

CHAPTER 89.

(S. B. No. 177)

CREATING THE COUNTY OF BENTON.

AN ACT to create the County of Benton, subject to the requirements of the State Constitution and Statutes in respect to the establishment of new counties.

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

SECTION 1. All those portions of the Counties of Yakima and Klickitat described as follows, to-wit: Beginning at the point of intersection of the middle of the main channel of the Columbia river with the township line between township thirteen, north range twenty-three east, and township thirteen, north range twenty-four east, Willamette Meridian; thence running south along the township lines, being the line between range twenty-three east and range twenty-four east to the line between Yakima County and Klickitat County; thence south along the township lines along the line between ranges twenty-three east and twenty-four east, to the point of intersection with the middle of the main channel of the Columbia river, or to its intersection with the lines between the States of Washington and Oregon; thence northeasterly, northerly and northwesterly and westerly along the middle of the main channel of the Columbia river and up said stream, following the line between Klickitat County and the State of Oregon, and the County of Walla Walla and the line between Yakima County and Walla Walla County, Franklin County and Douglas County, to the places of beginning,—shall be and hereby is created and established as the County of Benton: *Provided, however,* That said Benton County is hereby created as aforesaid, subject to the requirements of the constitution of the State of Washington in respect to the establishment of new counties, and subject to an ascertainment of the fact of such compliance as hereinafter provided, and that the creation of said Benton County hereby shall not become operative to establish said county until such compliance shall have been so had and the fact of such compliance so ascertained.

Description—
Yakima and
Klickitat
counties.

SEC. 2. At any time within three months after this act

Petition and
bond.

shall take effect, any qualified voter living in any portion of Yakima or Klickitat Counties embraced within the boundaries of Benton County as hereinbefore defined, may present to the Governor of the State of Washington, a petition addressed to said Governor in substance, that the signers of such petition are a majority of the voters living in the portions of Klickitat and Yakima Counties embraced within the boundaries of Benton County as defined within this act, and praying that in case it shall be found that the constitutional provisions relating to the creation of new counties have been complied with, that the County of Benton shall be deemed fully established: *Provided*, That said petition shall be accompanied by a good and sufficient bond to the superior judge to whom said petition shall be transmitted by the Governor to be approved by said superior judge, in the sum of \$1000.00 to cover costs of proceedings under this act, and in case the said county shall not be established.

Governor to
transmit peti-
tion to judge
of Yakima
county.

SEC. 3. The Governor shall forthwith transmit said petition to the superior judge of Yakima County and the said superior judge shall within thirty days thereafter examine said petition and ascertain whether said petition bears the signature of persons living within the territory of Benton County and entitled to vote therein, in number equal to a majority of the votes cast by voters living within said territory at the last preceding general election, as nearly as the number of such voters voting at such preceding election can be ascertained; if the judge finds the petition sufficiently signed, then the said judge shall ascertain to his satisfaction, upon evidence received in open court, that the striking therefrom of the territory proposed to be set over into Benton County will not reduce the remaining population of said Yakima County or Klickitat County or either of them respectively to a population of less than four thousand, and that such territory so proposed to be set over contains a population of two thousand or more: *Provided, however*, That the judge may in his discretion appoint an elector or electors who shall be a free holder, residing within the territory of Benton County, to take a special enumeration of the population of the Counties of Yakima and Klickitat or of any part thereof which he may desire so that it will show separately the number of the population living in such portion thereof within the boundaries of Benton County, and living in the rest of said Counties of Yakima and Klickitat. It shall be

Census of
new county.

the duty of the person or persons so appointed to qualify by filing with such court an oath that he will take such enumeration truly and impartially, and therefrom he or they shall take such enumeration and return the same verified by his affidavit to the effect that he believes the same to be a true and correct enumeration of such county, or as the case may be, of the portions of such county as to which the same relates, in such court, and to file the same in such court within one month after such enumeration has been completed.

SEC. 4. If it shall be shown to the satisfaction of such judge of the superior court of Yakima County that there are two thousand or more inhabitants within the boundaries herein set forth for the County of Benton, and that there shall remain four thousand or more inhabitants in the remaining portion of Yakima and Klickitat Counties respectively, thereupon he shall make a decree setting forth the fact that the provisions of the Constitution of the State of Washington have been complied with. Upon the filing of such decree it shall be the duty of the clerk of such court to make and transmit to the board of county commissioners of Yakima and Klickitat Counties respectively, a certified copy thereof, and also a certified copy thereof to the Governor of the State, and to the Secretary of State.

SEC. 5. Immediately upon receipt of said certified copy of the decree of the superior court of Yakima county, the Governor shall make a proclamation declaring the County of Benton fully established.

SEC. 6. The County of Benton shall assume and pay to the Counties of Yakima and Klickitat respectively, its proportion of the bonded and warrant indebtedness of each of said counties respectively, in the proportions that assessed valuation of that part of Benton County lying within the present boundaries of Yakima and Klickitat Counties respectively, bears to the assessed valuation of the whole of Yakima and Klickitat Counties respectively. The adjustment of said indebtedness shall be based upon the assessment for the year 1904: *Provided*, That in the accounting between the said counties neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county building which shall fall within and be retained by the other county.

County seat
at Prosser.

SEC. 7. The county seat of said Benton County is hereby located at the town of Prosser, and shall there remain until the same shall be removed in accordance with the provisions of law.

Twenty-second
class.

SEC. 8. Until otherwise classified said County of Benton is hereby designated as belonging to the twenty-second class.

First board of
county com-
missioners—
term of—
oath and
qualifications

SEC. 9. Carl A. Jenson, W. P. Simms and J. W. Carey, all being residents within the herein proposed County of Benton, shall be the first board of county commissioners of said Benton County, and they shall hold office until the second Monday in January, 1907, and until their successors are elected and qualified, and shall meet at the county seat of said Benton County within thirty days from the date of the Governor's said proclamation, as hereinbefore provided, and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bond in the manner provided by law; *Provided, however,* That if any of the above named commissioners shall fail to qualify within the time specified, then the Governor shall appoint a *bona fide* resident and qualified elector of said Benton County to fill the vacancy.

Division of
county.

SEC. 10. Such commissioners shall divide their county into precincts, townships and districts, as provided for by the laws then existing, making only such changes as are rendered necessary by the altered condition of the boundaries occasioned by the segregation from the original counties.

Officers, in old
boundaries to
retain office.

SEC. 11. In all townships, precincts, school and road districts which retain their old boundaries the officers thereof shall retain their respective offices in and for such new county until their respective terms of office expire, or until their successors are elected and qualified, and shall give bonds to Benton County of the same amount and in the same manner as had previously been given to the original county.

Commissioners
to appoint
county
officers.

SEC. 12. Except as provided in the preceding section such commissioners shall be authorized and required to appoint all of the county officers of the county organized under the provisions of this act and of which they are commissioners, and the officers thus appointed shall commence to hold their office immediately upon their appointment and qualification according to law and shall hold their offices until the second Monday of January, 1907, or until their successors are elected and qualified.

SEC. 13. Until otherwise provided by law, said Benton County shall be and hereby is attached to the district composed of Yakima, Kittitas and Franklin Counties, for judicial purposes.

Judicial district.

SEC. 14. The board of county commissioners at a regular meeting held within one year from the time when they shall qualify as commissioners of the County of Benton, by an order duly entered in the minutes of their proceedings, shall divide Benton County into three commissioner's districts in the manner provided by law, and shall designate the boundaries thereof, and at the next general election in said county there shall be elected three commissioners, one from each of said districts; the commissioner for district number one to be elected for four years and the commissioner for districts number two and three for two years.

Division of county, into commissioners' districts.

SEC. 15. For the purpose of representation in the Legislature until otherwise provided by law, the County of Benton shall be included in the fifteenth senatorial district and shall constitute the 58th representative district, and entitled to one representative.

15th senatorial—58th representative districts.

SEC. 16. Until the County of Benton is organized by the appointment and qualification of its officers, the jurisdiction of the present officers of Yakima and Klickitat Counties respectively, shall remain in full force and effect in those portions of the territory constituting the said County of Benton, lying within the boundaries of said Yakima and Klickitat Counties respectively.

Jurisdiction of present officers.

SEC. 17. Within such time as they shall be transcribed after the Governor's proclamation, as hereinbefore provided, the county auditors of Yakima and Klickitat Counties, respectively, shall certify from the records of said counties respectively all records and all papers and documents on file in any wise affecting the title to any estate or property, real or personal, situated within the County of Benton, and the county commissioners of Benton County shall provide, at the expense of the county, proper and suitable record books to which such records shall be so transcribed and shall transcribe said records as hereinafter provided, in legible writing, and said record books and papers shall be delivered to the auditor of Benton County, and said records and documents so transcribed shall be accepted and received as evidence in all courts and places as if the same had been

Certifications by auditors of Yakima and Klickitat counties.

originally recorded or filed in the office of the auditor of Benton County.

Pending actions and proceedings—civil or criminal.

SEC. 18. All actions and proceedings which shall be pending in the superior courts of Yakima and Klickitat Counties at the time of the Governor's proclamation hereinbefore referred to, affecting the title or possession of real estate in Benton County, or in which one or all the parties are residents of Benton County shall be transferred to the superior court of Benton County, and all further proceedings had therein shall be in Benton County, the same as if originally commenced in that county. All other proceedings, civil or criminal now pending in the superior courts of Yakima and Klickitat Counties shall be prosecuted to termination thereof in the superior courts of Yakima and Klickitat Counties respectively.

Transfer of records—when.

SEC. 19. All pleadings, process, documents and files, in the offices of the county clerks of Yakima and Klickitat Counties affecting pending suits and proceedings to be transferred as provided in the preceding section of this act, shall be transferred and all records therein transcribed as herein-after provided and certified by the county clerks of Yakima and Klickitat Counties respectively, and transmitted to the county clerk of Benton County, after said clerk shall have entered upon the duties of said office.

Transcripts of title—transfer of.

SEC. 20. All records, papers and documents of record or on file in the office of the county clerks, county auditors and all other officers of Yakima and Klickitat Counties respectively, in anywise affecting the title or possession of real estate or other property in Benton County, and required to be transcribed shall be transcribed and transmitted to the county clerk, county auditor or other officer of Benton County by such person or persons as may be employed by the County of Benton for such purpose under the certificates of the county clerks, county auditors and other officers of Yakima and Klickitat Counties respectively, and said records and documents when so transcribed and transferred, shall be received as evidence in all courts and places as if originally recorded or filed, as the case may be, in the County of Benton.

Transcribing—by whom done.

SEC. 21. All records of Yakima and Klickitat Counties required by this act to be transcribed shall be transcribed by a person or persons to be employed by the board of county commissioners of Benton County, as follows, to-wit: Said transcribing shall be done by a person or persons under con-

tract who shall receive said contract after bids for said work shall have been advertised and the contract given to the best bidder; all records so transcribed shall be certified by the officer of the respective office from which said record shall be transcribed, under the seal of his office, in the manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Yakima or Klickitat Counties, as the case may be, contained therein, described in the certificate the office in Yakima or Klickitat County from which the same are transcribed and each officer so certifying shall finally certify to the completeness of all records so transcribed from his office.

Certified
records.

Passed the Senate February 20, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 8, 1905.

CHAPTER 90.

(S. B. No. 184)

APPROPRIATION FOR MAINTENANCE OF BOARD OF CONTROL AND THE STATE INSTITUTIONS UNDER THEIR SUPERVISION.

AN ACT making appropriations for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the various State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1905, and ending March 31, 1907.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1905, and ending March 31, 1907:

For fiscal
term to April
1, 1907.