when acting in such capacity shall not receive any additional pay.

Duties.

SEC. 6. Said board of commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners, relating to the control and management of county roads, and shall proceed, as near as may be practicable, in conformity with the laws provided for the establishment of county roads.

Same powers as county commissioners.

SEC. 7. After the completion of such survey, the board of commissioners shall cause a notice to be published for [four] consecutive weeks in newspapers authorized to do the county printing in the counties of Okanogan and Kittitas, which notice shall describe the purpose of the road,

Notice published.

and state a time and place of meeting of the board to consider claims for damage[s] or compensation in consequence of the opening of the road.

Assess
damages.

SEC. 8. The board of commissioners shall at such time and place proceed to assess and determine the damages sustained by any person through whose premises the road is sought to be established, and be heard in respect to the amount of damages sustained; and all applications for damages shall be barred unless they are presented as provided for by this act.

Claimant
may appeal.

SEC. 9. Every claimant of compensation for damages, on account of the establishment of such road, may appeal to the superior court of the county in which the property damaged lies, from the decision of the board of commissioners upon his claims, and such appeal and all proceedings connected therewith shall be in conformity with the provisions of the code relating to appeals from decisions of county commissioners in like cases.

\$15,000 appro-
priated.

SEC. 10. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state road, there is hereby appropriated from the funds in the state treasury not otherwise appropriated, the sum of fifteen thousand (\$15,000) dollars, or so much thereof as may be necessary.

Pay of com-
missioners.

SEC. 11. Each member of such board of commissioners shall receive three dollars per day for each and every day employed in the discharge of his work and his actual traveling expenses.

Board shall
audit all bills.

SEC. 12. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties provided for in this act, and on presentation of the vouchers as are allowed, the state auditor is authorized to draw his warrant on the state treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no expenses shall be incurred for the payment of which no appropriation shall have been made.

SEC. 13. All records, papers and documents relating to the establishment of such road, together with a full and

complete report of all transactions and proceedings, and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office of Okanogan and Kittitas counties.

Statement of expenses and all documents filed with state auditor.

SEC. 14. After the completion of such road, and when the term of office of such board of commissioners shall have expired, it shall become the duty of the boards of county commissioners of Okanogan and Kittitas counties to keep the road in good repair in their respective counties in like manner as if the same were a county road.

SEC. 15. That the said board of road commissioners shall construct that portion of said road lying along the bank of the Columbia river as aforesaid, first. They shall then immediately proceed to construct the remainder of said road along the bank of the Methow river, as aforesaid, as speedily as possible, until such road is fully completed.

SEC. 16. For their services under the preceding section the county commissioners shall receive from the state the same compensation as they are entitled to receive from their county for similar services.

SEC. 17. The said county commissioners shall examine and allow all bills properly incurred by them in the discharge of their duties, provided by this act, and an itemized account of all expenses thus incurred shall be filed in the office of the state auditor, and such bills shall be paid in like manner as provided in section twelve of this act for the payment of bills incurred by the board of state road commissioners.

Passed the House March 8, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 18, 1897.

CHAPTER CXVI.

[H. B. No. 428.]

PROVIDING FOR A STATE WAGON ROAD.

AN ACT providing for the survey and establishment of a state road, creating a commission, defining their duties and making an appropriation therefor, and declaring an emergency.

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

North Yakima
and Natchez
state road.

SECTION 1. That there be laid out, established and constructed by the state, and maintained by the counties as herein provided, a wagon road, beginning at a point on the west side of section nine (9), township nineteen (19) north, range seven (7) east W. M., in King county, Washington, where the county road intersects said west line, thence up the White river valley to the mouth of Greenwater river, thence up the White river to mouth of Silver creek, thence up Silver creek to summit of Cascade mountains, thence down east side of Cascade mountains to the American river, thence down American river to where it empties into the Bumpkin river, thence down Bumpkin river to Natchez river to west end of county road running from North Yakima up Natchez river.

Board of com-
missioners,
how consti-
tuted.

SEC. 2. That a commission is hereby created, consisting of three members, composed of the chairmen of the boards of county commissioners of the counties of King, Pierce and Yakima, said board to be known as a board of state road commissioners: *Provided*, That [if] the chairman of the board of county commissioners of any county would be unable to attend to the duties, he may select one of the commissioners to act as said state road commissioner.

SEC. 3. The commissioners provided for in section two (2) of this act shall act as a state board of road commissioners until said road, as mentioned in section one (1) of this act, is completed or appropriation made by this act is exhausted. Should a vacancy occur in this commission by death, resignation or otherwise, the position shall be filled by the next chairman in said board of county commissioners in the county where such vacancy may occur.

SEC. 4. That each of the commissioners provided for in

this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as said commissioner. Oath commis-
sioners.

SEC. 5. Each of said commissioners shall execute a bond unto the State of Washington in the sum of one (1) thousand dollars, to be approved by the governor, conditioned for the faithful performance of his duty as a member of the board of state road commissioners, which bond shall be filed with the secretary of state. Bond.

SEC. 6. The commissioners shall, as soon as practicable, employ a competent engineer to survey said route, as mentioned in section one (1) of this act, who shall report to said board of commissioners the result of his labors, and shall file with them a complete map of the route so surveyed. If report to said commissioners be satisfactory, said commissioners shall proceed to lay out and determine the width of said road. The report of said engineer shall be endorsed by the said commission and forwarded to the governor, and if approved by him, the route shall be considered as a laid out and established road. Survey of
route.

SEC. 7. That said board of commissioners shall be vested, for the purpose of establishing said road, with all the powers vested by law in the boards of county commissioners of the several counties. The viewers generally relating to the control and management of county roads shall proceed as nearly as may be practicable in conformity to the laws providing for the establishment of county roads: *Provided*, That the viewers provided for in this act shall consist of the surveyor and two other persons, either axemen or chainmen, employed by said state board, who shall subscribe to the same oaths as provided by law for viewers of county roads. Same powers
as county com-
missioners.

SEC. 8. That said commission is hereby empowered to take deeds of right-of-way in the name of the state, and to cause them to be filed with and recorded by the auditors of the proper counties, where said deeds can be obtained without expense to the state other than may be necessary for the drawing up of the same. When deeds of right-of-way cannot be so obtained, said commission is hereby em- Right-of-way.

powered to cause the right-of-way for said wagon road to be condemned and appropriated by the state in the same manner as may be provided by law for the condemnation and appropriation of real estate for county or public roads.

\$10,000 appropriated.

SEC. 9. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state wagon road, there is hereby appropriated from funds in the state treasury not otherwise appropriated the sum of ten (10) thousand dollars, or as much as may be necessary.

Compensation of commissioners.

SEC. 10. Each member of said board of commissioners shall receive in addition to his pay as county commissioner the sum of one (1) dollar per day and actual traveling expenses for each and every day employed in the discharge of his duties as said commissioner. The board of commissioners shall examine and allow all bills incurred by them in the discharge of their duties provided for in this act and present their vouchers to the state auditor, who is authorized to audit said bills, and if found correct, shall draw his warrant on the state treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the state treasury appropriated for this purpose: *Provided*, That no expense shall be incurred for the payment of which no appropriation shall have been made.

Documents of board filed with state auditor.

SEC. 11. All records, papers and documents relating to the establishment of such state road, together with a full and complete report of all transactions and proceedings and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of route of said road shall also be filed in the auditor's office of each of the several counties within whose boundaries portions of the road extend.

County commissioners to keep in repair.

SEC. 12. After the completion of said road, and when the term of office of said state road commission shall have expired, it shall be the duty of the board of county commissioners, respectively, of the counties in which said road extends, to keep such portion of the road in repair in like manner as though the same were a county road. The said

board of state road commissioners, after deducting the cost of said survey, shall expend one-half of [the] money remaining in said appropriation from the mouth of Greenwater river to the summit of Cascade mountains, and the other half from the summit of Cascade mountains to the west end of county road from Yakima up Natchez river.

SEC. 13. That all instruments, camp equipage, materials, tools and supplies now belonging to the State of Washington, and accounted for by previous state road commissions, if not in use upon other state roads, shall be turned over to the commission created by this act and shall be subject to the order of said commission, and by it shall be accounted for to the state when this appropriation is expended.

Outfit of previous road commissions available.

SEC. 14. An emergency exists, and this act shall take effect immediately.

Passed the House March 8, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 18, 1897.

CHAPTER CXVII.

[S. B. No. 209.]

RELATING TO ARID LANDS.

AN ACT to amend an act entitled an act accepting the terms of the act of congress, approved August 18, 1894, providing for the reclamation, settlement and disposition of the one million acres of arid land granted therein, making appropriation therefor, and declaring an emergency, approved March 22nd, 1895, and providing further for carrying into effect said grant.

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

SECTION 1. Section 3 of chapter 166 of the Session Laws of 1895 is hereby amended to read as follows: Sec. 3. It shall be the duty of the commissioner of irrigation to examine, or cause to be examined, such of the arid lands within the state belonging to the public domain, that can, with an ex-

Duty commissioner of irrigation.

pense not incommensurate with their value when reclaimed from their aridity, be irrigated, and shall collect data and information concerning the nature of the soil, location and adaptability to cultivation of such lands, and concerning the streams and water that may be used for irrigating the same, and the precipitation each year in the mountains draining into such streams as can be used in irrigating said lands, for the purpose of predicting the probable flow of water in such streams. He shall make, or cause to be made, careful measurements and estimates of the flow of water in all such streams. He shall prepare maps of such arid lands which can be thus irrigated, and plans showing the proposed modes of irrigation, showing the source and quantity of water proposed to be used, and the size and proposed location of the ditches, canals, flumes, pipe lines or reservoirs to be used for conveying or collecting the water upon the lands proposed to be irrigated, and the elevation thereof above said lands; and shall, as construction proceeds of any dams, ditches, canals, flumes, reservoirs, pumping works or any other works for the purpose of irrigation under the provisions of this act, examine and see that all such construction work is done in a substantial manner and in accordance with the approved plans thereof. He shall have power to employ an engineer at a salary not to exceed one hundred dollars per month, and such other assistants and employés to assist him in the discharge of the duties herein prescribed as may be necessary, and shall verify, as herein provided, all claims and applications of any such assistants or employés for their compensation for the services performed by them; and he is further empowered to contract for the construction of ditches or canals, the building of dams and reservoirs, the sinking of artesian wells, the irrigation, reclamation, settlement and sale of said arid lands, and to do and perform any and all things whatsoever necessary to be done in carrying into effect the objects of this act, and he is hereby authorized and directed to make all necessary rules and regulations for carrying out the true intent and spirit of this act. He shall prepare and render to the governor, at the time when other state officers' reports are required to be made, a full and true report of his work re-

Make maps.

Employ engineer.

Contract for construction ditches, canals, etc.

Make report.

garding all matters and duties devolving upon him by virtue of his office, which report shall contain a detailed and itemized statement of all expenses incurred in and arising out of his official duties and those of his assistants and employés, as well in and about his office as in the field.

SEC. 2. Section 4 of chapter 166 of the Session Laws of 1895 is hereby amended to read as follows: Sec. 4. As soon as a map or maps of any of such arid lands proposed to be irrigated, with the plans showing the mode of contemplated irrigation thereof, are completed, he shall from time to time file duplicates of such maps and plans with the secretary of the interior of the United States, and shall, on behalf of the state make application to the said secretary of the interior in accordance with section 4 of said act of congress, approved August 18, 1894, and amendments thereto, and shall take all the necessary steps on behalf of the state to secure a contract binding the United States to donate, grant and patent to this state, or its assigns, the said arid land, and to secure to this state all the benefits and advantages accruing to it under the provisions of the said act.

Map to be filed with secretary interior.

Application to be made for arid land under act August 18, 1894.

SEC. 3. Section 5 of chapter 166 of the Session Laws of 1895 is hereby amended to read as follows: Sec. 5. Whenever the surveys of any particular irrigation system, in the opinion of said commissioner, prove the construction thereof feasible, he is hereby authorized to advertise for bids for the construction of the same in sections or subdivisions. Such bids shall be advertised in three papers in this state once a week for five consecutive weeks, one of said papers to be published in the county where said contemplated irrigation system is located, or if located in more than one county, then and in that case to be published in a newspaper in the county containing the greatest length of the main canal of such irrigation system, the other two papers to be published in the cities of the first class in this state.

Advertise for bids for construction.

SEC. 4. Section 6 of chapter 166 of the Session Laws of 1895 is hereby amended to read as follows: Sec. 6. All construction work in the reclamation of arid land, by whatever mode that may have been determined upon by said

All construction work paid for in water rights.

Irrigation systems to be numbered.

commissioner of irrigation to adopt, for any particular irrigation system to be undertaken by him or under his direction and control shall be paid for in water rights or in lands so reclaimed at the price to be fixed as hereinafter provided for, and all irrigation systems, the construction of which are undertaken by or under the direction and control of said commissioner of irrigation, shall be numbered consecutively in the order they are undertaken, beginning with number one, and in all records and accounts kept of them, shall be identified by reference to their respective numbers.

Bids examined.

SEC. 5. Section 7 of chapter 166 of the Session Laws of 1895 is hereby amended to read as follows: Sec. 7. On the day stated in the advertisement for bids, during which all bids will be opened between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, the governor, the attorney general or his assistant, and the commissioner of irrigation shall meet and examine all bids made and filed in accordance with the published advertisements for bids, and proceed to award the contract to the lowest and best bidder or may reject all bids and authorize said commissioner of irrigation to proceed with the construction by days' labor. All such labor to be paid for in lands or water rights as provided herein for the payment of contracts for construction. A record shall be kept by such commissioner of irrigation showing the names of all the bidders and the amount of their bids, which record shall be signed by said state officer.

Contract awarded.

Record kept.

Contractor's bond.

SEC. 6. Section 8 of chapter 166 of Session Laws of 1895 is hereby amended to read as follows: Sec. 8. The successful bidder for any contract shall within ten days furnish a good and sufficient bond for the successful prosecution of said work and fulfillment of his contract, in a sum to be named by said commissioner of irrigation not less than double the amount of his contract, such bond to be approved by said commissioner: *Provided*, That in the event any contractor prefers not to enter into a bond for the fulfillment of his contract, but in lieu thereof stipulates that he will complete his contract and not hold said commissioner of irrigation or the state liable for any work

Nature of contract when no bond.

done by him under his contract until after said work is approved and received by said commissioner in writing, no bond need be required of him, but he must commence work upon five days' notice in writing from said commissioner and diligently prosecute same to the satisfaction of said commissioner and have it completed within the time specified in his contract: *Provided further*, That for good reason an extension of time may be granted contractors by said commissioner not to exceed ninety days. Time extended.

SEC. 7. Whenever a contractor who has given a bond as required in the foregoing section requests it, the said commissioner of irrigation shall, upon monthly estimates furnished him by his engineer, issue to such contractor a certificate stating the amount due him, which in no event shall be for more than eighty per cent. of the estimates of said engineer, which certificate shall be redeemable in land or water rights as herein provided for. More than one certificate may be issued upon the same estimate: *Provided*, That the total aggregate amount called for by such certificates shall not exceed eighty per cent. of such estimates. Certificates for the remaining twenty per cent. shall be issued when said work is completed and received by said commissioner of irrigation: *Provided further*, That it is hereby made the duty of said commissioner of irrigation to satisfy himself that all outstanding claims against any contractor's work done under his supervision and control shall have been fully discharged, or before settling in full with any contractor on such work. All claims for labor or supplies shall be filed with said commissioner of irrigation within thirty days after the last item of such labor or supplies have been furnished. Partial payments, when and how made.

SEC. 8. The certificate provided for in the foregoing section shall be of the following form:

IRRIGATION DEPARTMENT OF THE STATE OF WASHINGTON.

I,, commissioner of irrigation, do hereby certify that is entitled to dollars' worth of land, together with the water right thereunto belonging. Certificate, form of.

Given under my hand this day of

IRRIGATION DEPARTMENT OF THE STATE OF WASHINGTON.

I,, commissioner of irrigation, do hereby certify that is entitled to dollars' worth of water rights.

Given under my hand this day of

.....,
Commissioner of Irrigation.

Such certificates shall in no wise ever be construed as creating a debt against the state, and they shall be redeemable only in land or water rights. All certificates shall be numbered in the order in which they were issued, and an accurate record of the same kept. Said certificates, or the debt of which they are evidence, shall bear no interest whatsoever; and said certificates shall be transferable by endorsement and receivable by said commissioner of irrigation from any person who presents the same for redemption. Upon the back of all such certificates sections Nos. 8 and 9 of this act shall be printed in full.

Appraisalment
of existing
systems.

SEC. 9. When construction of an irrigation system is undertaken by or under the direction and control of the commissioner of irrigation, as authorized by this act, it shall be his duty to appraise, or cause to be appraised, the lands covered by and included in such irrigation systems; the total appraisalment of all the land and water rights not to exceed the estimated cost of construction of that particular irrigation system, with twenty per cent. added for possible contingencies. All such appraisements shall be made in tracts of twenty acres, and shall be recorded in a book kept for that purpose, which shall be open to public inspection. And all certificates as hereinbefore authorized issued on account of labor or supplies furnished him shall be receivable in payment for lands or water rights.

Certain lands
included.

SEC. 10. Whenever an irrigation system provided for in this act covers lands which are no part of the public domain, and title to which cannot be acquired by the state under said acts of congress, they may nevertheless be reckoned in the estimates for costs of construction, and water rights be sold to the owners of the same at the estimated cost of construction, with twenty per cent. added. And said commissioner of irrigation is hereby authorized to enter into contract with such owners to furnish water rights

as aforesaid, conditioned upon the completion of such irrigation system.

SEC. 11. The commissioner of irrigation is hereby given the power and authority to enter upon any lands owned by the state, or by any corporation or private owner, and make all surveys necessary to be made for the purpose of locating any canal, ditch, pipe line, flume, reservoir, or other irrigation works to be undertaken by the state by and under the direction and control and supervision of said commissioner of irrigation. The general laws of this state relating to irrigation districts, counties, municipal corporations, or other corporations, empowering said irrigation districts, counties, municipal corporations, or other corporations to secure right-of-way by condemnation proceedings in the court, are hereby extended to apply to the state in securing right-of-way to construct and maintain irrigation canals, ditches, flumes, pipe lines, or other irrigation works. Said commissioner of irrigation, on behalf of and in the name of the state, is hereby authorized in like manner to condemn and appropriate any water right owned or claimed by any private owner or corporation; but in assessing the value of said right, due regard shall be given any work which has been done to secure said water right. The general law relating to condemnation proceedings to secure right-of-way shall apply in all proceedings to condemn water rights. It is hereby made the duty of the prosecuting attorney in each county in which condemnation proceedings are to be brought, as provided in this section, to commence and prosecute said condemnation proceedings in the superior court of this state, as provided by law, whenever the said commissioner shall request said prosecuting attorney so to do, and has furnished the necessary data and information to enable said officer to commence and prosecute said proceeding.

SEC. 12. When all lands acquired by the state by reason of its reclamation under any particular irrigation system, as herein provided for, and all water rights are disposed of, the state shall exercise no further ownership or control over such irrigation system, and the same shall become the property of the owners of the lands covered or reclaimed

Commissioner has authority to enter any premises for certain purposes.

Condemnation.

Control state lands so included.

thereby: *Provided*, That so long as the state has lands or water rights not disposed of under any such irrigation system, the said commissioner of irrigation shall, if he deems it to the best interest of the state, have absolute control over the same, and all persons owning lands or water rights, or who have contracted for water rights under such irrigation system, shall pay an annual charge per acre, which in the aggregate shall not exceed the annual cost of maintenance, with twenty per cent. added. In the discretion of said commissioner, such charge may be paid in labor necessary to maintain such irrigation system, or a part in labor and the balance in cash: *Provided further*, That after said irrigation system has passed from under the control of the state and into the control of the owners of the lands thereunder as herein provided, the management thereof shall be vested in a board of five directors, who shall be elected by the owners of said lands, at an annual meeting to be held for that purpose on the first Monday in March of each year. Such meeting to be held at a place to be stated in a notice which must be posted in three public places under such irrigation system, for at least twenty days before the date of such meeting, and advertised for three consecutive weeks in a newspaper published in the county in which such irrigation system is located. At such election each land owner shall vote the number of acres owned by him, as shares of stock are voted in annual meetings of private corporations, and a majority of all the acres embraced in and covered by any such irrigation system shall constitute a quorum, and the persons voted for at such meeting for the office of director receiving a majority of such acreage so represented, shall be declared elected.

Control vested
in board of
directors.

Meetings
of board.

Notice of the
first election.

SEC. 13. The notice of the first election shall be given as herein provided for, by said commissioner of irrigation, within five days after the state has contracted for the sale of its remaining lands or water rights, and conveyances shall not be executed and delivered until after the election of such board of directors, as herein provided for, has been elected and qualified. Such board of directors so elected shall hold office until after their successors are elected at

the first regular meeting following, to be held as herein provided for on the first Monday in March of each year.

SEC. 14. Said board of directors shall elect a president ^{Officers of board.} from their own number who shall preside over all meetings of the board and all annual meetings herein provided for; a secretary, who shall keep a record of all meetings of the board of directors and annual meetings herein provided for, and such other records and files as he may be directed by said board to keep; a treasurer, whose duties shall be to receive moneys and pay them out upon orders of the board signed by the president and attested by the secretary. Such board of directors shall thereafter have ^{Powers of board.} the entire management of such irrigation system; shall have the power to sue and be sued, make contracts for supplies and labor for its proper care and maintenance, promulgate rules and regulations for the furnishing and distribution of water, and fix the annual tolls or charges therefor: *Provided*, That the total amount so collected in any one year shall not exceed the total cost of maintenance for the year, including salaries of said board of directors, secretary and treasurer, which shall be fixed at the annual meetings of the owners of land and water rights under such irrigation system as herein provided.

SEC. 15. Before entering upon the duties of their respective offices, each member of such board of directors, the secretary and the treasurer, shall execute a bond in a sum to be fixed by the board of county commissioners of the county or counties in which said irrigation system is located, at any regular session of the board, conditioned for the faithful performance of their respective official duties. All such bonds shall be in the form prescribed by law for the official bonds of county officers, and shall be approved by the county auditor of the county in which the greatest area covered by such irrigation system is located, and remain on file in his office; and shall be accompanied by an oath of office in the same form as now required of county officers in this state. ^{Bond of members of board.}

SEC. 16. Upon the request of a majority of said board of directors, it shall be the duty of the prosecuting attorney ^{Prosecuting attorney legal advisor of board.}

of the county in which any irrigation system herein provided for is located, or in which any portion thereof is located, to act as a legal adviser of the board, and prosecute all actions in his opinion necessary to be brought on behalf of it.

Moneys
recovered.

SEC. 17. All moneys recovered by suit or action from any member of the board of directors, its president, secretary or treasurer, on their official bond, shall be paid by the prosecuting attorney to the county treasurer in which such irrigation system is located, and such county treasures shall give his receipt to such prosecuting attorney for the same, and shall place it to the credit of such irrigation system, specifying it by its number, as shown by the plat of the same, which the commissioner of irrigation is hereby required to file in the office of the county auditor in each county in which any irrigation system herein provided for shall be situate, within ten days after contract for construction has been awarded as herein provided.

Contracts
of sale.

SEC. 18. Said commissioner of irrigation may make contracts for the sale of any land reclaimed prior to the issuance of patent to the state by the United States, and all such contracts shall be in duplicate, the originals to be retained on file in the office of commissioner of irrigation and the duplicate to be delivered to the intending purchaser. But all titles to lands sold by said commissioner of irrigation shall be given by the state, patent to be issued, signed by the governor, attested by the secretary of state and the seal of the state attached.

Proceeds
of sale.

SEC. 19. The proceeds of sales of lands or water rights remaining after all certificates issued on account of construction of any irrigation system have been redeemed, shall be by said commissioner of irrigation paid to the state treasurer and by him kept in a separate fund to be called the "Irrigation Fund," and shall never be used for any purpose except to reimburse the state for expenses incurred in reclaiming such arid lands and for the purpose of reclaiming other desert lands in this state.

Limit of acre-
age salable to
one person.

SEC. 20. The sale of more than forty acres or less than ten acres of land under one irrigation system to one person or corporation is hereby prohibited.

SEC. 21. All agreements entered into by the commissioner of arid lands with individuals or corporations for the reclamation of arid lands as authorized by the act approved March 22, 1895, where lists of the lands intended to be selected and plats of the proposed canal or ditch lines have been filed with the secretary of the interior, are hereby recognized. And the commissioner of irrigation is hereby authorized for and on behalf of the state to comply with the terms of such agreement in conformity with the provisions of said act approved March 22, 1895.

Certain contracts of commissioner recognized.

SEC. 22. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of thirty thousand dollars. Not more than ten thousand dollars of this appropriation to be available for office expenses of said commissioner of irrigation, including the salaries of engineer and his assistant and their expenses while in the field; the remaining twenty thousand dollars to be available only on account of supplies furnished for construction work that may be undertaken by said commissioner of irrigation. And the auditor is hereby directed, upon vouchers duly certified to by said commissioner of irrigation, to audit the same and draw his warrant upon the state treasurer, who shall pay the same.

\$30,000 appropriated.

SEC. 23. The commissioner of arid lands shall on demand of the commissioner of irrigation, after his appointment and qualification, surrender and deliver all records, files and data in his possession by virtue of his said office, taking duplicate receipts therefor, one of said receipts to be certified to as a correct copy by the commissioner of arid lands and remain on file in the office of the commissioner of irrigation.

Passed the Senate March 11, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 19, 1897.

CHAPTER CXVIII.

[H. B. No. 472.]

CODE OF PUBLIC INSTRUCTION.

AN ACT to establish a general, uniform system of public schools in the State of Washington, and repealing chapter VI of title III, chapter VII of title V, all of title X except chapter XVII, chapter IV of title L, all being of volume 1 of Hill's Annotated Statutes and Codes of Washington; also repealing all amendments thereto; also repealing an act entitled "An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another," approved March 9, 1893; also repealing an act entitled "An act to provide for the management and control of state normal schools in the State of Washington," approved March 10, 1893, and all amendments thereto; also repealing an act entitled "An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency," approved February 26, 1895; also repealing an act entitled "An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of one and one-half per centum of the taxable property of the school district without the assent of three-fifths of the voters of the school district voting at an election held for for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor," approved March 1, 1895; also repealing an act entitled "An act to provide for the formation of joint school districts, and to prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency," approved March 13, 1895.

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

TITLE I.—DIVISIONS OF TERRITORY.

CHAPTER 1.—THE STATE.

State system
of schools.

SECTION 1. A general and uniform system of public schools shall be maintained throughout the State of Washington, and shall consist of common schools (in which all high schools shall be included), normal schools, technical schools, university of Washington, school for defective youth and such other educational institutions as may be established and maintained by public expense.

CHAPTER 2.—THE COUNTY.

SEC. 2. For purposes of supervision and administration each county in the state shall constitute one county district.

CHAPTER 3.—THE DISTRICT.

SEC. 3. The term "school district," as used in this act is declared to mean the territory under the jurisdiction of a single school board designated as "board of directors," and shall be organized in form and manner as hereinafter provided, and shall be known as district No., county: *Provided*, That all school districts now existing, as shown by the records of the county superintendents, are hereby recognized as legally organized districts.

SEC. 4. For the purpose of organizing a new district, a petition in writing shall be made to the county superintendent, signed by at least five heads of families residing within the boundaries of the proposed new district, which petition shall describe the boundaries of the proposed new district and give the names of all the children of school age residing within the boundaries of such proposed new district at the date of presenting said petition. The county superintendent shall give notice to the parties interested by causing notices to be posted at least twenty (20) days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places of said old district, and shall, on the day fixed in the notice, proceed to hear said petition, and if he deem it advisable to grant the petition he shall make an order establishing said district and describing the boundaries thereof, and shall certify his action to the board of county commissioners at their next regular meeting: *Provided*, That when in the formation or alteration of any school district, or in the refusal of a county superintendent to form or alter a school district as prayed for, if any person affected by such formation or alteration, or by such refusal to form or alter a school district as prayed for, shall feel aggrieved by the action of the county superintendent, he may appeal to the board of county commissioners of his county. Said appeal

School district defined.

Organization of new district.

Notice of meeting.

Appeal to county commissioners.

shall be filed with the clerk of the board of county commissioners within twenty days after the action complained of, and shall state in a clear and concise manner the matters complained of, which statement shall be verified by the affidavit of the appellant or appellants. Copies of the notice of appeal shall be filed with the county superintendent and with the clerk of each school district affected by the appeal, at the time of filing said notice with the clerk of the board of county commissioners. The county commissioners shall, at their next regular meeting, appoint a time and place when such appeal shall be heard. At such appointed time and place they shall hear and determine said appeal, and shall have power to summon witnesses, and their action shall be final.

Hearing of
appeal.

Changing
boundaries.

SEC. 5. For the purpose of transferring territory from one district to another, or enlarging the boundaries of any school district, a petition in writing shall be presented to the county superintendent, signed by a majority of heads of families residing in the territory which it is proposed to transfer or include, which petition shall describe the change which it is proposed to have made. It shall also state the reason for desiring said change, and the number of children of school age residing in the territory to be transferred. The county superintendent shall file said petition in his office, and shall give notice to parties interested by causing to be posted notices at least twenty days prior to the time appointed by him for considering said petition, one of which shall be in a public place in the territory which it is proposed to be annexed or transferred, and one on the door of the school house in each district affected by the change, or if there be no school house in such district, then in some public place in such district or districts; and at the time stated in said notices he shall proceed to hear said petition, and if he deem it advisable he shall grant the same and make an order fixing the boundaries of the districts affected by his action, and shall certify his action to the board of county commissioners at their next regular meeting: *Provided*, That an appeal may be taken, as provided for in section four of this chapter.

Notice of
meetings.

Appeal.

SEC. 6. In forming new districts, or transferring terri-

tory from one district to another, or changing boundaries of districts, no school district shall contain less than four sections of land, unless said district can support six months' school per year after such change of territory. Not less than four sections.

SEC. 7. That any school district may purchase, under the provisions of law governing the sale thereof, a school house site or sites of not less than one acre nor more than five acres each, of any school lands of the State of Washington. School house site.

SEC. 8. That in all cases when a school house is or may be erected upon any school lands of this state the school district to which such school house belongs shall have the preference right for six months after the filing of the final appraisal of such school lands not already appraised, to purchase school house sites to include the lands occupied by such school houses, at the appraised value thereof. Preference right to purchase.

CHAPTER 4.—JOINT AND UNION DISTRICTS.

ARTICLE I.—UNION SCHOOLS.

SEC. 9. Whenever the residents of two or more school districts may wish to unite for the purpose of establishing a union or graded school, the clerks of said districts, by order of the boards of directors, shall, upon a written or printed petition of five or more heads of families of their respective districts, call a meeting of the voters of such districts at some convenient place, by posting written or printed notices in like manner as is provided for calling annual school district elections; and if a majority of the voters of each district shall vote to unite for the purpose herein stated, the boards of directors of the several districts so voting to unite shall constitute the board of directors of such union district, and shall, within ten days thereafter, meet and organize by electing one of their number president of the board, and selecting a clerk for such union district; and the clerk and president chosen at such meeting shall hold their respective offices until the next annual school district election and until their successors are elected; and the election of president and clerk shall occur annually thereafter, on the second Saturday next succeeding the annual school district election. Organization. Officers.

Powers of the union board.

SEC. 10. The board of directors and clerk provided for in the preceding section shall, in all matters relating to the union or graded schools of such districts, possess all the powers, discharge all the duties and be governed by the laws herein provided for school district officers, and the clerk of such union district shall, immediately upon his election, inform the county superintendent of the organization of the district.

Course of study.

SEC. 11. The directors of such union districts shall determine what grade or grades of pupils shall attend such union schools, and shall determine the course of study that shall be pursued in such schools: *Provided*, That such course of study shall not be inconsistent with the laws of this state; and all expenses of such union schools shall be borne by the districts so uniting in proportion to the amount of funds apportioned to each district by the county superintendent, and the board of directors of each district shall issue warrants of their districts for such amounts.

Expenses.

ARTICLE II.—CONSOLIDATED DISTRICTS.

Organization.

SEC. 12. When two or more school districts are consolidated by the provisions of this act, or where two or more districts are consolidated by the uniting of two or more incorporated cities or towns, as provided by law, all the directors of the several districts so consolidated shall constitute the board of directors of the new district so formed, and shall have all the powers and authority conferred by the laws of this state upon school district officers until the next annual school election in said district, at which time there shall be elected three directors and one clerk for said district, in the manner provided by law, who shall hold their respective offices as provided for the officers of new districts; and the county superintendent of any county in which new districts are formed by the uniting of two or more cities or towns, or by the incorporating of any city or town lying partly in two or more school districts, shall, upon being notified of such action by the clerk or by the board of directors of such new district, proceed to designate such new district by a number not the same as that of either component district or of any ex-

Officers and their powers.

Number of consolidated district.

isting district, and to make a record of the boundaries thereof, and he shall certify such facts to the board of county commissioners, to the county treasurer and to the clerk of the new district thus formed.

SEC. 13. All school districts formed by the uniting of two or more city or town districts, as provided for in this act, shall be entitled to the funds and other public property of the other school districts so united, and the county superintendent shall apportion all funds to the new district in accordance with this provision and shall certify such apportionment to the county treasurer.

Property belonging to the consolidated district.

SEC. 14. Each school district composing said consolidated district shall retain its corporate existence so far as and until its indebtedness has been paid in full, and the officers of said new district shall have the power and it shall be their duty to provide by appropriate levies upon such old district as may be necessary for the payment of indebtedness: *Provided*, That when such payment of indebtedness is fully made the clerk of the district shall enter the fact upon the records of the district and report the same to the county superintendent of schools.

Component districts retain their corporate existence.

SEC. 15. When two or more school districts shall be united by the provisions of this act, the boards of directors of the several districts so united shall, within thirty days thereafter, meet and organize the new board by the election of one of their number as president of the board. They shall also elect a clerk for said district, and the clerks of the several districts so united shall deliver to said clerk all books, papers and records belonging to their respective offices. The clerk of the new district thus formed shall immediately notify the county superintendent of the organization of the new district.

Organization of board of directors.

ARTICLE III.—JOINT DISTRICTS.

SEC. 16. When the public good requires it, a school district may be formed of contiguous territory lying in two or more counties, and such districts shall be known as joint districts. They shall be designated by a separate number for each county in which any portion of their territory may lie.

When formed.

Organization.

SEC. 17. For the purposes of forming such joint districts, a petition shall be presented, drawn and signed as prescribed for the formation of other school districts; but such petition shall be presented in duplicate to the superintendent of each county affected by the proposed district, and the superintendent of each such county shall post notices of the hearing of the petition before him as in the case of petitions for other districts: *Provided*, That at least one notice shall be posted in each county affected, such notice being posted in a public place within the boundaries of the proposed joint district. Each county superintendent shall conduct his hearing within his own county, and the consent of the superintendents of all the counties affected shall be necessary to the formation of the district. Such consent shall be certified in writing by each superintendent to each of the others, and when all have consented they shall jointly issue a call for a special election in such joint district for the purpose of selecting officers for said district. The call for such election shall be posted as in the case of other special elections, and the officers elected shall qualify within two days after the election. Such officers shall serve only until the next regular annual election, when a full set of officers shall be elected as provided in the case of other new districts. Every director or clerk of the joint district shall file his certificate of election and oath of office with the county superintendent of each county in which any portion of his district lies, and he shall file his signature as required by law in the office of the county treasurer of each such county. Vacancies in the office of director or clerk of a joint district shall be filled by appointment by the county superintendent in whose county the officer vacating resided while serving, and a copy of such appointment, with the oath endorsed thereon, shall be filed in the office of each county superintendent.

Election of officers.

Oath of office.

Vacancies.

Reports from joint districts.

SEC. 18. All reports from joint districts shall be made in full to the county superintendent of each county affected thereby: *Provided*, That any county superintendent may order the segregation of any items of such report so as to show separately the numbers or amounts from each

county affected thereby: *And provided further*, That for the purpose of the apportionment of state school funds the district shall be considered as belonging to the county in which the school building is located.

TITLE II.—OFFICERS, THEIR POWERS AND DUTIES.

CHAPTER 1.—ADMINISTRATIVE OFFICERS.

SEC. 19. The administration of the public school system shall be entrusted to a state superintendent of public instruction, a state board of education, a board of higher education, regents or trustees for educational institutions, county superintendents of common schools, boards of directors and district clerks. Adminis-
tration.

CHAPTER 2.—SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 20. A superintendent of public instruction shall be elected by the qualified electors of the state, on the first Tuesday after the first Monday in November of the year in which state officers are elected, and shall hold his office for the term of four years, and until his successor is elected and qualified. When elected.

SEC. 21. The superintendent of public instruction shall receive an annual salary of twenty-five hundred dollars, payable monthly, upon warrant of the state auditor, drawn upon the state treasurer, in the same manner as other state officers are paid. Salary.

SEC. 22. The powers and duties of the superintendent of public instruction shall be — Powers and
duties.

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

Second: To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report three thousand copies shall be printed and delivered to the superintendent of public instruction, who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools, and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables, by counties, showing the number of schools and the attendance; the state and county school Reports.

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

To prepare
blanks.

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

To travel.

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

Expenses.

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

To publish
laws.

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

makes it of sufficient importance, in his opinion, to justify the same.

Seventh: To act as *ex officio* president of the state board of education. President of state board.

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

Ninth: Upon the receipt from the state auditor of a certificate of the state school fund subject to apportionment, to apportion within ten days said fund among the several counties of the state, in proportion to the total days' attendance: *Provided*, That each school district shall be credited with at least two thousand total days' attendance. The basis of said apportionment shall be the last annual reports of the several county superintendents on file in the office of the superintendent of public instruction at the time of making his apportionment. Apportion school fund.

Tenth: To require annually, on or before the fifteenth day of August, of the president, manager or principal of every seminary, academy or private school, and of the president, manager or principal of every state educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports, and it is made the duty of every such president, manager or principal to fill up and return such blanks within such time as the superintendent of public instruction shall direct. Reports from private schools.

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

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

Office at the
capital.

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

Decide
appeals.

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

To deliver to
his successor.

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

Deputy and
stenographer.

SEC. 23. The superintendent of public instruction is hereby authorized to appoint a stenographer, and also a deputy superintendent of public instruction, who shall hold a life diploma. The compensation of both shall not exceed twenty-five hundred dollars per annum, and shall be paid in the manner prescribed for the payment of state officers.

CHAPTER 3.—STATE BOARD OF EDUCATION.

Appointment.

SEC. 24. The governor shall appoint, by and with the advice and consent of the state senate, four suitable persons, at least two of whom shall be selected from those actually engaged in teaching in the common schools of the state, and who hold life diplomas issued by authority of this state, who, together with the superintendent of public instruction, shall constitute the state board of education.

The persons appointed shall hold their office for two years Term of office. from the first Monday in March next following their appointment, and shall serve until their successors are appointed and qualified.

SEC. 25. The state board of education shall hold an annual Meetings. meeting at the capital of the state on the first Tuesday in June of each year, and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction. The persons appointed as Expenses. members of the board of education shall be paid for their services the actual expenses incurred in the performance of their duties, which expenses shall be paid by the state treasurer, on warrant of the state auditor, out of funds not otherwise appropriated, upon the certificate of the superintendent of public instruction: *Provided*, That the expenses of the whole board shall not exceed the sum of one thousand dollars in any one year.

SEC. 26. Whenever any vacancy in the board shall occur, Vacancies. whether by death, removal, resignation or otherwise, the governor shall fill the vacancy by appointment.

SEC. 27. The state board of education shall have power — Powers and duties.

First: To adopt or to readopt, according to law, at a special meeting to be called by the superintendent of public instruction, a uniform series of text books for the use of Adopt text-books. the common schools throughout the state.

Second: To prepare a course or courses of study for the Prepare courses of study. primary, grammar and high school departments of the common schools, and to prescribe such rules for the general government of the common schools as shall secure regularity of attendance, prevent truancy, secure efficiency and promote the true interests of the common schools.

Third: To use a common seal, and to elect one of their Elect a secretary. own members as secretary, who shall keep a correct record of all proceedings of the board, and shall file a certified copy of the same in the office of the superintendent of public instruction.

Fourth: To sit as a board of examination at their annual or special meetings, and to grant state certificates and Hold examinations. life diplomas.

Prepare questions for county examinations.

Fifth. To prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and to determine rules and regulations for conducting the same.

CHAPTER 4.—BOARD OF HIGHER EDUCATION.

Consists of whom.

SEC. 28. The board of higher education shall consist of the state board of education, together with the president of the university of Washington, the president of the state agricultural college and school of science, and the principals of the state normal schools.

Adopt and harmonize courses of study.

SEC. 29. The board of higher education shall have the power, and it shall be their duty, to adopt courses of study for normal schools, and for the preparatory requirements for entrance to the university of Washington and to the agricultural college. The board shall arrange such courses and adopt and enforce such regulations as will place the state institutions into harmonious relations with the common schools and with each other, and unify the work of the public school system.

CHAPTER 5.—COUNTY SUPERINTENDENT OF COMMON SCHOOLS.

Election.

SEC. 30. A county superintendent of common schools shall be elected in each county of the state at each general election, whose term of office shall begin on the second Monday in January next succeeding his election and continue for two years and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond in a sum to be fixed by the board of county commissioners. He may, at his own cost, appoint a deputy, who shall qualify in the same manner as the county superintendent, and perform all the duties of the office, subject, however, to revision by the county superintendent. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

May appoint a deputy.

Vacancy.

Eligibility.

SEC. 31. No person shall be eligible to hold the office of county superintendent of common schools who shall not at the time of his election or appointment have taught in the public schools of this state one school year of nine months, and who shall not at the time of such election or

appointment hold a state certificate or life diploma or a first grade common school certificate in full force and effect: *Provided*, That in all counties of the twenty-seventh class and in all counties of a class having a greater number than twenty-seven, a person shall be eligible to hold the office of county superintendent of common schools if he shall have taught in the public schools of the state for at least nine school months, and shall hold at the time of his election or appointment a certificate, except a special certificate or a temporary certificate, in full force and effect.

In small counties.

SEC. 32. The county auditor shall not place the name of any person upon the official ballot as a candidate for the office of county superintendent of common schools unless such person shall have filed in the office of the county auditor, at least twenty days before the date at which the election is to be held, proof of having taught in the schools of the state one school year of nine months, together with a copy of one of the certificates required by this act.

Official ballot.

SEC. 33. Each county superintendent shall have the power, and it shall be his duty —

Powers and duties:

First: To exercise a careful supervision over the common schools of his county, and to see that all the provisions of the common school laws are observed and followed by teachers and school officers.

To supervise:

Second: To visit each school in his county not less than once in each year.

To visit schools.

Third: To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and the teachers.

To distribute reports.

Fourth: To enforce the course of study adopted by the state board of education and to enforce the rules and regulations required in the examination of teachers.

To enforce rules.

Fifth: To keep on file and preserve in his office the biennial reports of the superintendent of public instruction and of the county superintendents of his county.

To file reports.

Sixth: To keep in good and well bound books, to be furnished by the county commissioners, records of his official acts.

To keep records.

To preserve reports.

Seventh: To preserve carefully all reports of school officers and teachers, and at the close of his term of office to deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor.

To administer oaths.

Eighth: To administer oaths and affirmations to school directors, teachers and other persons, on all official matters connected with or relating to schools, but shall not make or collect any charge or fee for so doing.

To record contracts.

Ninth: To keep in a suitable book an official record of all persons under contract to teach in the schools of his county, showing the number of the school district, the date of the contract, the names of the contracting parties, the date of the expiration of the teacher's certificate and the grade thereof, the salary paid, and the date of commencing school, with the length of the term in weeks. He shall, if the contract is properly drawn and the contracting teacher has a certificate in full force and effect for the entire term for which the contract is issued, countersign the same, and no contract shall be valid without such signature of the county superintendent.

To make annual report.

Tenth: To make an annual report to the superintendent of public instruction on the first day of August of each year for the school year ending June 30, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct.

To record boundaries.

Eleventh: To keep in his office a full and correct transcript of the boundaries of each school district in the county. In case the boundaries of said districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and, at their next regular meeting, he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts.

Twelfth: To appoint directors and district clerks to fill

vacancies; to appoint directors and district clerks for any new districts: *Provided*, That when any new district is organized, such of the directors and district clerk of the old district as reside within the limits of the new one shall be directors and district clerk of the new one, and the vacancies in the old district shall be filled by appointment.

To appoint officers.

Thirteenth: To apportion, within ten days after receiving the certificate of apportionment of the superintendent of public instruction, the state annual school fund, and such other funds as are subject to apportionment, to the several school districts entitled to receive the same, in accordance with the instructions of the superintendent of public instruction. He shall certify the result of the apportionment to the county treasurer, and also notify each clerk of the amount apportioned to that district.

To apportion school funds.

Fourteenth: To grant such temporary and special certificates and to conduct such examinations of teachers and candidates for entrance to the normal schools, and make such records thereof as may be prescribed by law: *Provided*, That he shall give ten days' notice of such examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by posting up hand bills, or otherwise.

To grant temporary certificates and conduct examinations.

Fifteenth: To hold teachers' institutes according to law, and to conduct such other meetings of the teachers of his county as may be for the best interests of the schools.

To hold institutes.

SEC. 34. The county superintendent shall require all reports of school district officers, teachers and others to be made promptly as required by law. He shall see that the teacher's register is kept in accordance with law and the instructions of the superintendent of public instruction, and that the records of school district clerks are properly kept. He shall require the oaths of office of all school district officers to be filed in his office, and shall furnish a directory of all such officers to the county treasurer, upon blanks to be furnished by the superintendent of public instruction, as soon as the election or appointment of such officers is determined and their oaths placed on file.

General duties.

SEC. 35. He shall keep his office open for the transaction of official business such days each week as the duties of the

Office days.

office may require, and shall keep posted on the door of his office a notice of said office days and hours of such days.

Appeal from
decision, how
taken.

SEC. 36. Any person or board of directors aggrieved by any decision or order of the county superintendent may, within thirty days after the rendition of such a decision or making of such order, appeal therefrom to the superintendent of public instruction. The basis of the proceeding shall be an affidavit by the party aggrieved, filed with the superintendent of public instruction within the time for taking the appeal. The affidavit shall set forth the errors complained of in a plain and concise manner. The superintendent of public instruction shall, within five days after the filing of such affidavit in his office, notify the county superintendent in writing of the taking of such appeal, and the county superintendent shall, within twenty days after being thus notified, file in the office of the superintendent of public instruction a complete transcript of the record and proceedings relating to the decision complained of, which shall be certified to be correct by the county superintendent. The superintendent of public instruction shall examine the transcript of such proceedings and render a decision thereon, but no new testimony shall be admitted, and his decision shall be final unless set aside by a court of competent jurisdiction.

County com-
missioners
shall furnish
office.

SEC. 37. The county commissioners shall provide the county superintendent with a suitable office at the county seat, and all necessary blanks, books, stationery, postage and other expenses of his office shall be paid by the county treasurer out of the county fund upon a sworn statement made quarterly and allowed by the county commissioners.

Salary and
mileage.

SEC. 38. The county superintendent shall, in addition to the salary fixed by law, be allowed mileage at the rate of five cents per mile for each mile actually and necessarily traveled in the performance of his official duties and in attendance on the convention of county superintendents, called by the superintendent of public instruction, but shall not be allowed to charge or collect any fee for the performance of any other duty herein named: *Provided*, That no constructive mileage shall be charged.

CHAPTER 6.—DISTRICT DIRECTORS.

SEC. 39. Directors of school districts shall be elected at the regular annual school election. At the first annual election in all new districts three directors shall be elected, for one, two and three years, respectively. No person shall be eligible to the office of school director who is not able to read and write the English language. The ballot shall specify the term for which each is to be elected. In all districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms; and the ballot shall specify the respective term for which each director is to be elected. Directors-elect shall take office on the first Monday in July next succeeding their election, and shall hold office until their successors are elected and qualified. Any director who fails to qualify on or before the day appointed for him to take office shall forfeit all rights to his office, and the county superintendent shall fill such vacancy by appointment, to hold office until the next annual election.

Election of directors.

Assume office.

SEC. 40. Every board of directors, unless otherwise specially provided by law, shall have power, and it shall be their duty —

Powers and duties:

First: To employ, and, for sufficient cause, to discharge teachers, mechanics or laborers, and to fix, alter, allow and order paid their salaries and compensation.

To employ teachers and others.

Second: To enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of the schools, pupils and teachers, and to enforce the course of study prescribed by the state board of education.

To enforce rules.

Third: To provide and pay for materials and supplies as may be necessary for the schools, and to purchase such school furniture, charts or other apparatus as may have the written approval of the county school superintendent as to quality and price: *Provided,* That all such purchases of furniture, charts or other apparatus shall be approved at a meeting of said board, at which all members shall be present.

To provide supplies and furniture.

To care for
school houses.

Fourth: To rent, repair, furnish and insure school houses.

To act for the
district.

Fifth: To build or remove school houses, purchase or sell lots or other real estate, when directed by a vote of the district to do so: *Provided*, That a school house already built shall not be removed, nor a new site for a school house be designated except when directed by two-thirds of the voters of such district at an election to be held for that purpose, which election may be a special or a general school election.

To hold
property.

Sixth: To purchase personal property in the name of the district, and to receive, lease and hold for their district any real or personal property.

To suspend
pupils.

Seventh: To suspend or expel pupils from school who refuse to obey the rules thereof, and may exclude from school all children under six years of age.

To provide free
text-books.

Eighth: To provide free text-books and supplies to be loaned to the pupils of the schools when directed by a vote of the district to do so; and if not so directed, to provide books for children of indigent parents, on the written report of the clerk, after investigation, that the parents of such children are unable to purchase the same.

To require
books.

Ninth: To require all pupils to be furnished with such books as may have been adopted by the state board of education, as a condition to membership in the schools.

To exclude
certain books.

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

To permit
the use of
school house.

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

To enforce
the law.

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

Liabie for
debts of
district.

SEC. 41. Any board of directors shall be liable as directors in the name of the district for any judgment against the district, for any salary due any teacher, and for any debts legally due, contracted under the provisions of this

act, and they shall pay such judgment or liability out of the school funds to the credit of the district.

SEC. 42. Any board of directors shall have power to make arrangements with adults wishing to attend school or with the directors of an adjoining district for the attendance of such children in the school of either district as may be best accommodated therein: *Provided*, That in case such arrangements are not made, or children from school districts not adjoining desire to attend school in their district, they may charge reasonable tuition for such attendance: *Provided further*, That all moneys collected by any school district officer for the use of the district, shall, within thirty days after the date of its collection, be turned over to the county treasurer and placed to the credit of the district.

Non-resident pupils may attend school.

Tuition fees paid to treasurer.

SEC. 43. Any board of directors shall have power to make such by-laws for their own government, and the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this act, or the instructions of the superintendent of public instruction or the state board of education. A regular meeting of each board of directors shall be held on the first Saturday of February, May, August and November. They may, however, hold such other special or adjourned meetings as they may from time to time determine, or as may be specified in their by-laws.

Make by-laws.

Meetings of board.

SEC. 44. The board of directors of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district or in their own names as directors of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district, and all conveyances of real estate made to the district, or to the directors thereof, shall be made to the board of directors of the district and to their successors in office; said board, in the name of the district, shall have power to transact all business necessary for maintaining schools and protecting the rights of the district; and it shall be the duty of the directors of every school district to issue and sign warrants, as such directors, for the payment of all demands

May convey property.

Sign warrants.

Execute deeds. audited and allowed against their district, and to sign, execute and acknowledge, as such directors, deeds for the conveyance of all real estate sold by them as in this section provided.

Have no pecuniary interest in contracts.

SEC. 45. It shall be unlawful for any director to have any pecuniary interest, either directly or indirectly, in any erection of school houses, or for warming, ventilating, furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of schools, or to receive or accept any compensation or reward for services rendered as director.

Limit of indebtedness each year.

SEC. 46. It shall be unlawful for any board of directors to contract indebtedness against their district in any one year in any sum or sums exceeding the aggregate of the amount due to said district during the year from state funds, the amount of special tax levied for the year and the estimated receipts from other sources, unless said indebtedness be authorized by a vote of the electors of said district.

Appeal to county superintendent.

SEC. 47. Any person aggrieved by any decision or order of the board of directors may, within thirty days after the rendition of the decision or making of such order, appeal therefrom to the county superintendent of the proper county; the basis of such proceedings shall be an affidavit filed by the party aggrieved with the county superintendent within the time for taking appeal. The affidavit shall set forth the errors complained of in a plain, concise manner. The county superintendent shall, within five days after the filing of such affidavit in his office, notify the clerk of the proper district, in writing, of the taking of such appeal, and the latter shall, within ten days after being thus notified, file in the office of the county superintendent a complete transcript of the record and proceeding relating to the decision complained of, which shall be certified to be correct by the clerk of the district. After the filing of the transcript aforesaid in the office, he shall rotify in writing all persons interested of the time and the place where the matter of the appeal will be heard by him. At the time thus fixed for the hearing he shall hear the testimony of either party, and for that purpose may administer oaths if

Hearing of appeal.

necessary, and he shall make such decision as may be just and equitable, which shall be final unless appealed from, as provided for in this act.

CHAPTER 7.—DISTRICT CLERKS.

SEC. 48. A district clerk shall be elected in each district ^{Election.} at each annual election, to hold office for one year, beginning on the first Monday in August next succeeding his election, and until his successor is elected and qualified. In case of the death, removal or resignation of the district clerk, the county superintendent shall fill the vacancy ^{Vacancy.} by appointment. Any district clerk failing to qualify as provided for in this act, on or before the day appointed for him to take office, shall forfeit all right to his office, and the county superintendent shall fill the office by appointment, to hold until the next annual election.

SEC. 49. The duties of the district clerk shall be as follows: ^{Powers and duties:}

First: To attend all meetings of the board of directors; ^{To keep record of meetings.} but if he shall not be present, the board of directors shall select one of their number to act as clerk, who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his records in a book to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor.

Second: To keep accurate and detailed accounts of all receipts and expenditures of school money. ^{To keep account of finances of district.} At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection.

Third: To take annually, in June of each year, an exact ^{To make annual report.} census of all children and youth between the ages of five and twenty-one years who were *bona fide* residents of the district on the first day of June of that year; and he shall designate the number of weeks each child between the ages

of six and twenty-one years has attended school during the school year; the names and sex of all children subject to enumeration, together with the names of their parents or guardians: *Provided*, That Indian children not living under the guardianship of white persons, or who have not severed their tribal relations, or Mongolian children not native born, shall not be included in said census. He shall note all defective youth between the ages of five and twenty-one years; and he shall, on or before the fifteenth day of July, make to the county superintendent a full and complete report of all children enumerated, together with a complete statistical report of the affairs of his district, which report shall be verified by affidavit. Said report shall be made upon blanks to be furnished by the superintendent of public instruction, and shall contain such items of information as said superintendent shall require, including the following: The names of all persons, male and female, between the ages of five and twenty-one years, residing in the district on the first day of June last past, together with the number of weeks each has attended school during the last school year; the names and residences of the parents or guardians of all such children; the number of schools or departments taught during the year, and the branches taught; the number of children, male and female, enrolled in school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; the text-books used, and the number of volumes, if any, in the school district library; the aggregate amount paid teachers during the year; the number of school houses in the district, and the value of them; the aggregate value of all school furniture and apparatus belonging to the district; the amount raised by special tax during the year for the support of schools, and for buildings, sites and furniture; the amount raised by subscription, or by other means than taxation; the amount of bonded indebtedness of the district, and the rate of interest paid; the amount of all other indebtedness, and such other items as the superintendent of public instruction may deem of importance, and as may be provided for in the

Indian and Mongolian children not to be included in census.

Report to be verified.

Must enumerate all persons between the ages of 5 and 21 years.

Number of teachers and compensation.

Amount paid teachers, etc.

Amount of bonded and other indebtedness.

blanks furnished for said report, and the clerk shall keep on file a duplicate copy of said report.

Fourth: To keep an accurate account of all expenses incurred by him in his district in keeping the school house in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred by him on account of the school, which accounts must be audited by the board of directors and paid out of the district school fund. To care for buildings.

Fifth: To give the required notice of all annual or special elections; also, to give notice of the regular and special meetings of the board of directors as herein authorized. To give notice of meetings.

Sixth: To report to the county superintendent at the beginning of each term of school the name of the teacher and the proposed length of the term, and to supply the teacher with the school register furnished by the superintendent of public instruction. To report contracts of teachers.

Seventh: To issue and countersign all warrants ordered to be issued by the board of directors. To issue warrants.

Eighth: To report to the superior judge, before the first day of December of each year, the name and residence of every child that failed to attend school as required by law, and shall submit, at their next regular meeting, a duplicate of said report to the school board of his district. To report to the superior judge.

SEC. 50. The district clerk shall receive three dollars per day for the time actually and necessarily spent in taking the census and making his report, and he shall receive such other reasonable compensation for other services as the directors shall allow, said accounts to be audited and paid by the directors out of the funds of the district: *Provided*, That no account for services rendered by any district clerk shall be audited or allowed by any board of directors, or any warrant issued for the payment of any such accounts, until he shall have filed with the board of directors a certificate of the county superintendent of his county that all reports required by law have been properly made; and it shall be the duty of the county superintendent to make out and transmit to the clerks of such districts as have made all reports as required by law, on or before the last Satur- Compensation. Certificate that reports have been made.

day of the months of January, April, July and October of each year, the certificates required by this section.

CHAPTER 8.—TEACHERS.

Who are qualified teachers.

SEC. 51. No person shall be accounted as a qualified teacher, within the meaning of the school law, who has not first received a certificate issued by the superintendent of public instruction, or who has not a state certificate or life diploma from the state board of education, or who has not a temporary certificate or a special certificate granted by the county superintendent according to law: *Provided*, That nothing in this section shall be construed as invalidating any certificate in force at the time of its passage, but the same shall remain in force for the period for which each was issued.

Report of contract to teach.

SEC. 52. Every teacher employed in any common school shall make a report to the county superintendent at the time of the contract to teach such school, showing the number of the district in which he is to teach, the grade of his certificate, date it expires, and the proposed length of term, and at the close of any school to report to the county superintendent on the blanks prescribed by the superintendent of public instruction. Every teacher who shall be teaching at the close of the school year, or who shall teach the last term of any school year, in any school district, shall make a report to the county superintendent immediately upon the close of such school year or term, for the entire time taught in said school district since the beginning of the school year. Copies of all reports made by teachers shall be furnished to the clerk of the district, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service until the reports herein required shall have been made and received: *Provided*, That in all schools acting under the direction of a city superintendent the report of such superintendent shall be accepted by the county superintendent and the directors in lieu of the teacher's report, and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teacher's report.

Report at close of school term or year.

City superintendent or principal may report.

SEC. 53. Every teacher shall keep a school register in the manner provided for, and no board of directors shall draw any warrant for the salary of any teacher for the last month of his service in the school at the end of any term or year until they shall have received a certificate from the district clerk that the said register has been properly kept, the summaries made and the statistics entered, or until, by personal examination, they shall have satisfied themselves that it has been done.

Must keep register.

Final report.

SEC. 54. Teachers shall faithfully enforce in the schools the course of study and regulations prescribed.

SEC. 55. No teacher shall be employed except by written order of a majority of directors, at a regular or special meeting thereof, nor unless the holder of a legal teacher's certificate in full force and effect for the full period covered by said contract.

Written record of employment.

SEC. 56. No teacher shall be required to teach school on Saturdays or any legal holiday, and no deduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

Legal holidays.

SEC. 57. Every teacher shall have power to hold every pupil to a strict accountability in school for any disorderly conduct on the way to and from school, or on the grounds of the school, or during the intermission or recess; to suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported to the directors as soon as practicable for their decision.

May suspend pupils.

SEC. 58. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship.

Teach morality and patriotism.

CHAPTER 9.—COUNTY TREASURER.

SEC. 59. The county treasurers of the several counties of this state shall be *ex-officio* treasurers of the several

Treasurers of school districts:

school districts of their respective counties, and it shall be the duty of each county treasurer—

To receive and pay out school funds.

First: To receive and hold all moneys belonging to such school districts, and to pay them out upon warrants or orders of the boards of directors of the districts to which they belong.

To certify funds subject to apportionment.

Second: To certify to the county superintendent of common schools of his county, July first of each year, and quarterly thereafter, the amount of all school moneys in his possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

To make annual report.

Third: To make annually, on or before the fifteenth day of July, a report to the county superintendent of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30, last past, and the sources from which said funds were derived; the amount of funds disbursed upon orders or warrants of each school district during the year, and for what purpose they were paid out; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants of school district officers, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year.

To register warrants.

Fourth: He shall keep a register of all school district warrants presented to him for payment, which register shall show the number of the warrant, the date of issue and the date on which it was registered, the amount, and the purpose for which it was issued, to whom issued and to whom paid, and the amount of interest, if any, accruing on said warrant before payment. Whenever any school district warrant shall be presented to the county treasurer for payment, if properly signed, he shall pay the same out of the proper fund of the district upon which it is issued, if there be funds in his possession for that purpose; but if there be no funds in his possession for that purpose he shall endorse upon the back of said warrant the words,

“Presented and not paid for want of funds,” together with the date of said endorsement, and thereafter said warrant shall draw interest at the same rate as county warrants until there shall be sufficient funds for its payment; and it is hereby made the duty of the county treasurer to advertise, quarterly, all warrants which he is prepared to pay, in the same way in which he is required to advertise county warrants, and after the date fixed in said notice said warrants shall cease to draw interest.

Endorsement
on warrants.

Advertise call
of warrants.

CHAPTER 10.—GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 60. When any school officer is superseded, by election or otherwise, he shall immediately deliver to his successor in office all books, papers and moneys pertaining to his office.

Shall turn over
property.

SEC. 61. Every person elected or appointed to any office mentioned in this act shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States and the State of Washington, and to promote the interest of education, and to faithfully discharge the duties of his office according to the best of his ability. In case any officer has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officers are hereby authorized to administer all oaths or affirmations appertaining to their respective offices without charge or fee. All oaths of office as herein provided shall, when properly made, be filed with the county superintendent of schools.

Take oath
of office.

May admin-
ister oaths.

SEC. 62. Every school district director or clerk shall, on assuming the duties of his office, place his signature, certified to by some school district officer, on file in the office of county treasurer; and it shall be unlawful for any county treasurer to pay or register any school district warrant if the signatures are not on file in his office or do not correspond to the certified signatures therein filed.

Shall file
signature.

SEC. 63. Nothing in this act shall be so construed as to invalidate the authority of any school officer appointed or elected under provisions of law and holding office at the time of the passage of this act, nor of any contract in full force and effect at the time of the passage of this act.

Authority
of officers
validated.

TITLE III.—THE COMMON SCHOOL SYSTEM.

CHAPTER 1.—DISTRICT SCHOOLS.

Common
schools
defined.

SEC. 64. Common schools shall include all district grades, and high schools that are maintained at public expense in each school district and under the control of boards of directors. Every common school, not otherwise provided for by law, shall be open to the admission of all children between the ages of six and twenty-one years residing in that school district.

Subjects to
be taught.

SEC. 65. All common schools shall be taught in the English language, and instruction shall be given in the following branches, viz.: Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States, and such other studies as may be prescribed by the state board of education. Attention must be given during the entire course to the cultivation of manners, to the laws of health, physical exercise, ventilation and temperature of the school room, and not less than ten minutes each week must be devoted to the systematic teaching of kindness to not only our domestic animals, but to all living creatures.

School day.

SEC. 66. The school day shall be six hours in length, exclusive of an intermission at noon, but any board of directors may fix as the school day a less number of hours than six: *Provided*, That it be not less than four hours for primary schools under their charge, and any teacher may dismiss any or all pupils under eight years of age after an attendance of four hours, exclusive of any intermission at noon. The school month shall be construed to be twenty school days, or four weeks of five days each.

School month.

School year.

SEC. 67. The school year shall begin on the first day of July and end with the last day of June.

Contagious
diseases.

SEC. 68. No teacher, pupil or janitor shall be permitted to attend school from any house in which smallpox, varioloid, scarlet fever, diphtheria or any other contagious or infectious diseases are prevalent. No teacher, pupil or janitor shall be permitted to return to school from any house where the above mentioned diseases, or any form of

them, have prevailed, until three weeks shall have elapsed from the beginning of convalescence of the patient, or upon the certificate of a registered physician in good standing that there is no danger of contagion. In case of whooping cough, chicken pox and measles, certified by a physician to be not of a malignant character, this rule shall not apply to teachers, pupils or janitors who have had these diseases and have entirely recovered from them.

SEC. 69. All pupils who may attend the common schools shall comply with the regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools. Continued and willful disobedience or open defiance of authority of the teacher shall constitute good cause for expulsion from school.

Pupils shall comply with regulations.

SEC. 70. All school districts in this state shall maintain school during at least three months each year. All graded school districts in incorporated cities and towns shall maintain school during at least six months each year.

Minimum length of school term.

SEC. 71. All parents, guardians and other persons in this state having or who may hereafter have immediate custody of any child or children between the ages of eight and fifteen years, shall send the same to school at least three months in each year.

Compulsory attendance.

CHAPTER 2.—GRADED AND HIGH SCHOOLS.

SEC. 72. Each incorporated city or town in the state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town district a reasonable distance beyond the limits of such city or town: *And provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except in cases of the incorporation of cities or towns lying partly in two or more school districts organized prior to the incorporation of such city or town, or of the extension of the boundaries of cities or towns beyond the limits of

Limits of districts.

the school districts in which they are situated, or in cases where two or more cities or towns unite, as provided by law: *And provided further*, That no portion of any district which has issued bonds, shall be transferred or united to any other district until all such bonds have been redeemed and canceled.

Bonded territory cannot be transferred.

Shall employ a principal.

SEC. 73. In all such city or town districts where the number of children of school age is sufficient to require the employment of more than one teacher, the board of directors shall designate one of such teachers as principal, and such principal shall have general supervision over the several departments of his school. The school or schools in such city or town districts shall be graded in such a manner as the directors thereof shall deem best suited to the wants and conditions of such districts: *Provided*, That the course of study established for such districts shall not be inconsistent with the laws of this state.

Course of study.

Shall employ a city superintendent.

SEC. 74. The directors of such city or town districts wherein schools are maintained in two or more buildings shall elect one city or town superintendent, who may be a teacher in the schools of such district, and such city or town school superintendent shall have general supervision over the schools of his district, subject to the concurrence of the board of directors; and it shall be the duty of the principal or city school superintendent to report to the superintendent of public instruction such facts relative to the grading, course of study, enrollment, attendance and other matters pertaining to such schools as he may require, on blanks furnished for that purpose.

Report of city superintendent.

CHAPTER 3.—CITIES OF TEN THOUSAND INHABITANTS, AND OVER.

Title of city district.

SEC. 75. Whenever any incorporated city in this state shall have a population of ten thousand or more inhabitants, as shown by any regular or special census, together with any adjacent or contiguous territory that now is or may be hereafter attached to said city for school purposes, it shall constitute one school district and be known by the name "..... (name of city) school district No.," in .. county, State of Washington, and the board of directors thereof shall constitute a body corporate and

possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real estate, and enter into such obligations as are authorized by law; and the title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city shall, upon the organization of a district under the provisions of this act, vest immediately in the new district, and the board of directors by this act provided, shall have exclusive control of the same for all the purposes herein contemplated.

A body corporate.

SEC. 76. The said board of directors shall consist of five members, who shall be elected by ballot by the qualified electors of the district, and shall hold their offices for a term of three years, and until their successors are elected and qualified: *Provided*, That the members of the board of directors in any city to which the provisions of this act apply, shall serve out the time for which they were elected: *Provided further*, That at the first election of members subsequent to the passage of this act, it shall be so arranged by the members-elect drawing lots, that the term of two members shall expire in one year, the term of two members shall expire in two years, and the term of one member shall expire in three years after the said first election.

Board of five members.

Terms of members.

SEC. 77. The regular district election shall be held annually in each district contemplated by this chapter on the first Saturday of November. The board of directors shall cause written or printed notices to be posted, specifying the day and the places of such election, and the time during which the ballot box shall be kept open; not less, however, than six (6) hours. Said notices shall be posted in at least one place in each ward in the district at least twenty (20) days previous to the time of election. Said notices shall also be published for the same length of time in two daily papers published in the district, and if there be no daily or dailies, then in the weekly paper or papers in three (3) regular issues next preceding the day of such election. If the board of directors fail to give notice at such time, as herein provided, then any five (5) legal voters residing in the district may give such notice over their own

Annual election.

Notices posted 20 days.

names, and such election may be held after the day fixed by this act for such election. All elections shall be by ballot, and in the absence of any notice specifying the hour, the ballot box shall be open at 1 o'clock P. M. and be closed at 8 P. M.

Hours polls shall be open.

One voting place in each ward.

SEC. 78. The board of directors shall, at a regular meeting, provide one voting place in each ward of the city, and appoint judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of this state applicable thereto not otherwise provided for: *Provided*, That only those persons, male and female, who have complied with the laws governing registration in cities of the class for which this chapter provides, shall be permitted to vote, and that no person shall be permitted to vote at said election except in the ward in which he or she resides. There shall be provided by the board of directors registration books for each ward, in which the secretary of the board shall register separately the names of males and females who apply for registration and are legally qualified as otherwise provided by law. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy.

Registration of voters.

Officers of election.

Directors to canvass and announce returns.

SEC. 79. The board of directors shall, upon closing the polls, receive the returns at the time and the place it shall direct, and shall, within five (5) days from said election, meet as a canvassing board, and in the presence of any duly qualified justice of the peace in and for said county, canvass the returns and ascertain the result. The result of said election shall be certified by the board of directors to the county school superintendent, who shall preserve said certificate, entering upon his records the receipt of said certificate and the names of the person or persons elected as members of such board of directors for said district, together with the terms for which elected.

County superintendent to record certificate.

Directors shall take oath.

SEC. 80. All persons elected as members of the board of directors shall, within ten (10) days thereafter, appear before an officer authorized to administer oaths, take and subscribe the usual oath of office, and deliver the same to the county superintendent of schools. In case any person

elected shall fail so to do, his election shall be void, and the vacancy occasioned thereby shall be filled by the board as hereinafter provided. The term of office of persons so selected shall begin on the first Saturday of the month following their election, when the members of the board of directors shall elect a president and a vice president from among their number, who shall serve for a term of one year or until their successors are elected and qualified. They shall elect annually a secretary, at such salary as they, the board, may deem just. Said secretary shall not be a member of the board of directors, and may be removed by the board at any time.

Term of office.

Election of secretary.

SEC. 81. The election of the officers of the board of directors, the city superintendent, the secretary, teachers and janitors shall be by *viva voce* vote upon a call of the roll of all the members, and no person shall be declared elected unless he receives a majority vote of all the members of the board.

Elections by viva voce vote.

SEC. 82. It shall be the duty of the president to preside at all meetings of the board, and to perform such other duties as the board may prescribe.

Duty of president.

SEC. 83. It shall be the duty of the vice president to perform all the duties of president in case of his absence or disability.

Duty of vice president.

SEC. 84. It shall be the duty of the secretary to be present at all the meetings of the board, to keep an accurate journal of the proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the county treasurer by order of the board; he may be authorized by the board of directors to purchase needed supplies for the schools, and shall also act as superintendent of buildings, and shall be charged with the special care of the school buildings of the district; he shall also perform such other duties as the board may direct.

Duty of secretary.

SEC. 85. Before entering upon the discharge of his duties, the secretary of the board shall give bonds in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars (\$5,000), with good and sufficient sureties, and shall take and subscribe an

Shall give bond.

Shall superintend buildings.

oath or affirmation, before a proper officer, that he will support the constitution of Washington, and faithfully perform the duties of his office. He shall, from time to time, as he may be required by the board, make a complete and detailed record of his transactions as purchasing agent of the board and as superintendent of buildings, which shall be combined with his annual report, to be published in the manner determined by the board.

Meetings of the board.

SEC. 86. The regular meetings of the board of directors shall be held monthly at such a time as the by-laws of the board may prescribe, but special meetings may be held from time to time as circumstances may demand, at the call of the president or on petition of a majority of the members of the board, and all meetings shall be open to the public unless otherwise specially ordered.

Office of the board.

SEC. 87. The board of directors shall maintain an office where all regular meetings shall be held, and all records, vouchers and other important papers belonging to the board may be preserved, and at all times ready for inspection of resident taxpayers.

County treasurer shall be treasurer of district.

SEC. 88. The county treasurer shall be the *ex officio* treasurer of the board of directors; he shall prepare and submit to the secretary, in writing, on the first day of January, April, July and October of each year, a report of the state [of the] finances, and shall pay school moneys placed to the credit of the district only upon warrants signed by the president or by a majority of the board of directors and countersigned by the secretary.

Vacancies in the board.

SEC. 89. The board of directors shall have the power to fill, by election, any vacancy which may occur in its body, but the election to fill such vacancy shall be valid only until the next regular district election, and the ballots and returns shall be designated as follows: "To fill unexpired term."

Quorum.

SEC. 90. A majority of all members of the board of directors shall constitute a quorum, but a less number in attendance at any regular meeting shall have, and a quorum at any special meeting may have, power to compel the attendance of absent members, in such manner and under such penalties as the board may see fit to prescribe; and

the absence of any member from four consecutive regular meetings of the board, unless on account of sickness or by resolution of the board, shall vacate his position in the board, which fact shall be passed upon by the board of directors and spread upon their records. Forfeiture of office.

SEC. 91. All accounts shall be audited by a committee, to be styled the "auditing committee," and no expenditure greater than two hundred dollars (\$200) shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board; and the accounts and the records of said board shall at all times be subject to the inspection and examination of the county superintendent of said county, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the board of county commissioners of said county the nature and state of said accounts, and any facts that may be required concerning said records. Auditing committee.

SEC. 92. Every board of directors shall have the power, and it shall be their duty — Powers and duties:

First: To employ a city superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation. To employ a superintendent.

Second: To enforce the rules and general regulations of the superintendent of public instruction, and the state board of education; to prescribe the course of study, the exercises, and the kind of text-books to be used in addition to the text-books prescribed by the state board of education for the use of the common schools of this state: *Provided,* That after the adoption of any text-book, it shall not be changed in less than five (5) years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped. To enforce rules and adopt text-books.

Third: To provide for school furniture and for everything needed in the school houses. To provide supplies.

Fourth: To make necessary by-laws for more effectively carrying out the provisions of this act, and for facilitating the work of the board, as required by law. To enact by-laws.

Fifth: To adopt and enforce such rules and regulations

To establish grades and departments.

as may be deemed essential to the well being of the schools, and to establish and maintain such grades and departments, including night, high, kindergarten, manual training and industrial schools as shall, in the judgment of the board, best promote the interests of education in that district.

To suspend pupils.

Sixth: To suspend and expel pupils from school who refuse to obey the rules thereof.

To employ teachers, and fix time of opening and closing of schools.

Seventh: To employ, and, for cause, to dismiss, teachers, janitors or other employés; to determine the length of time over and above eight (8) months that school shall be maintained; to fix the time for the annual opening and closing of schools, and for the daily dismissal of primary pupils before the regular time for closing schools.

To provide books.

Eighth: To provide free text-books and supplies for all children attending school, when so ordered by a vote of the electors; or if free text-books are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

To require vaccination.

Ninth: To require successful vaccination as a condition of school membership and to provide free vaccination to all who are unable to pay for the same.

To make an annual report.

Tenth: To make, as soon as possible after the close of the school year, an annual printed report to the taxpayers of the district, showing in detail the receipts and disbursements of the school funds.

Census.

SEC. 93. The board of directors shall annually cause to be taken an enumeration of all persons between the ages of five and twenty-one years residing in the district, and shall report the same, together with such information as required by the general school laws of Washington, to the county superintendent of schools, at the time and in the manner specified by law for like returns in other districts. The census shall be taken by the secretary and such enumerators as he shall select, subject to the approval of the board or its proper committee. The enumerators shall receive such compensation as the board may deem just. Each enumerator shall verify by oath the correctness of his report in the same manner as by law required of the district clerk.

Compensation of enumerators.

Oath of.

SEC. 94. It shall be unlawful for any member of the board of directors, or any of its officers, to have any pecuniary interest, either directly or indirectly, in any contract for the erection of school houses, or for warming, ventilating, furnishing or repairing the same, or in the furnishing of supplies for the maintenance of the schools, or to receive or to accept any compensation for services performed in discharging the duties of his office.

Directors shall have no pecuniary interest in contracts.

SEC. 95. No school property of any kind shall be sold by the board of directors without the consent of the district being first obtained, except it be personal property, the value of which shall not exceed five hundred dollars (\$500).

Sale of school property.

SEC. 96. In all districts contemplated by this chapter, when, in the opinion of the board, the cost of any lot of furniture, stationery, apparatus, fuel, building or improvements, or repairs to the same, will equal or exceed the sum of two hundred dollars (\$200), it shall be the duty of the board to give due notice by publication in at least one daily newspaper published within said city, and if there be no daily, then in one or more weekly papers in three (3) regular consecutive issues, of the intention to receive bids for such lots of furniture, stationery, fuel and other supplies, or for said improvements and repairs. The board shall determine the specifications for such bids, which shall be public.

Purchase of supplies in the sum of \$200 by advertisement.

SEC. 97. The board of directors shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate of the amount of funds in addition to estimated receipts from the state tax required for the support of the schools, for the purchase of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said additional amount the same as other taxes: *Provided*, That in case the purchase of school sites and the erection of buildings shall require an expenditure exceeding twenty-

Board shall estimate funds required.

County commissioners shall levy tax.

Expenditure of \$25,000 requires a vote of electors.

five thousand dollars (\$25,000) for any one calendar year, the question shall be submitted to a vote of the electors of the district, at the time and places the board of directors may appoint; the board of directors shall, previous to such election, designate in at least one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such an election shall be held, the locality of the site or sites required, and the proposed cost of the buildings to be erected thereon.

Limit of tax levy.

SEC. 98. The aggregate tax for school purposes in cities of ten thousand or more inhabitants shall in no one year exceed one per cent. upon all the taxable property of the district.

CHAPTER 4.—COUNTY INSTITUTES.

Institute must be held, when.

SEC. 99. Whenever the number of school districts in any county is twenty-five or more, the county superintendent must hold a teachers' institute each year, and every teacher holding a valid certificate employed in a common school in the county must attend such institute during its whole time.

May be held.

SEC. 100. In any county where there are less than twenty-five school districts, the county superintendent may, in his discretion, hold an institute.

Length of session.

SEC. 101. Each session of the institute must continue not less than three days.

Compensation of teachers continues.

SEC. 102. When the institute is held during the time when the teachers are employed in teaching, their pay shall not be diminished by reason of their attendance when certified to by the county superintendent.

Examination fees paid into the institute fund.

SEC. 103. All examination fees shall be paid by the county superintendent to the county treasurer, who shall place it to the credit of an institute fund hereby created.

Expenses paid by county commissioners.

SEC. 104. The county superintendent must keep an accurate account of the actual expenses of the institute, with vouchers for the same, and present the bill to the county commissioners, who shall allow the same: *Provided*, That such amount shall not exceed in any year the sum of two hundred dollars in excess of the amount received as examination fees.

CHAPTER 5.—TEXT BOOKS.

ARTICLE I.—ADOPTION OF BOOKS.

SEC. 105. A general and uniform system of text-books for the use of the common schools, including graded schools, throughout the state shall be adopted or re-adopted by the state board of education in the following manner: On or before the first day of May in the year nineteen hundred the superintendent of public instruction shall advertise for at least four weeks, in such papers or periodicals of general circulation as he may determine, that the board of education will receive sealed proposals for the supply of text-books to the people of the state. Said advertisement shall state the day and hour upon which said proposals shall cease to be received. It shall also name all the kinds of books for the supply of which proposals are invited, and shall prescribe that the proposals so advertised for shall state the price at which the books offered shall be exchanged for the books in use at the time of making such proposals, the wholesale price which shall be maintained in the state, and also the uniform retail price which shall be maintained in every incorporated town and city in the state during the time in which the books shall continue in use; or the price to the state in the case of state purchase and supply of free text-books. Said proposals shall be marked "Sealed proposals to furnish text-books for the State of Washington," and shall be addressed to the superintendent of public instruction, and shall not be opened before the hour advertised, nor in the presence of less than three members of the board. Immediately upon the opening of the bids they shall be read in open board, and adoption of books and awards of contracts shall be made within ten days following. No books shall be adopted without a majority vote of the whole board: *Provided*, They can secure an exchange of books at any time in use for those of the same grade, or an exchange of those of a lower grade for those of the next higher grade, without a greater average cost to the people than one-fifth of the contract retail price of the books in use in 1890-91; and the state board of education shall have power to enter into contract with the publishers for the supply

Uniform system throughout the state.

State superintendent shall advertise for bids.

Proposals to furnish books.

Exchange rates.

Adoption for
five years.

Rejection of
proposals.

Readver-
tisement.

Limit of price.

Publishers
shall maintain
contract prices.

of the same, to take effect on the first day of September following, and the books so adopted shall not be changed within five years thereafter, unless the publishers of such adopted book shall fail to comply with the terms of the contracts. The adoption herein provided for shall occur every five years at the time of the year and in the manner herein provided, unless otherwise ordered by the legislature: *Provided*, That the board shall have power to reject any and all proposals or parts of proposals, and, in case of such rejection, they shall at once notify the principal office or any agent of any bidder that such rejection has been ordered, and that proposals will again be received for furnishing such books as may not have been adopted, according to the terms of the former advertisement, and such notice shall state the day and hour upon which such new proposals shall cease to be received, and such date shall not be less than ten days nor more than fifteen days after the day on which the former proposals were rejected. On the day named in such notice the board shall meet, and, at the hour named, shall open, read and consider the proposals in the manner hereinbefore provided, and they may continue to reject proposals and invite new bids in the manner herein provided for such subsequent proposals until satisfactory proposals shall have been received: *Provided*, That no proposal shall be accepted in which the retail price offered is greater than sixty-six and two-thirds per centum of the retail price of books similar in grade, quality of material, illustrations and general workmanship which were furnished under the contracts of eighteen hundred ninety and eighteen hundred ninety-one. The publishers awarded the contracts by the board shall guarantee all the terms of the proposal on which it is made by a bond with two or more sufficient sureties for faithful performance, which sureties shall be residents of this state; the said bond to cover such period as the books may remain in use, and to be approved by the board and the attorney general. Said publishers shall also guarantee in the same bond that in case they reduce the retail price in this state of any book furnished by them, they will also make a proportionate reduction of the con-

tract wholesale price to all dealers at all points where such reduction is made in the retail price: *Provided*, That whenever any book or set of books compiled and published by or under authority of the state shall be ready for distribution, the contract, as provided by this section, shall, as far as that book or set of books is concerned, be abrogated, and this proviso shall be construed to be sufficient notice to contractors.

State publication of text-books.

ARTICLE II.—FREE TEXT-BOOKS.

SEC. 106. At the annual meeting for the election of school district officers next subsequent to the passage of this act there shall be submitted to the qualified electors of each school district the question of providing free text-books and supplies for the use of all pupils attending the common schools of the district, and for levying a tax sufficient to meet the expense thereof. The vote shall be taken by ballot, and the ballot of those favoring the question shall have thereon the words, "Furnishing free text-books and supplies, Yes," and the ballot of those opposed shall have the words, "Furnishing free text-books and supplies, No."

Vote on free text-books June, 1897.

SEC. 107. The board of directors may, and upon the presentation of a petition signed by five patrons of the school, it shall be their duty to call a special election for the purpose of submitting to the qualified electors of the district the question of furnishing free text-books and supplies as provided in this article: *Provided*, That in cities of ten thousand or more inhabitants the number of said petitioners shall not be less than five hundred.

Special vote may be called upon petition of five patrons.

SEC. 108. Should a majority of the votes mentioned in this act be in favor of furnishing free text-books and supplies, it shall be the duty of the board of directors to procure the same according to such vote and in sufficient quantities, and to adopt such rules and regulations as may be necessary for their use and care, as well as to furnish suitable cases and shelves for their safe keeping.

Of five hundred patrons.

Board shall furnish free text-books when so ordered.

CHAPTER 6.—SCHOOL REVENUES.

SEC. 109. The principal of the common school fund shall remain irreducible and permanent. The said fund shall be

Source of school funds.

derived from the following sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or common schools; the proceeds of land or other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain; funds accumulated in the treasury of the state for the disbursements of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the union, as approved by section fifteen (15) of the act of congress enabling the admission of the state into the union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be granted to the state for the support of the common schools, and such other funds as may be provided by legislative enactment.

Exclusively for
current use.

SEC. 110. The interest accruing on said fund, together with rentals and other revenues derived from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence. All losses to the permanent common school fund which shall be occasioned by defalcation, mismanagement or fraud of the agent or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid.

Schools free
from sec-
tarian control.

Loss of funds.

Annual
state tax.

SEC. 111. In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the state board of equalization, annually, at the time of levying tax for state purposes, to levy a tax that

shall be sufficient to produce a sum which, when added to the estimated amount of money to be derived from the interest on the state permanent school fund for the current fiscal year, shall equal six dollars for each child of school age residing in the state as shown by the last report of the several county superintendents to the superintendent of public instruction: *Provided*, That said tax shall not exceed four mills on the dollar. Said tax levy shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and transmitted to the state treasurer at the same time and in the same manner as other state taxes are required to be collected and transmitted; and it shall be the duty of the state auditor, within thirty days after the date at which county treasurers are required to transmit state funds to the state treasurer, to certify to the superintendent of public instruction the amount of all state annual school funds in the hands of the state treasurer subject to apportionment.

Limit of tax.

Certificate to the superintendent of public instruction.

SEC. 112. The board of directors, when in their judgment it is necessary, for the purpose of furnishing additional school facilities for their district, or for the payment of teachers' wages, or for the building of one or more school houses, or for the repairing of one or more school houses, or for the building of additions thereto, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances or apparatus for teaching, or for any or all of these purposes, may levy a special tax on the taxable property of the district, not to exceed ten mills on the dollar: *Provided*, That no tax exceeding five mills on the dollar shall be levied until such levy shall have been ordered by a majority vote of the legal electors of the district, at a special election called for that purpose. Such election shall be called and conducted in the manner provided for calling and conducting annual school elections. At such elections the ballots shall contain the words "Tax, yes," or "Tax, no." The officers of the election shall certify the result of the election to the clerk of the district, who shall file said certificate as a part of his records. Whenever a special tax is ordered to be levied, the clerk

Five mills levy by the directors.

Voters may levy ten mills.

Clerk shall file certificate of levy by September 1st.

of the district shall, on or before the first day of September of the year in which such special tax is ordered to be levied, make to the county auditor a certified statement of the number of mills of such special tax which has been ordered to be levied in such district. The county auditor shall extend the same against all the taxable property within such district, upon the general assessment roll of the county, showing the amount and kind of property so assessed, and to certify the same to the county treasurer.

County treasurer to collect taxes.

The county treasurer shall proceed to collect the tax in the same manner and at the same time and with the same power and authority to enforce payment of the same, as in the case of county and state taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs.

Fines, penalties and forfeitures.

SEC. 113. Except as otherwise provided by law, all sums of money derived from fines imposed for violations of orders of injunction, *mandamus* and other like writs, or for contempt of court, and the clear proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid over in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the general school fund. He shall indicate in such entry the source from which such money was derived.

Warrants paid, how.

SEC. 114. All school warrants shall be paid in the order of their presentation to the county treasurer, and shall draw interest from and after such presentation and registry: *Provided*, That no compound interest shall be paid directly or indirectly on any of said warrants.

School in new district.

SEC. 115. No new district formed by the subdivision of an old one shall be entitled to any share of public money belonging to the old district until a school has actually been taught one month in the new district, and unless within eight months from the order of the county superintendent granting such new district a school is opened, the

action making a new district shall be void, and all elections or appointments of directors or clerks made in consequence of such action, and all rights and office of parties so elected or appointed shall cease and determine, and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of such new districts, and shall be collected and paid into the school fund of the old district.

New district void.

SEC. 116. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district after payment of all outstanding debts at the time when the petition was granted establishing such new district, and the county superintendent shall divide such remaining moneys, and such as may for the current year afterward be apportioned to the old district, according to the number of school children resident in each district, for which purpose he shall order a census to be taken: *Provided*, That the new district shall be entitled to such proportion of any special tax levied and collected for the year in which the new district is created as the amount of such tax paid by that portion of the old district which is embraced in the new bears to such old district.

Division of funds.

Proportion of special tax.

CHAPTER 7.—BONDS.

SEC. 117. The board of directors of any school district in this state may borrow money and issue negotiable coupon bonds therefor to an amount not to exceed five (5) per cent. of the taxable property in such district, as shown by the last assessment roll for county and state purposes: *Provided*, That in incorporated cities the assessment shall be taken from the last assessment for city purposes, for the purpose of funding outstanding indebtedness, or bonds heretofore issued or issued under the provisions of this act, or for the purchase of school house site or sites, building one or more school houses and providing the same with all necessary furniture and apparatus, or for any or all of these purposes, when authorized by vote of the district so to do, as provided in section 118 of this act: *Provided* further, That the bonds so issued shall bear a rate of in-

Limit of bonded indebtedness.

Rate of interest.

terest not to exceed ten (10) per cent. per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds, but not to exceed twenty (20) years from the date of issue.

Bond election.

SEC. 118. The question whether bonds shall be issued, as provided in section 117 of this act, shall be determined at an election to be held in the manner prescribed by law for holding special school elections. Notices therefor shall state amount of bonds proposed to be issued, time they are to run, and purpose for which the money is to be used. The ballots must contain the words, "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of directors must issue such bonds: *Provided*, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district, not to be redeemed with the proceeds of said issue of bonds, exceeds one and one-half per cent. of the taxable property in said district, then three-fifths of the votes cast at such election must be "Bonds, yes," before the board of directors are authorized to issue said bonds. The bond shall be in such form as the board of directors may prescribe, and shall, with the coupons, be signed by the board of directors and countersigned by the clerk of the school district.

Notice of.

Form of ballots.

Three-fifths vote.

Directors shall certify to county treasurer.

Advertisement of sale.

Form of bonds.

SEC. 119. When authorized and empowered to issue bonds as provided in sections 117 and 118 of this act, the board of directors shall, within thirty days after the date of the election, certify the result to the county treasurer, who shall immediately publish notice of the sale of such bonds in at least one weekly newspaper published at the county seat, if there be one, for four consecutive issues, and publish such other notices as the board of directors may require. Said notices must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem; also naming the hour and day for considering bids, and asking bidders to name price and rates of interest at which they will purchase such bonds. Such bonds shall be issued in denominations of not less than one hundred nor more than one thousand dollars (\$1,000), and shall contain upon their face the date

of issue, the series of issue, rate of interest, where payable, time to run, option, if any, of districts to redeem, and the printed or lithographed statement that said bond is issued under the provisions of this act, and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer in a book to be kept for that purpose, which must show the number, and such data as is necessary to secure a complete record of such bond, series, and amount of each bond, the person to whom the same is issued, name of the district issuing, together with the names of directors signing the same; and the said bond shall be endorsed by the treasurer, with his name and a full statement of the name of the person to whom and when issued, together with the number and series of said bond.

Bonds registered by county treasurer.

SEC. 120. At the time named in said notice it shall be the duty of the said board of directors to meet with the county treasurer at his office, and with him open said bids and sell such bonds to the person or persons making the most advantageous offer: *Provided*, The bonds shall never be sold below par, and the board of directors may reject any and all bids, and within six months proceed to re-advertise the sale of such bonds. Upon the sale of bonds the board of directors shall, within ten (10) days, or as soon thereafter as practicable, deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer shall, upon payment of the price agreed upon, deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the special school fund of the said district. Fees for advertising shall be deducted from the proceeds.

Sale of bonds.

May reject bids and readvertise.

County treasurer to deliver bonds and receive proceeds.

Fees for advertising.

SEC. 121. The county commissioners must ascertain and levy annually the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter until full payment of said bonds is made, they may, if deemed advisable, levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payment of said bonds at maturity, to be de-

Bond interest levy.

Sinking fund levy.

Redemption
fund.

terminated by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property in said district, and must be collected in the same manner as taxes for other school purposes.

Bond interest
paid from
special levy.

SEC. 122. The county treasurer must pay out of any moneys belonging to the credit of the bond interest fund of the school district the interest upon any bonds issued under this act by such school district when the same becomes due, and at such place designated in such coupon, or upon the presentation at his office of the same, which must show the amount due and the number and series of the bond to which it belongs, and all coupons so paid must be immediately reported to the school directors.

Lithographed
bonds and
coupons.

SEC. 123. The school directors of any district must cause to be printed or lithographed at the lowest rates, suitable bonds with coupons attached, when the same become necessary, and pay therefor out of any moneys in the county treasury to the credit of the school district.

Refunding
of bonds.

SEC. 124. Whenever any school district in this state shall have heretofore, under any of the acts of the territorial or state legislature now in force, issued any bonds for the purchase of any school house site, or the building of any school house, or the furnishing of the same, and the amount of the said bonds so issued and negotiated shall not exceed the sum of five (5) per centum of the taxable property of the said school district, it shall be lawful for the said school district to issue and exchange its bonds at a rate of interest not greater than that borne by the original issue of bonds, par for par, without any further vote of the school district than that heretofore had or required by existing law at the time of their issue, and said bonds shall in all respects conform to and be governed by the other provisions of this act: *Provided*, That in cities of ten thousand population or more, whenever any bonds issued under the provisions of this act shall reach maturity and shall remain unpaid, the board of directors thereof shall have the power to fund the same by issuing coupon bonds conformable to the requirements of this act, and ex-

In cities of
10,000 or more
inhabitants.

changing the same, par for par, for the outstanding bonds as aforesaid, without any further vote of the school district:

Provided further, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from date of issue, and shall draw a rate of interest not to exceed six (6) per centum per annum. Denominations of bonds.

SEC. 125. Every holder of any of the bonds so issued as provided in this act shall, within ten (10) days after he shall become the owner or holder thereof, notify the county treasurer of the county in which such bonds are issued of his ownership, together with his full name and postoffice address, and the county treasurer of said county shall, in addition to the published notice herein provided for, deposit in the postoffice, properly stamped and addressed to each owner or holder of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds. Holders of bonds to notify county treasurer. Notice of bond redemption.

SEC. 126. That at any time after the issuance of such bonds, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law. Incidental costs.

SEC. 127. Whenever the amount of any sinking fund created under the provisions of this act shall equal the amount, principal and interest of any bond then due, or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing Notice of bond redemption.

such bonds is located, to publish a notice in the official newspaper of the county, if such a one there be, and if not, then in a newspaper of general circulation, that the said county treasurer will, within thirty (30) days from the date of such notice, redeem and pay any such bond then redeemable or payable, giving priority according to the date of issue numerically, and upon the presentation of any such bond or bonds the said treasurer shall pay the same; and in case that any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in said notice, or in the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bond and the interest accrued thereon up to the day mentioned in said notice.

Cancellation
of bonds.

When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully canceled, and write across the face of such bonds the words "redeemed," with the date of redemption, and shall deliver the same to the board of directors of such school district, taking the directors' receipt therefor.

CHAPTER 8.—VALIDATION OF DEBTS.

Electors may
validate in-
debtedness
of district.

SEC. 128. Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school purposes, when the same does not exceed five per centum of the value of the taxable property in such school district. The value of taxable property in such school district shall be ascertained as provided in article eight, section six, of the constitution of the State of Washington.

Resolution
of board to
validate.

SEC. 129. Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in section 128 of this chapter, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such

Three-fifths
vote.

election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district, when the only ground of the previous invalidity of such indebtedness so ratified and validated is that at the time of the attempted incurring thereof the same, together with all other then existing indebtedness of such school district, exceeded one and one-half per centum of the taxable property in such school district, as provided in article eight, section six, of the constitution of the State of Washington, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters of such school district voting at an election held for that purpose, as required by said constitution.

SEC. 130. At the time of the adoption of the resolution provided for in section 129 of this chapter the board of directors of such district shall determine the number and the location of the places at which polls shall be open to receive the votes of the voters in such district. Unless otherwise provided, the polls shall be open at one o'clock in the afternoon and close at four o'clock in the afternoon of the same day, but the board may determine on a longer time during which the polls may be kept open, not before one o'clock in the afternoon and not later than eight o'clock in the afternoon of the same day. Such board shall appoint two voters in such district where the election is to be held to act as judges of such election, and also one and not more than two persons to act as clerks at each voting place. Such clerks shall keep a list of the voters voting at such election, and tally the result under direction of the judges. The judges shall observe and cause to be observed at such election, as far as the same shall apply, the election laws of the state governing the election of school directors. Should any of the judges so appointed be absent at the opening of the polls, the voters of such district present shall appoint a voter to act in place of such absent judge. If the clerk or clerks of such election be absent at the

Location
of polls.

Time of
election.

Judges and
clerks of
election.

Oaths administered by whom.

opening of the polls the judges conducting such election shall appoint one and not exceeding two persons to act as clerks of such election. The judges and clerks of such election shall each take and subscribe an oath to faithfully perform the duties imposed upon them by law in conducting such election, and each of said judges shall have power to administer all oaths required by this section, each to the other, and to the clerks, and to all persons offering to vote, when challenges are interposed. The clerks or secretaries of such school district, or any officer authorized by law to administer oaths, may administer the oath required to be taken by such judges and clerks. If there is not sufficient number of voters present at the hour named for the opening of the polls to fill vacancies, occasioned by the absence of judges or clerks, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors are present. Elections hereunder shall be by ballot. The ballot must contain the words, "Validating and ratifying indebtedness, yes," or the words, "Validating and ratifying indebtedness, no." Ballots containing the words, "Validating and ratifying indebtedness, yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words, "Validating and ratifying indebtedness, no," shall be counted against validating and ratifying such indebtedness. As soon as the polls are closed at such election, the judges at each polling place shall count the votes, ascertain the result and certify the same and make return thereof, within two days after such election, to the board of directors of such district, by depositing the same, together with the ballots cast at such election, with the clerk or secretary of such board, and within five days after such election, or as soon as all the returns of such election are deposited as herein provided, the board of directors of such district shall meet and canvass and declare the result, and shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officers.

Form of ballots.

Certifying result of election.

Qualifications of voters.

Clerk to give notice of election.

SEC. 131. At the time of the adoption of the resolution provided in section 129 of this chapter, the board of di-

rectors shall direct the clerk or secretary of the board to give public notice of the time, places and purposes of such election. Such clerk or secretary shall thereupon cause written or printed notices to be posted in at least five places in such school district, at least twenty days before such election. Said notices shall also be published for the same length of time in a daily newspaper printed and published in such district, and if there be no such daily newspaper, then in a weekly newspaper, published in this state and of general circulation in the county where such school district is situated, in two regular issues of such weekly newspaper next preceding the day of such election. Said notices shall contain a copy of the resolution mentioned in section 129 of this chapter, the time of holding such election and location of polling places, a statement of the object of the election, and the form of the ballot adopted by the board to determine the question submitted to the voters.

Publication
of notice.

Notice to con-
tain, what.

SEC. 132. If the indebtedness of such school district is validated and ratified, as provided in section 129 of this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor to an amount not to exceed the unpaid indebtedness of such school district existing at the time of the adoption of the resolution mentioned in section 129 of this chapter, deducting from the amount of such unpaid indebtedness the amount of all indebtedness evidenced by negotiable coupon bonds then outstanding against and payable by such district. Bonds so issued shall bear a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, payable and redeemable at such time and place as designated in the bonds, but not exceeding twenty years from date of issue. The bonds and coupons shall be in such form as the board of directors shall prescribe, and payable at such place as may be designated therein. In all school districts, except in cities of ten thousand or more inhabitants, said bonds, with the coupons, must be signed by the board of directors and countersigned by the clerk of the school district. In school districts in cities of ten thousand or more inhabitants said

Board may
issue bonds.

Rate of
interest.

In cities of
10,000 or more
inhabitants.

bonds, with the coupons, must be signed in the corporate name of the district, by the president of the board of directors thereof, and attested by the secretary of the board.

Seal of district. The seal of said district, if such district has a seal, shall be affixed to each bond by the secretary thereof. The moneys arising from the sale of coupon bonds issued under this chapter shall be placed by the treasurer of the county in a special fund to the credit of such school district, and out of such fund shall be paid the indebtedness of such school district existing at the time of the adoption of the resolution mentioned in section 129 of this chapter, not evidenced by negotiable coupon bonds.

Indebtedness, how paid.

Amount of bonds to be issued.

SEC. 133. When authorized and empowered to issue bonds, as provided in section 132 of this chapter, the board of directors of such district shall, at a meeting of such board, determined by resolution the amount of bonds to be issued, not exceeding, however, the unpaid indebtedness of such district after deducting the bonded indebtedness existing at the time of the adoption of the resolution mentioned in section 129 of this chapter, and shall deliver a copy of said resolution to the county treasurer of the county in which such school district is situated, who shall immediately advertise for sale said bonds, and the law relating to other bonds shall govern, control and apply to bonds issued or sold under this chapter, except that bonds issued under this chapter shall not bear a greater rate of interest than six per cent. per annum, and they may be sold in such amounts or blocks as the board of directors may direct, and such board may also require all persons bidding for said bonds, except the State of Washington, to deposit one per cent. of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district, otherwise to be returned to such bidder, and a resale of such bonds so refused to be taken may be made as if the bid for the same had been rejected, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in section 132 of this chapter.

County treasurer shall advertise sale.

Interest not to exceed 6 per cent.

One per cent. deposit.

SEC. 134. If bonds issued under this chapter are not sold as herein provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in section 129 of this chapter, may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

Warrants
exchanged
for bonds.

SEC. 135. When the board of directors shall have canvassed and declared the result of the election as prescribed in section 130 of this chapter, it shall, if the same shall have been in favor of validating and ratifying the indebtedness, immediately cause to be sent to the county treasurer of the county in which such district is situated, notice of the result of the election, and all moneys then or thereafter in the hands of such treasurer belonging to such district, arising from the annual tax levy or from fines or other sources for the support and maintenance of common schools in such district, shall be applied only to the payment of interest on the bonded indebtedness and to the current expenses of such school district incurred after the adoption of the resolution mentioned in section 129 of this chapter, and shall not be used for, or applied to the payment of any indebtedness of such district existing before the adoption of said resolution, except interest on the bonded indebtedness. The annual expense of such district shall not thereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars. If the indebtedness of such school district, excluding the bonded indebtedness existing before the adoption of said resolution, is not extinguished by the exchange of warrants for bonds, or by the proceeds of the sale of bonds, as herein provided, then it shall be the duty of the board of directors, thirty days before the

County treasurer notified
of result
of election.

Money thereafter
applied
to current
expenses.

Limit of annual
expense.

County commissioners shall levy for remaining indebtedness three mills.

regular annual tax levy, to certify the amount of such indebtedness remaining unpaid to the board of county commissioners of the county in which such school district is situated, and said board of county commissioners, at the time of making the regular annual tax levy, shall annually levy a special tax on the taxable property of the district not to exceed three mills on the dollar on the valuation of such taxable property, which shall be collected as other taxes are collected, and the proceeds of such tax shall be a special fund for the payment of the indebtedness of such district, not included in bonds, existing at the time of the adoption of the resolution mentioned in section 129 of this chapter.

CHAPTER 9.—CERTIFICATION OF TEACHERS.

ARTICLE I.—CLASSIFICATION OF CERTIFICATES.

Validating certificates and contracts.

SEC. 136. Nothing in this act shall be construed to invalidate the life diplomas or the state or territorial certificates granted under the laws of the Territory of Washington or of the State of Washington, but the same shall continue in effect the same as life diplomas and state certificates granted under the provisions of this act, and all county certificates heretofore granted by any county board of examiners shall continue in full force and effect until the expiration thereof; and any contract made in good faith by any teacher, school officer, or other person, under the provisions of the territorial or state school laws, is hereby recognized as a valid contract, the same as if made under the provisions of this act.

SEC. 137. The teachers' certificates issued by authority of the State of Washington, and entitling the holder thereof to teach in the schools of the state shall consist of—

Life diplomas.

First: Life diplomas, valid during the life of the holder, and state certificates, valid for five years from the date of issue; said life diplomas and state certificates shall be issued by the superintendent of public instruction on the authority of the state board of education: *Provided,* That state certificates may, upon application and without examination, be renewed, or a life diploma be authorized in lieu thereof by the state board of education.

State certificates.

Second: First grade common school certificates, valid

for a period of five years from date of issue; second grade common school certificates, valid for two years from date of issue; third grade common school certificates, valid for one year from date of issue. Said first grade certificates, second grade certificates and third grade certificates shall be issued by the superintendent of public instruction, as provided by law. First, second and third grade certificates.

Third: Temporary certificates may be issued, as provided by law, by any county superintendent, entitling the holder thereof to teach in any common school of the county wherein the same is issued until the next regular examination of teachers; whereat, if the applicant take the examination for certification, the county superintendent may extend the same until it shall have been determined whether a certificate is to be issued to the applicant in accordance therewith. Temporary certificates.

Fourth: Special certificates may be issued without examination by the county superintendent to teachers of music, languages other than English, drawing and painting, manual training and penmanship, upon the application of any board of directors, which certificate shall entitle the holder thereof to teach the subject therein named in any school of the district under the control of said board of directors, until revoked for cause: *Provided,* That the county superintendent, before issuing the same, shall receive satisfactory evidence of the applicant's fitness to teach the subject named in the certificate. Special certificates.

ARTICLE II.—DIPLOMAS AND STATE CERTIFICATES.

SEC. 138. State certificates shall be granted to such applicants only as shall file with the board satisfactory evidence of having taught successfully twenty-seven months, at least nine of which shall have been in the public schools of this state. The applicant must pass a satisfactory examination in all the branches required for first grade common school certificates, also plane geometry, geology, botany, zoölogy, civil government, psychology, history of education, bookkeeping, composition and general history; or file with the board a certified copy of a diploma from some state normal school, or normal department of university of Washington, or of a state or territorial certificate from State certificates.

a state or territory, the requirements to obtain which shall not have been less than those required by this act. Life diplomas shall be granted to such applicants only as shall file with the board satisfactory evidence that they have taught successfully for ninety months, not less than fifteen of which shall have been in the public schools of this state. In other respects the requirements shall be the same as those for state certificates. The fee for state certificates shall be three dollars, and for life diplomas, five dollars. Said fees must be deposited with the application, and cannot be refunded to the applicant unless the application be withdrawn before it has been considered by the board. Said fees shall be paid into the state treasury.

Life diplomas.

Fees for certificates.

State certificates without examination.

SEC. 139. The state board shall also have power to grant state certificates without examination to all applicants who are graduates of a regular four year collegiate course of the university of Washington, the agricultural college and school of science, or of other reputable institutions of learning whose requirements of graduation are equal to the requirements of the university of Washington: *Provided*, That the applicant shall file with the board a certified copy of his diploma and a copy of the course of study for the year in which he graduated: *Provided further*, That the applicant shall pass a satisfactory examination before the state board of education in theory and practice of teaching, psychology and history of education, and shall file with the board satisfactory evidence of having taught successfully for twenty seven months, at least nine of which shall have been in the public schools of this state.

ARTICLE III.—COMMON SCHOOL CERTIFICATES.

County examinations.

SEC. 140. There shall be held at the county seat of each county on the second Thursday of the months of February, May, August and November of each year an examination of applicants for teachers' certificates, which examination shall be conducted by the county superintendent according to the rules and regulations of the state board of education: *Provided*, That in case of the sickness or disability of the superintendent he may appoint a suitable teacher or teachers to assist or to conduct the same, subject to the same laws, rules and regulations as himself,

Assistants.

and the county superintendent shall in reporting the examination to the superintendent of public instruction, as hereinafter provided, forward such appointment in writing.

SEC. 141. All applicants at the examination mentioned in the preceding section shall be at least seventeen years of age, and shall be examined, according to the rules and regulations of the state board of education, in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and constitution of the United States, school law and constitution of the State of Washington, and the theory and art of teaching; but no person shall receive a first grade certificate who does not pass a satisfactory examination in the additional branches of physics, English literature and algebra, and who does not present satisfactory written evidence of having taught successfully one school year of nine months.

Requirements for certificates.

SEC. 142. Each applicant before taking the examination for a certificate, or upon application for a renewal, shall pay to the county superintendent the sum of one dollar, and shall receive a receipt therefor. The fees so received by the superintendent shall in no case be returned to the applicant, but shall be paid to the county treasurer to the credit of the institute fund.

Examination fee paid into institute fund.

SEC. 143. The county superintendent shall, within three days of the close of said examination, forward to the superintendent of public instruction, in accordance with his directions, all the papers written at said examination and relating thereto, including a complete list of all applicants thereat, with their postoffice addresses, and also a receipt from the county treasurer for the fees collected at the examination as herein provided.

Papers forwarded to state superintendent.

SEC. 144. The holder of a first grade certificate who shall present to the superintendent of public instruction evidence of having taught successfully twenty-four school months during the time said certificate has been in force may have his certificate renewed without further examination, which renewal shall be endorsed thereon by the superintendent of public instruction, upon its presentation,

First grade certificate may be renewed.

for a like term of five years: *Provided*, That such renewed certificate shall lapse upon the failure of its holder to teach for a period of two consecutive school years.

Applicants
may pass
in part of
subjects.

SEC. 145. All applicants for certificates who shall attain the required percentage in eight of the designated subjects, but not in all, shall be credited for those subjects in which they shall have passed, and, upon passing the required percentages in the remaining subjects at the next subsequent examination, shall receive a certificate in accordance with the result of both examinations: *Provided*, That this shall not be construed as applying to those passing for a third grade certificate.

SEC. 146. Any teacher to whom a certificate has been granted by any county board of examiners in this state, or by lawful examiners in any other state or territory, the requirements to obtain which shall not have been less than the requirements to obtain a certificate in this state, or any teacher holding a diploma or certificate of graduation from any state or territorial normal school, or from the normal department of the university of the State of Washington, may present the same, or a certified copy thereof, to the county superintendent of any county in this state where said teacher desires to teach, and it shall be the duty of said county superintendent, upon such evidence of fitness to teach, to grant to said person a temporary certificate: *Provided*, That the provisions of this clause shall apply only to such teachers as were not residents of the county at the time of the last preceding examination, or were not able, by reason of sickness or other unavoidable cause, to attend said examination: *And provided further*, That the county superintendent may require of such a person a written statement of such facts, verified by affidavit.

County super-
intendents
may grant
temporary
certificates.

ARTICLE IV.—GENERAL PROVISIONS.

SEC. 147. All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to teach in any county of the state upon being registered by the county superintendent thereof, which fact shall be evidenced by him on the certificate in the words, "Registered for use in county," together with the

Registration
of certificates.

date of registry and his official signature: *Provided*, That a copy of the original certificate or diploma duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

SEC. 148. Any certificate named in this act may be re- Revocation.
voked by the authority entitled to grant the same upon the determination of sufficient cause, after the holder thereof shall have been given an opportunity of being heard.

CHAPTER 10.—ELECTIONS AND MEETINGS.

ARTICLE I.—GENERAL ELECTIONS.

SEC. 149. The election of district directors and clerks Annual election.
shall, except as otherwise provided by law, be held on the second Saturday in June of each year, at the district school house, if there be one, or if there be none, or if more than one, then at a place to be designated by the board of directors. Special school elections shall be called and con- Special elections.
ducted in the manner provided for calling and conducting annual elections.

SEC. 150. The district clerk must give at least ten days' Clerk must give ten days' notice.
notice of such school election, by posting or by causing to be posted written or printed notices thereof in at least three public places in the district, one of which must be the place of holding the election. Said notice must designate the place of holding the election, day of holding the election, hours between which the polls are to be kept open, names of offices for which persons are to be elected, and terms of office, with a statement of any other questions which the board of directors may desire to submit to the electors of said district. Notices must be signed by the district clerk "By order of the board of directors." Unless otherwise Polls must be open, when.
designated in the notice of election, the polls shall be open at one o'clock in the afternoon and close at four o'clock in the afternoon; but the board of directors may, previous to giving notice of election, determine on an hour before one o'clock, but not earlier than nine o'clock in the forenoon, for opening the polls, and for closing an hour after four o'clock, but not later than eight o'clock in the afternoon.

In no case shall the polls be open before the hour named in the notice, nor kept open after the hour fixed for closing the polls, but if there is not a sufficient number of electors present at the hour named for opening the polls to constitute a board of election, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors is present: *Provided*, That in cities and incorporated towns the polls shall open not later than one o'clock in the afternoon and close not earlier than eight o'clock in the afternoon.

In cities of 10,000 or more inhabitants.

Election board.

SEC. 151. At the hour fixed for opening the polls the electors present shall select two electors to act as judges of the election and one elector to act as clerk of the election, and the three selected shall constitute the election board; and no election shall be held unless an election board is so constituted and qualified. The judges and clerk aforesaid shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to discharge the duties as such officers of the election, said oath or affirmation to be administered by any school officer or other person authorized to administer oaths. The judges shall, before they commence receiving ballots, cause to be proclaimed aloud at the place of voting that the polls are now open.

Election officers must take oath.

Form of ballot.

SEC. 152. The voting shall be by ballot. The ballots shall be a paper ticket containing the names of the persons for whom the electors intend to vote, and designating the office to which such person so named is intended by him to be chosen. Whenever any person offers to vote, one of the judges shall pronounce his name in an audible voice, and if there be no objections to the qualifications of such person as an elector, he shall receive the ballot in the presence of the election board and deposit the same without being opened or examined in the ballot box, and the clerk shall immediately enter the name upon the list headed "Names of voters."

Votes received.

Qualifications of voters.

SEC. 153. Every person, male or female, over the age of twenty-one years, who shall have resided in the school district for thirty days immediately preceding any school election, and in the state one year, and is otherwise, except

as to sex, qualified to vote at any general election, shall be a legal voter at any school election, and no other person shall be allowed to vote: *Provided*, That in cities and towns and voting precincts in which the registration of voters is by law provided for, there shall be made a separate registry of female voters entitled to vote at school elections, and in such districts the law applying to elections shall be, so far as registration is concerned, in force and effect. Persons offering to vote may be challenged by any legally qualified school elector of the district, and one of the judges of election shall thereupon, before receiving his vote, administer to the person challenged, an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such; that you are twenty-one years of age, according to your information and belief, and that you have resided in this district thirty days next preceding this election, and in the state one year, and that you have not voted before on this day." If he shall refuse to take the oath, his vote shall be rejected. Any person guilty of illegal voting shall be punished as provided in the general election laws of the state.

Registration
of voters.

Challenges.

SEC. 154. When the polls are closed, proclamation thereof shall be made at the place of voting, and no vote shall afterward be received. As soon as the polls are closed, the judges shall open the ballot box and commence counting the votes, and in no case shall the ballot box be removed from the room in which the election is held until all the votes are counted. The counting shall be in public. The ballots shall be taken out one by one, by one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which such person was voted for. The clerk shall write down each office to be filled and the name of such person voted for for such office, and shall keep the number of votes by tallies as they are read aloud by one of the judges. The counting of the votes shall continue without adjournment until all the votes are counted. No ticket shall be rejected on account of form or mistake in the initials or spelling of names, if the judges can determine

Closing polls.

Canvass of
returns.Imperfect
ballots.

Clerks forward
poll sheets to
county super-
intendent.

to their satisfaction the person voted for and the office intended. After the result of the election is duly canvassed and officially declared, the clerk of election shall forward the poll sheet thereof to the county superintendent, who shall preserve the same on file in his office.

Certificates
of election.

SEC. 155. Persons having the highest number of votes given for each office shall be declared duly elected, and the clerk of election shall immediately make out and deliver to each person so elected a certificate of election. The clerk of election shall also make out a certificate showing the persons elected to each office at such election, with oaths of office of persons elected attached, and mail such certificate and oaths to the county superintendent of schools of the county in which the election is held. If two persons have an equal and highest number of votes for one and the same office, they shall, within ten days after the election, appear before the clerk of election of said district and publicly decide by lot which of the persons so having an equal number of votes shall be declared elected, and the clerk of election shall make out and deliver to the person thus declared elected a certificate of his election, and notify the county superintendent of the county as before provided. If the persons above named do not, within ten days after election, thus decide, the office shall be declared vacant by the clerk of election, and the county superintendent shall, when notified of the vacancy, fill the same by appointment.

Tie votes.

ARTICLE II.—SPECIAL MEETINGS.

Special
meetings.

SEC. 156. Any board of directors may, in its discretion, and shall, upon a petition of the majority of the legal voters of their district, call a special meeting of the voters of the district to determine the length of time in excess of the minimum length of term prescribed by law that school shall be maintained in the district during the school year; to determine whether or not the district shall purchase any school house site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more school houses; or to determine whether or not the district shall sell any real or personal property

belonging to the district, borrow money, or establish and maintain a school district library.

SEC. 157. All such special meetings shall be held at the school house, if there be one, or if there be none or more than one, then at such school house or place as the board of directors may determine. At least ten days' notice of such special meeting shall be given by the district clerk, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such meeting than such as is specified in the notice. The district clerk shall be clerk of the meeting, and the chairman of the board of directors or, in his absence, the senior director present, shall be chairman of the meeting: *Provided*, That in the absence of one or all of said officers, the qualified electors present may elect a chairman or clerk, or both chairman and clerk, of said meeting as occasion may require, from among their number. The clerk of the meeting shall make a record of the proceedings of the meeting, and when the clerk of such meeting has been elected by the qualified voters present, he shall within ten days thereafter, file the record of the proceedings, duly certified, with the clerk of the district, and said record shall become a part of the records of the district, and be preserved as other records.

SEC. 158. It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any such meeting.

CHAPTER 11.—PENALTIES.

SEC. 159. Any member of the state board of education, or any employé of the state, who shall, directly or indirectly, disclose any questions prepared for examinations, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than one hundred nor more than five hundred dollars.

SEC. 160. If any county superintendent fails to make a full and correct report to the superintendent of public instruction of all statements required by him, he shall forfeit the sum of fifty dollars from his salary, and the board of

county commissioners are hereby authorized and required to deduct therefrom the sum aforesaid upon the information from the superintendent of public instruction that such reports have not been made.

For failure to pay over money.

SEC. 161. Any officer or person collecting or receiving any such fines, forfeitures or other moneys, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld and interest thereon at the rate of five per cent. per month during the time of so withholding the same; and it shall be a special duty of the county superintendent of schools to supervise and see that the provisions of this section are fully complied with and report thereon to the county commissioners semi-annually or oftener.

For failure of directors to enforce teaching of hygiene.

SEC. 162. Upon complaint in writing being made to any county superintendent by any district clerk, or by any head of family, that the board of directors of the district of which said clerk shall hold his office, or said head of family shall reside, have failed to make provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided in this act, in the common schools of such district, it shall be the duty of such county superintendent to investigate at once the matter of such complaints, and if found to be true, he shall immediately notify the county treasurer of the county in which such school district is located, and after the receipt of such notice it shall be the duty of such county treasurer to refuse to pay any warrants drawn upon him by the board of directors of such district subsequent to the date of such notice and until he shall be notified to do so by such county superintendent. Whenever it shall be made to appear to the said county superintendent, and he shall be satisfied, that the board of directors of such district are complying with the provisions of said section of this act, and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify said county treasurer, and said treasurer shall thereupon honor the warrants of said board of directors.

SEC. 163. Any county superintendent of common schools

who shall fail or refuse to comply with the provisions of the preceding section shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the state in any court of competent jurisdiction, and the sum recovered shall go into the state school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions of this section are enforced.

For failure of county superintendent to enforce teaching of hygiene.

SEC. 164. In case the district clerk fails to make the reports herein provided at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the county superintendent or by any citizen of such district, in the name and for the benefit of such district.

For failure of clerk to make report.

SEC. 165. Any school officer who shall refuse or fail to deliver to his qualified successor all books, papers, records and moneys pertaining to his office, or who shall willfully mutilate or destroy any such property, or any part thereof, or who shall misapply moneys entrusted to him by virtue of his office, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars.

For failure to deliver property.

SEC. 166. Any teacher who willfully refuses or neglects to enforce the course of study or the rules and regulations required by the state board of education, shall not be allowed by the directors any warrant for salary due until said teacher shall have complied with said requirements.

For failure to enforce course of study.

SEC. 167. Any teacher who shall maltreat or abuse any pupil by administering any undue punishment, or who shall inflict punishment on the head or face of a pupil, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

For abuse of pupils.

SEC. 168. Any teacher failing to attend once in each year an institute in some county of this state, unless on account of sickness, or for other good and sufficient rea-

For non-attendance at institute.

sons satisfactory to the superintendent of public instruction, may have any certificate he may hold forfeited by order of the superintendent of public instruction: *Provided*, That said forfeiture shall be duly published after the said teacher shall have been given opportunity to present his reasons for such non-attendance, and after action thereon.

For abusing
a teacher.

SEC. 169. Any parent, guardian or other person, who shall insult or abuse a teacher in the presence of the school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars nor more than one hundred dollars.

For disturb-
ing school.

SEC. 170. Any person who shall willfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not more than fifty dollars.

For non-
attendance
at school.

SEC. 171. Any person summoned before a superior judge to answer why he has not kept the children under his care in school as provided in the law relating to school attendance, and failing to show satisfactory cause for his refusal or neglect to comply with such law, shall be guilty of a misdemeanor, and fined in a sum of not less than ten nor more than twenty-five dollars for each offense, and the said fine when collected shall be placed to the credit of the school district wherein the person so fined resides.

For defacing
property.

SEC. 172. Any pupil who shall cut, deface or otherwise injure any school house, furniture, fence or outbuilding thereof, or any books belonging to the district library, shall be liable to suspension and punishment, and the parent or guardian of such pupil shall be liable for damages, on complaint of the teacher or of any director, and upon proof of the same.

For violat-
ing vivisec-
tion law.

SEC. 173. Any person violating the provisions of this act relating to vivisection and dissection in schools shall, upon conviction thereof, be deemed guilty of a misdemeanor and be fined in any sum of not less than fifty nor more than one hundred dollars.

For failure to
use text-
books or
follow course
of study.

SEC. 174. Any district using text-books other than those prescribed by the state board of education, or any district failing to comply with the course of study prescribed by

the state board of education, or any district in which warrants are issued to a teacher not legally qualified to teach in the common school of the said district, shall forfeit twenty-five per cent. of their school fund for that or the subsequent year, and it is hereby made the duty of the county superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall revert to the general school funds of the state, and the county treasurer shall return the same to the state treasurer for reapportionment.

SEC. 175. No school district shall be entitled to receive any apportionment of school moneys which shall not have maintained school for the time required by law during the preceding school year: *Provided*, That any new district formed from the division of an old one shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least the time required by law in the old district.

CHAPTER 12.—GENERAL PROVISIONS.

SEC. 176. Whenever the word "he" or "his" occurs in this act, referring to either the members of the city board of directors, county superintendents of common schools, city superintendents, directors, clerks, state board of education or other school officers, it shall be understood to mean also "she" or "her," and any woman possessing all of the qualifications of an elector except as to sex, and possessing all of the other qualifications required by law for such offices, shall be eligible to hold such offices.

SEC. 177. The superior judge shall, upon complaint of the school clerk or upon his own motion, have power to remove any child if an orphan who fails to attend school as required by law, and place it in the care of some other person who will be likely to send such child to school; or if the child be under the care of parents, then the superior judge shall have power to summon such child before him and, if he shall, upon inquiry, find that the child has not already attained a reasonable proficiency in the common school

For failure to maintain school.

Pronouns "he" and "his."

Women may hold office.

Judge shall enforce compulsory law.

branches for the first eight years as outlined in the course of study for common schools for the State of Washington, he shall issue an order commanding such parents to place such child in school, if school be then in session, or immediately when school shall resume if it be not in session; or appear before him and show cause for their neglect or refusal so to do.

Vivisection
forbidden.

SEC. 178. No teacher or other person employed in any school in the State of Washington, except a medical or dental school or the medical or dental department of any school, shall practice vivisection upon any vertebrate animal in the presence of any pupil in said school, or any child or minor there present; nor in such presence shall exhibit any vertebrate animal upon which vivisection has been practiced.

Dissection
permitted,
when.

SEC. 179. Dissection of dead animals, or any portion thereof, in the schools of the State of Washington shall, in no instance, be for the purpose of exhibition, but in every case shall be confined to the class room and the presence of those pupils engaged in the study to be illustrated by such dissection.

Display
of United
States flag.

SEC. 180. That the board of directors in the several school districts of this state shall procure a United States flag, and shall display said flag upon or near each public school building during school hours, except in unsuitable weather and at such other times as to the said board may seem proper; and the necessary funds to defray the expenses to be incurred for such flags and appliances shall be assessed and collected in the same manner as moneys are now raised by law for public school purposes.

Free kinder-
gartens.

SEC. 181. The board of directors of any school district contemplated by this act shall have power to establish and maintain free kindergartens in connection with the common schools of said district for the instruction of children between the ages of four and seven years, residing in said district, and shall establish such courses of training, study and discipline, and such rules and regulations governing such preparatory or kindergarten schools as said board may deem best: *Provided*, That nothing in this act shall be construed to change the law relating to the taking of the census

of the school population or the apportionment of state and county school funds among the several counties and districts in this state: *Provided further*, That the cost of establishing and maintaining such kindergartens shall be paid from the special school fund voted by the electors of said districts for this purpose; and the said kindergartens shall be a part of the public school system, and governed, as far as practicable, in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of the other public schools of this state: *Provided further*, That teachers of kindergarten schools shall have a diploma from some reputable kindergarten training school, or pass such examination on kindergarten work as the kindergarten department of the state normal schools may direct.

Expenses paid
by special tax.

Diplomas of
teachers in.

TITLE IV—HIGHER AND SPECIAL INSTITUTIONS.

CHAPTER 1.—UNIVERSITY OF WASHINGTON.

ARTICLE I.—ADMINISTRATION.

SEC. 182. The state university, as heretofore located and established in the city of Seattle, county of King, shall be designated and named the University of Washington.

Establish-
ment.

SEC. 183. The aim and the purpose of the university of Washington shall be to provide for students of both sexes, on equal terms, a liberal instruction in the different branches of literature, science, art, law, medicine, military science and such other departments of instruction as may be established therein from time to time by the board of regents. Tuition in the university of Washington, except as may be provided by the board of regents with reference to the arts or to special courses of study, shall be free to all *bona fide* residents of this state. Non-residents of this state shall be admitted to the said university on such terms as may from time to time be prescribed by the board of regents. The said university shall, as far as practicable, begin its course of study in its literary and scientific departments at the points where the same are completed in the public high schools of the state. No student shall be admitted except upon examination satisfactory to the faculty of the university: *Provided, however*, That students

Aim and
purpose.

Tuition.

Admission
of students.

shall be admitted without examination upon presentation of certificates from those public high schools and other educational institutions in this state whose courses of study shall have been approved by said faculty of the university, such certificates to show the completion of a course of study on the part of applicants, which said faculty shall deem equivalent to the course of study necessary for admission under examination.

Board of regents.

SEC. 184. The government of the university of Washington shall be vested in a board of regents to consist of seven members, who shall be appointed by the governor of the state, by and with the advice and consent of the senate,

Term of office.

and who shall hold their offices, respectively, for a term of six years from the second Monday in March next succeeding their appointment and until their successors shall be appointed and shall qualify: *Provided*, That regents now serving upon such board shall continue as such during the terms for which they were respectively appointed. Four

Quorum.

members of said board shall constitute a quorum for the transaction of business, and it shall be the duty of the governor to appoint at least four members of said board from the citizens of the city of Seattle or county of King, in order that a quorum of said board may always be near the said university. Whenever there shall be a vacancy in the said board of regents, from any cause whatever, it shall be the duty of the governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the legislature next thereafter, or until others are appointed and qualified in their stead.

Four members from King county.

Vacancy.

Each regent, before entering upon the duties of his office, must qualify by taking the usual oath of office before some officer authorized by law to administer the same and file a copy of said oath with the secretary of state.

Regents must take oath.

Organization of board.

SEC. 185. The board shall organize by the election from its number a president and an executive committee, of which committee the president shall be *ex officio* chairman.

Meetings.

The board shall hold regular quarterly meetings, and during the interim between such meetings the executive committee may transact business for the whole board: *Provided*,

That the executive committee may call special meetings of the whole board when such action is deemed necessary.

SEC. 186. The board of regents may adopt by-laws or rules and regulations for its own government. The powers and duties of the board of regents are as follows: Powers and duties:

First: The said board shall have full control of the university and its property of various kinds, and shall employ the president, members of the faculty, assistants and employés of the institution, who shall hold their positions during the pleasure of said board of regents. To have full control.

Second: It shall be the duty of the board of regents, with the assistance of the faculty of the university, to prescribe the course of study in the various departments of the institution, and to publish the annual catalogue. To prescribe courses of study.

Third: The said board shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty. The board shall also have power, upon recommendation of the faculty, to confer the usual honorary degrees upon other persons than graduates of this university in recognition of their learning or devotion to literature, art or science; but no degree shall ever be conferred in consideration of the payment of money or other valuable thing. Any diploma granted by the normal department of the university shall entitle the holder to teach in any public school in this state during life, under regulations consistent with other provisions of law relating to life diplomas. To grant diplomas. Normal diplomas entitle to teach.

Fourth: The board of regents is authorized to receive such bequests or gratuities as may be granted to the said university and to invest or expend the same according to the terms of said bequests or gratuities. The said board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, bequests or gratuities, and shall make full report of the same in the customary biennial report to the governor, or more frequently if required by law. To receive and control funds.

Fifth: The board of regents is authorized and empowered to give and execute, on behalf of the State of Washington, the bonds and other papers required by the war department for the safe keeping of the arms and equip- To execute bonds to War Department.

ments loaned by the United States to the university of Washington.

To make a biennial report.

Sixth: The board of regents shall transmit, on the first day of January preceding each regular session of the legislature, to the governor, a printed report of all the doings since their last report, giving full information of the receipt and expenditure of money, furnish an estimate of the needs of the institution, and give such information as will be helpful to the state authorities in providing for the said institution.

To receive no compensation except actual expenses.

Seventh: The members of said board of regents shall serve without compensation. Each regent, however, shall be paid his actual traveling expenses in going to and coming from any meeting of said board, and such claims for expenses shall be audited on vouchers issued by the president and secretary of said board the same as any other claims are vouchered and audited.

Faculty.

SEC. 187. The faculty of the university of Washington shall consist of the president and the professors, and the said faculty shall have charge of the immediate government of the institution, under such rules as may be prescribed by the board of regents.

Non-sectarian.

SEC. 188. The university of Washington shall never be under the control of any religious or sectarian denomination or society whatever.

Attorney general legal adviser.

SEC. 189. The attorney general of the state shall be the legal advisor of the president and the board of regents of the university, and he shall institute and prosecute or defend all suits in behalf of the same.

CHAPTER 2.—AGRICULTURAL COLLEGE.

Establishment.

SEC. 190. The state agricultural college, experiment station and school of science of the State of Washington, as heretofore located at Pullman, Whitman county, shall be an institution of learning open to the children of all residents of this state, and to such other persons as the board of regents may determine, under such rules and regulations as may be prescribed by the board of regents; shall be non-sectarian in character, and devoted to practical instruction in agriculture, mechanic arts, and natural

Purpose and aim.

sciences connected therewith, as well as a thorough course of instruction in all branches of learning upon agricultural and other industrial pursuits.

SEC. 191. The governor of the State of Washington, the superintendent of public instruction, members of the legislature, and county commissioners shall be *ex officio* visitors of said college. But said visitors shall have no power granted to control the action of the board of regents or to negative its duties as defined by law.

SEC. 192. The course of instruction of said college shall embrace the English language, literature, mathematics, philosophy, civil and mechanical engineering, chemistry, animal and vegetable anatomy and physiology, veterinary art, entomology, geology, political economy, rural and household economy, horticulture, moral philosophy, history, mechanics, and such other courses of instruction as shall be prescribed by the board of regents. One of the objects of said college shall be to train teachers of physical science, and thereby further the application of the principles of physical science to industrial pursuits; to collect information as to schemes of technical instruction adopted in other parts of the United States and in foreign countries, and to hold farmers' institutes at such times and places and under such regulations as the board of regents may determine.

SEC. 193. The board of regents shall provide that all instruction given in the college shall, to the utmost practicable extent, be conveyed by means of practical work in the laboratory, and shall provide in connection with said college the following laboratories: One physical laboratory or more, one chemical laboratory or more, and one biological laboratory or more, and suitably furnish and equip the same. Said board of regents shall provide that all male students shall be trained in military tactics. Said board of regents shall establish a department of said college to be designated the department of elementary science, and in connection therewith provide instruction in the following subjects: Elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying. Said board of

Departments
of instruction.

regents shall establish a department of said college to be designated the department of agriculture, and in connection therewith provide instruction in the following subjects—*First*: Physics, with special application of its principles to agriculture. *Second*: Chemistry, with special application of its principles to agriculture. *Third*: Morphology and physiology of plants, with special reference to the commonly grown crops and their fungus enemies. *Fourth*: Morphology and physiology of the lower forms of animal life, with special reference to insect pests. *Fifth*: Morphology and physiology of the higher forms of animal life, and in particular of the horse, cow, sheep and swine. *Sixth*: Agriculture, with special reference to the breeding and feeding of live stock, and the best mode of cultivation of farm produce. *Seventh*: Mining and metallurgy. And it shall appoint demonstrators in each of these subjects, to superintend the equipment of a laboratory and to give practical instruction in the same. Said board of regents shall establish an agricultural experimental station in connection with the department of agriculture of said college, appoint its officers and prescribe such regulations for its management as it may deem expedient. Said board of regents may establish other departments of said college, and provide courses of instruction therein, when those are, in its judgment, required for the better carrying out of the object of the college.

Experiment
station.

Management
of institution
in board of
five regents.

SEC. 194. The management of said college and experiment station, the care and preservation of all property of which such institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and station, and the disbursement and expenditure of all money provided for by this chapter, shall be vested in a board of five regents; said five members of the board of regents shall be appointed in the manner provided by law; said regents and their successors in office shall have the right of causing all things to be done necessary to carry out the provisions of this chapter. The board of regents provided for in this chapter shall be appointed by the governor, by and with the consent of the senate, one for a term of two years, two for a term of four

Appointment
and term
of office.

years, and two for a term of six years; and each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the State of Washington, with two or more sufficient sureties, residents of the state, in the penal sum of not less than five thousand dollars (\$5,000) each, conditioned for the faithful performance of his duties as such regent: *Provided*, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant. All other appointments made subsequent to the appointment of the first board of regents provided for in this act, shall be for the term of six years and until the appointment and qualification of a successor to each appointee: *Provided further*, That at least three of the members of the board of regents so appointed shall be residents of Eastern Washington and one shall be a resident of Western Washington: *Provided further*, That regents now serving upon such board shall continue as such during the term for which they were respectively appointed.

Bonds of regents.

Three regents from Eastern Washington.

SEC. 195. The board of regents of the agricultural college, experiment station and school of science shall meet and organize, by the election of its president and treasurer from their own number, on the first Wednesday in April of each year. The person so elected as treasurer shall, before entering upon the discharge of his duties as such, execute a good and sufficient bond to the State of Washington, with two or more sufficient sureties, residents of the state, in the penal sum of not less than forty thousand dollars (\$40,000), conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully account for and pay over to the person or persons entitled thereto all moneys which shall come into his hands as such officer, which bond shall be approved by the governor of the state, and shall be filed with the secretary of state. The president of the college shall be secretary of the board of regents, and shall perform all the duties pertaining to that office, but shall not have the right to vote. The secretary shall in like manner as the treasurer give a bond in the

Organization of board.

Treasurer.

Bond, \$40,000.

President of college to be secretary of board.

Bond, \$5,000.

penal sum of not less than five thousand dollars (\$5,000), conditioned for the faithful performance of his duties as such officer.

Duties of president of the board.

SEC. 196. The president of said board shall be the chief executive officer, shall preside at all meetings thereof (except that in his absence the board may appoint a president *pro tempore*) and sign all instruments required to be executed by said board. The treasurer shall be the financial officer of said board, shall keep a true account of all moneys received and expended by him. The secretary shall be the recording officer of said board, shall attest all instruments required to be signed by the president, and shall keep a true record of all the proceedings of said board, and generally do all other things required of him by said board.

Treasurer.

Secretary.

Regents enact by-laws.

SEC. 197. The regents shall have the power, and it shall be their duty, to enact laws for the government of said agricultural college, experiment station and school of science: *Provided*, The board of regents shall maintain at least one experimental station in the western portion of the state.

Regents have general control.

SEC. 198. The board of regents shall direct the disposition of any moneys belonging to or appropriated to the agricultural college, experiment station and school of science, established by this act, and shall make all rules and regulations necessary for the management of the same, adopt plans and specifications for necessary buildings, and superintend the construction of said buildings, and fix the salaries of professors, teachers and other employes, and tuition fees to be charged in said college.

Experiment station established by congress.

SEC. 199. The agricultural experiment station provided for in this act in connection with said agricultural college shall be under the direction of said board of regents of said college for the purpose of conducting experiments in agriculture according to the terms of section one (1) of an act of congress, approved March 2, 1887, and entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto." The said college and experiment

station shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States by the legislation of the congress of the United States now in force, or that may be enacted, and particularly to the benefits and donations given by the provisions of an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, including the acts entitled "An act to establish agricultural experiment stations in connection with colleges established in the several cities under the provision of an act approved July 2, 1862, and of the acts supplementary thereto," which said last entitled act was approved March 2, 1887; also, "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July 2, 1862," which said last mentioned act was approved August 30, 1890.

SEC. 200. The assent of the legislature of the State of Washington is hereby given, in pursuance of the requirements of section nine (9) of said act of congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one (1) of said last mentioned act, and assent is hereby given to carry out, within the State of Washington, every provision of said act. Assent to congressional requirements.

SEC. 201. The meetings of the board of regents may be called in such manner as the board may prescribe, and the majority of said board shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. All meetings of the said board may be held in the office of the college building. No vacancy in said board shall impair the rights of the remaining board. A full meeting of the board shall be called at least once a year. Meetings of board of regents.

SEC. 202. Each member of the board of regents created by this chapter shall, before entering upon his duties, take Regents must subscribe to oath.

and subscribe an oath to discharge faithfully and honestly his duties in the premises, and to perform strictly and impartially the same to the best of his ability; said oath shall be filed with the secretary of state.

Expenses
of regents.

SEC. 203. The regents shall be allowed their actual and necessary traveling expenses in going to and returning from all the necessary sessions of their board; and also their necessary expenses while in actual attendance upon the same.

Biennial
report.

SEC. 204. The board of regents shall, on or before the first day of November of each year, make a full and true report in detail of all their acts and doings during the previous year, their receipts and expenditures, the exact status of their institution, and other information they may deem proper and useful, or which may be called for by the governor, which said report shall be made to the governor, who shall transmit the same to the succeeding session of the legislature. A copy of said report shall be furnished to the superintendent of public instruction.

Disbursement
of funds.

SEC. 205. The treasurer of said board shall make disbursements of the funds in his hands on the order of the board, which order shall be countersigned by the secretary of the board, and shall state on what account the disbursement is made.

No employé
shall have
pecuniary
interest in any
contracts.

SEC. 206. No employé or member of the board created by this chapter shall be interested pecuniarily, either directly or indirectly, in any contract for any building or improvement of said institution, or for the furnishing of supplies for the same.

Governor
ex officio mem-
ber of board.

SEC. 207. The governor of the state shall be *ex officio* advisory member of the board provided for in this chapter, but shall not have the right to vote nor be eligible to office therein.

The board may
grant degrees.

SEC. 208. The board of regents are hereby empowered to grant the usual academic and honorary degrees, and to issue diplomas therefor, upon the recommendations made by the faculty.

Supervise the
construction
of all improve-
ments.

SEC. 209. It shall be the duty of the board of regents herein provided for, as soon after their organization as practicable, and as soon as there shall be an appropriation

therefor in the hands of the state treasurer in any amount sufficient to warrant the beginning of the erection of the several buildings herein provided for, or any wing or section of the same, to enter into contracts with one or more contractors for the erection and construction of such suitable buildings and improvements, for the institution created by this chapter, as in their judgment shall be deemed best, or the funds aforesaid shall warrant, all things considered; such contract or contracts to be let after open public notice and competition under such regulations as shall be established by said board to the person or persons who offer to execute such work on the most advantageous terms: *Provided*, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: *And provided further*, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements, which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose.

Contractors
to give bonds.

SEC. 210. The board provided for in this chapter shall have power in their discretion to employ skilled architects and superintendents to prepare plans and specifications, and to supervise the construction of any of the buildings provided for in this chapter, and to fix the compensation for such services subject to the provisions and restrictions of this act.

To employ
architects.

SEC. 211. Whenever there shall be any money in the hands of the state treasurer to the credit of any of the specific funds set apart for the institution created by this chapter, deemed sufficient by the board to commence the erection of any of the necessary buildings or improvements, or to pay the necessary running or other expenses of said institution, the state auditor, on the request in writing of said board, shall, and it is hereby made his duty to draw his warrant in favor of the treasurer of said board and upon the state treasury against the specific fund belonging to said institution in such sum, not exceeding the amount on hand in such specific fund at such time as said board may deem necessary: *Provided*, That said board shall

State auditor
to issue war-
rants on
proper funds.

draw said money as it may be necessary to disburse the same.

CHAPTER 3.—NORMAL SCHOOLS.

Establishment.

SEC. 212. The state normal school at Cheney, the state normal school at New Whatcom, the state normal school at Ellensburg, and such other state normal schools as may hereafter be established, shall each be under the management and control of a board of three trustees, to be known as the "Board of trustees of the state normal school at" At least two members of each board of normal school trustees shall be residents of the county in which the school of which they are trustees is situated, said trustees to be appointed by the governor, by and with the advice and consent of the senate.

Corporate title.

Appointment of trustees.

SEC. 213. All trustees of the state normal schools serving at the time of the passage of this act shall continue to hold their respective offices as such trustees for the full term for which they were appointed; and thereafter all trustees shall be appointed for six years, except in cases of appointments to fill vacancies, in which cases the appointment shall be made for the unexpired term of the trustees whose office has become vacant. In case of the establishment of any additional state normal schools, unless otherwise expressly provided by law, the governor shall appoint one trustee for two years, one for four years and one for six years.

Term of office.

Trustees to elect officers.

SEC. 214. Each board of normal school trustees shall elect one of its members chairman, and it shall elect a clerk, who may or may not be a member of the board. Each board shall have power to adopt by-laws for its government and for the government of the school, which by-laws shall not be inconsistent with the provisions of this act, and to prescribe the duties of its officers, committees and employes. A majority of the board shall constitute a quorum for the transaction of all business.

To enact by-laws.

Quorum.

Powers and duties:

SEC. 215. Each board of trustees shall have power, and it shall be its duty —

To elect principal.

First: To elect a principal for such period as it may determine, and to elect such other teachers and assistants as the necessities of the school may require.

Second: To provide a librarian for the school who shall have charge of all books, maps, charts and apparatus thereof, under such regulations as may be provided by law or by the by-laws of the board of trustees; also to choose a janitor and such other employés as may become necessary, and for good and lawful reasons to discharge any or all such teachers and employés.

To provide a
librarian.

Third: To adopt and provide the necessary text-books and to provide books of reference for the use of students and teachers, and to provide for the proper care of the same.

To provide
text-books.

Fourth: To have charge of the erection of all buildings pertaining to the school, unless otherwise expressly provided, and to have the care and management of all buildings and other property belonging to the school.

To have charge
of erection
of buildings.

Fifth: To audit all accounts against the school, and to certify all bills, which may be allowed, to the state auditor, who shall draw warrants on the state treasurer for such amounts as he shall find to have been properly or legally allowed.

To audit all
accounts.

Sixth: To purchase all supplies for the use of the school, to provide a library suited to its wants, to provide for lectures on subjects pertaining to education and the art or science of teaching, and to do such other things not forbidden by law as may become necessary for the good of the school.

To provide
supplies.

SEC. 216. Each board of normal school trustees shall have power to establish and maintain a boarding house or houses for the accommodation of students, to employ a matron and such other assistance as may become necessary to conduct the same, to make such rules for its government and management as they may deem necessary, and to charge such rates for board and entertainment as will make such boarding house or houses self-sustaining.

Boarding
houses.

SEC. 217. Each board of normal school trustees shall hold two regular or stated meetings each year, at such times as may be provided in its by-laws, and such special meetings may be held as shall be deemed necessary, such special meetings to be called by the chairman or by a majority of the board; all meetings of the boards shall be held in the city or town wherein their respective schools are located.

Meetings.

SEC. 218. The principal of each state normal school

Duties of principal.

shall have a general supervision of the school, shall see that all laws and all rules of the boards of trustees are observed and obeyed by teachers and students, that the course or courses of study prescribed are faithfully pursued, shall assign students to their proper classes or grades, and, unless otherwise specially provided, he shall designate the work to be performed by each teacher. He shall, at the close of each school year, make a detailed annual report to the board of trustees, containing a classified catalogue of all students that have been enrolled during the year, and such other information as he may deem advisable or as the board may require, and it shall be his duty to superintend the printing of the same. It shall also be his duty, when required by the board of trustees, to attend county institutes and other educational gatherings, and to lecture upon educational topics that are calculated to enhance the interests of popular education or of his school. The board of trustees shall audit and allow all his necessary expenses incurred in traveling.

Attend institutes.

Expenses allowed.

Model school.

SEC. 219. A model school or training department shall be provided for each state normal school contemplated by this act, in which all students, before graduation, shall have actual practice in teaching for not less than twenty weeks under the supervision and observation of critic and training teachers. A manual training department for each school under its control shall also be provided, and a suitable teacher employed for each.

Manual training school.

Diplomas and certificates issued, how.

SEC. 220. Every diploma of graduation from a state normal school or certificate issued therefrom shall be signed by the president of the board of trustees, by the principal and the heads of departments of the normal school at which the holder graduated, and by the president of the state board of education; and all diplomas or certificates shall be stamped with the seal of the state board of education. Every diploma and certificate shall specifically state what course of study the holder has taken, and for what length of time said diploma or certificate is valid as a certificate to teach in the schools of this state.

Tuition free to residents.

SEC. 221. No charge shall be made against any student for tuition, in any of the normal schools contemplated by

this act: *Provided*, That said student is a *bona fide* resident of this state; but such student shall be required, upon entrance into any of said schools, to certify upon honor that it is his intention to pursue the vocation of teaching. Students from other states or territories may be granted Tuition \$100 to non-residents. scholarships which shall entitle them to complete any course of study prescribed by the board of higher education in any state normal school of this state, upon the payment of one hundred dollars each, which sum shall be placed to the credit of the normal school which such student shall attend, and shall be expended in the purchase of books or apparatus for the benefit of such school. All students shall be required to furnish satisfactory evidence of good moral character, and any student may be suspended or expelled from any state normal school contemplated by this act, who is found to be immoral or who refuses to comply with the rules and regulations for its government.

SEC. 222. The board of higher education shall prescribe Courses of study. the following courses of study, which shall be uniform for all state normal schools of this state: An elementary course of two years; an advanced course of four years. Students completing the elementary course shall receive a certificate which shall entitle them to teach in the common schools of the state for a period of five years. Students completing the advanced course shall, after satisfactory evidence shall have been furnished of their having successfully taught for two years, receive a diploma, which shall mature into a life diploma issued by the state board of education. The board For colleges and accredited high schools. of higher education shall also prescribe two courses for professional training for graduates of colleges and accredited high schools, namely, one course of one year and another of two years. Students completing the one year course shall receive the same diploma as is granted for the regular advanced course. Those completing the two years' course shall receive a diploma which shall entitle the holder to teach in the common schools of the state for life: *Provided*, That no one shall receive a diploma or certificate in any School year, 40 weeks. course who has not been in attendance one full school year of forty weeks, and who has not, by at least twenty weeks' of practice teaching in the training school, given evidence

Certificates
may be
revoked
for cause.

of fitness for teaching: *Provided further*, That any of the foregoing certificates and diplomas may be revoked by the state board of education for good and sufficient reasons of immorality or incompetency. The board of higher education shall also provide a uniform system of rules and regulations for admission to and graduation from the normal schools.

Free text-
books.

SEC. 223. No student shall be required to pay for the use of any book or books belonging to the library of any school contemplated by this act, but the board of trustees may require the deposit of a sum not exceeding ten dollars by each student, as indemnity for the loss of any book or books, or for damage done to any book or books by such student, and such sum as may be required to be deposited, less 25 per cent. of the cost price, or such part thereof as shall not be due the school for loss of or damage to any book or books, shall be returned to such student upon his retirement from the school. All sums retained for loss of or damage to books belonging to the library shall be expended in the purchase of other books for the use of the school.

Deposit
fee \$10.

Library fund.

Requirements
for admission.

SEC. 224. No person shall be admitted to any state normal school as a student who has not attained the age of sixteen years, if a male, or of fifteen years if a female, nor until by an entrance examination or otherwise he or she shall have established the fact that he or she is qualified to enter some one of the grades or courses of study provided for in the course of study.

Annual
meeting of
principals.

SEC. 225. It shall be the duty of the principals of the several state normal schools contemplated by this act to meet once annually to consult with each other relative to matters concerning their school work, and to discuss methods of teaching and plans of management.

Biennial
report.

SEC. 226. Each board of normal school trustees shall biennially on or before the first day of October next preceding each regular session of the state legislature of this state, make, through its secretary, a report to the governor of the state, which report shall be included with and constitute a part of the biennial report of the superintendent of public instruction. Said normal school report shall

embrace a statement of the receipts and expenditures of the schools, and the purpose for which all moneys have been expended; a classified catalogue of all students enrolled in each of said schools; a directory of all graduates of each school properly classified; the course or courses of study pursued in the several schools and such other information as may be deemed advisable.

Report contains what.

SEC. 227. No normal school trustee shall be awarded any contract for the erection, repair or the furnishing of any building belonging to any state normal school contemplated by this act, nor for the furnishing of supplies or materials for the same; and no such trustee shall act as agent for any publishing house proposing to furnish books for such school. Any trustee who shall violate any of the above named provisions shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars, and his office as such trustee shall be declared vacant.

Trustees shall have no pecuniary interest in any contract.

CHAPTER 4.—SCHOOL FOR DEFECTIVE YOUTH.

SEC. 228. The school for the education of the deaf, blind and feeble minded youth of the State of Washington, as heretofore located and maintained at Vancouver, Clarke county, shall continue to be known as the "Washington School for Defective Youth."

Establishment.

SEC. 229. Said school shall be free to all resident youth in the State of Washington, who are too deaf, blind or feeble minded to be taught by ordinary methods in other public schools: *Provided*, They are free from vicious habits and from loathsome or contagious diseases.

Free to resident youth.

SEC. 230. Said school shall be under the management of a board of trustees, consisting of five persons of good repute and learning, being citizens of the state, nominated by the governor, and confirmed by the senate.

Management in board of regents.

SEC. 231. After organization, as hereinafter provided, said board of trustees and their successors shall have the management of real and personal property, funds, financial business, and all general and public interests of the school, with power to receive, hold, manage, dispose of, and convey any and all real and personal property made over to them by purchase, gift, devise or bequest, and the pro-

To have general control.

ceeds and interest thereof, for the use and benefit of the school.

Appointment
of trustees.

SEC. 232. Vacancies in the board of trustees, occurring biennially by the expiration of the term or terms of a member or members, shall be filled by nomination by the governor, at least five days before the adjournment of the legislature, of a trustee or trustees to be confirmed by the senate, to serve for six years from the first day of July following the date of his or their confirmation, and until his or their successor or successors shall be appointed and confirmed.

Term of office.

Vacancies.

SEC. 233. Vacancies in the board of trustees, caused by the death, resignation, departure from the State of Washington, or removal for cause of a member of the board, shall be filled for the unexpired balance of the term, by the appointment of a trustee by the governor, which appointment shall, at the session of the legislature held next thereafter, be submitted to the senate for confirmation.

Constitution
of board.

SEC. 234. All appointments shall be such that the board shall always contain at least one practical educator, one physician and one lawyer.

Official
notice of
appointment.

SEC. 235. Official notice of appointment shall be given to each trustee, by the secretary of state, within ten days from the date of the confirmation of said trustees by the senate.

Regular
meeting.

SEC. 236. The regular annual meeting of the board of trustees shall be held at the school on the last Wednesday of May in each year; at which meeting a president, a vice president and a treasurer shall be elected by ballot from the board, and an auditor not of the board, each to serve one year from the first day of July following, and one member of the executive committee, to serve three years from the first day of July following; and any other business proper to come before said meeting may be transacted: *Provided*, That at the regular meeting to be held on the last Wednesday of May, 1897, the trustees shall elect a director of the school not of their own number, who shall hold his office until removed for cause as provided in this act.

SEC. 237. The treasurer of the board of trustees shall,

within thirty days from the date of his election, file with the secretary of the State of Washington a duly executed and approved bond, in the sum of five thousand dollars (\$5,000), for the faithful performance of his duties as treasurer during his term of office.

Treasurer's
bond.

SEC. 238. The board of trustees shall, at the time of the first meeting above provided for, adopt suitable by-laws for its own government in the transaction of business.

Adopt
by-laws.

SEC. 239. Special meetings of the board of trustees may be held at any time, on request of the executive committee, and shall be held on the written request of any three trustees. The official notification of each special meeting shall state the business to be transacted at said meeting, and no business other than that so stated shall be brought before said meeting.

Special
meetings.

SEC. 240. Three members of the board of trustees shall constitute a quorum for the transaction of business.

Quorum.

SEC. 241. Official notice of each meeting of the board of trustees shall be issued by the secretary to each trustee, at least fifteen days before the date of such meeting.

Notice of
meetings.

SEC. 242. The executive committee shall meet at the school on the last Wednesdays of August, November, February and May, in each school year, and at other times as often as may be necessary for the proper performance of their duties.

Executive
committee
meetings.

SEC. 243. The executive committee, upon their visits to the school shall inspect the real and personal property of the school; shall purchase all supplies in the manner authorized for the purchase of supplies for the hospital for the insane; shall examine the accounts, bills and vouchers, and shall draw orders on the treasurer of the board for the payment of bills approved; and at suitable times shall submit the accounts to the inspection of the auditor.

Duties of the
executive
committee.

SEC. 244. No trustee shall, during his term of office, have any direct or indirect personal interest in any contract, agreement or indebtedness on account of the school in any way.

Trustees to
have no pecuniary
interest in
any contract.

SEC. 245. The financial and official year of the school shall begin on the first day of July, and end on the thirtieth day of June, following.

Official year.

Term of school.

SEC. 246. The regular term of school shall begin on the last Wednesday of August in each year, and end on the last Wednesday of May following.

Biennial report.

SEC. 247. At each regular session of the legislature of the State of Washington, the board of trustees shall present to the governor, for transmission to the legislature, a full report of the operations of the school during the previous two school years, showing the amount, condition and value of all real and personal property of the school, receipts and expenditures of money, number of persons employed, and amount of salary paid to each, and the number of pupils in attendance.

Director.

SEC. 248. The director of the school shall be a competent expert educator of defective youth; a hearing man of sound learning and morals, not under thirty nor over seventy years of age; practically acquainted with the school management and class instruction for the deaf, blind and feeble minded. He shall reside in the school and be furnished quarters, heat, light and food.

Duties of the director.

SEC. 249. The director shall be responsible for the care of the premises and property of the school, selection and control of employes, regulation of the household, discipline of the school, arrangement and execution of a proper course of study, training of the pupils in morals and manners, and the general oversight of all internal affairs of the school, and shall lay before the regular annual meeting of the board of trustees, on the last Wednesday of May in each year, a full report of the operation of the school during the previous school year.

Removal of director.

SEC. 250. The director may be removed at any time by a three-fifths vote of the full board of trustees for misconduct, incapacity, mismanagement, inefficiency or immorality.

Non-resident pupils.

SEC. 251. Defective youth not residing in the state shall be admitted on such terms and conditions as may be prescribed by the board of trustees.

Duty of district school clerk.

SEC. 252. It shall be the duty of the clerks of all school districts in the State of Washington at the time for making the annual reports, to report to the school superintendent of their respective counties the names of all deaf, mute,

blind or feeble minded youth residing within their respective districts who are between the age of six and twenty-one years.

SEC. 253. It shall be the duty of each county school superintendent to make a full and specific report of such defective youth to the county commissioners of his county at the regular meeting of said commissioners held in August in each year. He shall also, at the same time, transmit a duplicate copy of said report to the director of the Washington school for defective youth.

County superintendent to report.

SEC. 254. It shall be the duty of the parents or the guardians of all such defective youth to send them each year to the said state school for defective youth. The county superintendent shall take all action necessary to enforce this section of this act: *Provided*, That if satisfactory evidence shall be laid before the county superintendent that any defective youth is being properly educated at home or in some suitable institution other than the Washington school for defective youth, the county superintendent shall take no other action in such case further than to make a record of such fact, and take such steps as may be necessary to satisfy himself that said defective youth shall continue to receive a proper education.

Compulsory attendance.

SEC. 255. If it appears to the satisfaction of the county commissioners that the parents of any such defective youth within their county are unable to bear the expense of sending them to said state school, it shall then be the duty of the commissioners to send them to such school at the expense of the county.

Expenses of indigent pupils.

SEC. 256. Any parent, guardian, school superintendent or county commissioner who shall, without a proper cause, fail to carry into effect the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars, in the discretion of the court.

Penalty.

TITLE V.—REPEALING AND EMERGENCY CLAUSES.

Repealing
existing
school laws.

SEC. 257. This act shall be known and cited as the Code of Public Instruction of the State of Washington, and shall be construed as repealing chapter VI of title III, chapter VII of title V, all of title X, except chapter XVII thereof; chapter IV of title L, all being of volume I of Hill's Annotated Statutes and Codes of Washington; and also repealing all amendments thereto; also repealing an act entitled "An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another," approved March 9, 1893; also, repealing an act entitled "An act to provide for the management and control of state normal schools in the State of Washington," approved March 10, 1893, and all amendments thereto; also, repealing an act entitled "An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites and declaring an emergency," approved February 26, 1895; also, repealing an act entitled "An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of one and one-half per centum of the taxable property of the school district, without the assent of three-fifths of the voters of the school districts voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor," approved March 1, 1895; also, repealing an act entitled "An act to provide for the formation of joint school districts, and to prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency," approved March 13, 1895; also, repealing an act entitled "An act to authorize counties, cities, towns and school districts to provide temporary funds for current expenses in anticipation of revenue," approved March 20, 1895.

Emergency.

SEC. 258. Whereas, this act is amendatory of all existing school laws, and is for the purpose of harmonizing ex-

isting inconsistencies and unifying the school laws of this state: therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its signature by the governor of the state.

Passed the House February 27, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 19, 1897.

RESOLUTIONS AND MEMORIALS.

SENATE CONCURRENT RESOLUTION.

WHEREAS, On this, the fourth day of March, in the year of our Lord one thousand eight hundred and ninety-seven (1897), WILLIAM MCKINLEY was inaugurated PRESIDENT OF THE UNITED STATES: therefore, be it

Resolved by the Senate of the State of Washington, the House concurring, That we hereby join in extending to the president our heart-felt congratulations, and the earnest and sincere wish that his administration may be crowned with the blessings of the Almighty, and shall prove the instrument whereby the people of the United States may receive the prosperity so necessary to their welfare and happiness.

That a copy of this resolution be immediately transmitted to the president, signed by the president of the Senate and the speaker of the House.

Passed the Senate March 4, 1897.

Passed the House March 4, 1897.

Approved by the Governor March 6, 1897.

SENATE CONCURRENT RESOLUTION No. 17.

WHEREAS, Under the act of congress approved February 22d, 1889, there was granted to the State of Washington from the public lands of the state the following:

For public buildings at state capital (sec. 17).....	100,000 acres.
For public buildings at state capital (sec. 12).....	32,000 acres.
For state charitable, educational, penal and reformatory institutions.....	200,000 acres.
For state normal schools.....	100,000 acres.
For state scientific schools.....	100,000 acres.
For agricultural college.....	90,000 acres.
Total	622,000 acres.

AND, WHEREAS, Section 17 of said act expressly states: "That the states provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act." "And the land granted by this section shall be held appropriated and disposed of exclusively for the purposes herein mentioned in such manner as the legislature of the respective states may severally provide."

AND, WHEREAS, Eight years have lapsed since the approval of the granting act; and, whereas, according to the reports of the state land commission of October 31st, 1896, but 433,940 acres of said grant has been selected and approved, leaving nearly two hundred thousand acres of this heritage of the people at the mercy of speculators, syndicates and corporations: therefore, be it

Resolved, That to the end that title to these lands may rest in the state, that it is the sense of the legislature now in session that it is the imperative duty of the officers charged with the selection of this grant to consummate the same with all possible dispatch.

Passed the Senate February 9, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 6, 1897.

SENATE JOINT RESOLUTION No. 25.

WHEREAS, The forest reserve proclamation issued by President Cleveland on February 22, 1897, includes many mining camps, villages and the homes of settlers within the State of Washington; and this hinders the advancement of one of our most promising industries and retards the efforts of many settlers to build up homes: therefore, be it

Resolved by the Senate and House of Representatives of the State of Washington, That our senators and representatives in congress be and they hereby are most earn-

estly urged to secure as speedily as possible action along one of the following lines:

First: By the enactment of a general law to permit miners and settlers to use the timber on all forest reserves, under proper restrictions, and to permit miners to operate and own their mines situated within such forest reserves.

Second: Failing in the above, to induce President McKinley to modify the executive proclamation of the new forest reserve, if possible, so as to remove the great blight placed on the growing industry of mine development in the State of Washington.

Third: Failing in these efforts, to seek at once, by congressional enactment, to annul the proclamation of February 22, 1897, by which nearly one-sixth of the lands of this state were withdrawn from settlement. And be it further

Resolved, That, inasmuch as it has been manifested in the said proclamation that the nation is willing to relinquish all further profit from the public lands in this state, congress be urged to cede the remaining public lands of all kinds to the State of Washington, and that the management and control of the forest reservations within this state be placed with the state authorities. And be it further

Resolved, That a copy of this resolution be forwarded immediately to each of the senators and representatives in congress from the State of Washington.

Passed the Senate March 8, 1897.

Passed the House March 8, 1897.

Approved by the governor March 10, 1897.

HOUSE CONCURRENT RESOLUTION No. 10.

WHEREAS, In the inaugural message of the governor, it was stated that an exceedingly bad state of affairs exists at the state penitentiary, and recommended a special in-

vestigating committee be appointed to proceed to Walla Walla and investigate the affairs of that institution: therefore, be it

Resolved by the House of Representatives, the Senate concurring: That a committee of five be appointed, three from the House, by the speaker thereof, and two from the Senate, by the president thereof, which committee shall, as soon as practicable, proceed to Walla Walla and there investigate the affairs of the penitentiary, and report to the two houses.

And further, that said committee be vested with power to summon and swear witnesses, and to send for such papers and books as may be required.

Passed the House January 20, 1897.

Passed the Senate January 21, 1897.

Approved by the Governor January 28, 1897.

HOUSE CONCURRENT RESOLUTION No. 11.

Resolved by the House of Representatives, the Senate concurring: That a committee of five be appointed, three of which shall be from the House and two from the Senate, to advertise for and receive bids for suitable office room for the officers of the state for the ensuing four years, and that said committee report to this house as soon as practicable.

Adopted by the House February 2, 1897.

Adopted by the Senate February 10, 1897.

Approved by the Governor February 13, 1897.

HOUSE CONCURRENT RESOLUTION No. 17.

WHEREAS, The educational laws are not bound in one volume for convenience in searching the law; and

WHEREAS, The old edition has been exhausted for some time; and

WHEREAS, The constitution has not been complied with in providing for a uniform system of public schools; and

WHEREAS, There is no recognition of a high school in the law; and

WHEREAS, There have been damaging errors in engrossing bills; and

WHEREAS, There are conflicting sections in the present law; and

WHEREAS, The decisions of the supreme court have affected parts of the law; and

WHEREAS, There are many needed amendments: therefore, be it

Resolved by the House, the Senate concurring, That the House Committee on Education meet in conference with the Senate Committee on Education, for the purpose of examining Superintendent Brown's codification of its school laws, and reporting their action in the matter to the legislature.

Adopted by the House February 1, 1897.

Adopted by the Senate February 3, 1897.

Approved by the Governor February 10, 1897.

HOUSE CONCURRENT RESOLUTION No. 23.

WHEREAS, The original publication of the Session Laws for the year 1888, and prior thereto, including the Code of 1881, are out of print and can rarely be obtained, and when obtainable cost from \$100 to \$150 per set; and

WHEREAS, There is a new publication by the Tribune Printing Co. of the laws covering the said period, and it is desirable to obtain this publication for the use of the legislature committees; and

WHEREAS, The publishers of said books are desirous of obtaining copies of the state's publications of the Session Laws published since 1888; and

WHEREAS, The state has more than 6,000 volumes of Session Laws and Supreme Court Reports it cannot dispose of: therefore, be it

Resolved by the House, the Senate concurring, That the state librarian be and he is hereby authorized and directed to procure, by exchange and without the payment of money 15 copies of 5 volumes each, in all 75 volumes, at the exchange price of \$6 per volume, bound in manilla. He shall give in exchange Session Laws and Supreme Court Reports at the full selling price thereof: *Provided,* He shall not give in exchange any of the Laws of 1895.

That the publication of the laws for 1897 shall not be interfered with and that the printed sheets may be delivered; after the number which the present legislature shall order has been run, the state printer shall run at the cost (with ten per cent. added) of paper and press work, and if desired, the usual binding, such number as shall be desired, and as the librarian shall need to effect the exchange. If binding is had, additional books shall be given in exchange therefor.

The secretary of state and state auditor shall, upon the requisition and receipt of the librarian, deliver to him the necessary books above mentioned to effect the exchange. Said publication of the Session Laws, when obtained as above provided, shall be marked and be and remain permanently the property of the state, in custody of the state librarian, for the use of the legislative committees of the Senate and House, and may be taken from the library by the chairmen of the committees, under the same regulations as other books are taken.

Adopted by the House March 5, 1897.

Adopted by the Senate March 9, 1897.

Approved by the Governor March 11, 1897.

HOUSE CONCURRENT RESOLUTION No. 27.

Be it resolved by the House, the Senate concurring: That Senator T. J. Miller be and is hereby permitted to introduce a bill into the Senate asking for an appropriation of ten thousand dollars, or so much thereof as may be necessary, for the payment of the salaries of members and employés and the other expenses of this session of the legislature.

Adopted by the House March 4, 1897.

Adopted by the Senate March 5, 1897.

Approved by the Governor March 9, 1897.

HOUSE CONCURRENT RESOLUTION No. 29.

WHEREAS, Pursuant to House Joint Concurrent Resolution No. 11, appointing a committee for the purpose of advertising for bids for suitable quarters for state offices, and said committee having advertised for and received several bids in accordance with said resolution, and after due consideration of these bids conclude that the bid of T. I. McKinney, of six thousand four hundred (\$6,400) dollars per annum is the most economical and practicable: therefore, be it

Resolved, That the governor and secretary of state be and they are hereby instructed to enter into a contract on behalf of the state with said T. I. McKinney for the lease of that portion of his brick building situate corner of Fourth and Main streets, Olympia, Wash., now occupied by the state offices, for the term of two years, with the privilege of four years, from the first (1st) day of August, 1897, at the annual rental of six thousand four hundred (\$6,400) dollars, payable quarterly. The terms of this lease to be in accordance with the provisions of the bid of

said T. I. McKinney, which bid is herewith attached and marked "Exhibit A," and the state auditor is instructed to draw his warrant for the payment of said rent as stated above, payable to said T. I. McKinney, as provided for in the general appropriation bill.

Adopted by the House March 11, 1897.

Adopted by the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

SENATE MEMORIAL No. 10.

In relation to the survivors of the Indian war of 1855 and 1856 in the Territory (now State) of Washington.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the legislature of the State of Washington, would respectfully represent that many of the early settlers of the Territory of Washington, during the years 1855 and 1856, in the protection of the lives of themselves and families and their property, having to contend against the hostile Indians occupying the country at that time, upon the call of the governor of the territory freely volunteered to suppress the hostility of such Indians; that, while fighting these Indians, many valuable lives were lost and much property destroyed; that of those volunteers and early settlers but few now survive; that, while the services of the soldiers of the regular army during that war were promptly provided for by the government without diminution of any kind, and received full recognition at the hands of the general government for their services, the brave men who volunteered and defended the northwest territory from the hostile Indians in the war of 1855 and 1856, responsive to the call of the governors of the territories of Washington and Oregon, have failed to receive that recognition and consideration at the hands of the government of

the United States to which they are entitled; that, by the eleventh section of the act of August 18, 1856, the secretary of war was directed "to examine into the amount of the expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington by the territorial governors of said territories for the maintenance of the volunteer forces engaged in said war, including the pay of the volunteers," and he was authorized, if in his judgment necessary, to appoint a commission of three persons to ascertain and report such expenses; that, by an order issued from the war department September 4, 1856, Captain A. J. Smith, United States army, Rufus Ingalls, United States army, late quartermaster general, and La Fayette Grover, afterwards governor of the State of Oregon and United States senator from said state, were appointed a commission to ascertain and report upon the expenses incurred by the territories aforesaid. The commission met at Portland, Oregon, October 20, 1856, organized a board, proceeded to the discharge of the duty assigned them, and, after full investigation and consideration, found, among other things, that the aggregate number of troops engaged in this war from the Territory of Washington was 1,896, that the approximate number of troops engaged at any one period was 1,000; and in taking action upon the pay of the volunteers from Washington Territory the commission, in the absence of any law of the territory upon the subject, deemed it proper and just to recommend the same rates of pay and allowances as were reported in the case of the volunteer troops of Oregon. The Oregon statute provided as follows: "Whenever such volunteers are called and received into the service of the territory each non-commissioned officer and private shall be entitled to receive two dollars per day and rations, and two dollars per day for the risk of his horse, except for horses actually killed in action, unavoidably lost or reported unfit for service, in which cases the owner shall receive the appraised value thereof. All commissioned officers shall receive the same pay as officers of the same rank in the army of the United States: *Provided*, That commissioned officers shall receive the same pay for

the use and risk of horses as non-commissioned officers." The commission, upon that basis, found that there is due for troops in the service of the Territory of Washington a total of \$519,593.06; and it was further found, in examining into the amount of expenses necessarily incurred for the maintenance of these volunteers, that the total amount due for expenses was \$961,882.39. That said commission visited extensively both territories, with the view of being informed fully as to the nature and extent of the Indian hostilities, means employed for their suppression, the rates of labor, the prices current for the property furnished for the service, and the facilities and expense of transportation. They examined into each distinct department of the service, and filed an exhibit of the total expense necessarily incurred in the suppression of the Indian hostilities in the late Indian war by the territorial governors of said territories, and further found that the expenses for the maintenance of the volunteer forces engaged in said war from the Territory of Washington, including pay, was \$1,481,475.45, and for the State of Oregon, the sum of \$4,499,949.33, and the total amount reported by the commissioners as due the territories of Oregon and Washington was \$6,011,457.36. That on the 7th day of February, 1860, the third auditor of the treasury reported to the House of Representatives upon these claims and allowed, under said report, only \$2,714,808.55, thus leaving a balance justly due these early pioneers of \$3,296,648.81. Your memorialists respectfully refer you to the report of the commission above named and the adjustment by the then third auditor of the treasury, and respectfully ask that an appropriation may be made sufficient to cover the claims above set forth as due the volunteers from the State of Washington and State of Oregon during the Indian war of 1855 and 1856; and to that end your memorialists will ever pray.

Passed the Senate February 26, 1897.

Passed the House March 5, 1897.

Approved by the Governor March 6, 1897.

SENATE MEMORIAL No. 12.

To the Honorable, the President and Congress of the United States:

WHEREAS, There has been set apart within the State of Washington, three tracts of land containing many million acres as forest reservation;

WHEREAS, These tracts are rich in mineral resources, and contain many of the best mines in the state;

WHEREAS, Mining is one of the greatest industries of this state, and this act strikes at the foundation of our present and future prosperity; and

WHEREAS, We believe that these tracts of land should be opened to prospectors and miners with full privilege to find, develop and operate all and any mining properties therein: therefore, be it

Resolved by the Senate, the House of Representatives concurring, That we memorialize the President and Congress of the United States to revoke as speedily as may be, that part of the law which prohibits mining within the above mentioned reservation and to enact a law permitting the finding, developing and operating of mines, the construction of roads and bridges, and all the other necessary adjuncts requisite to a full development of the mineral resources of these reservations.

And your memorialists will ever pray.

Passed the Senate March 9, 1897.

Passed the House March 10, 1897.

Approved by the Governor March 11, 1897.

 HOUSE MEMORIAL No. 3.

To the Senate and House of Representatives of the United States:

We, your memorialists, the legislature of the State of Washington, respectfully represent as follows:

WHEREAS, That portion of the coast of the United States between the entrance to Gray's Harbor and Cape Flattery on the west coast of the State of Washington, a distance of one hundred and thirty miles, is entirely without either lighthouse or life saving station; and

WHEREAS, Strong ocean currents setting in along said coast make navigation along said coast extremely hazardous; and

WHEREAS, Many ships have been wrecked and many lives have been lost along said coast: be it, therefore,

Resolved by the legislature of the State of Washington, That the State of Washington respectfully ask the congress of the United States to take such steps as will result in establishing a life saving station on the coast of Washington at some point between the entrance to Gray's Harbor and the promontory known as Point Granville, and in extending to said Gray's Harbor the government telegraph line now having its terminus at Tatoosh Island.

Adopted by the House February 15, 1897.

Adopted by the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

HOUSE MEMORIAL No. 8.

To the Senate and House of Representatives of the United States:

We, your memorialist, the legislature of the State of Washington, respectfully represent as follows:

WHEREAS, That portion of the coast of the United States between Gray's Harbor and Cape Flattery, on the west coast of the State of Washington, containing an area of two and one-half ($2\frac{1}{2}$) million acres of the best agricultural land to be found within the State of Washington; and

WHEREAS, Said area of land is immensely rich in timber and mineral resources; and

WHEREAS, The Olympic mountains, on the east side of said area of land, is a bar of obstruction to constructing modern railroads and transportation lines into the Quillayute valley; and

WHEREAS, A harbor constructed at the mouth of the Quillayute river will open up said territory to settlement by the home seekers and homeless; and

WHEREAS, Many ships have been wrecked and many lives have been lost near the mouth of the Quillayute river: be it, therefore,

Resolved by the legislature of the State of Washington, That the State of Washington respectfully ask the congress of the United States to appropriate \$150,000 for the purpose to build a harbor and light house at the mouth of the Quillayute river: be it further

Resolved, That the senators and representatives of this state in congress are requested to use their most earnest efforts to procure an appropriation for harbor and light house at the mouth of the Quillayute river; for which your memorialist will ever pray.

Adopted by the House February 15, 1897.

Adopted by the Senate March 3, 1897.

Approved by the Governor March 9, 1897.

HOUSE MEMORIAL No. 12.

WHEREAS, The legislature of the State of New Jersey did at its last session, in the year 1896, adopt the following preamble and resolution, to wit:

Preamble and resolutions setting forth and acknowledging the claims of Wm. A. Newell as the originator of the system of life saving service of the United States, and thanking him for his agency therein.

WHEREAS, Wm. A. Newell, representative in congress from the Second Congressional district of this state to the 20th congress of the United States, did, on the third day of January, 1848, introduce the following resolution, viz.: "*Resolved,* That the committee in com-

merce be instructed to enquire whether any plan can be devised whereby the dangerous navigation along the coast of New Jersey, between Sandy Hook and Little Egg Harbor, may be furnished with additional safeguards to life and property, and that they report to the house by bill or otherwise," which was passed without opposition; and

WHEREAS, The committee made no report whatever upon said resolution, and Wm. A. Newell did on the third day of August, 1848, make a carefully prepared speech detailing his system at length, as is recorded in the appendix to the *Congressional Globe* of that date, and on the ninth of the same month did offer the following amendment to the light house bill, to wit: For providing surf boats, life boats, rockets, carronades and other necessary apparatus for the better preservation of life and property from shipwreck along the coast of New Jersey, between Sandy Hook and Little Egg Harbor, \$10,000, the same to be expended under the supervision of such officer as may be designated by the secretary of the treasury," which passed unanimously; and

WHEREAS, Wm. A. Newell, at the second session of the 30th congress, introduced and secured the passage of an amendment appropriating \$20,000 for the extension of the system from Little Egg Harbor to Cape May, and the Atlantic coast of Long Island, Fire Island, and Montuak Point; and did on July the 14th, 1866, when again in congress, deliver a speech in the house of representatives calling for an additional appropriation of \$20,000, and strongly urging the justice of paying the life saving crews, which propositions were adopted; and

WHEREAS, It is thus made clearly apparent that Wm. A. Newell did, while a representative from this state, originate the system which has been instrumental in saving many thousands of human lives from shipwreck, and an untold amount of property from destruction: therefore, be it

Resolved, By the senate and house of assembly of the State of New Jersey, that we do hereby recognize Wm. A. Newell as the true author and originator of the life saving service, and that the thanks of this legislature be and are hereby extended to him for his agency in establishing this most successful instrumentality in the cause of humanity;

Resolved, That these resolutions be spread upon the minutes, and that the governor of this state be requested to forward to the Hon. Wm. A. Newell an original copy of the same.

AND WHEREAS, Wm. A. Newell was a governor of Washington Territory, and is now an honored citizen of this state; and

WHEREAS, Washington is preëminently distinguished as a maritime state, by reason of ocean frontage, straits, huge inland salt seas, navigable rivers and lakes, and as many of our people are engaged in commercial and seafaring pursuits and thus interested in all measures tending to di-

minish dangers to life and property from shipwreck: therefore, be it

Resolved by the Senate and House of Representatives of the State of Washington, That we do heartily approve of and endorse the action of the legislature of the State of New Jersey in according to Wm. A. Newell the honor of originating and carrying into successful operation the life saving service of the United States;

Resolved, That an engrossed copy of these proceedings be transmitted to Governor Newell; and, be it further

Resolved, That a copy of this memorial be sent to the legislature and to the governor of the State of New Jersey, also that copies thereof be forwarded to our senators and representatives in congress, with the request that they secure from the congress of the United States, where the system was inaugurated, an endorsement of these testimonials of the State of New Jersey and of Washington, so eminently merited and so long withheld.

Adopted by the House February 11, 1897.

Adopted by the Senate March 3, 1897.

Approved by the Governor March 6, 1897.

HOUSE MEMORIAL No. 17.

WHEREAS, The late President of the United States, Grover Cleveland, by a proclamation issued February 22, 1897, created a forest reserve in the State of Washington, embracing all that territory in said state from the 120th meridian of longitude to the 122d meridian, and from the 48th parallel of north latitude to the 49th parallel, or the northern boundary of this state, containing a mountainous area of the Cascade range of 60 miles from north to south, and 120 miles from east to west, which cuts off from the four great mineral producing counties of this state — Okanogan, Whatcom, Skagit and Snohomish — fully one-half of the

territory of each county from settlement and development, and that ninety per cent. of the said territory has little or no timber of any commercial value, but is, on the contrary, a rocky, mountainous country, and is practically valueless for any other than its great and almost unlimited mineral deposits consisting of gold, silver, copper, iron, coal, asbestos, marble and other minerals, and this very territory is the great mineral belt in the State of Washington, and is now conceded by many of the best experts in the country to be the greatest gold, silver and copper belt in America; and

WHEREAS, Many millions of dollars of the people of the State of Washington and other states have been invested in the development of the mineral resources of this territory in the building of populous and thriving towns, erection of school houses and churches, and clearing and improving of small farms in the valleys of the mountain recesses, the construction, equipment and operation of railroads and telegraph lines, the development and operation of extensive mining properties that are large producers of gold, silver, copper and coal, affording employment at this time to more than five thousand men in the State of Washington, and a means of support to more than twenty thousand people. In this territory is included the thriving and prosperous towns and mining camps of Monte Cristo, Silverton, Cascade, Galena, Sultan, Index, Skykomish, Ruby Creek, Methow, Squaw Creek, Chelan and many others. That more than twenty thousand mineral locations have already been made in this very district, and that the number will probably be doubled during the year 1897, and that hundreds of thousands of dollars of investors' and capitalists' money is now ready and waiting only for the spring season to open and develop and bring into circulation the hidden stores of gold and silver deposited by nature in these mountains, which will furnish employment to thousands of idle and hungry men, and a means of subsistence to thousands upon thousands of suffering women and children, who are now without the bare necessities of life; and

WHEREAS, If this reserve is continued and maintained, and further prospecting prevented, and development retarded, this promised and assured prosperity will be diverted from us and our state to the British possessions across the line and immediately adjoining; and

WHEREAS, Under the statutes of the United States, volume 26, page eleven hundred and three, any and all prospectors, settlers or locators on any of the lands in such territory after the date of the said proclamation would clearly be trespassers, and as all prospectors, settlers or locators already in the country would be unable to reach their lands or improvements without going over other unsettled or unlocated land within the reserve, all would be trespassers; therefore, the reservation prevents and obstructs all improvement, railroad building and mining operations, and is a stupendous and disastrous blow to every commercial and business interest of the state; and

WHEREAS, The future prosperity of this state is largely dependent upon the development of the vast mineral resources of this territory directly tributary to the commercial centers, as is so plainly illustrated and exemplified in the recent and present growth and prosperity of Spokane, which is conceded to be due to the mining interests tributary thereto; and the great cities of Denver, Butte, Leadville, Salt Lake and even San Francisco are shining examples of the prosperity and bond of union that exists between profitable mining development and successful agricultural and commercial life; and

WHEREAS, It seems almost incomprehensible that such an executive order creating this particular forest reserve, designated in the proclamation, should have issued on the eve of the retirement of the president, and we being firmly of the opinion that the real facts and truth as to the mineral character and the extensive improvements and state of development of this district could not have been in the possession of the president, and believing and being firmly convinced that a grievous wrong, injustice and irreparable damage has been done to the mining and commercial interests of all the citizens of this state; now, therefore,

We, your memorialists, the legislature of the State of

Washington, respectfully memorialize the president and the congress of the United States for the immediate revocation and cancellation of the order of proclamation of February 22d, 1897. And we request our representatives in congress and instruct our senators to use every diligence and honorable means to that end. And that copies of this memorial be forthwith transmitted to the president of the United States, the president of the Senate, the speaker of the House of Representatives, and to our senators and congressmen.

Adopted by the House March 8, 1897.

Adopted by the Senate March 8, 1897.

Approved by the Governor March 10, 1897.

HOUSE JOINT MEMORIAL No. 16.

A memorial to congress in regard to a national soldiers' home at Fort Sherman, Idaho, by the Senate and House of Representatives of the State of Washington.

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

WHEREAS, By act of congress and the orders of the war department, the troops will at an early date be removed from Fort Sherman to the newly established military post at Spokane, Washington; and

WHEREAS, The present site of Fort Sherman, with all of its buildings and improvements, will be worthless to the United States and cannot be sold for any very great amount of money; and

WHEREAS, It is located at the north end of Cœur d'Alene Lake, a beautiful body of water, upon which are many steamers, with Cœur d'Alene City near by with good railroad facilities; and

WHEREAS, There is not a national soldiers' home in the extreme northwestern states:

Therefore, We earnestly ask that you give this matter due consideration and establish a national home upon the site of Fort Sherman, in order that those men who defended the country's flag in time of peril may have a pleasant, healthy place to spend their last days upon earth; and that a copy of this memorial be sent to each of our senators and members of the House of Representatives in congress.

Adopted by the House February 25, 1897.

Adopted by the Senate February 27, 1897.

Approved by the Governor March 3, 1897.

AUTHENTICATION.

STATE OF WASHINGTON,
OFFICE OF SECRETARY OF STATE,
OLYMPIA, April 1, 1897. }

I, Will D. Jenkins, secretary of state of the State of Washington, and custodian of the seal of said state, do hereby certify that the laws, memorials and resolutions hereinbefore published are true and correct copies of the originals, or enrolled bills, now on file in this office, with the exception of corrections of certain obvious errors in orthography and phraseology, which corrections have in each case been indicated by brackets, thus [], as provided by law.

In witness whereof, I have hereunto set my hand and affixed the seal of the State of Washington, the day and year aforesaid.

[SEAL.]

WILL D. JENKINS,
Secretary of State.

LIST OF ACTS

PASSED AT THE FIFTH SESSION OF THE LEGISLATURE OF THE STATE OF WASHINGTON, WHICH CONVENEED JANUARY 11, 1897, AND
ADJOURNED MARCH, 11, 1897.

CHAP.	TITLE.	PAGE.
1	An act appropriating the sum of fifty thousand dollars for the payment of the salaries of members and employes, and other expenses of this session of the legislature.—Approved January 22, 1897	3
2	An act directing the state treasurer to invest certain moneys in the tide land fund, in general warrants, and declaring an emergency.—Approved January 22, 1897	3
3	An act making an appropriation to continue the operation of the state salmon hatcheries.—Approved January 23, 1897	4
4	An act appropriating money for clerical assistance in the office of the board of state land commissioners.—Approved February 3, 1897	5
5	An act to amend section 1439 of volume one of the General Statutes and Codes of the State of Washington, arranged and annotated by William Lair Hill, concerning the recording of deeds and mortgages.—Approved February 4, 1897	5
6	An act to provide for exemptions in cases of assignments for the benefit of creditors.—Approved February 10, 1897	6
7	An act prohibiting advertisements soliciting business in matters of divorce.—Approved February 10, 1897	7
8	An act to appropriate two thousand five hundred dollars, or so much thereof as may be necessary, to repair damages caused by boiler explosion at the Easter Washington hospital for the insane.—Approved February 13, 1897	8
9	An act to amend section 3289 of the Code of 1881, relating to the removal and suspension of attorneys.—Approved February 13, 1897	9
10	An act defining motions and orders.—Approved February 13, 1897	10
11	An act relating to assignments and satisfactions of judgments.—Approved February 13, 1897	10
12	An act making it unlawful to kill or poison honey bees, and making it unlawful to place any poisoned or sweetened substance for the purpose of injuring honey bees, and prescribing the punishment therefor.—Approved February 13, 1897	11

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CHAP.	TITLE.	PAGE.
13.....	An act amending section 4 of an act entitled "An act in relation to attorneys and counselors at law, providing for admission to the bar," passed by the legislature of the State of Washington, and approved March 19, 1895.—Approved February 16, 1897.....	12
14.....	An act amending section one of an act entitled "An act relating to new trials, and amending section 282 of the Code of Washington of 1881, and repealing sections 279 and 280 of said Code of 1881," approved February 26, 1891, relating to new trials.—Approved February 16, 1897.....	13
15.....	An act relating to dairy products, amending sections 2 and 3 of an act approved March 11, 1895, entitled "An act regulating the manufacture of dairy products, to prevent deception or fraud in the sale of the same or imitations thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a state board of dairy commissioners and defining their duties, imposing certain duties upon chemists of state institutions, providing penalties for violations of this law, making an appropriation, and declaring an emergency."—Approved February 16, 1897.....	14
16.....	An act to prevent vivisection and regulate dissection in the schools of the State of Washington, except medical and dental schools, or medical department of any school, and providing a penalty therefor.—Approved February 17, 1897.....	16
17.....	An act requiring street railways and street car companies or corporations, owing or operating street railways or street car lines, to employ experienced and competent men to operate and assist in operating cars and dummies on such car lines, and providing a penalty for the violation of this act.—Approved February 18, 1897.....	17
18.....	An act to amend section 227 of volume 2, Penal Code, of Hill's Annotated Statutes and Codes of Washington, in relation to the discharge of ballast in navigable waters.—Approved February 23, 1897.....	18
19.....	An act amending section 28 of the Penal Code of the State of Washington, relating to the crime of rape.—Approved February 24, 1897.....	19
20.....	An act for the relief of the members of the electoral college.—Approved February 24, 1897.....	20
21.....	An act to amend section 2776 of the Code of 1881, relating to the duties of coroner when sheriff incapacitated.—Approved February 25, 1897.....	21
22.....	An act to amend sections 1075-76 of volume 2, Hill's Annotated Statutes and Codes of Washington, relating to the order of payment of debts of decedents.—Approved February 25, 1897.....	22
23.....	An act relating to assignments and satisfaction of mortgages.—Approved February 25, 1897.....	23
24.....	An act to amend section 23 of an act entitled "An act in relation to garnishments," approved March 8, 1893.—Approved February 25, 1897.....	24

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CHAP.	TITLE.	PAGE.
25.....	An act allowing married women to act as administratrix or executrix of estates of deceased persons, and declaring an emergency.—Approved February 26, 1897.....	24
26.....	An act in relation to and to prevent the introduction or spread of disease among sheep, and repealing "An act in relation to and to prevent the introduction or spread of disease among sheep," approved February 2, 1888, and declaring an emergency.—Approved February 26, 1897.....	25
27.....	An act providing for the cancellation of applications, contracts or deeds heretofore received or made for certain portions of the tide lands in the harbors of cities of the first class, prescribing the conditions under which the same may hereafter be disposed of, and declaring an emergency.—Approved March 2, 1897.....	30
28.....	An act providing for the correction and revision of a portion of the plat of Seattle tide lands, and an appraisement of the lots in the portion so revised and corrected, authorizing and prescribing the manner of readjustment of existing rights in accordance therewith, and declaring an emergency.—Approved March 2, 1897.....	32
29.....	An act creating a bureau of labor, defining its duties, and appropriating money for its maintenance.—Approved March 3, 1897.....	34
30.....	An act to amend an act entitled "An act to amend section six (6) of an act entitled 'An act to prescribe the duties and fix the compensation of the reporter of the supreme court,' approved December 20, 1889, and declaring an emergency," approved February 26, 1891.—Approved March 3, 1897.....	38
31.....	An act to amend section 4 of an act approved March 18, 1895, entitled "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor."—Approved March 4, 1897.....	39
32.....	An act to provide for the registration of voters in all school elections, in school districts having a population of ten thousand or more inhabitants, and regulating elections in such districts.—Approved March 4, 1897.....	40
33.....	An act to provide for the punishment of recalcitrant witnesses before committees appointed by the legislative bodies of the State of Washington, or either of them, and declaring an emergency.—Approved March 6, 1897.....	46
34.....	An act to amend section 1418 of volume 1 of Hill's Annotated Statutes and Codes of Washington, relating to the adoption of legal heirs.—Approved March 6, 1897.....	46
35.....	An act providing for a uniform system of public blanks for use in the counties of the State of Washington, and regulating the manufacture and sale thereof by the state.—Approved March 6, 1897.....	47

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36.....	An act establishing a board of pardons and defining its duties, and declaring an emergency.—Approved March 6, 1897.....	49
37.....	An act for the relief of the widow of H. C. Ashenfelter, deceased.—Approved March 6, 1897.....	50
38.....	An act to protect manufacturers, bottlers and dealers in ale, porters, lager beer, soda, mineral waters and other beverages, from the loss of their casks, barrels, kegs, bottles and boxes.—Approved March 6, 1897.....	50
39.....	An act relating to the duration of judgments, and repealing sections 462 and 463, volume 2, Hill's Code of Washington.—Approved March 6, 1897.....	52
40.....	An act authorizing the bringing of suits for the distribution of funds of insolvent insurance companies in the hands of the treasurer of the state.—Approved March 6, 1897.....	53
41.....	An act to prevent the unauthorized interference with electric meters, wires and cables, used for measuring and conducting electric currents.—Approved March 6, 1897.....	54
42.....	An act to amend sections 12 and 13 of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891.—Approved March 6, 1897.....	55
43.....	An act providing for a lien for employes.—Approved March 6, 1897.....	55
44.....	An act amending section 2415, volume 1, Hill's Annotated Code of Washington, in relation to an act for bond of contractors for security of laborers.—Approved March 6, 1897.....	57
45.....	An act for the protection of persons working in coal mines.—Approved March 6, 1897.....	58
46.....	An act to amend sections 4 and 10 of an act entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or other property, by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency," approved March 21, 1890, the same being sections 651 and 657 of volume 2 of Hill's Annotated Statutes and Codes of Washington.—Approved March 9, 1897.....	63
47.....	An act relating to trade marks.—Approved March 9, 1897.....	65
48.....	An act making an appropriation for the relief of T. M. Alvord, on account of failure in title to university lands.—Approved March 10, 1897.....	69
49.....	An act amending an act entitled "An act exempting the proceeds of life insurance from liability for debt, and declaring an emergency," approved March 20, 1895.—Approved March 10, 1897.....	70

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50	An act relating to the sale of property under execution and decrees, and the confirmation of sheriffs' sales, and repealing sections 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521 of volume 2 of Hill's Annotated Statutes and Codes of the State of Washington, relating to the redemption of real estate sold on decree of foreclosure and on execution.—Approved March 10, 1897	70
51	An act providing for the sale of real property to foreclose liens created for local improvements in cities of the first class, declaring that such liens shall be a first lien, prohibiting vexatious litigation, providing for the confirmation of assessment rolls, the redemption from sale, and declaring an emergency.—Approved March 10, 1897	77
52	An act for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation, and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington.—Approved March 11, 1897	82
53	An act providing for the reservation of a portion of the public highways for the accommodation of bicycles and foot passengers.—Approved March 11, 1897	89
54	An act for the relief of the Union Savings Bank and Trust Company, a corporation, and making an appropriation therefor.—Approved March 11, 1897	90
55	An act to prescribe the mode of payment of all obligations of debt to be paid in money.—Approved March 11, 1897	91
56	An act providing for the constitutional amendment conferring the elective franchise on women.—Approved March 11, 1897	92
57	An act relating to exemptions of personal property.—Approved March 11, 1897	93
58	An act to amend section 1 of an act entitled "An act establishing a board of pardons and defining its duties, and declaring an emergency."—Approved March 11, 1897	94
59	An act appropriating the sum of ten thousand dollars, or so much thereof as is necessary, for the payment of the salaries of members and employes and other expenses of this session of the legislature.—Approved March 11, 1897	94
60	An act to extend the right of eminent domain to mining, milling or reduction works companies.—Approved March 11, 1897	95
61	An act subjecting the franchises to sale upon execution and upon order of sale under foreclosure of mortgage.—Approved March 11, 1897	96

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CHAP.	TITLE.	PAGE.
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63.....	An act relating to deficiency judgments.—Approved March 11, 1897.....	98
64.....	An act to provide for the official scaling of logs and lumber.—Approved March 13, 1897.....	98
65.....	An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895.—Approved March 13, 1897.....	105
66.....	An act relating to justices of the peace and constables in cities having more than five thousand inhabitants, and fixing their number and salaries.—Approved March 13, 1897.....	110
67.....	An act relating to the disposition of moneys received from the United States for the support of the soldiers' home of the State of Washington, and repealing an act entitled "An act authorizing the state treasurer to receive from the United States any sum of money for the benefit of the Washington State Soldiers' Home, under the provisions of the act of congress approved August 27, 1888, entitled 'An act to provide aid for state or territorial homes for the support of disabled soldiers and sailors of the United States,' and declaring an emergency," approved February 20, 1893.—Approved March 13, 1897.....	111
68.....	An act regulating common carriers, fixing maximum railroad freight rates in the State of Washington, prohibiting discrimination by railroad common carriers in the matter of such rates and of facilities for shipment, and providing for the due enforcement and observance of the rates so fixed, and of the regulations and prohibitions before referred to, and providing a method of determining the reasonableness of such rates and regulations, and making an appropriation therefor.—Approved March 13, 1897.....	113
69.....	An act providing for the dissolution of municipal corporations of the third and fourth classes, and declaring an emergency.—Approved March 13, 1897.....	127
70.....	An act fixing the fees to be paid to the secretary of state by corporations doing business in this state, and declaring an emergency.—Approved March 13, 1897.....	134
71.....	An act to provide for the assessment and collection of taxes in the State of Washington.—Approved March 15, 1897.....	136
72.....	An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1897, and ending March 31, 1899.—Approved March 15, 1897.....	194
73.....	An act for the protection of sturgeon in the waters of this state.—Approved March 16, 1897.....	200

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75.....	An act relating to claims against the estates of infants, insane and incompetent persons.—Approved March 16, 1897.....	203
76.....	An act relating to county boundaries.—Approved March 16, 1897.....	204
77.....	An act providing for the purchase of stationery, desk supplies and furnishings required by the state legislature and the state officers located at the capital.—Approved March 16, 1897.....	205
78.....	An act to amend section 1672 of volume 2 of Hill's Annotated Statutes and Codes of Washington, relating to depositions, and declaring an emergency.—Approved March 16, 1897.....	206
79.....	An act providing for the disorganization and liquidation of irrigation districts which have no bonded indebtedness, and the winding up of their affairs.—Approved March 16, 1897.....	207
80.....	An act to regulate the sanitary construction of house drainage and plumbing in cities of first class.—Approved March 16, 1897.....	210
81.....	An act granting a bounty for the encouragement of the production and manufacture of sugar in the State of Washington.—Approved March 16, 1897.....	213
82.....	An act prohibiting the maintenance, construction and use of fixed appliances and seines for the catching of salmon in certain waters and in parts of certain waters in the State of Washington, and regulating the licensing and use of the same in certain other of the waters of said state, including the Columbia river, and for licensing of the use of all salmon fishing gear and salmon canneries, and providing for the disposition of the funds arising therefrom, and repealing an act of the legislature of the State of Washington, approved March 10, 1893, entitled "An act regulating fish traps, pound nets, weirs, set nets, fish wheels or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries and Puget Sound; for providing for the licensing thereof, and the disposition of the funds arising therefrom, and declaring an emergency."—Approved March 16, 1897.....	214
83.....	An act entitled "An act to prevent the destruction, mutilation or defacement of land marks, monuments and notices upon mining claims, and providing a penalty therefor."—Approved March 16, 1897.....	221
84.....	An act relating to the taxes and funds of municipal corporations having less than twenty thousand inhabitants.—Approved March 16, 1897.....	222

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85	An act to provide for voting on a constitutional amendment at the general election to be held in November, 1898, relative to taxation.—Approved March 16, 1897	225
86	An act relating to negotiable paper.—Approved March 16, 1897.....	227
87	An act granting to judgment debtors the right of possession, rents, issues and profits of real estate and premises sold under execution, during the period of redemption, and declaring an emergency.—Approved March 16, 1897	227
88.....	An act for the relief of the Ilwaco Railway and Navigation Company, and granting to said company the right to construct, equip, maintain and operate its railroad and wharf over and upon certain tide lands in front of the town of Ilwaco, Pacific county, Washington.—Approved March 16, 1897.....	228
89.....	An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency.—Approved March 16, 1897.....	229
90	An act for the relief of W. B. Davey and other creditors of the state normal school at New Whatcom, and making an appropriation therefor.—Approved March 16, 1897.....	264
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