

take, or damage the same, in the manner provided by chapter nine of the laws of 1890, relating to "Appropriation of lands by corporations, to regulate proceedings for," entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or 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.

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 All laws in conflict with this act are hereby repealed.

Approved March 8, 1893.

CHAPTER LXIII.

[S. B. No. 53.]

STATE LIBRARY.

AN ACT relating to the state library, and declaring an emergency.

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

SECTION 1. The state library of the state shall be kept by a librarian, who shall be appointed by the governor, by and with the advice and consent of the senate, whose term of office shall be for four years next following his appointment, and until his successor is appointed and qualified; and in case of a vacancy the governor shall appoint a librarian to fill the unexpired term.

Oath of office. SEC. 2. The state librarian, before he enters upon the duties of his office, shall qualify by an oath, to be filed in the office of secretary of state, that he will support the constitution of the United States and the constitution of the State of Washington, and that he will faithfully perform his duties; and he shall also give a bond in the sum of two thousand dollars, payable to the state, with two or more sureties, to be approved by the secretary of state, that he will perform his duties as required by law.

Bond.

SEC. 3. The state librarian shall appoint an assistant li- Assistant.
brarian, by and with the advice and consent of the board
of library commissioners, who shall qualify in like manner
as the librarian. The compensation of said assistant li- Compensation.
brarian shall be eight hundred (\$800) dollars per annum,
to be paid in like manner as the state librarian is paid.
The assistant librarian shall, under the direction of the
state librarian, keep the library open to the public, for the
use of books in the library rooms, every evening, Sunday
excepted, between the hours of seven and ten o'clock.

SEC. 4. It shall be the duty of the librarian to keep a Duties of
librarian.
correct account of all books in the library, and keep said
books in an orderly manner on the shelves of said library,
except as he allows them to be taken from the shelves as
hereinafter provided, and to use that reasonable diligence
which a careful man would do in his own private office; to
keep a record of all books taken from the library rooms;
to collect the books outstanding into the library; to keep
all the books marked so that it may be known that they
belong to the state library; to have bound all books and
papers that require binding; to act as secretary to the
board of library commissioners; to report to the governor
of the state biennially, in November preceding each ses-
sion of the legislature, all increase or decrease in said state
library and the sources of such increase and decrease; pre-
pare a supplemental catalogue and have the same printed
and distributed when required so to do by the board of li-
brary commissioners, and when his term of office expires
deliver all accounts and papers concerning said library and
all of said library to his successor in office.

SEC. 5. The librarian shall collect all outstanding books Same.
belonging to the library, prior to the session of the legis-
lature and supreme court, for the use of the members of
the legislature and officers thereof and the attorneys and
judges of said court and other officers of state.

SEC. 6. The persons named in the preceding section and Who may
use books.
all other persons shall be allowed the use of the books in
the library rooms in accordance with the rules and regula-
tions prescribed by the library commissioners for the gov-
ernment of the library, but shall in no case be permitted

to take any book therefrom belonging to the law department of the library, except to a room in the building occupied by the library, nor shall he be permitted to take any book from the library room unless he first deposits with the acting librarian a receipt therefor: *Provided, however,* That the members of the legislature, during the session thereof, the judges of the supreme court and other state officers may take books from the library and the library building by first depositing with the acting librarian a receipt therefor. All persons violating the provisions of this section shall forfeit and pay to the state librarian an amount equal to three times the value of the book or books so taken, which amount shall, when so collected, be deposited with the state treasurer to the credit of the special state library fund.

Penalty.

SEC. 7. No books shall be taken outside the city which is the seat of the state government, and all persons violating the provisions of this section shall forfeit and pay to the state librarian an amount equal to three times the value of the book or books so taken, to be collected and deposited as provided in the preceding section: *Provided,* That the provisions of this section shall not apply to the attorney general or his assistants, in cases wherein the state is interested and in which the books taken are required.

Penalty.

SEC. 8. Any person may take a book from the library, at the discretion of the librarian, provided such book is one belonging to the general department and not to the law department of the library, by first depositing in money with the state librarian, the value of the said book, if it be one not belonging to a set; and if it be one belonging to a set, then by depositing in money, double the value of the book taken, and also by depositing with the librarian a receipt for said book, signed by the person taking it, and any person obtaining a book under the provisions of this section shall return the same to the librarian within fifteen days from the time the same is taken under the penalty of the forfeiture of the money so deposited which shall be deposited as provided in section six of this act. The person returning the book shall be entitled to his receipt which he gave for the same, and to his money which he

Regulating
the use of
books.

deposited, less the amount of damage done to the book returned.

SEC. 9. Any person who shall take from the state library any book without first receipting to the librarian for the same, and any person who shall purposely destroy, mutilate, alter, deface, conceal or cover up the state marks on any book belonging to the state library, shall in either case be deemed to intend to embezzle the same and guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than Penalty. two hundred dollars, and shall also deliver up such book or books.

SEC. 10. All actions prosecuted under this act shall be deemed criminal actions, and shall be prosecuted as other crimes and misdemeanors are prosecuted in the name of the state, and all courts of justices of the peace shall have concurrent jurisdiction with the superior courts in all cases where the penalty is less than one hundred dollars, and in all other cases the superior courts shall have the jurisdiction thereof.

SEC. 11. All moneys recovered under the provisions of this act to which the state is entitled shall be paid immediately to the state treasurer, to the credit of the state library fund.

SEC. 12. The board of library commissioners provided Board of library commissioners. in section seventeen of this act, may exchange or sell such books and documents belonging to the library as to the said board may seem conducive to the best interest of the said library, and the said board shall buy with the proceeds of such sale or sales, or shall receive in exchange for books so exchanged such books as they shall direct.

SEC. 13. It shall be the duty of the secretary of state Secretary of state. to deposit with the state librarian a sufficient number of copies of each volume of the supreme court reports of this state, for him to distribute to the libraries of the several states and territories practicing a like comity with this state. The account of the librarian for expenses of transporting the same shall be paid out of the state treasury by warrant drawn by the state auditor, who shall receive proper vouchers for the same.

Expenditures.

SEC. 14. The state librarian is hereby authorized to pay freight and other charges upon books or other documents sent to the library, and to buy such wrapping paper, twine, postage stamps and stationery as may be found necessary for the use of the state library, taking proper vouchers therefor; and upon presentation of said vouchers, approved by the secretary of state, the state auditor shall issue a warrant upon the state treasurer, in favor of the librarian, for the amount so found due.

Care and custody of capitol.

SEC. 15. In addition to the duties of the state librarian hereinbefore named, he shall have the care and custody of the capitol buildings and grounds when the legislature is not in session, and shall report their condition to the secretary of state at least sixty days prior to the commencement of each session of the legislature.

Salary.

SEC. 16. The state librarian shall be allowed an annual salary of fifteen hundred dollars, to be paid monthly, and the state auditor shall draw warrants on the state treasurer for said amounts.

Board of library commissioners.

SEC. 17. The governor, the secretary of state and the attorney general of the state shall constitute a board of library commissioners, who shall make such rules for the conduct of the library as they may deem advisable, and shall exercise a general supervision over the said library. They shall obtain by purchase, or otherwise, books, reports, maps, etc., for the said state library, and the said commissioners are hereby authorized to expend therefor in the aggregate a sum not exceeding four thousand dollars annually: *Provided*, That at no time shall such purchases exceed the amount in the hands of the state treasurer to the credit of the special state library fund.

SEC. 18. When purchases of books for the state library are made, as provided in the preceding section, the vouchers therefor having been certified by one or more of said commissioners, shall be presented to the state auditor, who shall issue warrants for the same upon the state treasurer, to be paid out of the special state library fund.

SEC. 19. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 20. Whereas, the existing law relating to the state

library is essentially defective and insufficient: therefore, an Emergency. emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the governor.

Approved March 8, 1893.

CHAPTER LXIV.

[S. B. No. 117.]

TO SECURE SECRECY IN THE TRANSMISSION OF TELEGRAPH AND TELEPHONE MESSAGES.

AN ACT to secure secrecy in the transmission of telegraph and telephone messages.

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

SECTION 1. That whoever shall willfully and maliciously cut, break, tap, or make any connection with, or read, or copy, by the use of telegraph or telephone instruments or otherwise, in any unauthorized manner, any message, either social or business, sporting, commercial or other news reports, from any telegraph or telephone line, wire, or cable, so unlawfully cut or tapped, in this state, or make unauthorized use of the same, or who shall willfully and maliciously prevent, obstruct or delay by any means or contrivance whatsoever, the sending, conveyance or delivery, in this state, of any authorized communication, sporting, commercial or other news reports, by or through any telegraph or telephone line, cable or wire under the control of any telegraph or telephone company doing business in this state, or who shall willfully and maliciously aid, agree with, employ or conspire with any other person or persons to do any of the aforementioned unlawful acts, shall be deemed guilty of felony, and shall be punished by a fine of not less than five hundred dollars nor more than three thousand dollars, or by imprisonment in the penitentiary for a period of not less than one nor more than five years; or by Penalty.