

CHAPTER XXVIII.

[S. B. No. 84.]

TO VALIDATE CERTAIN INDEBTEDNESS.

AN ACT to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency to exist.

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

Manner of ratifying.

SECTION 1. Any county, city or town in this state may ratify, in the manner prescribed in this act, the attempted incurring of any indebtedness of such county, city or town, by the issuing of warrants, making of contracts, or creations of other evidences of indebtedness on the part of such county, city or town by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town, ascertained by the last assessment for state and county purposes previous to the attempted incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters therein voting at an election held for that purpose.

Notice of election, how given and what to contain.

SEC. 2. Whenever the corporate authorities of any such county, city or town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution, which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness comprised in each such distinct class, and shall provide for the holding of an election for that purpose, at

which the attempted incurring of such indebtedness shall be submitted to the voters in such county, city or town, for ratification or approval, of which election notice, to be provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such county, city or town once a week for at least four successive weeks, and if no newspaper is published in such city or town, then by publishing such notice for the same period in a newspaper published in the county wherein such city or town is situate and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

SEC. 3. If at an election held as provided for in section two of this act, three-fifths of the voters in such county, city or town, voting at such election, shall vote in favor of the ratification of any distinct class of such indebtedness, specified in the ordinance or resolution, providing for such election, then such indebtedness so ratified shall thereby become and is hereby declared to be validated and a binding obligation upon such county, city or town, when the only ground of the previous invalidity of such indebtedness is that, at the time of the incurring thereof so ratified, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town, ascertained by the last previous assessment for state and county purposes (except that in incorporated cities the assessment shall be taken from the last assessment for city purposes): *Provided*, That neither anything in this act contained, nor the vote cast at any such election, shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, city or town existing at the time of the attempted incurring of the same, exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county, city or town voting at an election to be held for that purpose: *And provided fur-*

Three-fifths
vote to ratify.

ther, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

SEC. 4. The words corporate authorities used in this act shall be held to mean the legislative or managing body of any county, city or town.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this law: therefore, this act shall take effect immediately.

Passed the senate February 28, 1895.

Passed the house March 1, 1895.

Approved March 4, 1895.

CHAPTER XXIX.

[H. B. No. 7.]

FOR THE PROTECTION OF OYSTERS.

AN ACT providing for the protection of oysters, prescribing a penalty for the violation thereof, and declaring an emergency.

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

Planters'
rights.

SECTION 1. When any person has, acting in good faith, planted oysters on any tide or shore lands not containing any bed of natural oysters belonging to the State of Washington and not otherwise occupied for purposes of trade or commerce, such oysters shall, pending the sale, lease or reservation of such lands by the state, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution as in any similar case of violation of property rights: *Provided*, That the grounds holding the oysters have been kept suitably marked by stakes or other landmarks, but such stakes or other landmarks having been removed by accident or design shall not excuse any person for wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with oysters.

Grounds to
be staked.

Deep water
planting.

SEC. 2. When any person has, acting in good faith, planted oysters on any grounds lying deeper than the level