

A C T S

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF WASHINGTON:

PASSED AT THE SIXTH REGULAR SESSION,

BEGUN AND HELD AT OLYMPIA;

December 6th, A. D. 1858.

OLYMPIA:
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1859.

L A W S

OF

WASHINGTON TERRITORY:

1858-9.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT ASSIGNING THE JUDGES OF THE DISTRICT COURT TO THEIR RESPECTIVE DISTRICTS."

- SEC. 1. Judges assigned to the respective Districts.
2. When either Judge may hold Court in any District.
3. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Hon. E. C. Fitzhugh be, and hereby is, assigned to the Third District, and to reside therein; that Hon. O. B. McFadden be, and hereby is, assigned to the Second District, and to reside therein; that Hon. Wm. Strong be, and hereby is, assigned to the First District, and to reside therein.

SEC. 2. Either of said District Judges may hold Court in any District, other than that for which he was assigned, in case of the absence, sickness, or disability of any one of the Judges to hold the regular term.

SEC. 3. That all acts conflicting with this act be, and the same are hereby repealed.

Passed December 23, 1858.

AN ACT

RELATIVE TO INSTRUCTIONS BY THE COURT IN THE TRIAL OF CIVIL ACTIONS.

SEC. 1. Twelfth section of Act of January 27th, 1857, repealed.

2. Proceedings in the trial of civil causes, after the completion of the evidence; charge to the Jury, when; exceptions, when and how to be taken.
3. Charge may be requested in writing.
4. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the twelfth section of the act passed January 27, 1857, entitled an act "to amend an act" entitled an act to regulate practice and proceedings in civil actions, be, and the same is hereby repealed.

SEC. 2. When the evidence is completed, the plaintiff or party having the burden of proof, may, by himself or counsel, address the Court and Jury upon the law and facts of the case; after which the other party may address the Court and Jury in like manner, and be followed by the party first addressing the Court, by himself or one counsel. The Court shall then proceed to charge the jury upon the law in the case, to which charge, or any part thereof, either party shall have the right to except—but no exception shall be regarded by the Supreme Court, unless the same shall specify the particular parts excepted to.

SEC. 3. Either party shall have the privilege of requesting said charge to be made in writing, and may also ask the Court to give instructions, and if the Court refuse to give such instructions, the party asking the same may except.

SEC. 4. Any acts or parts of acts conflicting with the foregoing sections be, and the same are hereby repealed.

Passed January 18th, 1859.

AN ACT

TO REPEAL AN ACT CONFERRING CIVIL AND CRIMINAL JURISDICTION ON JUDGES OF PROBATE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the acts conferring criminal and civil jurisdiction on Judges of the Probate Court, be and the same are hereby repealed.

Passed January 28th, 1859.

AN ACT

RELATIVE TO MINORS AND PERSONS OF UNSOUND MIND RESIDING WITHOUT THE LIMITS OF THIS TERRITORY.

- SEC. 1. When real estate of minors or persons of unsound mind, residing out of the Territory, may be sold.
2. When the Probate Court may appoint a Trustee for the property of such persons.
 3. Extent of the appointment of such Trustee.
 4. Trustee to give bond—Powers and duties of.
 5. When and to whom said Trustee to deliver up said property.
 6. Trustee to have no power to apply to the Probate Court for the sale of such real estate.
 7. Term of office, and compensation of Trustee.
 8. Moneys due such minor, &c.—To whom to be paid.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That real estate belonging to minors and persons of unsound mind, residing out of this territory, may be sold upon the application of the foreign guardian of such minor or person of unsound mind to the Probate Court of the county in which such land is situated, upon the terms as are or may be provided by law in case of the sale of real estate belonging to minors residing in this territory.

SEC. 2. That when any minor or person of unsound mind residing out of the limits of this territory, has any real estate, goods, chattels, rights, credits, money or effects, in this territory, the Probate Court having jurisdiction of the county in which such property or any part thereof is situate, or may be, shall, upon the application of the foreign guardian of such minor or person of unsound mind, appoint a Trustee of such minor or person of unsound mind to manage, collect, lease, and take care of said property.

SEC. 3. The appointment of a Trustee first lawfully made, shall extend to all the property and effects of the minor in this territory, and shall exclude the jurisdiction of the Probate Court of any other county.

SEC. 4. The said Trustee shall give bond with surety, to the satisfaction of the Probate Court, and shall take upon himself the management of the estate and property of such minors or persons of unsound mind situate in this territory, and the collection of debts and other demands due such minor or person of unsound mind from persons residing or being in this territory, and shall settle with the court, and be liable to suit or removal, or both, for neglect or misconduct in the performance of his duties, in like manner as is or may by law be provided in the case of guardians of minors.

SEC. 5. The said Trustee shall, under the order of the Probate Court, deliver up to the foreign guardian of such minor or person of unsound mind, all the personal property, rights and credits belonging to such minor or person of unsound mind; Provided, that the Probate Court shall make no such order except upon application of the foreign guardian; they may be satisfied that such order is just and proper.

SEC. 6. The said Trustee shall have no power to apply to the Probate Court for the sale of the real estate of such minor or person of unsound mind.

SEC. 7. The said Trustee, unless removed by the court, holds his appointment so long as the services of a Trustee may be required, and shall receive such compensation for his services as may be stipulated between him and the foreign guardian; and in case no agreement has been made, then such compensation as is or may be by law provided for guardians.

SEC. 8. All moneys due such minor or person of unsound mind, in the hands of such Trustee, shall be paid over to the foreign guardian so long as he shall remain such guardian; or in case of the decease of such minor or person of unsound mind, then to the Administrator or other legal representative of such minor or person of unsound mind.

Passed January 21st, 1859.

AN ACT

TO CONSTRUE AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED
'AN ACT RESPECTING EXECUTORS, ADMINISTRATORS, AND THE DIS-
TRIBUTION OF REAL AND PERSONAL ESTATE.'"

Sec. 1. Property of Intestate, leaving no kindred, to belong to the county in which
it is situated.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of
Washington,* That sections five and six of the act to which this is an
amendment shall be so construed, that all property of intestates who left
no kindred, which had not at the time of the passage of said act been
formally delivered up to the Territory according to law, shall belong to
the county in which the estate is situated.

Passed January 11, 1859.

AN ACT

IN RELATION TO THE CONSTRUCTION OF ROADS AND HIGHWAYS, AND DE-
FINING THE DUTIES OF SUPERVISORS OF HIGHWAYS.

- Sec. 1. County Commissioners to exercise jurisdiction over county roads.
2. At regular term of county court, roads may be established, altered, or vacated.
3. Provisions for establishment, alteration or vacation of county roads—Notice and petition; requisites of.
4. County Auditor to keep road book—Roads to be entered and recorded before declared—Road book to be a public record.
5. What road book shall contain.
6. Claim for damages for opening and altering roads, &c.—When complaint against Commissioner shall be dismissed.
7. Width of county roads.
8. When Supervisor may expend labor on territorial road.
9. Petitioners for roads liable for work thereupon.
10. Roads located shall be marked, but not surveyed. Exception.
11. When and how road may be turned by owner of land over which it passes. Costs of such alteration to be paid by petitioners.
12. Manner of locating private roads.
13. Report of viewers of private roads—Damages of parties aggrieved, and appeal.
14. Assessment of damages caused by location of territorial roads—Damages to be paid by county where road lies.
15. Territorial road declared public highway, and how and by whom repaired.
16. Duties of Road Supervisors—Election of, qualification, and term of office—Special elections, when and how to be held.

- Sec. 17** Penalty for Supervisor failing or refusing to act—No Supervisor compelled to act two successive years.
18. County Auditors may appoint Supervisors to fill vacancies.
 19. County Commissioners at May term, to fix road districts—Road districts to be recorded.
 20. Supervisors to make lists of parties liable for road tax and labor—Requisites of list, and when to be made.
 21. County Commissioners to levy and assess road tax at May session—Amount of tax.
 22. Who shall be liable for road tax—Supervisor failing to notify, does not exempt party from road tax.
 23. Person liable may employ substitute.
 24. Person notified, proving delinquent, &c., penalty.
 25. Road tax, how to be collected on neglect or failure to pay the same.
 26. Supervisor to open and keep in repair, all roads laid out according to law—Authority to purchase, to enter lands, &c., and to commute tax.
 27. May enter upon adjacent land, and make ditches—Penalty for obstruction of ditches.
 28. Damages for Supervisor carrying away materials, &c.
 29. Obstruction of roads and bridges by falling timber—Supervisor to cause removal of—Person causing, liable for expense.
 30. Person performing more labor than due, credited next year.
 31. Accounts to be kept by Supervisor, and mode of settlement.
 32. Supervisor to give certificate of labor performed, or taxes paid—Requisites of certificate.
 33. Shall keep an account of all certificates issued, to whom, and the amount—To furnish abstract of same to County Treasurer—Certificates to be credited on tax roll.
 34. Supervisor neglecting duty, or giving false certificate—penalty.
 35. Omission or neglect to place persons on list—How corrected and supplied.
 36. Guide or finger-board, to be placed at crossing of roads.
 37. Compensation of Supervisors.
 38. County Auditor not to add any per cent to unpaid road tax—Sheriff, Auditor and Treasurer, not allowed fees out of road fund. Proviso.
 39. Commissioners may cancel tax improperly assessed.
 40. Road fund to be paid over to County Treasurer; and subject to order of County Commissioners—When payable into the county fund.
 41. County Commissioners, at May session, to apportion road fund.
 42. Form of certificate of Road Supervisors.
 43. Repealing clause.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Board of County Commissioners of each county shall have the sole and conclusive jurisdiction over county roads within their respective counties, subject to such appeals to the Probate Court, and such rules and regulations as may be prescribed by law.

Sec. 2. At any regular meeting, said board may establish, alter or vacate any county roads, and cause the same to be laid out, worked or surveyed, and worked and opened, as they shall deem most for the public interest.

SEC. 3. They shall not establish, alter, or vacate any road, unless they shall be satisfied that at least twenty days public notice has been given of an intention to apply to said board for such alteration, or to vacate said road, without notice of the time when the application will be made, by posting at least three written or printed notices in three of the most public places in the county, one of which shall be at the county seat, and two in the two most public places in the vicinity of the road proposed to be altered or vacated; and at least a majority of the citizens in the district through which said road is located shall be in favor of such alteration.

SEC. 4. The Board of County Commissioners shall cause their clerk to enter in a well bound book their action upon all roads which they shall establish, alter, or vacate, which book shall be called the "Road Book" of the county; in which book all the records concerning the roads at present established in the county, shall be entered; and no county road hereafter altered or established shall be opened until the same shall be fully recorded in said book. Said road book shall be a public record, and be kept in the office of the clerk of the Board of County Commissioners, and shall be open to the inspection of the public.

SEC. 5. Said road book shall contain the petition, if any, the report of the viewers, a description of the road, with a copy of the survey, if any has been made, and a copy of all claims for damages on the part of any person claiming to have been affected by the location, vacating, or altering of said road, together with all orders and proceedings of the board touching the same.

SEC. 6. Any person claiming to have been injured by the action of the Board of County Commissioners, upon any county road, may, within six months after the action complained of, file his complaint against the Board of County Commissioners, in the District Court having jurisdiction over the county, setting forth a full copy of the record, and specifying in what respect he has been injured, of which complaint similar notices shall be given, and the same shall be verified, tried, and determined as is provided in civil actions: *Provided*, that if it shall appear that the party complaining had actual notice of the intended action of the board upon such road, in time to have appeared and presented his claim to said board, and did not so appear, and present his claim, or having appeared, took no exception to the action of the board; or having been tendered a reasonable amount of damages, refused to accept the same, or has acted in any other respect, contrary to good faith, then his complaint shall be dismissed.

SEC. 7. County roads shall be sixty feet in width, unless the County Commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in point of width.

SEC. 8. In any road district embracing a territorial road within the district, the supervisor of roads may, if the public benefit require it, expend a part of the labor due in his district on said territorial road or roads beyond the bounds of the county or district in which he is appointed; provided, that such portion of a territorial road so worked shall not be included in a road district of the adjoining county, or is so situated that there will not be sufficient labor in the adjoining road district to do the necessary work on said territorial road.

SEC. 9. Any person signing a petition to the County Commissioners of any county, asking to open any new road, or to make any alteration in any established road requiring labor thereon, shall be required to perform or furnish two days labor on such road, or alteration, if the petition be granted.

SEC. 10. Every territorial and county road hereafter to be located, shall be viewed and plainly worked throughout, but shall not be surveyed except the act locating such road shall expressly require it.

SEC. 11. If any person or persons, through whose land any public highway is or may be established, shall be desirous of turning such road through any other part of his or their lands, such person or persons may, by petition, apply to the commissioners of the proper county to permit him or them to turn such road through any other part of his or their land, on good ground, and without materially increasing the distance to the injury of the public; and on the receipt of such petition, accompanied by a sufficient bond to pay the costs and expenses to be incurred thereby, the commissioners shall appoint three disinterested householders as viewers, and a surveyor, who, or a majority of such viewers, shall proceed to view the ground over which the road is proposed to be turned, and ascertain the distance such road will be increased by the proposed alteration, and make out a report in writing, stating the several distances so found, together with their opinion as to the utility of making such alteration; and if the viewers, or a majority of them, shall report to the commissioners that the prayer of the petitioner or petitioners is reasonable, and that the proposed alteration will not place the road on worse ground, or materially increase the distance to the injury of the public, they shall order the same to be so altered; and upon receiving satisfactory evidence that the proposed new road has been opened a legal width, and in all respects made equal to the old road for the convenience of travelers, the commissioners may declare such new road a public highway, and make record thereof.

and at the same time vacate so much of the old road as is embraced in the new, and the person or persons petitioning for the alteration, shall pay all costs and expenses of the view, survey, and return of such alteration.

OF LOCATING PRIVATE WAYS.

SEC. 12. Any person whose land shall be so situated that it has no connection with any public road, may make application in writing to the board of commissioners of his county, at a regular session, for a private road leading from his premises to some convenient public road, and thereupon the said commissioners shall appoint three disinterested householders of the county as viewers, and shall issue an order directing them to meet on a day named in such order, to view and locate a private road according to the application, and to assess the damages to be sustained thereby; and after being duly sworn faithfully and impartially to discharge the duties of their appointment, and after at least three days notice given to all persons through whose land such private road is to be located, such viewers shall proceed to locate and mark out thirty feet in width from some certain point on the premises of the applicant, to some certain point on the public road, or navigable waters, so as to do the least damage to the land through which said private road is located; and they shall also at the same time assess the damages sustained by the person or persons owning such land.

SEC. 13. The viewers so appointed, or a majority of them, shall make a report to the Commissioners at their next regular session, of the private road so located by them, and also the amount of damages, if any, assessed by them, and the person or persons entitled to such damages; and if the commissioners are satisfied that such report is just, and after payment by the applicant of all costs of locating such road, and the damages assessed by the viewers, they shall order such report to be confirmed, and declare such road to be a private road, and the same shall be recorded as such; and any person aggrieved by the assessment of damages may appeal, within twenty days after such confirmation of the report, to the Probate Court, and such appeal shall be tried as appeals from the assessment of damages in cases of county roads.

OF THE MANNER OF ASSESSING DAMAGES ON TERRITORIAL ROADS.

SEC. 14. When any person, through whose land any territorial road may be located, shall conceive that he would be injured by the opening of the same through his premises, he may, within six months after the filing of the report and plot of survey of such road, in the office of the clerk of the board of commissioners of such county, make complaint in writing to

such commissioners, setting forth such damage, and thereupon the same proceedings shall be had to assess and determine the damages sustained by such complainant as in case of county roads, and such damages shall be paid out of the treasury of the county in which the lands are situated.

SEC. 15. When any territorial road shall have been located according to the provisions of this act, the same shall be and remain a public highway, and shall be opened and worked by the counties through which it may be laid out, as county roads are; and such road may be altered or changed in any county in the same manner as county roads are altered.

OF THE DUTIES OF SUPERVISORS AND COMMISSIONERS.

SEC. 16. That the supervisor of each road district in this territory, shall, at least ten days before the first Monday in April of each year, cause three written notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district on the first Monday in April, at two o'clock in the afternoon, at some convenient place in said district, to be specified in said notice, for the purpose of electing a road supervisor for said district for the next succeeding year; at which election the old supervisor shall act as chairman of the meeting, if present; if not, a chairman shall be elected by the voters present; the meeting shall also elect a secretary who shall record the proceedings of the meeting, and all persons in the district who are required to labor on the roads, or who have road taxes to pay, may vote at such election, and the person having the highest number of votes shall be considered duly elected supervisor for that year, and shall act as such until his successor is elected, or appointed, and duly qualified: *Provided*, however, from any cause there be no election on the first Monday, the supervisor, or any tax payer of the district may call a special election, by giving notice as provided in this section, which election is to be held within one month from the first Monday in April. And it shall be the duty of the chairman and secretary of such meeting called to elect a supervisor, to notify the county auditor, in writing, by or before the regular meeting of the board of commissioners of the county, that the district has elected a supervisor, and give his full name, and said supervisor shall qualify within ten days after his election or appointment.

SEC. 17. Any person having been elected or appointed supervisor, and failing to act as such shall forfeit and pay the sum of ten dollars, and the county auditor shall collect the same and pay over to the county treasurer, or return such delinquent to the county commissioners, who shall assess the amount against such person on the tax list, to be collected as other road taxes: *Provided*, No person shall be bound to act in the capacity of supervisor two successive years.

SEC. 18. That if any vacancy shall happen in the office of supervisor by death, removal from the district, or disability in the supervisor to act, or when there has been no election of supervisor, the county auditor, on being notified of such vacancy, in writing, shall appoint some suitable person who is liable to perform labor on the roads in said district, and cause him to be notified in writing, whose duty it shall be to attend before some person authorized to administer oaths, within five days from such appointment, and take the oath and enter upon the duties of his office; and he shall remain in office until a successor is elected and qualified.

SEC. 19. The county commissioners shall, as often as they may deem necessary, but not oftener than once a year (at their May term,) divide their respective counties, or any parts thereof, into suitable and convenient road districts, and cause a brief description of the same to be entered on the county record.

SEC. 20. It shall be the duty of every supervisor, on or before the fifteenth day of April of each year, to obtain a correct list of the names, and make out in alphabetical order, a list of all persons liable to perform labor on the public roads, or that are liable to pay a property tax, designating those over fifty years of age, and those who are too infirm to labor on the roads, and to forward such list to the county auditor prior to the regular session of the board of county commissioners in May.

SEC. 21. It shall be the duty of the board of county commissioners of the several counties in this territory, at their May session, to levy and assess a road tax of nine dollars on every person liable to perform labor on the public roads, and also to assess twenty-five cents road tax on every one hundred dollars of the valuation as returned by the county assessor, which tax shall be collected with the county and territorial tax, and in the manner hereafter described, which shall constitute a road fund, and the county auditor shall, immediately after the May session, furnish each supervisor of road districts with an abstract or duplicate of the taxes so assessed for road purposes in his road district.

SEC. 22. Every white male inhabitant between the age of twenty-one and fifty years of age, except persons who are a public charge or who are too infirm to perform labor, shall be liable in each and every year to do and perform three day's labor on the public roads, or pay a road tax as provided in this act; the supervisor of every road district shall give every person within his road district, liable to perform labor on the roads, or who are liable to pay a road tax, at least three days notice of the time and place to appear, which notice may be in writing or otherwise, and by the supervisor in person or by his direction; the supervisor shall also notify every person within his road district the amount of road tax assessed

against such person, and such notice shall be given between the twentieth day of May and the first day of July, annually: *Provided*, that if from any cause the supervisor shall fail or neglect to give notice as required by this section, it shall be lawful to notify such person or persons as soon as the neglect is discovered.

SEC. 23. Whenever it shall happen, in consequence of sickness, absence from home, or any other good cause, the person liable to perform work or to pay a road tax, does not attend in obedience to the notice of the supervisor at the time and place appointed, such person may tender his services, by himself or a sufficient substitute, to perform the labor required to pay the tax assessed; and in such case the supervisor shall employ such person or his substitute, at another time.

SEC. 24. Every person notified to labor on the public roads under the provisions of this act, or who are not exempt by the provisions of this act, who does not produce the certificate of the supervisor of some other road district, showing that such person has worked out his road tax for that year in this territory, shall be required to appear at the place appointed by the supervisor, at the hour of eight o'clock in the forenoon, with such necessary tools and implements as said supervisor may direct; and on failure of such person to appear at the time and place as aforesaid, and no good cause being shown for such delinquency, or having attended, shall refuse to obey the directions of the supervisor, or shall pass his time in idleness and inattention to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall neglect or refuse to attend, or for any of the offences above specified in this section, the sum of three dollars, to be recovered in a civil action at the suit of the supervisor before any Justice of the Peace having competent jurisdiction; or if the aggregate amount of such be over one hundred dollars, by action in the probate court; and all money so collected shall be appropriated in their respective districts where such labor properly belongs.

SEC. 25. And if through neglect or otherwise, any person fails to pay their road tax as provided in this act, it shall be the duty of the tax collector to collect all such delinquent tax as is required by law, and pay the same over to the supervisor of the district to which it belongs.

SEC. 26. The Supervisor shall open, or cause to be opened, all public roads which may have been or may hereafter be laid out and established according to law, in any part of his road district, and shall keep the same in good repair; and he shall have authority to purchase, with any money which may come into his hands as supervisor, for the use of his district, scrapers, or other implements which he may think proper, and to enter upon any land adjoining or near the public road, and dig and carry

away any stone, gravel or sand, and cut down and carry off any trees or wood necessary for the making and repairing any public road, and to purchase and pay for any timber or plank, or other materials necessary for making or repairing any public road in his district; and the supervisor has the authority to commute any labor due on his tax duplicate, for materials or tools necessary for his use on the public road, to the amount of tax against any individual, and shall give such person a certificate showing the transaction, and such certificate shall be received for taxes.

SEC. 27. And the supervisor shall have the right to enter upon any lands near or adjoining any public road in his district, and to cut, open, or dig any drains or ditches as he shall deem necessary, for the making or preservation of such road—doing as little injury as may be, to such lands. And any person stopping or obstructing said drains or ditches so made, shall forfeit and pay the sum of twenty dollars for each offence, to be recovered by the supervisor of the district before any justice having jurisdiction, for the use of the district.

SEC. 28. If any person shall feel aggrieved by the acts of a supervisor cutting or carrying away timber or stone, as aforesaid, he may make complaint in writing to the county commissioners, at any regular session, within six months after the cause of such complaint shall exist, and such commissioners shall proceed to determine and assess the damages, which may be paid out of any funds in the treasury accruing out of penalty [penalties] for a violation of any provisions of this act.

SEC. 29. If at any time during the year, any public road shall become obstructed by the falling of timber, or from any other cause, or any bridge shall be impaired, or become dangerous, for the passage of teams or travelers, the supervisor of the road district, upon being notified thereof, shall forthwith cause such obstructions to be removed or bridges repaired, for which purpose he shall immediately order out such number of the inhabitants of his district as he may deem necessary to remove such obstructions, or repair such bridge: *Provided*, that if such obstruction, or damages to any road or bridge be caused by any person or persons, clearing land adjacent to said road or bridge, that they shall be liable for the expense of removing such obstruction, and repairing said road or bridge, and the road supervisor shall authorize said person or persons to remove said obstruction, or repair said bridge, or said supervisor shall proceed to have it done at the proper cost of said person or persons, and the costs of said work shall be recoverable before a justice of the peace, or any court having competent jurisdiction, by civil action in the name of said supervisor; and all persons so ordered out, shall, after having received

one day's notice, be subject to the same restrictions and liable to the same penalties as if ordered out under the twenty-fourth section of this act.

SEC. 30. In all cases, where any person shall, under the direction of the supervisor of roads, perform more labor upon the public roads than may be due from him, the supervisor shall give such person a certificate specifying the amount of extra labor so performed, and which may be received from the holder in satisfaction of labor on the roads in such road district, in any subsequent year, for the amount of labor specified therein.

SEC. 31. Every supervisor shall keep an account of the number of days' work performed on the public roads in his road district, and of the persons performing the same; he shall also keep an account of all moneys received by him from the county commissioners and tax-collector; and, also, an account of his expenditures as supervisor during his term of office; and such supervisor shall present his account to the board of commissioners for settlement at their May session in each year, and shall pay over to his successor in office all moneys remaining in his hands as such supervisor, taking his receipt therefor. And if any supervisor shall fail to appear and make a settlement as required by this section, the board of county commissioners may, by an action in any court having competent jurisdiction, against such supervisor, and force such settlement, and recover any balance remaining in his hands.

SEC. 32. The supervisor shall give every person, who labors on the public roads, under his direction, a certificate, certifying to the amount of labor performed by such person, at the rate of three dollars per day, for every day's work; which certificate shall state the precise amount of labor such person has performed, and such certificate shall be received by the tax collector at par value, to the full amount of road tax charged against such person; but such certificates shall not be assignable, nor shall they be received from any person for a greater amount in any one year, than sufficient to cancel or discharge the road tax or taxes against such person.

SEC. 33. Every supervisor shall keep a correct account of all certificates issued by him to persons in discharge of their road tax, to whom issued, and the respective amount thereof, and shall furnish an abstract thereof to the county treasurer, on or before the first day of November of each and every year. And the county treasurer shall note the same on the assessment roll or tax duplicate in proper manner and place, and give proper credit to each and every party in whose favor such certificates are issued; and such noting as aforesaid, shall be evidence in discharge of the road tax specified in such certificates.

SEC. 34. If any supervisor of roads shall neglect or refuse to perform any of the duties enjoined on him by this act, or shall, under any

pretence whatever, give or sign any certificate purporting to be a certificate of labor performed, unless such labor has actually been so performed, prior to the giving or signing such certificate, shall forfeit and pay for every such offence, not less than twenty, nor over one hundred dollars, for the use and benefit of roads in the county, to be recovered before any justice having jurisdiction.

SEC. 35. Whenever the supervisor of any district shall, from any cause, have neglected or omitted to place on his list any person within his district, or when it shall happen, from any cause, that a name or names are omitted or left off the list, which of right should be on such list, in such case, it is made the duty of such supervisor to place such person or persons upon such list at any time within his term of office, and assess the amount which the commissioners would have had the right to have assessed, which assessment shall in all respects be as valid as if made in due time, and furnished to such supervisor by the board of county commissioners, and the supervisor shall receive such labor and give certificates as in other cases.

SEC. 36. Every supervisor shall erect and keep at the forks of every highway, and every crossing of public roads within his road district, a guide or finger board, containing an inscription, in legible letters, directing the way and specifying the distance to the next town or public place situated on such road respectively; and the county commissioners shall allow the supervisor the amount expended by him for such purpose, out of any moneys belonging to the road fund, as they may deem proper.

SEC. 37. The county commissioners shall allow the supervisors of highways what may seem to them reasonable and just, for all extra labor performed by them, not exceeding three dollars per day.

SEC. 38. The county auditor, when he receives any tax roll from the county treasurer, shall not add any per cent. to the unpaid road tax; and the county treasurer, county auditor, and sheriff, shall not be allowed any fees out of the fund; *Provided, however,* the sheriff levies upon and sells property in the collection of the road tax, he may charge and collect of such person the same as in other cases.

SEC. 39. The commissioners shall have power to cancel or strike from the tax roll any road tax which they believe to have been improperly assessed, and they shall exonerate the sheriff or supervisor having the collection of any road tax which, in their opinion, cannot be collected.

SEC. 40. The sheriff or collector of taxes, shall pay over all moneys which he has collected, belonging to the road fund, to the county treasurer, and such treasurer shall hold such road money subject to the orders of the county commissioners; and that portion of the road tax which may

stand charged and unpaid against lands, on the first day of January, shall be transferred to the county, and go into the county fund.

SEC. 41. The county commissioners shall, at their May session, apportion to the several road districts their amount of road money which may have been collected in such district by the treasurer, sheriff or other officer, and the supervisors shall receive the same and lay out such money in the improvement of roads in his district.

SEC. 42. The following form of certificate shall be observed by supervisors of road districts, as far as the same may be applicable:

I hereby certify that (A. B.) has performed labor on the public highways in _____ county, Washington Territory, under my direction, to the amount of _____ dollars, and _____ cents, in discharge of (or say in part payment), his road tax for the year 18 _____.

Dated at _____, the _____ } D. C.
day of _____, 18 _____ } Sup. Road Dist. No.

SEC. 43. All acts heretofore passed and amendments to acts relating to county roads and the construction and maintaining of roads, be and the same are hereby repealed.

Passed January 15th, 1859.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING OF COUNTY AND TERRITORIAL REVENUE."

- SEC. 1. Section six, amended by inserting the word "April," instead of "May."
2. Sections nine, ten, thirteen amended by inserting the word "May," instead of "June."

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section six of the act to which this is an amendment, be amended by inserting the word "April," instead of the word "May," where it occurs in said section.

SEC. 2. That sections nine, ten and thirteen of said act be amended by inserting the word "May," instead of the word "June," wherever it occurs in said sections.

Passed January 17th, 1859.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING COUNTY AND TERRITORIAL REVENUE."

- SEC. 1. County orders received in payment of county taxes.
 Credit to be given on the back of said order, where it amounts to more than the taxes due.
 Correct account of all credits so given to be kept, to be presented to the county commissioners.
2. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fourteenth section of the act to which this is an amendment, be so amended that the second sentence therein shall read as follows: "County orders shall be received in payment of county taxes and the treasurer, or sheriff, or tax collector be, and he is, hereby authorized to give credit upon the back of a county order which amounts to more than the sum of taxes due from the person paying the same, for the amount of his taxes, which amount shall be deducted from the original county order thereafter; and the said treasurer, sheriff or tax collector shall keep a correct account of all credits made pursuant to the provisions of this act, and present the same to the county commissioners in his annual statement with them.

SEC. 2. All acts and parts of acts in conflict with the foregoing provisions are hereby repealed.

Passed January 22d, 1859.

AN ACT

TO AMEND AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING COUNTY AND TERRITORIAL REVENUE.

- SEC. 1. Sections fifteen and seventeen amended by inserting the word "February," instead of "January."
2. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That sections fifteen and seventeen of the act to which this is an amendment, be amended by inserting the word "February," instead of the word "January," wherever it occurs in said section.

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

Passed January 28th, 1859.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING OF COUNTY AND TERRITORIAL REVENUE."

- SEC. 1. One quarter of a mill tax to be levied for territorial purposes.
2. Certain church property subject to taxation.
3. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section first of the act to which this is an amendment, be so amended that it shall read: There shall also be levied a tax of one quarter of a mill upon every dollar's worth of real and personal property in this Territory for territorial purposes.

SEC. 2. That all church property over and above two town lots, on which a church may be erected, if in a town, and one half acre of land, on which a church may be erected, if in the country, shall be taxed as other property.

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

Passed February 1st, 1859.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO COUNTY ASSESSORS."

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three of the act to which this is an amend-

ment, be amended by inserting the word "April," instead of the word "May," wherever it occurs in said section.

Passed January 17th, 1859.

AN ACT

TO CHANGE THE TIME FOR HOLDING THE SESSIONS OF THE COUNTY COMMISSIONERS' COURTS.

- SEC. 1. County commissioners to hold but two regular sessions—first Monday of May and November
2. Business to be transacted at the May term, at the November term.
 3. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of commissioners in the several counties in this Territory shall hold but two regular sessions annually, at the seat of justice of their respective counties, commencing on the first Mondays of May and November, at each of which they shall transact any business which may be required by law.

SEC. 2. All the business heretofore required to be transacted at the March and June sessions of said commissioners, shall be done and transacted at their May term; and all business heretofore required to be transacted at the September and December sessions of said commissioners, shall be done and transacted at their November term.

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

Passed January 17th, 1859.

AN ACT

AUTHORIZING COUNTY AUDITORS TO TAKE ACKNOWLEDGMENTS.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That county auditors are hereby authorized to take acknowledgments of deeds and other instruments of writing.

Passed January 25th, 1859.

AN ACT

FOR THE RELIEF OF COUNTIES NOW IN DEBT.

- SEC. 1. County commissioners may submit a proposition at the next general election to levy a tax.
2. Revenue so raised to be applied to outstanding orders, in regular order.
Proviso.
 3. Act not to apply to any county which has created debt since January 1858.
Express object of this act.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of any county in this territory, which is now in debt, may if they deem it proper, at their May session in the year 1859, submit a proposition to the legal voters of such county at the next general election to levy a tax for county purposes, not to exceed double the amount heretofore levied for the said year 1859.

SEC. 2. In any county where the revenue thereof is increased pursuant to the provisions of the foregoing section, the whole amount, or so much as may be necessary, shall be appropriated to the payment of all outstanding orders of said county in the regular order in which they issued: *Provided,* That whenever the total amount of the tax paid in pursuance of this act shall equal or exceed the indebtedness of the county, said orders may be paid as they are presented.

SEC. 3. This act shall not be so construed as to apply to any county which has created a debt or debts since January, eighteen hundred and fifty-eight; and it is the express object of this act not to authorize any increased tax in any county where the indebtedness thereof does not operate detrimental to the interest of the county, by depreciating the value of its "county orders," or otherwise.

Passed February 3d, 1859.

AN ACT

TO PREVENT STUD-HORSES, JACKASSES, RIDGLINGS, FROM RUNNING AT LARGE.

- SEC. 1. Stud-horse, &c., over eighteen months old not to be allowed to run at large.
2. Penalty for the same, and how collected.
 3. Person finding such animal to notify owner.
Penalty for neglect or refusal to take care of such animal.
 4. Proceedings when the owner is not known.

- SEC. 5. Resident of the territory only allowed to take up said animals.
6. Owner of such animals responsible for any damage that may be done by them.
7. Moneys accruing under this act to be applied to common school purposes.
8. Repealing clause. Act not to apply to county east of the Cascades, or to Wah-kia-kum.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person owning or keeping any stud-horse, jackass, or ridgling, to suffer the same to run at large after they are eighteen months old, within the limits of any of the white settlements within this territory.

SEC. 2. Any person or persons keeping any of the animals mentioned in the first section of this act, and shall suffer them to run at large after they are eighteen months old, shall forfeit and pay the sum of five dollars, to be collected in an action of debt, with costs of suit, together with damages, before any justice of the peace living in the county where such animal was found.

SEC. 3. It shall be lawful for any person finding any of the animals described in the first and second sections of this act, to notify the owner to take such animal up from running at large, if he is known to the finder. If said owner neglect or refuse to take care of said animal, he shall be liable to be prosecuted for such neglect, and shall forfeit and pay the sum of ten dollars for every such neglect, and shall be liable to pay damages on complaint being made before any justice of the peace in the county where said animal was found.

SEC. 4. If any such animal shall be found running at large where the owner is not known, it shall be lawful for any person living in the settlement where said animal was found, to take the same up and alter or gild them; for which they shall be entitled to receive five dollars, and any other reasonable expenses for which the animal shall be held in security until the expenses are paid. If no owner is found to claim said animal within thirty days, said animal shall be sold at public auction to the highest bidder, and the expenses paid to the taker up, and the remainder, if any, shall be paid to the County Treasurer for the use of the owner; if no owner appears within one year, the money so paid shall be applied to the use of common schools.

SEC. 5. It shall not be lawful for any person who is not a resident of this Territory to take up any of the animals described in this act.

SEC. 6. Any person owning any of the animals described in this act shall be held responsible for any damage that may be sustained by them while running at large, and shall be liable to be prosecuted for the same and held responsible for all damages and costs that may accrue on account of said animals.

SEC. 7. All moneys accruing under this act shall be applied to the use of common schools.

SEC. 8. All acts or parts of acts contrary to this act, relating to stud-horses, jackasses, and ridglings, are hereby repealed.

Nothing in this act shall be so construed as to apply to the country east of the Cascade or Wahkiakum country.

AN ACT

DECLARING ALL MILITARY ROADS TO BE TERRITORIAL ROADS, IN THE TERRITORY OF WASHINGTON.

- SEC. 1. All military roads declared to be territorial roads.
2. Act to take effect from and after its passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all military roads in said territory be and the same are hereby declared territorial roads.

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

Passed January 20, 1859.

AN ACT

TO AMEND "AN ACT AMENDATORY TO AN ACT TO REGULATE MARRIAGES"—PASSED JAN. 29TH, 1855.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is an amendment be and the same is hereby amended by striking out the word "heretofore," in the second line of the first section of said act, and that the word "hereafter" be inserted in lieu thereof.

Passed January 21, 1859.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE THE OFFICE OF
WRECK-MASTER, AND DEFINE HIS DUTIES."

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first and second sections of said act be so amended as to include the counties of Pierce, Kitsap, and Clalm.

Passed January 5, 1859.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINT-
MENT OF A LIBRARIAN AND DEFINING HIS DUTIES."

- SEC. 1. Library when to be kept open.
2. Librarian to classify the books, make a new Catalogue, &c.
 3. Repealing clause.

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

The Library shall be kept open during the session of the Legislative Assembly, Supreme and District Court, from the hours of nine to twelve o'clock in the forenoon, and from two to nine o'clock in the afternoon, and at other times one day during each week.

SEC. 2. It shall be the duty of the Territorial Librarian to make a new classification of all the books contained in the library, number the shelves in a regular manner, and make a new catalogue in such manner, that a committee can begin at a given point and examine every volume, so that it can be ascertained what works are in the library, and what are missing, at any and all times; likewise report in a condensed manner all the catalogues of books that have been contained in the several annual reports of the Librarians that have been in office since the first annual report of the first elected Librarian for this Territory. Also the number of additional books, as near as may be, that have been added to the library since the winter and spring of 1854—and make his annual report within ten days after the commencement of the session of the Legislature.

SEC. 3. All acts and parts of acts conflicting with this act are hereby repealed.

Passed January 28, 1859.

AN ACT

TO PROTECT CERTAIN FISHERIES IN WASHINGTON TERRITORY.

- SEC. 1. Certain persons only allowed to catch fish on the beach of the Columbia.
2. Penalty for violation of this act.
3. Act to take effect from and after its passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person or persons who are not at the time actual residents of this territory, and who have not been for six months next preceding actual residents as aforesaid to catch or take fish on the beach of the Columbia river between Point Ellis and Cape Hancock, on the Washington Territory side of the river.

SEC. 2. Any person or persons who shall violate the provisions of the preceding section shall forfeit and pay fifty dollars and costs of suit for each and every offence, to be recovered by civil action in the name of any person who shall commence said action, before a justice of the peace or any court having competent jurisdiction; one-half of which sum shall go to the prosecutor, and the other half to the county in which the offence is committed.

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

Passed February 2, 1859.

AN ACT

CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF PIERCE.

- SEC. 1. The county of Pierce constituted a Judicial district to a certain extent.
2. Terms of court—when to be held—length of terms.
 3. Clerk to be appointed. Said court to be a court of record. Expense of same—how paid.
 4. Practice and proceedings governed by present laws.
 5. Grand and petit jury—how selected.
 6. Venires—when to issue, and what to contain.
 7. Number of grand and petit jurors, and provisions for selecting, &c.
 8. Construction of the law as to summoning jurors for the 2d District Court. Court fund not chargeable with expense.
 9. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That for the trial of civil actions, and of offences committed within its jurisdiction against the peace and dignity of Washington Territory, the county of Pierce shall be considered a district, and not a portion of the Second Judicial District of said territory. But for the trial of offences cognizable under the laws of the United States, the said county of Pierce shall, as heretofore, be a portion of said Second Judicial District.

SEC. 2. Terms of said District Court of the county of Pierce, shall be held at the county seat of said county, by the district Judge of said Second Judicial District, upon the fourth Monday of March and the third Monday of September of each and every year; but any one term of said District Court shall not exceed in duration the space of two weeks.

SEC. 3. The said district Judge of the Second Judicial District, shall appoint a clerk of said District Court, who shall keep his office and the records of said court, at the county seat of said county; and said District Court shall be a court of record, and the expense of holding the same shall be payable out of the court fund of said county of Pierce.

SEC. 4. The various laws now in force regulating the practice and proceedings in civil actions and in criminal prosecutions, shall govern the practice and proceedings in said District Court of the county of Pierce.

SEC. 5. The County Commissioners, at their May session, shall select from the statement of persons qualified to serve as grand and petit jurors, persons who shall respectively serve as grand and petit jurors at each term of said District Court for the ensuing year. And the County Auditor shall thereupon furnish a list of grand and petit jurors so selected, to the clerk of said District Court of the county of Pierce; Provided, that the ensuing March term (1859) of said District Court of the county

of Pierce, it shall be competent for the court to order a sufficient number of qualified grand and petit jurors to be summoned from the bystanders.

SEC. 6. At least thirty days before the commencement of said terms of court, the clerk shall issue one venire, embracing the names of the grand and petit jurors, specifying which are grand, and which petit jurors, commanding the sheriff to summons the persons so named to attend on the first day of the term of said court.

SEC. 7. The number summoned as grand jurors shall not exceed sixteen; and the number of petit jurors summoned shall not exceed twenty-four; and the provisions of the act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the District Court, passed January 27th, 1857, consistent with the foregoing, and not modified thereby, shall fully apply to the said District Court of the county of Pierce.

SEC. 8. The foregoing sections which relate to summoning grand and petit jurors for the terms of said District Court of the county of Pierce, shall not be construed to alter, amend, or repeal the law now in force in regard to the quota of jurors to be summoned from said county of Pierce, to attend the District Court of the Second Judicial District. But the court fund of said county of Pierce shall not be chargeable in any event for the mileage and attendance of any grand or petit jurors who may be summoned from said county of Pierce, to attend any term of the District Court of the Second Judicial District.

SEC. 9. All acts and parts of acts inconsistent with the foregoing, be, and the same are hereby repealed.

Passed January 21, 1858.

LOCAL LAWS.

LOCAL LAWS

OF

WASHINGTON TERRITORY.

AN ACT

TO INCORPORATE THE TOWN OF OLYMPIA.

ARTICLE FIRST.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the town of Olympia shall be bounded as follows, to wit: Commencing at a point on Budd's Inlet, where the northern boundary of section No. 11 intersects the shore; thence along the meandering of the beach southerly to a point of intersection with the bay at the northern boundary of section No. 14; thence east on section line, between sections 14 and 11, to the northeast corner of section 14; thence south on section line, between sections 13 and 14, and sections 23 and 24; thence west, on the southern boundary of sections 22 and 23, to the southwest corner of section 22; thence north, on the west boundary of sections 22 and 15, to the northwest corner of section 15; thence east, on northern boundary of section 15, to a point of intersection with the western shore of Budd's Inlet; thence northerly, along said western shore,

following the meandering of the beach to the intersection of the northern boundary of section 10 with the beach; thence east, across Budd's Inlet, to the place of beginning.

SEC. 2. The inhabitants of said town of Olympia shall be, and are hereby, constituted a body politic and corporate, by the name and style of "The Town of Olympia," and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded, in all courts whatsoever, and receive property, personal and real, within said town, for public buildings, public works, and town improvements, and may dispose of the same in any way for the benefit of the town, may purchase property beyond the limits of the town to be used for burial purposes, and for the establishment of a hospital for the reception of persons infected with contagious diseases.

ARTICLE SECOND.

SEC. 1. For the government of the said town of Olympia there shall be annually elected, in the manner hereinafter provided, the following officers: A Board of Trustees, (consisting of five members,) who shall hold their offices for one year or until their successors shall be duly elected and qualified; and there shall be appointed annually by the board of trustees, one town clerk and one town marshal.

ARTICLE THIRD.

SEC. 1. That a general election for all town officers of the corporation required under this act, shall be held on the first Monday in April of each year.

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

SEC. 3. At all elections for town officers the vote shall be by ballot, at the time and place designated by the board of trustees.

SEC. 4. That all vacancies happening before the annual election shall be filled by the board of Trustees.

SEC. 5. That all elections for town officers shall continue for one day, during which time the polls shall be kept open from 10 o'clock A. M. to 4 o'clock P. M.

SEC. 6. The person who shall receive a plurality of votes for any office, shall be declared duly elected, and the clerk shall issue to him a

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

ARTICLE FOURTH.

SEC. 1. The members of the board of trustees shall annually elect one of their number president of the board of trustees, who shall hold his office for one year or until his successor shall be elected and qualified.

SEC. 2. The members of the board of trustees shall fix the time and place for holding their stated meetings, and may be convened by the president of the board of trustees at any time. A majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 3. Any ordinance which shall have passed by the board of trustees shall, before it becomes a law, be signed by the president of the board.

SEC. 4. Said board of trustees shall have full power and authority,

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

2d. To levy taxes for municipal purposes, not to exceed one-half of one per centum per annum upon all taxable property, as is shown by the assessment made for territorial and county purposes.

3d. To prohibit and prevent the introduction of contagious diseases into said town limits, and to make such regulations as shall promote the security of health, peace, cleanliness and good order within said town.

4th. To prevent and restrain any disturbances or disorderly conduct, riot, drunkenness, or any indecent and immoral practices, within the limits of said town.

5th. To appoint one of the justices of the peace, residing within said town, as committing magistrate, whose duty it shall be to hear all complaints of violation of the said ordinances, and to examine all parties arrested by the town Marshal.

6th. The roads, streets and alleys within said town limits, shall be under the exclusive control of said board of trustees, who shall make all needful rules in regard to the improvement, repair, grading, cleaning, &c., thereof. And for the purposes of this act said town shall not be included in any road district, but the road tax now due by law within said town, shall be collected by the town marshal, and laid out and expended by him as directed by ordinance.

ARTICLE FIFTH.

SEC. 1. The trustees shall receive no compensation for their services.

SEC. 2. The town clerk shall receive such compensation for his services as may be allowed him by ordinance.

SEC. 3. The marshal shall receive the same fees for his services as constables are entitled to for services of a similar nature, and for other services, such compensation as may provided for by ordinance.

ARTICLE SIXTH.

SEC. 1. It shall be the duty of the board of trustees, at their first meeting, annually, to elect one of their number to perform the duties of town treasurer, who shall hold his office for one year, or until his successor is elected and qualified.

SEC. 2. It shall be the duty of the town marshal, in addition to the duties prescribed by the board of trustees, to execute and return all processes issued by any justice of the peace residing within the town limits, to collect all moneys and tax, and pay the same over to the treasurer monthly.

SEC. 3. It shall be the duty of the town treasurer to receive all moneys which shall come to said town by taxation or otherwise, and pay out the same as may be provided by ordinance.

SEC. 4. The board of trustees shall define the duties of all officers by ordinance, which are not herein prescribed.

ARTICLE SEVENTH.

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

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

ARTICLE EIGHTH.

SEC. 1. This charter shall go into operation as soon as the law receives the signatures of the presiding officers of the Legislative Assembly; and, until the first election held under the provisions of this law shall have been held, the following persons shall be trustees, viz: George A. Barnes, T. F. McElroy, James Tilton, Joseph Cushman, and Elwood Evans; and William Mitchell shall be town marshal. And the said board of trustees shall have power to fill vacancies.

Passed January 28, 1859.

AN ACT

TO INCORPORATE THE OLYMPIA BRIDGE COMPANY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons who shall become stockholders in the "Olympia Bridge Company," pursuant to this act, be, and they are hereby, constituted a body corporate by the name of the "Olympia Bridge Company," for the purpose of constructing, maintaining, and managing a draw-bridge across the western arm of Budd's Inlet, at Olympia, Thurston county, in the Territory of Washington; said body corporate, to continue for the term of twenty years from the passage of this act, subject to the regulations and restrictions hereinafter provided, and under the name and style as above; that they shall be authorized and empowered to sue and be sued, to plead and be impleaded, defend and be defended, in any court of record; and to have, use and alter, a common seal.

SEC. 2. The capitol stock of said incorporation shall consist of ten thousand dollars, or two thousand shares of fifty dollars each. The same shall be deemed personal property, and be transferable only upon the books of the company. And said company be, and the same is hereby empowered to increase its capitol stock at any time, to an amount not exceeding fifteen thousand dollars.

SEC. 3. All the property, affairs, business, and concerns of said company, shall be managed and conducted by and under the direction of seven directors, who shall be stockholders of said incorporation, and who shall be annually elected by ballot, at an election to be held in the town of Olympia on the first Monday in January of each year, by a plurality of the votes of the stockholders present, and represented by proxy; each share having one vote for each share of stock that may be held in said company upon which all installments called have been paid.

SEC. 4. The first directors, in pursuance of this act of the Legislature, shall be Wm. W. Miller, Wm. Rutledge, Jr., Edwin Marsh, Moses Hurd, Wm. McLane, Elwood Evans, and T. F. Berry; who shall continue in office until their successors shall be legitimately chosen in their stead. The directors shall, at their first meeting after such election, appoint one of their number President, and also choose a secretary and treasurer, and they shall have power to fill all vacancies occasioned by death, resignation or otherwise.

SEC. 5. The directors named in section fourth, shall meet on or before the first Monday in May, 1859, and make the appointments designated in said section, and proceed to open books. Each of said directors may receive subscriptions.

SEC. 6. The directors may require payments of all sums subscribed in such portions, and at such times as they may deem proper; and in case of default of such payment on the part of any person so subscribing, the said directors may enforce such payments by action against such defaulting subscriber, or, at their own option, may forfeit the stock subscribed for, together with all payments which may be made thereupon.

SEC. 7. The proposed bridge shall connect with Fourth street, as laid down upon the town plat of Olympia, and extend across the western arm of Budd's Inlet to the most practicable point on the opposite shore.

SEC. 8. Said bridge shall be provided with a good and suitable draw of sufficient width to admit vessels to pass through it of the usual size that ply upon said Inlet within the vicinity of said bridge, and said company shall at all times cause some person to be in attendance, to open and close said draw when necessary; and it shall be the duty of any person wishing to pass through said draw, to give a signal by the firing of a gun or ringing of a bell.

SEC. 9. The said company shall be invested with power to convey real and personal estate; and shall have power to make all reasonable by-laws, not inconsistent with general laws, for the government of the company, its officers and agents, which may be needful to carry into effect, fully, the purposes and objects of this act. They shall also have the power to regulate the rates of toll upon said bridge; Provided, that at any time the rates of toll shall not exceed the rates established by an act "establishing the rates of ferriage across the Columbia river; in Clarke county," passed January 4th, 1857.

SEC. 10. In qualification of the foregoing act, it is to be expressly understood that should the corporation of the town of Olympia, or the legally constituted authorities of Thurston county, (that is to say the county commissioners) or the authorities of said corporation, deem it advisable or to the interest of said town corporation or the county, at any time within the twenty years for which this charter or act of incorporation is granted, to purchase of the stockholders of the said Bridge Company all their rights and interests in the same, for the purpose of making said bridge a free bridge; then in that case, one or either shall have the privilege, by paying to the Bridge Company the amount of capital by said company expended in constructing and maintaining said bridge. There shall be three commissioners to appraise the value of the same—one of the commissioners to be chosen by the directors of said Bridge Company, and another to be chosen by the corporation of the town of Olympia or the authorities of Thurston county, as aforesaid; which two appraisers shall appoint a third person—to the three of whom, shall be allotted the

duty of appraising the value of the improvements made by the said Bridge Company, and should a fair and equitable agreement be made between the contracting parties to that effect, then shall the Bridge Company surrender its charter, all its rights and privileges, to the corporation or county, as aforesaid.

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

Passed January 26, 1859.

AN ACT

ENTITLED AN ACT TO INCORPORATE THE "CASCADE RAILROAD COMPANY."

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That B. B. Bishop, William H. Fauntleroy and George W. Murray and their associates, owners of the land bordering on the Cascades of the Columbia River in, Washington Territory, their heirs and assigns, be, and they are hereby, constituted and declared a body corporate and politic, by the name and style of the "Cascade Railroad Company." The said road to be used for the transportation of freights, passengers and mails, and to be constructed between the navigable waters above and below the "Cascades." The said Bishop, Fauntleroy and Murray having power to select for said purpose the most convenient, economical, and practicable site for said road of thirty feet in width, together with one acre of land immediately adjoining, and a continuation of the road bordering on the water, with the privilege and power to construct, and for the purpose, good and sufficient warehouses, depots and wharves, or other buildings; it being particularly understood and enacted, that the owners of the property, land and other appurtenances over which such road shall be constructed, shall have the privilege over all others of taking up or subscribing the stock of the said company on the opening of the books for said purpose, which shall take place at Fort Vancouver, on the Columbia River, by and in the presence of B. B. Bishop, William H. Fauntleroy and George W. Murray, on the first day of June, A. D. 1859, after due notice of sixty days in one paper printed in Olympia, W.

T., and notice posted at Fort Vancouver, W. T., in some conspicuous place ; after which notice, and on the opening of the books for subscription, if no property-holder bordering on the Cascades, as above, shall appear and demand stock, by the tender of the necessary money to provide for the first installment, then the public shall have the privilege of subscribing or taking up the said stock by payment of the necessary amount of money ; it being also enacted, that the owners of said property, land, &c., on the Cascades, shall have the privilege of constructing the railroad, to be equal in point of efficiency, thus constructed, over any other portion of the road, and according to the provisions of this charter, and upon the completion of the same, the said Bishop, Fauntleroy and Murray shall issue to the proprietor making application, an amount of capitol stock of the said company, equal in number of shares, as compared to the whole number of shares, as the length of said portion of the road so completed by said applicant owner, is to the whole length of road as per survey.

SEC. 2. The railroad shall be surveyed by the said Bishop, Fauntleroy and Murray, or at their instance, and recorded in the office of the secretary of this territory.

SEC. 3. The " Cascade Railroad Company " is hereby authorized and empowered to have and to receive, purchase and possess, enjoy and retain, lands, lots, tenements, goods, chattels, rents, and effects of any and every kind, and to any amount necessary to carry into effect the objects of said company, and the same to use, alien, sell and dispose of at pleasure ; to sue and be sued in any court having competent jurisdiction ; to have and to use a common seal ; to ordain and establish such rules, regulations and by-laws as may be necessary for the well-being of said corporation, subject to the constitution of the United States and the laws of this territory.

SEC. 4. Each share of stock shall be entitled to one vote. There shall be six hundred shares, at the rate of five hundred dollars per share ; and the capitol stock shall be three hundred thousand dollars. The company shall at no time, after the expiration of one year from the completion of said road, keep on hand the receipts of said road, when they shall exceed fifty thousand dollars, for more than thirty days, without it be by consent of the majority of the stockholders, and never over one hundred thousand dollars over sixty days ; but a dividend shall be declared and the money paid the stockholders every three months.

SEC. 5. The company shall consist of a president, vice president, three directors, and a secretary, who shall keep the books of said company, all of whom shall be elected by a majority of the stockholders once a year, and shall hold office for one year from the date of their election.

The stock of the company shall be transferred only on the books of the company.

SEC. 6. *Be it further enacted,* That nothing contained in this charter shall be construed so as to prohibit the legislature from granting charters to other persons, from building or constructing additional roads on the said Cascade portage.

SEC. 7. The company shall have power to assess the capitol stock of said company, and if after due notice in some newspaper in this territory for thirty days, any of the stockholders shall fail to pay the assessment, the company shall proceed to sell the same at public auction, after ten days' notice, as before, after the following manner : The person or purchaser taking the least number of shares, and paying the assessment on the entire number of the delinquent shares, shall be entitled to have issued to him by the company such number of shares.

SEC. 8. It is obligatory on the said company to construct within three years a good railroad of wood, as per survey ; and in five years, a good and sufficient railroad with iron track. The company shall at such latter period (five years,) have at least one good warehouse at each end of the road, and good commodious passenger and freight cars, to be propelled by steam power, or the company shall forfeit all the privileges of this charter.

SEC. 9. In the event of the survey of the said road embracing the land of settlers and owners, parties failing to agree, the district court shall have power to appoint three citizens of Washington Territory, (freeholders,) who shall assess the damages, and the amount of money to be paid to the owner by the company, it being obligatory on the persons so appointed, to furnish to the owner of said property so taken or damaged, a copy of their proceedings relating to the owner's particular property ; if the owner of the property thinks his property has been assessed below its value, he shall have the privilege of providing testimony before the district court, and the judgment shall be final, except the parties shall appeal the case to the supreme court of the United States ; but on the judgment of the district court, the company shall be placed in possession of the land and the property, having full full power to proceed with the construction of the road and the necessary buildings, as per charter.

SEC. 10. *Provided, however,* That the aforesaid charter shall in no event obstruct the military and territorial roads at that place.

Passed January 31st, 1859.

AN ACT

TO INCORPORATE AN INSTITUTION OF LEARNING AND CHARITABLE PURPOSES IN THE COUNTY OF CLARK.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Sister Joseph, and all persons who may associate themselves with her, and their successors, be, and they are hereby, declared a body politic and corporate, under the name and style of the "Sisters of Charity, of the house of Providence, in the Territory of Washington."

SEC. 2. *And be it further enacted*, That the ends of said corporation shall be the relief of needy and suffering humanity ; in the care of the orphans, invalids, sick and poor, and in the education of the youth.

SEC. 3. That the said corporation shall have continual, perpetual succession, and shall have power to acquire, receive and possess by donation, gift or purchase, and to retain and enjoy property, real, personal and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure ; *Provided, however*, That no part of the resources thereof shall ever be used for any other than the purposes above specified. *And, provided further*, That the yearly income accruing from said property to said corporation shall not exceed twenty thousand dollars. Such corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of justice, both at law and in equity ; they shall cause to be made for their use, a common seal, impressed with such devices and inscriptions as they shall deem proper, by which said seal, all deeds and acts of said corporation shall pass and be authenticated, and they shall have power to alter or amend said seal at their pleasure ; they shall have power to form and adopt a constitution and by-laws for their government, to make and carry into effect all necessary regulations for the management of their fiscal concerns ; to appoint subordinate officers and agents ; to make, ordain and establish such ordinances, rules and regulations as they may deem necessary or expedient for the good government of said corporation, its officers and agents ; *Provided, however*, That the said ordinances, rules and regulations shall in no manner conflict with the constitution of the United States or the laws of this territory.

SEC. 4. That when it may be deemed expedient to add any new member to said corporation, or become necessary to fill vacancies which may occur in said corporation, by reason of death or otherwise, the majority of the remaining members of said corporation shall elect said additional member or members to fill such vacancies.

SEC. 5. That all deeds, or other instruments of conveyance, shall be signed by the Superioress President of the corporation, and by her ac-

knowledged in her official capacity, and sealed with the seal of the corporation.

Passed January 28th, 1859.

AN ACT

TO INCORPORATE THE COWLITZ RIVER STEAM NAVIGATION COMPANY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Royal C. Smith and Noyes H. Smith, together with all other persons who shall become associated with them by subscribing stock in said company, their assigns and successors, be, and they are hereby, constituted and declared a body corporate and politic, by the name and style of the "Cowlitz River Steam Navigation Company," for the purpose of improving the bed of the Cowlitz River, so as to render it navigable for steamboats from Monticello, on said river, to the Cowlitz Landing, and keeping on said river a steamboat, or steamboats, suitable for, capable of, and to be used in the transportation of freight and passengers to and from said points, and all intermediate points or places on said river, as shall be determined by said company, or those owning a majority of the stock thereof.

SEC. 2. Said company may own and possess any amount of stock and property necessary to carry on its business, which they may purchase, possess, sell and dispose of at pleasure ; may sue and be sued in any court of competent jurisdiction ; may have and use a common seal, which they may alter, break and review at pleasure ; may appoint one or more agents for the transaction of their business, whom they may dismiss and change at pleasure, and may from time to time make such rules, regulations and by-laws as they may deem necessary or useful, and the same amend and change at pleasure, subject, however, to the constitution and laws of the United States and the laws of this territory.

SEC. 3. Said company shall, within six months after the passage of this act, have in running condition on said Cowlitz River, a steamer suitable for navigating said river between the points aforesaid, and shall within nine months after the date thereof have the obstructions removed, so far as to have said boat or boats navigating said river between the points aforesaid, and failing so to do, all rights under this act shall be forfeited.

SEC. 4. All the stock and property of said company shall be liable for the debts of said company, and each stockholder shall be personally liable for the indebtedness of said company to twice the amount of the capital stock of said company, owned by said stockholders.

SEC. 5. The said company complying with the provisions of this act, shall have and enjoy the exclusive right to navigate the said Cowlitz river in vessels propelled in whole or in part by steam, from the said Cowlitz Landing to and from tide-water on said river, for the period of five years, from and after the date of the passage of this act, and shall have the right to charge such a sum for freight and passage as they shall deem reasonable, not exceeding five dollars per passage and five dollars per ton for freight, for the entire distance; way-trade for freight and passengers, subject to such agreement as may be made, not exceeding, between any two points, the sums allowed to be charged for the entire distance.

SEC. 6. Should said company at any time fail to have a steamer running, for the period of three months, at any one time, after the time hereinbefore limited for the commencement of said navigation, then, upon complaint being made to the District Court, in the District in said Territory, in which Monticello may be situated, and such fact being established to the satisfaction of said court, said company shall be adjudged to have forfeited all their rights under this act.

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

Passed January 21, 1859.

AN ACT

TO INCORPORATE MONTICELLO DIVISION NO. 1, OF SONS OF TEMPERANCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the officers and members of Monticello Division No. 1, of Sons of Temperance, and their successors, be, and they are hereby, constituted and declared a body corporate, to be known by the name of Monticello Division No. 1, Sons of Temperance.

SEC. 2. Said Division may, by their corporate name, sue and be sued, plead and be pleaded, defend and be defended against, in all the

courts in this territory, and may receive and hold all moneys and other property coming into their hands by voluntary subscriptions, contributions, or otherwise, as well as all legacies and devises of real or personal estate; and shall be empowered to have, hold, possess or acquire, lands, tenements, furniture, chattels, regalia, and property of any description incident to such bodies, to an amount not exceeding ten thousand dollars, and the estate hereinbefore mentioned, to lease, grant, convey and dispose of, in such manner as they may deem expedient.

SEC. 3. Said division may, at any of their meetings, enact and pass such rules, regulations and laws for the government and management of said division as they may deem expedient; Provided, the same be not inconsistent with the laws of the United States or this territory.

SEC. 4. The said division may hold its meetings at such times and places, and elect such officers for the management of its affairs, as the members thereof may deem proper.

Passed January 28, 1859.

AN ACT

TO INCORPORATE OLYMPIA DIVISION NO. 2 OF SONS OF TEMPERANCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the officers and members of Olympia Division No. 2, of "Sons of Temperance," and their successors, be and they are hereby constituted and declared a body corporate, to be known by the name of "Olympia Division No. 2, Sons of Temperance."

SEC. 2. Said division may, by their corporate name, sue and be sued, plead and be impleaded, defend and be defended in all the courts in this territory, and may receive and hold all moneys and other property coming into their hands by voluntary subscriptions, contributions or otherwise, as well as all legacies and devises of real or personal estate; and shall be empowered to have, hold, possess or acquire lands, tenements, furniture, chattels, regalia, and property of any description incident to such bodies, to an amount not exceeding ten thousand dollars, and the estate herein before mentioned to lease, grant, convey, and dispose of in such manner as they may deem expedient.

SEC. 3. Said division may, at any of their meetings, enact and pass such rules, regulations, and laws, for the government and management of said division as they may deem expedient; *Provided*, the same be not inconsistent with the laws of the United States, or this territory.

SEC. 4. The said division may hold its meetings at such times and places, and elect such officers for the management of its affairs as the members thereof may deem proper.

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

Passed January 25, 1859.

AN ACT

TO INCORPORATE TUM-WATER DIVISION NO. 3, SONS OF TEMPERANCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the officers and members of Tum-Water Division No. 3, of Sons of Temperance, located at Tum-Water, county of Thurston, and their successors, be and they are hereby constituted and declared a body corporate, to be known by the name of Tum-Water Division No. 3, Sons of Temperance.

SEC. 2. Said division may, by their corporate name, sue and be sued, plead and be impleaded, defend and be defended in all courts in this territory, and may receive and hold, all moneys and other property coming into their hands by voluntary subscriptions, contributions, or otherwise, as well as all legacies and devises of real or personal estate; and shall be empowered to have, hold, possess or acquire lands, tenements, furniture, chattels, regalia, and property of any description incident to such bodies, to an amount not exceeding twenty thousand dollars, and the estate herebefore mentioned, to lease, grant, convey and dispose of in such manner as they may deem expedient.

SEC. 3. Said division may, at any of their meetings, enact and pass such rules, regulations and laws, for the government and management of said division, as they may deem expedient; *Provided*, the same be not inconsistent with the laws of the United States, or this territory.

SEC. 4. The said division may hold its meetings at such times and places, and elect such officers for the management of its affairs, as the members thereof may deem proper.

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

Passed January 28th, 1859.

AN ACT

TO INCORPORATE GRAND MOUND DIVISION, NO. 4, SONS OF TEMPERANCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the officers and members of Grand Mound Division, No. 4, Sons of Temperance, located on Grand Mound Prairie, in the county of Thurston, and their successors, be, and they are hereby constituted and declared a body corporate, to be known by the name of "Grand Mound Division, No. 4, Sons of Temperance."

SEC. 2. Said Division may, by their corporate name, sue and be sued, plead and be impleaded, defend and be defended, in all the courts in this Territory, and may receive and hold all moneys and other property coming into their hands by voluntary subscriptions, contributions or otherwise, as well as all legacies and devises of real or personal estate, to an amount not exceeding twenty thousand dollars, and the estate hereinbefore mentioned to lease, grant, convey and dispose of in such manner as they may deem expedient.

SEC. 3. Said Division may, at any of their meetings, enact and pass such rules, regulations and laws for the government and management of said Division as they may deem expedient, provided the same be not inconsistent with the laws of the United States or this Territory.

SEC. 4. The said Division may hold its meetings at such times and places, and elect such officers for the management of its affairs as the members thereof may deem proper.

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

Passed January 29, 1859.

AN ACT

TO INCORPORATE WASHINGTON DIVISION, NO. 5, SONS OF TEMPERANCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the officers and members of Washington Division, No. 5, of Sons of Temperance, located in Vancouver City, county of Clarke, and their successors, be, and they are hereby constituted and declared a body corporate, to be known by the name of "Washington Division, No. 5, of Sons of Temperance."

SEC. 2. Said Division may, by their corporate name, sue and be sued, plead and be impleaded, defend and be defended against, in all courts in this Territory; and may receive and hold all moneys and other property coming into their hands by voluntary subscriptions, contributions or otherwise, as well as all legacies and devises of real and personal estate, and shall be empowered to have, hold, possess or acquire lands, tenements, furniture, chattels, regalia, and property of any description incident to such bodies, to an amount not exceeding twenty-five thousand dollars, and the estate hereinbefore mentioned to lease, grant, convey and dispose of in such manner as they may deem expedient.

SEC. 3. Said Division may, at any of their meetings, enact and pass such sules, regulations and laws for the government and management of said Division as they may deem expedient: Provided, the same be not inconsistent with the laws of the United States or this Territory.

SEC. 4. The said Division may hold its meetings at such times and places and elect such officers for the management of its affairs as the members thereof may deem proper.

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

Passed January 27, 1859.

AN ACT

TO INCORPORATE GOOD SAMARITAN DIVISION NO. 6, SONS OF TEMPERANCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the officers and members of Good Samaritan Division No. 6, of Sons of Temperance, located in Steilacoom, county of Pierce, and their successors, be, and they are hereby constituted and declared a body corporate, to be known by the name of Good Samaritan Division No. 6, Sons of Temperance.

SEC. 2. Said division may, by their corporate name, sue and be sued, plead and be impleaded, defend and be defended against, in all the courts in this territory; and may receive and hold all moneys and other property coming into their hands by voluntary subscriptions, contributions or otherwise, as well as all legacies and devises of real or personal estate; and shall be empowered to have, hold, possess or acquire lands, tenements, furniture, chattels, regalia, and property of any description incident to such bodies, to an amount not exceeding twenty thousand dollars, and the estate hereinbefore mentioned to lease, grant, convey and dispose of in such manner as they may deem expedient.

SEC. 3. Said division may, at any of their meetings, enact and pass such rules, regulations and laws for the government and management of said division, as they may deem expedient; *Provided*, the same be not inconsistent with the laws of the United States or this territory.

SEC. 4. The said division may hold its meetings at such times and places, and select such officers for the management of its affairs as the members thereof may deem proper.

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

Passed January 29, 1859.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM OLYMPIA, IN THE COUNTY OF THURSTON, TO STEILACOOM, IN THE COUNTY OF PIERCE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Frank Clark, John M. Chapman, of Pierce county,

and J. M. Hawk, of Thurston county, be and are hereby constituted a board of commissioners to view and locate a territorial road from Olympia to Steilacoom.

SEC. 2. Said commissioners shall meet at the house of George Shazer, in Thurston county, on the first Monday in May, 1859, or as soon thereafter as circumstances will permit, after being duly sworn faithfully to perform their duties, shall proceed to view and locate said road.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and a certified copy thereof to be deposited with the county auditors of Pierce and Thurston counties, who shall file and preserve the same; and when said report is so deposited, the said road shall be considered a territorial road, and shall be opened and kept in repair as other territorial roads are in this territory.

SEC. 4. If from any cause any one or more of said commissioners shall fail to qualify and act, his or their associate or associates may appoint some suitable person or persons, who shall have all the power granted in this act.

SEC. 5. No charge for services shall be made by said commissioners against either county.

Passed January 25, 1859.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM THE YELM PRAIRIE, IN THURSTON COUNTY, TO A POINT ON THE NATCHEZ RIVER, WHERE THE MILITARY ROAD LEAVES THE SAME.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Packwood, James Longmire, and G. C. Blankenship, be, and they are hereby constituted a board of commissioners, with full power to view and establish a territorial road, commencing at a point on the Yelm Prairie where the county road leaves the same, passing up the Nesqually river, following the same by the most practicable route to a point known as the Three Butes, in the Cascade mountains; thence by the most direct route to the point on the Natches river where the military road leaves the same.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of James Longmire on the first Monday in June, 1859, at 1 o'clock P. M., or as soon thereafter as circumstances will permit, and after being duly sworn faithfully to view and locate said road, shall proceed to view, locate and mark the same on the nearest and most practicable route from point to point, as above described in section one.

SEC. 3. Said commissioners shall have authority to adjourn from time to time, and from place to place, to fill any vacancies which may happen in their board; and after their first meeting, as provided in section two, the said commissioners shall have authority to administer any oath necessary and proper to carry into effect the provisions of this act.

SEC. 4. And the commissioners aforesaid shall cause a true report of their proceedings to be made, and a true copy of the same to be deposited with the county auditors of Thurston and Pierce counties, and secretary of the territory, who shall file and preserve the same; after which, said road shall be in every respect a territorial road, and shall be opened and kept in repair as other territorial roads.

SEC. 5. Said commissioners shall make their report to the county auditors and the secretary of the territory, immediately after they shall have completed their commission, and the said commissioners shall receive no compensation for their services except by voluntary subscriptions.

Passed January 20, 1859.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM SKOOKUM BAY TO THE HEAD OF TIDE WATER ON THE CHEHALIS RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Brady, David Shelton, and Jackson Morrow, or any two of them, be and they are hereby constituted a board of commissioners to view and locate a territorial road, commencing at Oakland on Skookum Bay, thence on the most practical route to the head of tide water on the Chehalis river.

SEC. 2. Said commissioners shall meet at Oakland post-office on Skookum Bay on the first Monday in March, 1859, or as soon thereafter as circumstances will permit, and after being duly sworn faithfully to perform the duties assigned them, shall proceed to view and locate said road.

SEC. 3. Said commissioners shall cause a true report of the proceedings, and a certified copy thereof, to be deposited with the county auditors of Chehalis and Sawamish counties within sixty days from the meeting of said commissioners.

SEC. 4. No charge for services shall be made by said commissioners against either county.

Passed January 7, 1859.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM A POINT ON HOOD'S CANAL, AT OR NEAR A. D. FISHER'S CLAIM, TO THE HEAD OF TIDE-WATER ON CHEHALIS RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That A. D. Fisher, Ewal Branan, and James King, be, and are hereby constituted a board of commissioners to view and work out a territorial road from some point on Hood's Canal, at or near the residence of A. D. Fisher, to the head of tide-water on Chehalis river.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Wm. F. O'Haver, on the fourth Monday of May, or as soon thereafter as practicable; and after being duly sworn faithfully and impartially to perform their duties as such Commissioners, shall proceed to locate said road on the nearest and most practicable route.

SEC. 3. Said commissioners shall make out a report, to be deposited with the clerks of the board of county commissioners of Sawamish and Chehalis counties; and when so deposited, said road shall be considered as a territorial road to all intents and purposes, and shall be opened and kept in repair in the same manner as other territorial roads are opened and kept in repair.

SEC. 4. Said commissioners shall make no charge or [and] receive no compensation for their services except by voluntary contribution.

Passed January 25, 1859.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM OAKLAND, IN SAWAMISH COUNTY, VIA SHERWOOD'S MILLS, TO SEABECK ON HOOD'S CANAL.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, that W. K. Temple, Mr. Sherwood (of Sherwood's Mills), and W. B. Sinclair (of Kitsap county), be, and are hereby constituted a board of county commissioners with full power to view and locate a territorial road from Oakland in Sawamish county, via Sherwoods Mills, to Seabeck, on Hood's Canal.

SEC. 2. The said commissioners, or a majority of them, shall meet at Oakland, on the first Monday in April, 1859, at 1 o'clock, or as soon thereafter as circumstances will permit, and after being duly sworn faithfully and impartially to act as such commissioners, shall proceed to view and locate said road from point to point, as described in section one.

SEC. 3. The commissioners shall have authority to adjourn from time to time, and from place to place, as may be necessary, and shall have power to fill all vacancies that may occur in said board, and also to administer all oaths necessary to carry into effect the provisions of this act.

SEC. 4. And the aforesaid commissioners shall cause a full report of their proceedings to be made—a certified copy of which shall be, by said commissioners, deposited with the county auditors of Kitsap and Sawamish counties, the said auditors shall file and preserve the same, and after which said road shall be opened and kept in repair as other territorial roads are.

SEC. 5. That said commissioners shall receive no payment for their services except by voluntary subscription, and no charge shall be made against any county in this territory for viewing, surveying, or locating said road.

AN ACT

TO REVIEW AND RELOCATE SO MUCH OF THE TERRITORIAL ROAD LEADING FROM CATHLAMET TO THE HOUSE OF SIDNEY S. FORD, AS LIES BETWEEN THE HOUSE OF JOHN J. ELLIOT AND THE SOUTH END OF BOISFORT PRAIRIE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Wm. S. Jackson, Henry Brewer, and James Birnie, Jr., be, and are hereby appointed commissioners, and authorized to view and relocate so much of the territorial road leading from Cathlamet, on the Columbia river, to Sidney S. Fords, in Thurston county, as lies between the house of John J. Elliot and the south end of Boisfort Prairie.

SEC. 2. Said commissioners, or a majority of them, after they shall have taken the oath of office, shall have full authority to change and relocate any portion or portions of said road for the purpose of shortening the distance or improving the ground over which the road passes, as they shall deem most for the public interest.

SEC. 3. When said commissioners shall have completed the discharge of their duties, they shall report to the secretary of the territory such alterations as they shall have made, and to the auditor of each county all alterations made within the limits of such county.

SEC. 4. If, for any cause, any one or more of said commissioners shall fail to qualify, or, having qualified, shall fail or cease to act, the acting commissioner or commissioners shall select and appoint some person or persons to fill such vacancy—and the person so appointed shall have the same powers, and discharge the same duties, as though he had been originally appointed.

SEC. 5. The said commissioners shall receive no compensation for their services except by voluntary subscription.

Passed January 28, 1859.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM MONTICELLO TO THE UPPER CASCADES.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That H. J. G. Maxon, Joseph L. Durgan, Joseph Goddard, W. H. Martin, and Solomon Strong, be, and they are hereby constituted a board of commissioners to view and locate a territorial road, commencing at or near Monticello, so as to connect with the military road; thence on the most practicable route via Vancouver to Daniel Boughfman's land claim at the upper Cascades.

SEC. 2. Said commissioners shall meet at the house of Solomon Strong, on the first Monday in June, 1859, or as soon thereafter as circumstances will permit, after being duly sworn faithfully to perform the duties assigned them, shall proceed to view and locate said road.

SEC. 3. Said commissioners shall cause a true report of the proceedings, and a certified copy thereof, to be deposited with the county auditors of Cowlitz, Clark and Skamania, within sixty days from the meeting of said commissioners.

SEC. 4. Said commissioners shall receive no compensation for said services except by voluntary subscription.

Passed January 15, 1859.

AN ACT

DECLARING THE ROAD LEADING FROM FORT SIMCOE TO FORT DALLES A TERRITORIAL ROAD.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the road (now used by the military) leading from Fort Simcoe to Fort Dalles, or so much thereof as lies in the Territory of Washington, be, and the same is hereby declared a territorial road.

Passed January 17, 1859.

AN ACT

AUTHORIZING I. H. BUSH TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That I. H. Bush, his heirs and legal representatives, be, and they are hereby, authorized to establish and keep a ferry across the Columbia river, in the territory aforesaid, in Skamania county, at the point where the main road strikes said Columbia river in crossing over to the Dalles, in Wasco county, Oregon ; and to land and deposit from the Washington shore of said river ; and extending from said point, up and down said river, one-half mile each way ; and that the said I. H. Bush, his heirs and legal representatives, have, and they are hereby endowed with, the exclusive privilege of ferrying in Skamania county, within the above limit, for the term of five years, from and after the passage of this act ; *Provided, always,* That when said ferry, so established, shall be subject to the same regulations any under the same restrictions as other ferries are, or may hereafter be, by the laws of this territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said I. H. Bush, his heirs and legal representatives, to receive and collect the foregoing rates of ferriage :

For crossing a footman,.....	\$ 50
For crossing man and horse,.....	1 00
For crossing horse and carriage,.....	3 00
For crossing two horses and wagon,.....	3 50
For crossing two oxen and wagon,.....	3 50
For crossing each additional span of horses, or pair of cattle,	1 00
For crossing loose animals, other than sheep and hogs,.....	40
For crossing sheep and hogs, each,.....	25

Provided, That the said I. H. Bush, his heirs and legal representatives, shall not charge emigrants, crossing the plains with the intention of settling on this coast, more than half the above rates.

SEC. 3. That no courts, or board of county commissioners, shall authorize any other person, except as herein provided, to keep a ferry within the limits set out in this act ; *Provided,* That the said I. H. Bush, his heirs and legal representatives, shall, within six months after the passage of this act, procure for said ferry a good and sufficient flatboat and boats, which shall be kept at said ferry, with sufficient hands to work them, for the transportation of all persons and their property across said river without delay ; and should the laws regulating ferries, now or such

as may be in force, be violated by the said I. H. Bush, his heirs and legal representatives : or if no good and sufficient flatboat and boats, with sufficient hands to work them, be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of Skamania county, then this act shall be void.

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

Passed February 1, 1859.

AN ACT

AUTHORIZING EDWARD L. MASSEY TO ESTABLISH A FERRY ON SNAKE RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Edward L. Massey, his heirs or assigns, be, and they are hereby, authorized to established and keep a ferry across Snake river, at a point where the territorial road, leading from Fort Wall-walla to Fort Colville, crosses the same ; and that the said Edward L. Massey, his heirs and assigns, have the exclusive privilege of ferrying upon Snake river within the following limits, to wit :—a distance up and down said river of one mile from said ferry, for the terms of six years from the passage of this act ; *Provided*, That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be, by the laws of this territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That no courts, or board of county commissioners, shall authorize any person to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for the said Edward L. Massey, his heirs and assigns, to demand and collect from all persons desiring to cross on said ferry the following rates of ferriage, to wit ; *Provided, however*, That the said Edward L. Massey, his heirs and assigns, shall not charge more than one-half of the aforesaid rates of ferriage to emigrants, crossing the plains with the intention of settling on this coast :

For each wagon, with two animals attached,	\$5 00
For each pleasure wagon, with two animals,	3 00
For each hack or sulky, with one horse,	2 00
For each man and horse,	1 50
For each animal (packed),	1 50
For each head of horses, or mules (loose),	75
For each footman,	50
For each loose cattle, each,	50
For sheep, goats, or hogs, each,	10

SEC. 4. The said Edward L. Massey, his heirs and assigns, shall, within six months from and after the passage of this act, procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay ; and should the laws regulating ferries, now or such as may hereafter be in force, be violated by the said Edward L. Massey, his heirs or assigns : or should the said Edward L. Massey, his heirs or assigns, fail or neglect to furnish a good and sufficient boat, and the requisite number of hands, to cross all persons and their property without unnecessary delay, upon proof being made thereof to the satisfaction of the board of county commissioners of Walla-walla county, this act shall be void.

SEC. 5. The said Edward L. Massey, his heirs or assigns, shall, before collecting any moneys for ferriage, as provided in this act, pay into the county treasury, as an annual tax, a sum not to exceed twenty-five dollars per annum, for the use and benefit of Walla-walla county.

SEC. 6. After the expiration of three years, the legislature to regulate the rates of ferriage as to them may seem just.

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

Passed January 11th, 1859.

AN ACT

TO AUTHORIZE C. C. VAIL TO ESTABLISH A FERRY ACROSS THE LUMMI,
OR NOOT-SACK RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Charles C. Vail, his heirs or assigns, be, and they are

hereby, authorized to establish and keep a feery across the Lummi, or Noot-sack river, in Whatcom county, at the point where the road from Whatcom to Fort Hope crosses, or may cross said river, to the opposite shore, commencing at a point in the centre of said river where it strikes said river, and to land and deposite from each shore of said river, and extending from said point up and down said river, on each side thereof, one-half mile each way ; and that the said Charles C. Vail, his heirs and assigns, have the exclusive privilege of ferrying in Whatcom county, within the above limits, for the term of three years from the passage of this act ; *Provided*, That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions as other ferries are or may hereafter be, by laws of this territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said Charles C. Vail, his heirs or assigns, to receive and collect the following rates of toll for ferriage upon said ferry :

For crossing a footman,	\$ 25
For crossing a man and horse,	50
For crossing horse and carriage,	75
For crossing two horses and carriage,	1 00
For crossing two oxen and wagon,	1 00
For crossing each additional span of horses, or pair of cattle,	50
For crossing loose stock, other than sheep and hogs, for each,	25
For crossing sheep and hogs, each,	12½

SEC. 3. That no courts, or board of county commissioners, shall authorize any person, except as hereafter provided in this act, to keep a ferry within the limits set out in this act ; *Provided*, That the said Charles C. Vail, his heirs or assigns, shall, within three months after the passage of this act, procure for said ferry a good and sufficient flat boat, or boats, which shall be kept at said ferry, with sufficient hands to work them, for the transportation of all persons and their property across said river without delay ; and should the laws regulating ferries now, or such as may hereafter be in force, be violated by the said Charles C. Vail, his heirs or assigns : or if no good and sufficient flat boat, or boats, with sufficient hands to work them, be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of Whatcom county, then this act shall be void.

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

Passed January 17, 1850.

AN ACT

INCREASING THE SALARY OF TERRITORIAL AUDITOR.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the annual salary of the territorial auditor shall be seventy-five dollars per annum.

Sec. 2. All acts conflicting with this act are hereby repealed.

Passed February 1, 1859.

AN ACT

APPROPRIATING MONEY TO PROVIDE FOR THE SAFE KEEPING OF PAPERS CONNECTED WITH THE LATE INDIAN WAR IN THIS TERRITORY.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a sum of money, not exceeding three hundred dollars, is hereby appropriated out of any money in the territorial treasury, to provide suitable means for the safe keeping of all papers having a connection with the late Indian war in this territory.

Sec. 2. Said money shall be expended under the direction of the Quartermaster-General; but the correctness of all accounts for such expenditure shall be certified to by the Governor of this territory before payment shall be made by the territorial treasurer.

Passed February 1, 1859.

AN ACT

“ APPROPRIATING MONEY OUT OF THE TERRITORIAL TREASURY TO PAY FOR THE CLEANING AND REPAIRING OF THE PUBLIC ARMS.”

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That forty-five dollars are hereby appropriated out of the territorial treasury, to pay for cleaning and repairing the public arms; and the auditor of the territory is hereby authorized to audit accounts to that amount, certified to by the territorial quartermaster-general, and to draw warrants for the same on the territorial treasurer.

Passed January 10, 1859.

AN ACT

DEFINING THE BOUNDARY LINE OF PIERCE COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary line of Pierce county shall be bounded as follows:

Commencing at a point in the middle of the channel of Puget Sound opposite the mouth of the Nisqually river; thence westerly along the middle of the main channel of Puget Sound to a point opposite Case's Inlet; thence north along the main channel to the head of said Inlet; thence due north to the line of township 22 north, range 1 west; thence due east to the middle of the channel of Colver's Passage; thence south along the middle of said passage and the middle of the main channel of Commencement Bay to a point on the 5th standard parallel; thence due west to the middle of the channel of White river to the summit of the mountains in the Nachess pass; thence south along the summit of said mountains to the head waters of the Nisqually river; thence westerly along the middle of the main channel of the Nisqually river to the place of beginning.

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

Passed January 29th, 1859.

AN ACT

TO CORRECT AND CONSTRUE AN ACT ENTITLED AN ACT TO ALTER THE BOUNDARY LINE OF WHATCOM COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section first of the act to which this [is] a correction be so construed as to read "the point dividing the American and British possessions in the Gulf of Georgia; thence through the middle of the Canal de Arrow to the Straits of Juan de Fuca; thence easterly to the place of beginning.

Passed January 31, 1859.

AN ACT

TO LOCATE THE COUNTY SEAT OF CLALM COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be lawful for the citizens of the county of Clalm to vote at the next annual election for a site on which to locate the county seat of said county.

SEC. 2. It is hereby made the duty of the county commissioners of said county at the holding of their March [May] term of court, to designate two or more sites to be voted for at the election aforesaid. The site having the highest number of votes shall be adopted as the site on which the county seat of said county shall be located.

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

Passed January 18, 1859.

AN ACT

APPOINTING OFFICERS FOR SKAMANIA COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That S. M. Hamilton, Henry Shepherd, and E. C. Hardy, be and they are hereby appointed a board of county commissioners for Skamania county.

And that George W. Johnston be and he is hereby appointed county auditor for Skamania county; and that John W. Stephenson be and he is hereby appointed treasurer for Skamania county, and that William Wilson be and he is hereby appointed sheriff for Skamania county; and that Isaac Bush be and he is hereby appointed Probate Judge for Skamania county; and that John Woodard be and he is hereby appointed justice of the peace for Skamania county.

SEC. 2. That the persons appointed officers by the first section of this act shall, before entering upon the discharge of their respective duties, qualify in the same manner, and with like restrictions, as those elected at an annual election, and shall serve until their successors are elected and qualified.

Passed January 18th, 1859.

AN ACT

APPOINTING OFFICERS FOR WALLA-WALLA COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That John Mahan, Walter Davis and John C. Smith, be and they are hereby appointed county commissioners for Walla-walla county, and Edward Pearce is hereby appointed sheriff of Walla-walla county, and that R. H. Reighart be and he is hereby appointed auditor of Walla-walla county, and that Samuel D. Smith be and is hereby appointed probate judge for Walla-walla county, and that J. L. Sims be and is hereby appointed justice of the peace in Walla-walla county.

SEC. 2. The officers named in the foregoing section shall, before entering upon the duties of their respective offices, qualify as required by

the laws of this territory, and shall hold their office until the next annual election, or until their successors are elected and qualified.

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

Passed January 19, 1859.

AN ACT

APPOINTING OFFICERS FOR SPOKANE COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Robert Douglass, John McDugald, and Augus McLoud, be and they are hereby appointed county commissioners for Spokane county, and that Thomas Brown be and he is hereby appointed sheriff for Spokane county, and that Patrick McKenzie be and he is hereby appointed county auditor for Spokane county, and that Thomas Sternsger be and he is hereby appointed probate judge for Spokane county, and that Solomon Pilkey be and he is hereby appointed justice of the peace for Spokane county.

SEC. 2. The officers named in the foregoing section shall, before entering upon the duties of their respective offices, qualify as required by the laws of this territory, and shall hold their offices until the next annual election, or until their successors are elected and qualified.

Passed January 18, 1859.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN WILLIAM H. PULLEN AND HIS WIFE MARIA B. PULLEN.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between

William H. Pullen and his wife Maria B. Pullen be, and the same are, hereby dissolved.

SEC. 2. That the said Maria B. Pullen have the sole custody of her children, Anna Windsor, and James Edward Pullen, until they shall become of age.

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

Passed January 11, 1859.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS
OF
WASHINGTON TERRITORY.

JOINT RESOLUTION

RELATIVE TO APPOINTMENT OF JOINT COMMITTEE TO WAIT ON THE ACTING GOVERNOR.

Resolved, That a committee of two be appointed on the part of the Council, to act with a similar committee that may be appointed by the House, to wait upon the Acting Governor of this territory, and inform him that the two branches are now permanently organized and are ready to receive any communication that he may be pleased to make.

Passed December 7, 1858.

JOINT RESOLUTION

RELATIVE TO APPOINTMENT OF JOINT COMMITTEE, TO EXAMINE THE REPORT OF B. P. ANDERSON, ESQ., ONE OF THE CODE COMMISSIONERS.

Resolved, That a special committee of two be appointed on the part of the Council, to confer with a like committee that may be appointed on

the part of the House, to take into consideration and recommend some course to be pursued by this legislature, relative to the report made by B. P. Anderson, Esq., one member of the commission appointed at the last session of the Legislative Assembly, to revise and compile the laws of Washington Territory, in accordance with a joint resolution passed the Council January 6th, 1858.

Passed December 16th, 1859.

JOINT RESOLUTION

RELATIVE TO THE ESTABLISHMENT OF A LINE OF MILITARY POSTS ALONG
THE LINE OF THE EMIGRANT ROAD FROM THE MISSOURI RIVER TO
FORT WALLA-WALLA.

Whereas, The great and growing interests of the northwest coast demand and should receive, at the hands of the Federal authorities, that attention which has been accorded heretofore to other sections of our common country.

And Whereas, In consequence of the Indian wars, and the hostile attitude of the Indian tribes occupying the country east of the Cascade and west of the Rocky Mountains, emigration to the Territories of Washington and Oregon has been entirely cut off; thus preventing the many thousands who are desirous of seeking homes for themselves in our beautiful valleys, from carrying into effect their desires, unless by a perilous ocean passage and at an expense too onerous to bear.

Therefore, be it resolved by the Legislative Assembly of the Territory Washington, That the Hon. I. I. Stevens, our Delegate in Congress, be requested to call upon the President of the United States and represent to him the great and urgent necessity for prompt and vigorous action on the part of the Federal Government in opening up and protecting the route of emigration, so that the same may be traveled in safety at all times; and that he be requested to urge upon the President the great importance and necessity of establishing a line of permanent military posts on the route of emigrant travel between the Walla-walla, in Washington Territory, and the waters of the Missouri, that ample protection and aid

may be afforded emigrants the coming season, from the bands of hostile savages who infest the line of the road, and who have heretofore committed so many brutal outrages upon our brethren.

Resolved, That the thanks of our people are due to the President of the United States for the establishment of a separate military department for the Territories of Washington and Oregon, and that in the assignment of the command of this department to the gallant and efficient chieftain, Brigadier Gen. W. S. Harney, he has but anticipated the wishes of our people.

Resolved, That the Governor of this Territory be and he is hereby requested to forward a copy of these resolutions to the Hon. I. I. Stevens, our Delegate in Congress, to be presented by him to the President of the United States; and that he also forward a copy to Brigadier Gen. W. S. Harney.

Passed December 22, 1858.

JOINT RESOLUTION

RELATIVE TO THE ADJOURNMENT OF THE LEGISLATURE OVER THE HOLIDAYS.

Resolved by the House, the Council concurring, That when the Legislature adjourns on Thursday, the 23d day of December, 1858, the adjournment shall be until Tuesday the 4th day of January, 1859.

JOINT RESOLUTION

RELATIVE TO CREATING WHATCOM (BELLINGHAM BAY) A PORT OF ENTRY.

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be and he is hereby instructed to use his influence with the Congress of the United States, to have Whatcom, (Bellingham Bay) made a port of entry.

Passed December 23, 1858.

JOINT RESOLUTION

EXPRESSIVE OF THE CONFIDENCE OF THIS LEGISLATURE CONCERNING THE PRESENT ADMINISTRATION, AND ALSO OF THE OPINION WHICH THEY ENTERTAIN OF THE DELEGATE IN CONGRESS.

Resolved by the Council of Washington Territory, the House concurring, That this body, as the representatives of the people thereof, have an abiding and unimpaired confidence in the integrity, justice and ability of the administration of President Buchanan; and that we hereby extend the gratitude of our citizens to the departments of War, the Post-office, and the Interior, for the able manner in which they have given us to understand that it is their determination to discharge their duties, nationally, to the great interest of the U. S. possessions.

Resolved, That our confidence in the integrity, ability, and working qualities of Gov. Stevens, the present Delegate in Congress for this Territory, is unimpaired; and that we can confidently look forward to his services in Congress for the interests of these Territories with pride and pleasure: being assured that he will do *all* that one man can do for the advancement of *all* the interests with which that portion of the United States possessions are identified.

Passed January 12, 1859.

JOINT RESOLUTION

RELATIVE TO EMPLOYMENT OF ENROLLING CLERK.

Resolved by the House, the Council concurring, That the Joint Enrolling committee be, and they are hereby authorized to procure the services of some suitable person as Enrolling Clerk, whose per diem shall not exceed four dollars.

Passed January 4, 1859.

JOINT RESOLUTION

FOR THE ELECTION OF TERRITORIAL OFFICERS.

Resolved by the Legislative Assembly of the Territory of Washington, That the election of Territorial officers, designated by law to be elected on joint ballot of the two Houses of said Assembly, shall take place on the 22d day of January, 1859.

Resolved, That the Council and House of Representatives meet in joint convention on the day above set forth, at 11 o'clock, A. M., for the purpose of electing one Territorial Printer, one Territorial Librarian, one Territorial Treasurer, one Territorial Auditor, and three Capitol Commissioners.

Passed January 19, 1859.

JOINT RESOLUTION

RELATIVE TO APPOINTMENT OF A COMMITTEE TO EXAMINE INTO THE
CONDITION OF THE TERRITORIAL LIBRARY.

Resolved by the Legislative Assembly of the Territory of Washington, That a joint committee, consisting of two on the part of the Council and three on the part of House, be appointed to enquire into the condition of the Territorial Library.

Passed January 25, 1859.

JOINT RESOLUTION

RELATIVE TO THE INTRODUCTION OF NEW BUSINESS.

Be it resolved by the Legislative Assembly of the Territory of Washington, That there shall be no new business introduced in either branch of the Legislative Assembly after Saturday the 29th inst.

Passed January 25, 1859.

JOINT RESOLUTION

PRAYING TO BE BETTER SECURED FROM FIRE IN THE LAND OFFICES.

Resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be requested to make immediate representation to the proper department of the condition of the Register's and Receiver's office, and to urge upon it the necessity of placing them in a proper condition to secure its papers from accident from fire; and further, to represent that there is no proper accommodation for the books and papers therein.

Passed January 26, 1859.

MEMORIALS.

MEMORIALS

OF

WASHINGTON TERRITORY.

MEMORIAL

RELATIVE TO A MILITARY ROAD FROM COWLITZ RIVER TO DALLES.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

~~THE~~ Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies the great necessity of a practicable wagon road, from some point on the Cowlitz river, (intersecting the military road from Puget Sound to Monticello, on the Cowlitz river,) *via* Vancouver, to Fort Dalles, on the upper Columbia, a distance of about 145 miles.

Your memorialists further represent, that great inconvenience and delay results from the want of such a road ; that the large expenditures of money, and damage done to property of the United States by the present difficult mode of transportation from one point to another,—the inconveniences and delay, and the irregularities and delay of the mails occasioned by the obstruction of river navigation by ice, are such as to command the speedy attention of Congress to the existing difficulty.

Therefore, your memorialists would pray your honorable bodies to

pass an act appropriating forty thousand dollars to build and open said road, and your memorialists as in duty bound will ever pray.

Passed December 21st, 1858.

MEMORIAL

RELATIVE TO ESTABLISHING A LIGHTHOUSE UPON HOOD'S CANAL.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would most respectfully represent that there is a large and increasing commerce upon Hood's Canal, principally growing out of the lumbering business ; that Hood's Canal is at present entirely destitute of any lighthouse, one being most essentially needed, not only to facilitate its commerce, but more readily to distinguish it from the numerous bays and inlets that branch off from the main part of Puget Sound proper.

Therefore, your petitioners most earnestly pray that there be an appropriation for the purpose of building a lighthouse upon Hood's Canal, at such place near its junction with Puget Sound as the proper officers appointed for that purpose may select.

Passed December 22d, 1858.

MEMORIAL

RELATIVE TO ERECTING A LIGHTHOUSE AT POINT ROBERTS.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that in consequence of the dis-

covery of gold in British Columbia, and the opening of Frazer river to the navigation of American vessels, a large and increasing trade for American products has sprung up in that quarter ; and in order to protect and facilitate this trade, it is highly necessary that a lighthouse should be erected at or near Point Roberts, in this territory.

Your memorialists would therefore humbly pray your honorable bodies to pass an act appropriating a sufficient sum of money to erect a lighthouse at said point.

Passed December 22d, 1858.

MEMORIAL

RELATIVE TO THE ESTABLISHMENT OF A MILITARY ROAD FROM FORT VANCOUVER TO FORT SIMCOE.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that there has been a good pass discovered through the Cascade mountains, between the McClelland and Columbia river passes, and that said pass is of less elevation than any pass yet discovered, except the Columbia river pass ; that the citizens of Vancouver and vicinity have expended a large amount of money in opening a trail through said pass, from Vancouver to the open country east of the mountains ; that said trail avoids all water courses of any size ; that said trail is the shortest route from Vancouver to Fort Simcoe, and the open country east of the Cascade mountains ; and that a good wagon road on or near said trail would be a great convenience to the citizens of this territory, and saving to the military in transporting men and supplies.

And your memorialists would further represent, that a good wagon road can be made, on or near said trail, which will be free from troublesome water courses all seasons of the year.

Therefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating thirty thousand dollars to build a wagon road on or near the trail leading from Vancouver to Fort Simcoe.

Passed December 21st, 1858.

MEMORIAL

PRAYING AN APPROPRIATION BY CONGRESS FOR A MILITARY ROAD FROM BAKER'S BAY, BY SHOALWATER BAY AND GRAY'S HARBOR, TO PORT TOWNSEND.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that there are no means of communication between Astoria, Oregon Territory, and Port Townsend, on Puget Sound, except by sea ; that in case of an attack by Indians, or other enemy, communication between the military posts on the Columbia river and Puget Sound, with Shoalwater Bay and Gray's Harbor, would be liable to great danger and delay, by storms on the sea and bad weather in winter, or by the great distance to be passed over ; that a military road connecting these posts would very much contribute to the safety of the country, to say nothing of the development of the resources of that interesting belt of territory stretching from the Straits of Juan de Fuca and Puget Sound to the Columbia river ; that those citizens who have carried the arts of husbandry and the benefits of civilization into the recesses of the wilderness, have at all times a right to expect protection from the government, especially at this time, when the chances of Indian disturbances are greatly increased by the extensive accessions which the northwest is receiving to its population ; that the construction of that part of the road laying between Baker's Bay, on the Columbia river, and Gray's Harbor, will be attended with but little expense, from the fact that the proposed route will pass through a prairie, or open county, with the exception of a short distance.

To avert such dangers, and to secure an easy, safe, reliable and rapid transportation of troops and munitions of war, at all seasons, to the isolated and unprotected citizens inhabiting that portion of our western frontier, your memorialists pray your honorable bodies to pass an act granting a sufficient appropriation to construct a military road from Cape Disappointment, at a point on Baker's Bay, (to connect with the military post at Astoria, Oregon,) by way of Shoalwater Bay and Gray's Harbor, to Port Townsend, Washington Territory, for which we will ever pray.

Passed December 23d, 1858,

MEMORIAL

RELATIVE TO THE ERECTION OF A LIGHT-HOUSE AT GRAY'S HARBOR, AND
TO SURNEY AND BUOY OUT ITS BAR AND CHANNEL.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would most earnestly and respectfully represent, that the increasing settlement in the valley of the Chehalis, and in the country surrounding Gray's Harbor, demands that a light-house should be erected at Gray's Harbor, and that the channel and bar thereof should be surveyed and buoyed out.

Therefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating a sufficient sum to construct a light-house thereat, and also to survey and buoy out the bar and channel as aforesaid, thereby improving commercial advantages of that place—for which we will ever pray.

Passed December 22, 1858.

MEMORIAL

RELATIVE TO THE EXTINGUISHMENT OF THE RIGHT OF THE HUDSON
BAY AND PUGET SOUND AGRICULTURAL COMPANIES.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that there are certain claims set up by the Hudson Bay and Puget Sound Agricultural companies, under the treaty of 1846, which are seriously retarding the growth and prosperity of our territory, and doing great injustice to our citizens. By that treaty, the *possessory* rights of the Hudson Bay Company were to be

respected, and the farms, land, and other property of every description, belonging to the Puget Sound Agricultural Company, on the north side of the Columbia, were to be confirmed.

The general nature of the terms used, render it apparent that there must be an extreme indefiniteness as to the limits of the rights and property supposed to be guaranteed by the treaty. This has proved a serious grievance to many of our citizens, who have not been willing to admit or acknowledge that a simple alleged occupancy at some indefinite time, without any fences, metes or bounds, or the mere roving of cattle over an open country, were sufficient evidences of title to debar them from the rights and privileges of the provisions of the various land laws applicable to this territory.

Moreover, these pretended rights have been set up in three of the most populous counties in the territory, the counties of Clark, Lewis and Pierce. In each of these three are many settlers, whose claims otherwise perfect, have this defect, of being claimed by these companies, the government surveys having been stopped at their alleged lines. It must at once be apparent what a detriment this uncertainty is to the occupant. Litigation has already taken place, and will continue so to do, a matter which can only effect individual cases, and is as a general thing to be avoided.

It is not our desire or intention to enter into a discussion of the legal rights, or the extent of what is secured to them by the treaty. We simply suggest that they are an injury to our social progress in a business point of view, and effect the title to a large quantity of the best and most available land in the western portion of the territory.

The request of the citizens of Canada for the definition of their rights, and the extinction of their privileges over a large portion of their territory—the formation of the colony of Columbia and the probable connection of Vancouver's Island with the same, are evidence of the estimation in which they are held by their own people in reference to social progress. It must certainly be considered as natural, that we, having no connection with these foreign corporations, but suffering injury from their pretended claims, should desire a speedy settlement of the same.

Your memorialists would therefore respectfully represent that they deem it of the greatest importance to the present and future welfare of this territory, not only the determination of this vexed question but the extinction by purchase of all the rights of these companies within our midst, and the confirmation of their titles, to our citizens for their claims taken by virtue of the land laws applicable to this territory, and which claims come within the bounds of the land claimed by either or both, the

Hudson Bay and Puget Sound Agricultural companies. This has already been a subject of memorial to a previous Congress, and your memorialists would respectfully and earnestly pray for speedy action in the matter.

Passed December 22, 1858.

MEMORIAL

PRAYING FOR THE CONFIRMATION OF THE INDIAN TREATIES IN WASHINGTON TERRITORY.

To the President and Senate of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully again call your attention to the necessity of having the treaties heretofore made by the proper authorities with the Indians of this territory confirmed, and their stipulations enforced and carried out.

Passed December 22, 1858.

MEMORIAL

RELATIVE TO THE SUPERINTENDENCY OF INDIAN AFFAIRS.

*To the Honorable, the Senate and House of Representatives
of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that it is highly necessary that the present Superintendency of Indian Affairs, embracing the Territories of Oregon and Washington, should be divided, and a separate Superintendency created, embracing the Territory of Washington. The extent of territory, the number of Indians, and the amount of business to be trans-

acted render it necessary that this office should be created. The number of Indians in this Territory approximate to twenty-five thousand, and they are allowed to roam over the lands now occupied by our rapidly increasing white population. This renders the duties of the officers of the Indian department in our territory both intricate and laborious. The discovery of gold in the British Possession, immediately to the North of this Territory, which causes many miners and seekers of gold to pass through the interior of our Territory in armed bands, adds still more to the duties of those officers.

Your petitioners would therefore respectfully pray, that Washington Territory be created into a separate Superintendency, with a Superintendent of Indian Affairs to reside therein.

Passed Dec. 22d, 1858.

MEMORIAL

RELATIVE TO THE ESTABLISHMENT OF A COAL DEPOT AT WHATCOM,
BELLINGHAM BAY.

To the Honorable, the Senate and House of Representatives

of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that there exists within the limits of the Territory of Washington, large fields of admirable coal, comparing favorably with the best English coals, and well adapted for all purposes of commerce, both in the manufacture of steam and for domestic use. Some of these on Bellingham Bay have been worked to some extent, and have yielded returns of the most satisfactory quality, rendering it positive that it will answer all the necessary requisites of steam vessels. It can also be furnished here at two-thirds the cost of the simple transportation of coals from any other part of the globe.

In view of the frontier nature of our Territory, its proximity to a foreign colony, its extreme exposure to innumerable hordes of savage tribes to the North, the character of its waters, it is apparent that the only kind of vessels of war that can be of material service are such as are navigated

by steam. As a matter of convenience to such, and as tending materially to develop this great interest, we respectfully request the establishment of a coal depot on Puget Sound, at Bellingham Bay, similar to what is maintained in other parts of the world, at which a certain number of tons should always be kept on hand, for the use of the national vessels of war.

Passed Dec. 23d, 1858.

MEMORIAL

ASKING FOR AN APPROPRIATION FOR A MILITARY ROAD FROM GREY'S BAY, ON THE COLUMBIA RIVER, TO FORT STEILACOOM, ON PUGET SOUND.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully ask for an appropriation of thirty thousand dollars for the construction of a military road from Grey's Bay, on the Columbia river, by the way of the head of navigation on the Willapa river; thence to the mouth of Black river to Fort Steilacoom on Puget Sound: as your memorialists are informed and believe there is no formidable obstructions on the route proposed to be overcome, and that the amount asked for will be sufficient to open the communication between the points named.

The interest of the Territory of Washington require the road.

The present isolated situation of the settlement on the lower Chehalis river, Grey's Harbor, the Willapa and Shoal-water Bay, demands the road, that the military may afford themselves some protection in the event of Indian hostilities. The district of country through which the proposed road would run, is well adapted to agricultural and grazing purposes, and the construction of the road would induce settlers to occupy it, and thereby enhance the value of the land along the line of the proposed road.

Your memorialists would respectfully but earnestly request your early and favorable consideration of this memorial.

Passed Dec. 23, 1858.

MEMORIAL

RELATIVE TO AN ADDITIONAL APPROPRIATION FOR COMPLETING THE
MILITARY ROAD FROM FORT WALLA-WALLA TO FORT BENTON.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully call the special attention of Congress to that portion of the domain of the United States on the Pacific, within the limits of the Territory of Washington. With its long line of sea-coast; its great commercial importance; its numerous and capacious harbors; its lumbering, fishing and agricultural interests, and its vast mineral wealth, it is believed to possess far greater important advantages than any other of our territorial possessions.

We beg leave, also, to call your attention to the fact that from the Atlantic side of the Rocky Mountains, leading directly into this Territory, not a military or emigrant road has ever been opened. The adaptability of the country from the Mississippi along the line of the Missouri to Fort Benton, and from thence to Walla-walla, for the construction of roads, is as favorable as any route across the continent within the limits of the United States.

By an act of Congress, approved February 6th, 1855, thirty thousand dollars was appropriated for the construction of a military road from the great falls of the Missouri to Fort Walla-walla, a distance of about 700 miles.

Orders issuing from the War Department early last spring, assigned the duty of opening this road to a well known and energetic officer of the army. Taking the field for the prosecution of his work in the month of May, he was compelled to abandon the expedition for the season, on account of the open war waged upon the whites by the Indian tribes in that quarter. From present indications it is believed the work can be resumed again in the spring.

Taking into consideration the long line of road to be opened, the appropriation made the 6th of February, 1855, is deemed insufficient, and the engineer in charge estimates as necessary for the effective prosecution of the work, an additional sum of fifty thousand dollars.

In view of the prospective rapid settlements likely to spring up in the recently organized colony of British Columbia on the North; the great and vital importance of this line of communication to our government in a military point of view, is fully apparent. Passing as it would, a greater portion of the way, through a good grazing and farming region, it is high

ly important that this route should be opened as an emigrant road, and also, as a post route; the Post Master General having recently invited proposals for carrying the United States mails, semi-monthly, in covered wagons or post-coaches, from St. Paul, on the Mississippi, by Fort Union and Fort Benton to Seattle, on Puget Sound.

Your memorialists, therefore, in view of the facts above set forth, earnestly and respectfully request that an additional appropriation of fifty thousand dollars be made at an early day, to open the military road from Fort Walla-walla to Fort Benton the coming spring.

Passed Dec. 22, 1858.

MEMORIAL

ASKING FOR A GRANT OF LAND TO THE TERRITORY OF WASHINGTON FOR RAILROAD PURPOSES.

To the Hon. the Senate and House of Representatives

of the United States, in Congress assembled:

Your Memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that an act of incorporation passed the Legislature of this Territory on the 28th day of January, 1857, creating the "Northern Pacific Railroad Company." The aim and desire of the company is to connect Puget Sound with the head of Lake Superior. The route contemplated by the act locates the road through Washington, Nebraska and Minnesota, by the most direct practicable route.

The necessity now existing for a railroad connection between our Pacific possessions and the Atlantic States is no longer a question for argument. Its great importance was admitted by the Democratic and Republican conventions, which nominated respectively Hon. James Buchanan and Col. Fremont, for the Presidency.

In view of the prompt steps already taken by the English Government towards the speedy construction of works of internal improvement; within her newly organized Colony of British Columbia, and the establishment of a great naval depot on Vancouver's Island; the necessity for such a communication to the maintenance of our present position on the Pacific is fully apparent.

A more speedy and direct means of intercourse with the Atlantic sea-board than is at present afforded by the route through a tropical climate, and the possessions of a foreign power, is demanded. The security and protection of American citizens, to say nothing of the possessory rights of the United States in this quarter, demand the construction of a railroad through our own territories. Without it no defence of the Pacific coast against a great naval force can possibly be made. Such a highway is needed for the commerce of our own country, for its defence in war and its prosperity in peace. It is needed for the national necessities of our people, for the intercourse of our citizens, and for the commercial commerce of the civilized world. Simple justice to the Pacific State which are, and which will be, demand it.

Looking to these important facts, your memorialists would beg to again refer to the act of the Legislative Assembly of this territory, incorporating the "Northern Pacific Railroad Company," and to respectfully request that Congress pass an act making a grant of land to the Territory of Washington for railroad purposes, of the same nature and under like restrictions as the act donating lands to the Territory of Minnesota, approved March 3d, 1857.

Passed December 23, 1858.

MEMORIAL

PRAYING FOR AN ADDITIONAL APPROPRIATION TO COMPLETE A MILITARY ROAD FROM FORT STEILACOOM TO FORT BELLINGHAM.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the sum of money heretofore appropriated by Congress to construct a military road from Fort Steilacoom to Fort Bellingham, on Bellingham Bay, in this Territory, has all been expended in the construction of said road and has proved to have been insufficient to accomplish the object for which it was appropriated; and in view of the great importance of this road for the better defence

against the Indians who inhabit the country through which it is constructed, and that the completion of said road is of the most vital importance, therefore, your memorialists would earnestly solicit your honorable body to appropriate a sum sufficient to complete said road, and your memorialists, as in duty bound, will ever pray.

Passed January 4, 1859.

MEMORIAL

PRAYING THE ESTABLISHMENT OF A LIGHT HOUSE AT SANDY POINT, ON
ADMIRALTY INLET.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that a light house on Sandy Point would most materially facilitate the navigation of the upper portion of the Sound; and we therefore, most earnestly solicit an appropriation for that object.

Passed January 14, 1859.

MEMORIAL

ASKING AN APPROPRIATION FOR THE CONSTRUCTION OF BRIDGES ON
THE NISQUALLY AND DES-CHUTES RIVERS.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would most respectfully represent the great necessity of

bridges being placed across the Nisqually and Des-Chutes rivers, where the military road from Vancouver to Fort Steilacoom crosses said rivers. Your memorialists would ask for an appropriation to be made by your honorable bodies for the construction of good and substantial bridges at the points above mentioned.

Passed January 14, 1859.

MEMORIAL

RELATIVE TO THE ESTABLISHMET OF A MILITARY ROAD FROM SEATTLE,
ON PUGET SOUND, VIA SNOQUALMIE PASS, TO FORT COLVILLE.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memolialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that there has been a good pass discovered through the Cascade mountains, known as the Snoqualmie Pass, and that said pass is of much less elevation than the Natches Pass ; that the citizens of Seattle and vicinity have expended a large amount of money and labor in opening a trail through said pass, from Seattle to the open country east of the mountains ; that said trail is the shortest and most practicable route from Seattle to the open country east of the Cascade mountains ; and that a good wagon road on or near said trail would be a great convenience to the citizens of this territory, and saving to the military in transporting men and supplies ; therefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating a sufficient sum to build a wagon road from Seattle, on Puget Sound, *via* Snoqualmie Pass, to Fort Colville.

Passed January 18th, 1859.

MEMORIAL

RELATIVE TO THE FREE NAVIGATION AND IMPROVEMENT OF DEWAMISH
AND WHITE RIVERS.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the Dewamish and White rivers are navigable streams for small class steamers, at all seasons of the year, for thirty-five or forty miles from Seattle, on Puget Sound ; and, whereas, said rivers are now obstructed by drifts, etc., to the great detriment of the free navigation of said rivers and the speedy settlement of the public lands lying adjacent thereto, and the transportation of goods and supplies ; believing that six thousand dollars would be amply sufficient to clean out all obstructions from said rivers, making said rivers open to the free navigation of steamers drawing from twenty to thirty inches, at all seasons of the year ; therefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating six thousand dollars for the improvement and free navigation of said rivers.

Passed January 26th, 1859.

MEMORIAL

PRAYING FOR AN INCREASE OF PAY FOR SURVEYING PUBLIC LANDS IN
WASHINGTON TERRITORY.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that in view of the rapid increase in the settlement of this Territory ; the many conflicting disputes arising from the occupancy of unsurveyed lands, and more particularly the great difficulty of surveying the lands in this Territory ; therefore, your memorialists earnestly pray your honorable body to make such increase of the legal allowance per mile, for surveying the public lands of this Territory, west of the Cascade Mountains, as will, in your judgment, insure its speedy and vigorous prosecution.

Passed January 26, 1859.

MEMORIAL

RELATIVE TO ELECTING GOVERNORS AND JUDGES BY THE PEOPLE.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully request that your honorable body would pass an act authorizing American citizens, over whom Territorial governments are established, to choose their own Governors and Judges.

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